

SHADOW EXECUTIVE

TUESDAY 10TH SEPTEMBER 2019

Present: Councillor Martin Tett (Chairman)

Councillors K Wood (Vice-Chairman), B Chapple OBE, J Chilver, I Darby, T Green, C Harriss, P Hogan, A Macpherson, D Martin, N Naylor, M Shaw, W Whyte, G Williams, D Dhillon (In place of A Cranmer) and L Walsh (In place of F Wilson)

Also in Attendance:

Councillor R Stuchbury

Apologies: S Bowles, A Cranmer and F Wilson

2 Minutes

RESOLVED –

That the Minutes of the meeting held on 20 August 2019 be approved as a correct record.

3 Declarations of interest

Councillor M Tett declared a personal interest in agenda item 13 as a member of the Chiltern Lifestyle Centre.

4 Question Time

Question 1

Buckinghamshire Council will inherit four separate development plans from the District Councils; what work is being undertaken to assess the impact of the differing Plans in order to enable conformity of policy, equality and fairness. For example, it is evident there is huge disparity between the affordable housing percentages in the south of the county and the north. In light of the fact that the VALP 25% affordability figure is so low in comparison with the others, will the Shadow Authority be challenging this with the Examining Inspector for VALP as it will have a financial and social impact across the whole area of Buckinghamshire if agreed at only 25%, leaving a huge financial burden on the new local authority.

As part of the Transformation to Unitary programme currently underway, this issue is being considered in the work programme for the Housing Growth and Economy Board, specifically in the Planning Workstream of that board.

It's correct that the new Council will inherit any existing Local Plans with the associated policies and strategies. While there is not a requirement for these to be aligned on day one, the future Buckinghamshire Council will need to set out a process and timetable to address this as part of the development of a new Buckinghamshire Local Plan. A cross authority group of officers and members are currently considering options and timetables for this and will continue to do so over the next few months.

In the interim, there are no changes to the statutory responsibilities for the Local Planning Authorities in Buckinghamshire; the Shadow Authority would not have a role in aligning current plans.

It should be noted that the VALP is a plan for the Aylesbury Vale District, not all of Buckinghamshire. Therefore the policies in the VALP and the supporting evidence has to relate to Aylesbury Vale, not Buckinghamshire, and the Aylesbury Vale evidence justifies a figure of 25%. There is also no evidenced alternative figure to be applied in the VALP as there is not another Buckinghamshire figure to replace the VALP figure. Furthermore, there would also have to be changes to the other two Local Plans (Chiltern & South Bucks and Wycombe) but the Wycombe plan is adopted so it cannot be changed except through a review.

Question 2

Having seen the audited accounts for all five local authorities. I refer to the audited Statement of Accounts for Bucks County Council, for the year to March 2019. In the narrative report (on page 12), the accounts say that “an operating deficit of £62.62M is reported in the Comprehensive Income and Expenditure Statement” but that statement, which is on page 27, shows a Deficit on Provision of Services of £85.509M. Can you please confirm which of these two figures is correct - was the BCC operating deficit £62M or £86M?

The audits of the financial statements for all five Buckinghamshire local authorities have not yet been completed. The financial statements currently available on the respective local authority websites are the unaudited (draft) financial statements.

The £85.509m in the Comprehensive Income and Expenditure Statement on page 27 of the unaudited statement of accounts is the correct figure and the narrative in the final accounts will clearly reflect this.

Question 3

Secondly, in light of the financial drag on to the new Buckinghamshire Council. I therefore ask for complete explanation/knowledge of where the recorded deficit was paid from. Because clearly it's very important to have oversight of these facts when trying to scrutinise the activities of the Shadow Executive being that the Executive is planning to coordinate the new Buckinghamshire Council precept.

The £85.509m deficit on the provision of services is a figure arrived at on an accounting basis. By contrast the funded basis, with which Members will be more familiar and the basis upon which the Business Units of the Council are managed, is shown within the Narrative Report on page 12 of the Statement of Accounts. This shows an overall outturn position for the Council of an underspend of £0.227m.

The Comprehensive Income and Expenditure Statement on page 27, also reflects other non-service related income and expenditure, which shows the gains or losses in the measurement of the assets and liabilities of the authority, arising from market valuations, interest rate changes or changes in measurement assumptions in relation to pension assets and liabilities. When looked at as a whole, it shows that the Council achieved a healthy outturn position.

The amount chargeable to council tax and an authority's General Fund is limited by statutory requirements and requires a number of adjustments. The statutory adjustments largely relate to arrangements for funding local authority capital expenditure or the timing with which some items are charged to council tax.

It is expected that future cash flows, aligned with the new Buckinghamshire Council's budget process, will provide sufficient resources to finance future liabilities.

5 Forward Plan (28 Day Notice)

Since the publication of the forward Plan on the agenda, the meeting scheduled on Tuesday 1 October would now take place on Tuesday 8 October. It was acknowledged that the Forward Plan in the report was a snapshot of time and that the most up to date plan would be on the Shadow Authority website.

RESOLVED –

That the Forward Plan be noted.

6 Shadow Executive Portfolio Holders

The Shadow Executive received a report which considered the possibility of appointing Shadow Executive Portfolio Holders. The Constitution of the Shadow Authority allowed the Leader to allocate portfolios to individual Members of the Shadow Executive and empower the portfolio holder to exercise executive powers. As the transition programme gained momentum, there was a growing need for a formalised and consistent arrangement to be put in place to involve Shadow Executive Members in the development and ownership of elements within the programme. Appointment of Portfolio Holders would replace the current ‘aligned members’ arrangement and their role would include:

- Overseeing elements of the implementation plan within the holder’s portfolio
- Signing off reports produced by officers being considered by the Shadow Executive. The holder would also present these reports with officer support as necessary
- Being the Lead Member within the Overview & Scrutiny process
- Leading on Member engagement events within their portfolio

The role would also have significant involvement in the budget setting process for the Buckinghamshire Council. Holders would work with senior officers within their portfolios to develop and propose the overall strategy, budget and policy arrangements, and then agree a schedule of proposed changes to the existing amalgamated Medium Term Financial Plans which would include incorporation of planned unitary savings. The Holders would ensure that the proposals were aligned with the emerging corporate strategy and that they stood up to robust challenge including engagement with Overview & Scrutiny by appearing at Committee to answer questions on draft budget proposals and Equality Impact Assessments. The report also proposed involvement of Deputy Portfolio Holders who would work alongside the Shadow Portfolio Holder to work flexibly and provide cover as necessary.

All the roles would apply during the transition programme only and existing Cabinet Member roles of each sovereign Council would retain their current business as usual responsibility. A close working relationship would be important between Shadow and Sovereign Members. The report detailed a proposed outline of portfolios, scopes and Member/Deputy alignments which were as follows:-

Shadow Portfolio	Scope	Shadow Portfolio Holder	Deputy Portfolio Holder
Leader	<ul style="list-style-type: none"> • Economic Development • Strategic infrastructure • Localism • Policy, Comms & Dem Services 	Martin Tett	Steve Bowles
Deputy Leader & Resources	<ul style="list-style-type: none"> • Customer & Digital • IT • Finance, including Revs & Bens • HR • Property & Assets 	Katrina Wood	John Chilver
Health & Culture	<ul style="list-style-type: none"> • Culture • Sport & Leisure • Health Partnerships • Public Health 	Gareth Williams	Patrick Hogan
Adult Social Care	<ul style="list-style-type: none"> • Safeguarding Older People • Mental Health • Physical Disability • Learning Disability 	Angela Macpherson	David Martin
Children	<ul style="list-style-type: none"> • Safeguarding • Fostering & Adoption • Children with Disabilities • Children in Need • Early Help • Youth Provision 	Warren Whyte	Liz Walsh
Education	<ul style="list-style-type: none"> • Education Improvement • Adult Learning & Skills • SEND • Early Years 	Anita Cranmer	Tony Green
Communities	<ul style="list-style-type: none"> • Housing & Regulatory services • Homelessness • Trading Standards • Licencing • Registrars & Coroners • Voluntary & Community Sector 	Isobel Darby	Dev Dhillon
Transport	<ul style="list-style-type: none"> • Highways • Integrated Transport • Parking • Strategic Flood Management • Rights of Way 	Mark Shaw	Steve Broadbent
Planning	<ul style="list-style-type: none"> • Strategic Planning • Development Management • Affordable Housing delivery • Town Centre Regeneration 	Nick Naylor	Clive Harriss
Environment	<ul style="list-style-type: none"> • Environmental policy & 	Bill Chapple	Fred Wilson

Shadow Portfolio	Scope	Shadow Portfolio Holder	Deputy Portfolio Holder
	Climate Change <ul style="list-style-type: none"> • Energy & Resources • NEP • Waste 		

RESOLVED –

That the report be noted.

7 **Pay Policy Statement**

It was a legal requirement for the Buckinghamshire Council to publish its pay policy statement by 31 March 2021. As appointments for Tiers 1-3 were being made prior to vesting day, a senior leadership pay statement had been developed to ensure clarity and transparency around leadership pay for new appointments to the new Buckinghamshire Council. Pay and terms and conditions of employment for other grades in the new structure were yet to be consulted upon and agreed. It was noted that if approval was needed by the Senior Appointments Committee or their Sub-Committee for remuneration in excess of £100,000, this included salary, bonus, fees allowances, benefits in kind and pension contributions.

RESOLVED –

1. That the Senior Leadership Pay Statement (Annex 1) be endorsed.
2. That in accordance with the pay statement, the Senior Appointments Committee be delegated power to agree salaries of or greater than £100,000.
3. That personnel matters covered by delegated authority be noted.

8 **Bucks Growth Board**

The Shadow Executive received a report which proposed a Bucks Growth Board as a partnership which would provide a single coherent voice to shape the Buckinghamshire Growth Agenda. Decision making would remain with the sovereign authorities in Buckinghamshire during the transition, however the Growth Board would be influential in making decisions. Further work would be needed to understand how the Growth Board would relate to the Buckinghamshire Council post-vesting day. The report detailed the functions of the Board and noted that the Membership would need to be confirmed by the Board in its formal Terms of Reference.

Members were supportive of the report and that Aylesbury Vale DC remained in both SEMLEP and BTVLEP until a future directive was received so that additional funding could be pursued.

RESOLVED –

That the following be endorsed:

1. The creation of a new Buckinghamshire Growth Board with the indicative purpose, functions and governance as outlined in the report to go live following the May 2020 elections.
2. The establishment of a Shadow Growth Board as proposed in the report to undertake the development work needed to establish the formal Growth Board and to engage with MHCLG about Bucks potential contribution to the Arc CSR 2020.

That the following be noted:

3. That MHCLG anticipate the Buckinghamshire District Councils joining the Bucks Growth Board do not remain members of the Central Growth Board, requiring the District Councils to formally withdraw from the Central Growth Board as soon as possible.
4. That MHCLG anticipate that Buckinghamshire LEP will be the LEP member of the Bucks Growth Board and SEMLEP the LEP member of the Central Growth Board.

9 Appointments to the Independent Remuneration Panel to set a scheme of members' allowances for Buckinghamshire Council

It was a legal requirement for the Buckinghamshire Council to have regard to the recommendations of an Independent Remuneration Panel (IRP) before making or amending a scheme of allowances. The Shadow Executive received a report which outlined the proposed timescales of the setting of allowances for the new council. Throughout September/October 2019, a questionnaire would be sent to all Members of the Shadow Authority and representations would be sought from the Constitution Member Working Group. Meetings of the IRP would take place in November/December 2019 which would include representations from Councillors. It was expected that the IRP would receive a draft report in January 2020 which would contain recommendations for the Panel to consider. Following this, the Shadow Authority would consider the Member Allowance Scheme for the Buckinghamshire Council in February 2020. The report also contained a private appendix which outlined the backgrounds of the four recommended panellists.

RESOLVED –

That the approach and timetable detailed in the report be noted and that the following individuals be appointed to the Independent Remuneration Panel (IRP) for the Buckinghamshire Council and the Parish Remuneration Panel:

- i. Hazel Bentall
- ii. Nigel Palmer
- iii. Dr Bill Reid
- iv. Mark Tosh

11 Programme Highlight Report

An update was provided to Members on the progress being made with the programme that was establishing the new unitary Buckinghamshire Council. An overview was provided on the Tiers 1-3 recruitment, Overview & Scrutiny Committee and the Shadow Executive. A Member Engagement Programme had been established to provide an improved understanding of the baseline of the Buckinghamshire Council. As part of this programme, a cross-council debate had taken place on 25 July which involved over 50 Councillors discussing key issues and challenges and included speakers from key partners. Member working groups had also been established to consider Localism, Branding and Member Induction. From week commencing 12 August, two public consultations had commenced on Community Boards and Council Tax Reduction (Support). A list of 128 'must-haves' had been identified which provided a focus on key requirements needed to create the new council for 1 April 2020. These were visible on a wall plan located in the Programme Office.

The Shadow Executive acknowledged the work carried out by the Programme Team and encouraged other Shadow Executive Members to visit the Programme Office if they had not done so already.

RESOLVED –

That the report be noted.

12 Exclusion of the public

RESOLVED –

that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

10 Gerrards Cross Car Park

The Shadow Executive gave consideration to the confidential information contained within the report.

RESOLVED –

That the decision to build the car park be deferred to the new Authority for determination once a new overarching parking strategy for the new combined on street and off street service has been developed. This deferral would also allow the new authority to review its capital and associated revenue expenditure priorities.

13 Chiltern Lifestyle Centre

The Shadow Executive gave consideration to the confidential information contained within the report.

RESOLVED –

1. That the proposal to develop the Chiltern Lifestyle Centre be agreed.
2. That net expenditure of £33,500,000 as included in the current Chiltern District Council capital programme for the construction of this project, to be funded from borrowing, be agreed.
3. That the appointment of the Leisure operator to manage the new Leisure facilities from 1st April 2020 be agreed.
4. That it be agreed that additional expenditure for the refurbishment of Chalfont and Chesham leisure centres and the Furniture, Fixture and Equipment costs of the Chiltern Lifestyle Centre, as contained within the tender of the appointed leisure operator, be funded from borrowing.
5. That the setting aside of £2.26M from General Reserves to cover the three year initial revenue costs be agreed. This is to be replenished during the 15 year contract period, ensuring the Chiltern Lifestyle Centre is delivered at no cost to the Council Tax payer.