



Standards and General Purposes Committee minutes

Minutes of the meeting of the Standards and General Purposes Committee held on Thursday 13 April 2023 in The Paralympic Room, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2.00 pm and concluding at 3.40 pm.

Members present

T Broom, B Chapple OBE, M Baldwin, P Brazier, R Carington, S Chhokar, P Gomm, S Lambert, H Mordue, C Oliver, L Smith BEM and M Smith

Apologies

T Green and D Thompson

Agenda Item

1 Apologies

Apologies were received from Cllrs Green and Thompson.

2 Minutes

RESOLVED –

That the Minutes of the meeting held on 17 November 2022 be approved as a correct record.

3 Declarations of Interest

Cllr Smith declared a personal interest in item 4 as Local Member for Chalfont St Peter.

4 **Electoral Review - response to consultation on four wards in South Buckinghamshire**

The Commission had launched a limited further consultation on revised proposals for four wards in the south-east of the county relating to the Buckinghamshire Electoral Review. These amendments were made by the Commission in response to a significant number of objections to their previous proposals in this area. The Commission believed their revisions achieve the best balance of their criteria: community identity, acceptable electoral variance, effective local government and their wish to minimise the number of parishes which would be split across Buckinghamshire wards.

The Commission had not indicated what position it had taken on the remainder of the county. Instead, it now intended to publish the final recommendations on all

wards on 30 May. The consultation officially ended on 11 April but the Commission had given this authority an extension to 26 April to enable Council to consider the matter on that date, in the meantime noting the decision of this Committee. The report attached to the agenda included the views of the Members Working Group which met on 23 March which were considered by this Committee.

The Principal Governance Officer summarised some of the changes proposed by the Commission:-

- To reverse the proposed extension of Chalfont St Peter southwards into Gerrards Cross Parish: based on “strong community-based evidence”
- Consequently, to reduce the number of Chalfont St Peter councillors by one: to achieve acceptable electoral variance for that ward (10%)
- To restore New Denham from Iver to Gerrards Cross & Denham: based on feedback that there were no “strong community or geographic links” between New Denham and Iver Parish. (The revision now aligned with the Council’s original submission)
- To place Hedgerley and Fulmer within Farnhams & Stoke Poges: restoring Denham wholly to Gerrards Cross & Denham would result in that ward being out of variance; however, placing Fulmer & Hedgerley within the Farnhams & Stoke Poges Ward would achieve balance for both wards but would do so by expanding the latter from two members to three.
- To pluralise ‘Farnham’ to demonstrate that both Farnham Royal and Farnham Common are included in the name “Farnhams & Stoke Poges”.
- One fewer councillor overall, 97 instead of the previously proposed 98. The Commission had indicated, throughout the review, that the “98” number could marginally increase or decrease depending on the final balance of criteria for each ward.

The Working Group had agreed to endorse the Commission’s proposed changes. One alternative proposal was put to the Working Group from Chalfont St Peter ward members, which following a vote, was not supported.

The recommendations in the report were proposed by Cllr Chapple and seconded by Cllr Chokkar. A Member then asked that an amended proposal be put forward for Chalfont St Peter, proposed by Cllr L Smith and seconded by Cllr Oliver, “to create a new single member ward for Gerrards Cross North and Chalfont St Peter South which better reflected their community identity”.

Cllr L Smith commented that CSP Local Members were concerned about the loss of community identity and drop in Members to 97. The amended proposal would introduce a new single Member ward for Gerrards Cross North and Chalfont St Peter South. This would mean that the total number of councillors would be restored to 98 again. The Member commented that the amended proposal was in keeping with community identity as residents would become confused about which parish they were in. Having the one single Member ward would ensure that residents from

Chalfont St Peter and Gerrards Cross would be happy to be associated with both areas and would not feel split from their original community.

Members then discussed the amended proposal . A comment was made that many electoral wards had been impacted by this review and that it was difficult to divide up wards neatly. Other Members had sympathy with the amended proposal and a suggestion was made about putting both proposals to the Boundary Commission so that they could make a choice. A comment was made that it was important for the Council to put their preferred option forward only. The Service Director confirmed that Full Council was expecting this Committee to make a specific recommendation to Full Council on 26 April which, if agreed would be the Council's formal response to the Boundary Commission.

A vote was taken on the amendment which was not agreed. The meeting then discussed the substantive motion and several members argued that the Commission's proposals represented the most workable balance of the criteria, having regard to the constraints of geography in the area and the interlocking implications for each ward. Following a vote on the substantive motion it was:-

RESOLVED that the Electoral Review Working Group recommendations that the proposals set out by the Local Government Boundary Commission in their further consultation (and summarised at Annex 1) be accepted; and

RECOMMENDED to Council that the Commission's proposed wards be endorsed and to inform the Commission accordingly.

5 Election Act Implementation

The Committee received an update on the implementation of Elections Act 2022 in Buckinghamshire. The Act changed the way UK parliamentary elections, local elections, referendums and police and crime commissioner elections and electoral registration was administered. The headline change was the new requirement for electors to show identification when they vote at a polling station from 4 May 2023, however the more technical changes to electoral registration, being implemented in phases, were also significant. Some of the Act's forthcoming changes were subject to Statutory Instruments being made.

The Electoral Services Manager reported that the main changes were as follows:-

- For elections held on 4 May 2023 onwards, electors would be required to show an approved form of photographic identification before voting in a polling station. For example, a passport, driving license, immigration document, a PASS card, Ministry of Defence Form 90, concessionary travel pass (excluding railcards) and national ID card were acceptable. It did not matter if the photo ID had expired, provided that the photo remained a true likeness of the person.
- For elections taking place from May 2023, the Returning Officer would have a general duty to take all reasonable steps to support voters with disabilities.

Whilst there was already a requirement to provide support to electors with disabilities this was being widened to move away from prescribed measures. From May 2023, voters would also be able to receive assistance from a companion over the age of 18.

- A polling district and polling places review would be carried out later in the year once the new boundaries for both Parliamentary constituencies and the new wards for Buckinghamshire Council have been published. This review would include another assessment of accessibility.
- From October 2023, electors would be able to apply for an absent vote (postal & one off proxy) online. Electors could already register to vote via gov.uk, and this would be extended to include absent vote applications. Absent vote applications could continue to be made on a paper form. The applicant's identity would be checked as part of the absent vote application. This was already in place for new applications to register to vote.
- From May 2024, EU citizens would no longer automatically be eligible to register to vote, vote and stand for election. This would apply for all local elections, referendums, Police and Crime Commissioner elections and those where the local election franchise was used. Going forward voting and candidacy eligibility for EU citizens would depend on the date of the citizen's residency in the UK and any bilateral agreements in place between the UK and EU member states.
- From January 2024, the current 15-year limit on voting rights for British citizens living overseas would be removed, and overseas electors would be able to register at an address where they were previously registered, or if they were never registered, where they were last resident.

During discussion the following points were noted:-

- A Member referred to an upcoming Neighbourhood Referendum and asked what communications were taking place to alert local residents about voter ID requirements. The Electoral Services Manager reported that poll cards would be sent to registered electors before polling day and would include information about the new photo ID requirements. There would be additional publicity such as social media, flyers and notices leading up to the poll. A communications strategy had been developed for raising awareness across the whole of Buckinghamshire which would include utilising social media.
- Concern was expressed by a Member if a voter did not have photo ID especially those from hard to reach groups. In response it was noted that any elector who did not have any of the acceptable forms of photo ID could apply for a voter identity document free of charge. This was known as a Voter Authority Certificate (VAC). A VAC shall remain valid as long as the photo remains a true likeness of the elector. They were expected to last around 10 years. Electors could apply for a VAC online <https://www.gov.uk/apply-for-photo-id-voter-authority-certificate>. Just under 100 electors have applied for a VAC in Buckinghamshire since the service went live in January. The deadline to apply for a VAC was 5pm six working days before polling day. A

further question was asked about people where English was not their first language. The Electoral Services Manager replied that they had been working with Communications and the Communities teams to identify where to focus particular publicity. For example, flyers would be produced in different languages and guidance from the Electoral Commission on how to target hard to reach groups would be followed. If Members were aware of any particular hard to reach groups and had suggestions on raising awareness they were invited to contact the Electoral Services Manager.

- Another Member expressed concern about the legislation itself in terms of it potentially disenfranchising some residents who did not have valid photo ID. He also referred to the new fees and charges and what additional costs these new processes would incur to Councils and once clarified that Members should be informed. Members noted that the Department for Levelling Up Housing and Communities (DLUHC) have advised that they would shortly be issuing new guidance on the fees to pay polling staff in light of the Election Act changes. The current fees paid to election staff were set out in the Council's Fees and Charges Order which was agreed before the combined local and Police and Crime Commissioner Elections held on 6 May 2021. It would therefore be necessary to review the fees currently paid to election staff, and to keep these under review, in light of new responsibilities for polling staff, changes to neighbouring Council's fees and any updated guidance from the DLUHC. A further Member was also concerned about the cost involved particularly when there had only been a small number of allegations put forward regarding personation (election fraud) and the impact this would have on voters who had no access to the internet, photo ID or had language issues. The Electoral Services Manager commented that the Electoral Services Team could assist residents completing VAC applications which included taking the photo for them if required. Applying for a VAC was a similar process to registering to vote and voter ID requirements would be highlighted during the next annual canvass during the summer.
- Further guidance on polling staff fees was expected from Government imminently. When reviewing polling staff fees officers would work closely with neighbouring councils such as Milton Keynes Council who had set their fees for their elections this May and our officers also took part in a Working Group with DLUHC.
- Postal votes were not directly affected by the new Voter ID requirements but there would be new processes brought in place for these. For example, from October 2023 residents could apply for a postal vote online which would include having the voter's identity checked and would apply for a maximum period of 3 years. To reduce the risk of fraud further new restrictions were also being introduced by legislation such as limiting the total number of postal votes that one person could hand deliver to Council offices and polling stations. From 1 December 2023, there would be a ban on campaigners handling postal votes.

On a vote being taken on the recommendation (proposed by Cllr Chapple, seconded

by Cllr Mordue) it was:-

RESOLVED

- 1) That the changes to electoral registration and election processes arising from the Elections Act 2022, including the requirement for electors to show valid photo ID when voting in person at a polling station from May 2023, be noted.**
- 2) That the Head of Democratic & Electoral Services; Electoral Services Manager, Deputy Electoral Services Manager; and Senior Electoral Services Officer be appointed Deputy Electoral Registration Officers with powers to issue Temporary Voter Authority Certificates.**
- 3) In light of the additional responsibilities and implications arising from the Elections Act, authority be delegated to the Returning Officer to review, keep under review, and amend as necessary the Fees and Charges Order for all future elections, having regard to guidance issued by the Department for Levelling Up, Housing & Communities.**

6 Annual Review of Code of Conduct and Complaints

This report provided the Committee with a review of the Member Code of Conduct complaints dealt with during 2022/23. It also outlined the effectiveness of the procedure; reports on the training given by the Monitoring Officer; and highlighted emerging best practice in ethical governance. The report also updated the Committee on the outcome of a Stage 3 Hearing Sub-Committee into three complaints about a Hughenden parish councillor.

The Principal Governance Officer highlighted the following information to Members:-

- Nine individual Buckinghamshire Councillors were the subject of a complaint in 2022/23. However, while 18 people made complaints, in 10 cases these related to three particular circumstances.
- Nine individual parish and town councillors were the subject of a complaint in 2022/23. However, while 15 people made complaints, two complainants make a complaint about the same incident. One parish councillor was the subject of seven (nearly 50%) of the complaints received, covering six different circumstances.
- The most commonly alleged breach of the Code was Respect. Overall, perceived disrespect was a cause of complaint in 25 of the 33 (76%) complaints received. It was equally the case for both tiers of council. This reflected the national picture. The second most common allegation was 'bullying' at parish level and 'bias and predetermination' at Buckinghamshire Council.
- The Civility and Respect Project was a joint initiative between the National Association of Local Councils (NALC), the Society of Local Council Clerks (SLCC) and county associations. The Project was conceived in response to growing concerns about the impact bullying, harassment, and intimidation on local (parish and town) councils, councillors, clerks and council staff and the resulting effectiveness of local councils. It appeared only a small number of

- Buckinghamshire local councils had so far signed up to the pledge.
- During 2022/23, the Buckinghamshire Council complaints were all considered within the timeframes apart from one: in that case, the Initial Assessment took 19 days rather than 15 while certain evidence was checked with the complainant.
 - 52% of cases (17 complaints) were concluded at Initial Assessment as the Code was not sufficiently engaged. A further 36% (12 complaints) were closed at Stage 1 (Informal Resolution) with either no or minor action necessary. 88% of complaints were resolved without recourse to further escalation.
 - Three complaints (regarding the same councillor) were considered to be serious enough to warrant a Stage 3 investigation. Subsequently, a Hearing Sub-Committee of this Committee was convened. The outcome was that Cllr Derrick was found to have breached the 'Respect' provision in each case, and the 'Bullying' provision in two of them. In the interests of transparency, about the Council's processes, a press release was issued at the request of the Sub-Committee to draw attention to the Council's Decision Notice.
 - During 2022/23, and in fulfilment of the Council's duty to promote and maintain good standards of conduct, the Monitoring Officer's team delivered training through the Buckinghamshire and Milton Keynes Association of Local Councils in July 2022 and January 2023. The training covered member code and complaints arrangements. Two further sessions on the code were delivered, on request, to specific councils, Buckingham Town Council (in October 2022) and Hughenden Parish Council (January 2023).

During discussion the following points were noted:-

- With reference to the Hearing Sub-Committee a Member asked why the membership had not been proportional. In response it was noted that the political balance calculations did not result in a clear right to representation for each group (for a Committee of 3, 2 Conservatives, 0 Alliance Group and 0 IMPACT Alliance with a remainder of 1). The Council's procedures for hearing complaints expected that a Sub-Committee would consist of three members of this Committee, without further specification. A Member made the point that some Members of the Committee might be particularly interested in serving on a Hearings Sub-Committee and this expertise should be used where possible. The Chairman confirmed that he had initially asked for volunteers to come forward for this Sub-Committee. However, he was intending that following the Annual Council Meeting in May there would be a formal agenda item for this Committee to agree a protocol for managing the membership of a Hearing Sub-Committee. This would take account of achieving a range of representation and would have regard to a person's interest and willingness to be involved. It was also important to be clear on the approach to take where Members, potentially sitting on the Sub-Committee, may represent the area serviced by the council subject to the complaint. Members also noted that there was an independent Investigating Officer and also an Independent Person who sat on the Sub-Committee.
- Reference was made to the Civility and Respect Project particularly in view of the fact that there was no strict governance guidance for Parish and Town

Councils. It would be helpful to push this pledge so that it was adopted by more Parish Councils. Members also noted that top tier Councils had very limited powers to impose sanctions on Parish Councillors who had breached the code of conduct.

- In terms of benchmarking, a question was asked about whether Buckinghamshire had received a low level of complaints. The Principal Governance Officer reported that most Councils did not publish their complaint numbers although some research could be done to find them out. However reference was made to paragraph 2.10 of the report which referred to the national picture in terms of types of complaints received. The Service Director reported that the standard of conduct amongst councillors was high generally.

Members agreed that it would be helpful to agree a protocol for handling Hearing Sub-Committee membership following the Annual Council in May and also to bring attention to the Civility and Respect Project at a future meeting of Full Council.

RESOLVED that:-

- 1) the annual review of the Member Code of Conduct Complaints for 2022/23 be noted**
- 2) the decision of the Stage 3 Hearing Sub-Committee with regard to three complaints about a Hughenden Parish Councillor be noted.**
- 3) the Committee consider agreeing a protocol, at its first full meeting of the new council year, as to the appointment of members to future meetings of the Hearing Sub-Committee.**

7 Constitutional Working Group - verbal update

The Service Director Legal and Democratic reported that the next Constitutional Working Group was on 27 April 2023 and if any Members wanted to put forward any suggestions to contact the Chairman or himself.

8 Draft Work Programme 2023/4

The draft Work Programme 2023/24 was agreed. A question was asked about the Polling District Review and it was noted that the review must be carried out to make sure that all electors have such reasonable facilities for voting as are practicable in the circumstances and this would take into account accessibility.

9 Date of Next Meeting

17 May (following the Annual Council meeting) and 13 July 2023.