



Council Agenda Supplement

Date: Wednesday 20 September 2023

Time: 4.00 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury
HP19 8FF

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If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Ian Hunt - democracy@buckinghamshire.gov.uk

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Report to Full Council

Date: 20 September 2023

Title: REVISED Committee Proportionality Review

Author and/or contact officer: Sarah Ashmead, Monitoring Officer

Ward(s) affected: All

Recommendations: That: -

- 1. The Council approves the allocation of seats on council committees and other bodies to political groups at Appendix 1**

Background

- 1.1 A request has been received from the Conservative Group Leader to conduct a proportionality review. Since the last proportionality review in May 2023, Cllr Jaspal Chhokar has been elected via by-election and subsequently joined the Conservative Group. Additionally, Cllr Nabeela Rana has left the Alliance Grouping and joined the Conservative Group. On 19 September 2023, Cllr Warren Whyte resigned - he was formerly a member of the Conservative Group. These political group changes have resulted in a change in proportionality as detailed below.
- 1.2 This report seeks approval to the proportionality arrangements for committees of Buckinghamshire Council established in the constitution as follows:

 - Strategic Sites Committee and the Area Planning Committees
 - Licensing Committee
 - the Pensions Committee
 - the Senior Appointments and Pay Committee
 - the Standards and General Purposes Committee
 - the Audit and Governance Committee
 - the Select Committees

The report also seeks approval to the proportional allocation of seats for other bodies listed in Table 3 and in Appendix 1.

Political Proportionality

- 1.3 The distribution of seats on Committees is governed by Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, which require the allocation to accord with the rules on proportionality. The Regulations state that seats on Committees must be allocated to each political group in the same proportion to the number of seats held by each of those groups on the Council (rules of aggregation as well as being in the correct proportions on each Committee individually, in so far as this may be practicable).
- 1.4 The political balance of the Council is currently 112 Conservatives, 16 Liberal Democrats, 6 Independents, 6 Labour, 3 Wycombe Independents, 2 Independent Network and 1 Green Party. There are 3 political groups comprising 112 (The Conservative Group), 19 (The Alliance Grouping) and 15 (IMPACT Alliance) Members. There are no ungrouped Members and there is one vacant seat. Following the agreement of all political groups the final allocations proposed are listed in Appendix 1.
- 1.5 The allocation of total seats in line with political proportionality is as set out in Table 1 below.

Table 1 – Total Seats

| Political Group | Seats on Council | % of whole | Seats actual | Seats rounded |
|-------------------|------------------|-------------|--------------|---------------|
| Conservative | 112 | 76.7% | 164.93 | 165 |
| Alliance Grouping | 19 | 13.0% | 27.98 | 28 |
| IMPACT Alliance | 15 | 10.3% | 22.09 | 22 |
| Total | 146 | 100% | 215 | 215 |

- 1.6 The initial allocation of seats to committees in line with political proportionality (before adjustments) is as set out in Table 2 and 3 below.

Table 2 – Initial calculations before adjustments

| Committees | No | Conservative | | Alliance Grouping | | IMPACT Alliance | |
|--|------------|--------------|-----------|-------------------|----------|-----------------|----------|
| | | Strict | Rounded | Strict | Rounded | Strict | Rounded |
| Pension Fund | 7 | 5.370 | 5 | 0.911 | 1 | 0.719 | 1 |
| Senior Appointments | 7 | 5.370 | 5 | 0.911 | 1 | 0.719 | 1 |
| Strategic Sites | 12 | 9.205 | 9 | 1.562 | 2 | 1.233 | 1 |
| Audit & Governance | 12 | 9.205 | 9 | 1.562 | 2 | 1.233 | 1 |
| Standards | 14 | 10.740 | 11 | 1.822 | 2 | 1.438 | 1 |
| Licensing | 15 | 11.507 | 12 | 1.952 | 2 | 1.541 | 2 |
| Area Planning North | 12 | 9.205 | 9 | 1.562 | 2 | 1.233 | 1 |
| Area Planning East | 12 | 9.205 | 9 | 1.562 | 2 | 1.233 | 1 |
| Area Planning West | 12 | 9.205 | 9 | 1.562 | 2 | 1.233 | 1 |
| Area Planning Central | 12 | 9.205 | 9 | 1.562 | 2 | 1.233 | 1 |
| Area Planning South | 10 | 7.671 | 8 | 1.301 | 1 | 1.027 | 1 |
| Select Committee – Health & Adult Social Care | 15 | 11.507 | 12 | 1.952 | 2 | 1.541 | 2 |
| Select Committee - Children & Education | 15 | 11.507 | 12 | 1.952 | 2 | 1.541 | 2 |
| Select Committee - Transport, Environment & Climate Change | 15 | 11.507 | 12 | 1.952 | 2 | 1.541 | 2 |
| Select Committee – Communities & Localism | 15 | 11.507 | 12 | 1.952 | 2 | 1.541 | 2 |
| Select Committee - Growth, Infrastructure & Housing | 15 | 11.507 | 12 | 1.952 | 2 | 1.541 | 2 |
| Select Committee – Finance & Resources | 15 | 11.507 | 12 | 1.952 | 2 | 1.541 | 2 |
| Aggregate | 215 | 164.932 | 167 | 27.979 | 31 | 22.089 | 24 |
| Adjustment required | | | -2 | | -3 | | -2 |

Note – Committees with 15 seats are over-allocated by one seat, due to rounding (those marked in bold)

Table 3- Initial allocations of seats on other committees and outside bodies

| Committee | Size | Conservative | Alliance Grouping | IMPACT Alliance | Remainder |
|--|------|-----------------|-------------------|---------------------|-----------|
| Buckinghamshire & Milton Keynes Fire Authority | 12 | 9 (9.21) | 2 (1.56) | 1 (1.23) | 0 |
| BOB (Buckinghamshire, Oxfordshire and Berkshire West) Joint Health Scrutiny and Overview Committee | 6 | 4 (4.60) | 1 (0.78) | 1 (0.62) | -1* |
| Chilterns Conservation Board | 5 | 4 (3.84) | 1 (0.65) | 0 (1) (0.51) | -1* |

* In the case of a remainder of -1, the most marginal seat is lost. Adjusted figures are shown in bold above.

Table 4 – Committee size & model allocation of seats by Group

| Size | Conservative | Alliance Grouping | IMPACT Alliance | Remainder |
|-----------|--------------|-------------------|-----------------|-----------|
| 3 | 2 | 0 | 0 | 1 |
| 4 | 3 | 1 | 0 | 0 |
| 5 | 4 | 1 | 1 | -1 |
| 6 | 5 | 1 | 1 | -1 |
| 7 | 5 | 1 | 1 | 0 |
| 8 | 6 | 1 | 1 | 0 |
| 9 | 7 | 1 | 1 | 0 |
| 10 | 8 | 1 | 1 | 0 |
| 11 | 8 | 1 | 1 | 1 |
| 12 | 9 | 2 | 1 | 0 |
| 13 | 10 | 2 | 1 | 0 |
| 14 | 11 | 2 | 1 | 0 |
| 15 | 12 | 2 | 2 | -1 |
| 16 | 12 | 2 | 2 | 0 |

Legal and financial implications

1.7 The legal implications are as detailed within the body of the report.

Consultation and communication

1.8 Consultation on the proportionality and appointments has taken place with the Group Leaders.

Final allocations of Seats (figures in bold indicate where adjustments have been made)

| Committee | Size | Conservative | Alliance Grouping | IMPACT Alliance |
|--|------|------------------|-------------------|-----------------|
| Pension Fund | 7 | 5 | 1 | 1 |
| Senior Appointments | 7 | 5 | 1 | 1 |
| Strategic Sites | 12 | 9 | 2 | 1 |
| Audit & Governance | 12 | 9 | 2 | 1 |
| Standards | 14 | 11 | 2 | 1 |
| Licensing | 15 | 11 (12) | 2 | 2 |
| Area Planning North | 12 | 9 | 2 | 1 |
| Area Planning East | 12 | 9 | 2 | 1 |
| Area Planning West | 12 | 9 | 2 | 1 |
| Area Planning Central | 12 | 9 | 2 | 1 |
| Area Planning South | 10 | 8 | 1* | 1* |
| Select Committee – Health & Adult Social Care | 15 | 12 | 2 | 1 (2) |
| Select Committee - Children & Education | 15 | 11 (12) | 2 | 2 |
| Select Committee - Transport, Environment & Climate Change | 15 | 12 | 1 (2) | 2 |
| Select Committee – Communities & Localism | 15 | 12 | 1 (2) | 2 |
| Select Committee - Growth, Infrastructure & Housing | 15 | 12 | 1 (2) | 2 |
| Select Committee – Finance & Resources | 15 | 12 | 2 | 1 (2) |
| Total | 215 | 165 (167) | 28 (31) | 22 (24) |

* By mutual agreement between Group Leaders, the Alliance Grouping seat on Area Planning South will be taken up by the IMPACT Alliance

Figures in brackets show the original calculated proportionality seats. Due to rounding, this results in an over-allocation for the Conservative Group of 2 seats, an over-allocation of 3 seats for the Alliance Grouping, and an over-allocation of 2 seats for the IMPACT Alliance Group. Figures in bold indicate where committee seats have been manually adjusted with the agreement of Group Leaders to arrive at the correct committee seat entitlements for Groups overall.

Compared with the last proportionality review in May 2023, the net effect is that the Conservative Group gain a seat on the Communities & Localism Select Committee at the expense of an Alliance Grouping seat.

Final allocation of seats on other committees and outside bodies

| Committee | Size | Conservative | Alliance Grouping | IMPACT Alliance |
|--|------|--------------|-------------------|-----------------|
| Buckinghamshire & Milton Keynes Fire Authority | 12 | 9 | 2 | 1 |
| BOB (Buckinghamshire, Oxfordshire and Berkshire West) Joint Health Scrutiny and Overview Committee | 6 | 4 (5) | 1 | 1 |
| Chilterns Conservation Board | 5 | 4 | 1 | 0 (1) |

Figures in brackets show the original calculated proportionality seats. The proportionality calculations result in an over-allocation of one seat to the BOB Joint Health Scrutiny and Overview Committee and Chiltern Conservation Board – in each case, the most marginal seat is lost (adjusted figures are shown in bold).

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Questions on notice

Full Council meeting 20 September 2023

Question to Councillor Anita Cranmer, Cabinet Member for Education and Children's Services from Councillor Robin Stuchbury in relation to SEND provision in Buckinghamshire

The Government has signed a contract to target a 20% cut in the number of education plans for children with Special Education Needs. Could the Cabinet Member please explain what this will mean for SEND provision in Buckinghamshire and the ability of the Council to improve services across the board to meet complex needs within SEND, as well as the impact it might have on the ability of the Council to achieve a good Ofsted rating for Children's Services. Finally, will Members be briefed on the impact this will have on SEND provision in Buckinghamshire?

Response

Responses from the Department of Education have this week confirmed that there are no national or local targets set to cut the number of Education Health and Care Plans for children with SEND.

The Delivering Better Value (DBV) programme commissioned by the Department of Education has a combined focus on achieving better outcomes for children and young people with special educational needs and disability, improving parental confidence in the SEND system and ensuring financial sustainability. Early intervention is key to improving all these areas.

In Buckinghamshire officers are using the DBV programme as an opportunity to extend the work already being undertaken on improving provision, including early intervention, for children and young people with special educational needs and disabilities. We would anticipate that effective early intervention may lead to a reduction in requests for EHC needs assessments in Buckinghamshire, because children's needs were being identified and met early. This would be a much better outcome for children and would, in turn, lead to lead to greater confidence from families and Ofsted in our SEND provision.

The Bucks DBV programme is currently in a diagnostic phase, which will conclude in December with a bid to the DfE for additional resources to take forward identified improvements. An update will be provided to Members in the Spring term.

Question to Councillor Clive Harriss, Cabinet Member for Culture and Leisure from Councillor Robin Stuchbury in relation to the visitor economy in Buckingham

Could the Cabinet Member please provide an update on what actions and resources the Council is taking/investing to support the local visitor economy in Buckingham, including the Tourist Information Centre, and as part of the Council's Visitor Economy Strategy and Action Plan?

Joint Response from Councillor Clive Harriss, Cabinet Member for Culture and Leisure and Councillor Rachael Matthews, Deputy Cabinet Member for Planning and Regeneration with responsibility for Town Centre Regeneration

Dear Robin,

Thank you for your email and sharing your thoughts following the Select Committee meeting earlier this month.

Over the course of the development of the Visitor Economy Strategy, we have been keen to make sure that as many partners and places as possible across Buckinghamshire are involved in the shaping of the strategy as we recognise that the sector is predicated on the strength of places up and down the county.

It has been great to see the work Buckingham Town Council is putting into promoting its visitor offer and working with local attractions to ensure that this is communicated to a wider audience.

As we mentioned during the meeting, the strategy and action plan are still under development and we are not yet in a position to allocate any resources anywhere until we have the strategy in place and an action plan, developed with partners, to support its delivery.

We are however very keen to progress with discussions around our county's involvement in VisitEngland's 'Local Visitor Economy Partnership' programme. We feel that gaining accreditation in this scheme will stand us in great stead for potential funding opportunities for our towns and villages in the future.

The strategy itself will acknowledge the importance of our market towns, including Buckingham, and we are very much looking forward to seeing how we can make the most of the excellent offer to continue to bring visitors to the county. As we have during the development stage, we are very keen to make sure that partners countywide are able to contribute to the delivery of the strategy and as such, we will be looking to engage with stakeholders including Buckingham Town Council to ensure that this can happen.

Question to Councillor Peter Strachan, Cabinet Member for Planning and Regeneration and Councillor Mark Winn, Cabinet Member for Homelessness and Regulatory Services from Councillor Robin Stuchbury in relation to Nook Park, Great Horwood

Residents have raised a number of concerns around ongoing issues at Nook Park, Great Horwood, these include:

- Assistance being sought from the Council since October 2021, however no formal action being taken until February 2023.
- The time taken to respond to resident complaints
- That some of the evidence supplied to the Council throughout the issues being raised appears to have not been acted upon
- That site rules issued by the Council do not appear to have been updated since the 1960s
- That the site owner is yet to be judged a 'fit and proper person' by the Council, however, has been able to illegally undertake work on the site without an order to stop from the Council.
- A lack of adherence to the Council's obligations under The Park Home Act 2013 and focusing investigations on one resident, despite other residents having valid complaints
- Foundations for at least an additional 34 homes appear to have been constructed, however it is understood that the Council cannot take action until homes begin construction.

Could the Cabinet Member please provide an update on the above residents' concerns, advise whether any internal investigation has taken place in relation to the site and update Members on the Council's involvement with issues at Nook Park, Great Horwood?

Response

Thank you, Cllr Stuchbury, for your question

There are a number of wide-ranging issues concerning Nook Park in Great Horwood which have been raised with the Council relating to licensing as well as planning and planning enforcement. The Council has established response actions to these issues and has put local and regular engagement in place with the residents of the site while these issues are resolved. Given the varying legal frameworks in place for enforcement for different issues, a number of different enquiries and actions are currently underway.

Fit and Proper Person

The Council is in the process of determining whether the site owner meets the Fit and Proper person test for holding a site licence. The Council will make a final decision on or before 22nd September 2023.

Allegations of Harassment

The Council has investigated various allegations by residents of harassment on the site, however, has not been able to develop sufficient evidence to proceed with prosecution on this matter; this was confirmed by independent legal advice. Our position could change with the introduction of new evidence of harassment.

Damage to protected trees

The Council has collected evidence in relation to the damage to protected trees on the site. This is a live investigation, and the next stage will be for the Council to consider whether there are sufficient grounds for prosecution. This will be determined in line with the Council's Enforcement Policy and associated guidance. Damaging protected trees is a criminal offence and therefore the outcome of any prosecution will be a matter for the courts.

Hedgerow replacement

The Council has served Hedgerow Replacement Notices (HRN) for the unauthorised removal of hedgerow on the site which requires the replacement of it. The notices were served on the landowners who have responsibility for the hedgerow. We are working with one landowner to replace a section of the hedgerow in time for the next planting season. However, an appeal has been received on the notice relating to a different section of the hedgerow. That appeal date has not yet been set and it is not within the Council's control to influence the Planning Inspectorate's timetable.

Planning enforcement

The Council is aware of the works that have been taking place on site in relation to hard standing (and that in some instances this has led to further investigations in relation to damage to trees). Where these works are in accordance with the site's existing planning permission, the Council is limited in our ability to take immediate action or indeed to seek an injunction. However, where we have evidence that these works are intended to significantly intensify the use on the site, there are enforcement actions the Council could take. Issues with site intensification would be subject to a determination of whether this had a significant impact on the character of the site. In the event of an appeal of planning enforcement action, an independent review, through the Planning Inspectorate would determine the outcome. Therefore, any enforcement action needs to be considered within the context of what constitutes 'change of character' for other decisions on sites nationally.

Land drainage

The Council is investigating allegations related to a drainage ditch on the site and possible unauthorised culverting. Where evidence is sufficient that there has been a breach the council will pursue appropriate enforcement action.

As referred to earlier, the Council is also in regular contact with the resident's association on the site with on-site meetings taking place with the Corporate Director and Service Director for Housing and Regulatory Services. We continue to monitor activities on the site and will ensure that the residents association remain updated on any actions the Council takes.

Question to Councillor Angela Macpherson, Deputy Leader and Cabinet Member for Health and Wellbeing from Councillor Robin Stuchbury in relation to disability benefits

The government's proposal to cut the £26 billion benefits bill and encourage people with mobility and mental health difficulties to work from home has raised concern from the Buckinghamshire Disability Service (BuDS) who fear this shows a lack of understanding of the needs of many people with physical or mental disabilities. What is the extent of disability benefits currently managed by the Council and should the proposal come in to effect, what steps can Buckinghamshire Council take to ensure that vulnerable people with long-term conditions are not negatively impacted, and that the Equalities Act and European Human Rights Act are adhered to?

Response

The Council is not responsible for disability benefits which is a national system. These are administered by the DWP and under the responsibility of central government. Buckinghamshire Council is committed to supporting all adults with long term conditions and who have social care needs under the Care Act. The Council will continue to offer and provide care and support to all adults who have eligible Care Act needs to ensure that our residents are supported to lead independent and fulfilling lives, including ensuring that all services are accessible. For more information, please see [Care for adults | Buckinghamshire Council](#)

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