



Standards and General Purposes Committee agenda

Date: Thursday 13 April 2023

Time: 2.00 pm

Venue: The Paralympic Room, Buckinghamshire Council, Gatehouse Road, HP19 8FF

Membership:

T Broom (Chairman), B Chapple OBE (Vice-Chairman), M Baldwin, P Brazier, R Carington, S Chhokar, P Gomm, T Green, S Lambert, H Mordue, C Oliver, L Smith BEM, M Smith and D Thompson

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Agenda Item	Page No
1 Apologies	
2 Minutes To approve as a correct record the Minutes of the meeting held on 17 November 2022, copy attached.	3 - 10
3 Declarations of Interest	

Members to declare any interests.

- | | | |
|----------|--|----------------|
| 4 | Electoral Review - response to consultation on four wards in South Buckinghamshire
To consider the attached report.

Contact Officer: Glenn Watson | 11 - 16 |
| 5 | Election Act Implementation
To consider the attached report.

Contact Officer: Mat Bloxham | 17 - 24 |
| 6 | Annual Review of Code of Conduct and Complaints
To consider the report

Contact officer: Glenn Watson | 25 - 46 |
| 7 | Constitutional Working Group - verbal update
To receive a verbal report

Contact officer: Nick Graham | |
| 8 | Draft Work Programme 2023/4
To consider the Work Programme

Contact officer: Nick Graham | 47 - 48 |
| 9 | Date of Next Meeting
17 May 4pm and 13 July at 2pm (provisional) | |

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For further information please contact: Clare Gray - democracy@buckinghamshire.gov.uk
democracy@buckinghamshire.gov.uk



Standards and General Purposes Committee minutes

Minutes of the meeting of the Standards and General Purposes Committee held on Thursday 17 November 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 6.00 pm and concluding at 6.50 pm.

Members present

T Broom, B Chapple OBE, P Brazier, R Carington, S Chhokar, P Gomm, C Oliver, M Smith and D Thompson

Others in attendance

R Binstead, M Bloxham, N Graham, J Griffin and G Watson

Apologies

M Baldwin, T Green and L Smith BEM

Agenda Item

1 Apologies

Apologies were received from Councillors M Baldwin, T Green, H Mordue and L Smith.

2 Minutes

RESOLVED –

That the Minutes of the meeting held on 14 July 2022 be approved as a correct record.

3 Declarations of Interest

There were none.

4 Buckinghamshire Electoral Review

The Committee received a report on the Buckinghamshire Electoral Review and were asked to make recommendations to Council on the Local Government Boundary Commission's proposed wards for Buckinghamshire Council. The Electoral Review Working Group had assisted the Committee by recommending certain changes which it believed would achieve a better balance of the statutory criteria. The Committee were asked to adopt these recommendations and commend them to Council on 30 November 2022.

The Commission had specifically invited comments on ten of their proposed wards. The Working Group was suggesting a change to eight of those. The Group also felt it important to invite all members of the Council to comment on the Commission's 41 other wards. Having reviewed the responses, the Group had recommended two further changes, as summarised in Annex 1 and illustrated in Annex 2 of the agenda.

The Committee were informed that the Working Group had been mindful only to suggest changes where they substantially improved upon the Commission's own proposal. The consensus of the Group had been to focus on the few issues that would make a significant difference. In most cases, the suggested change actively builds on the Commission's working assumptions that:

- A. Parishes be kept whole where possible
- B. Rural wards are not too geographical spread out and diverse
- C. Electoral variance is within acceptable limits
- D. Urban and rural areas should not be mixed where possible

In one instance, the Working Group had recommended a significant change to the Chiltern Ridges ward the Commission proposed. It was felt that the interests of the parishes were better associated with neighbouring wards. In three cases, the Working Group had recommended that the Commission's individual wards be merged with another, with one being Newton Longville and Quinton uniting under the name Swanbourne and Rural Villages.

In other cases, the Group had proposed a modification to the Commission's proposals in the interests of community identity; either by emphasising importance of keeping parish boundaries whole (as in the case of Iver and Gerrards Cross & Denham and Little Marlow Parish), or where it was felt that certain aspects of the community were more associated with a neighbouring ward (as in the case of Terriers & Amersham Hill and Totteridge & Bowerdean and Penn, Tylers Green & Loudwater and Beaconsfield).

It was noted that the proposals brought forward from the Working Group were sound and respected the outcome the Commission was seeking to achieve while also bringing local knowledge and perspective to improve upon the Commission's proposed pattern of wards.

The Chairman thanked Members of the Committee for their work as part of the Electoral Review Working Group, and Officers for all their hard work in supporting Members, the Working Group and the Committee.

It was proposed by Councillor T Broom and seconded by Councillor B Chapple and following a unanimous vote:

RESOLVED:

- 1) To adopt the recommendations made by the Electoral Review Working**

Group, as set out in Annex 1 of the report.

- 2) To recommend Council that these should form the Council's response to the Local Government Boundary Commission's consultation on proposed wards for Buckinghamshire Council.**

5 2023 Review of Parliamentary Constituencies

The Committee received a report highlighting the Boundary Commission for England's (BCE) final consultation on proposed changes to the parliamentary constituencies for 2023.

The following key difference between the initial and final proposals by the Boundary Commission for the Buckinghamshire Council area were highlighted by the Electoral Services Manager:

- No change from initial proposals for the Aylesbury Constituency.
- The current Beaconsfield ward be moved from Chesham & Amersham constituency to Beaconsfield constituency. Part of the current Gerrards Cross ward (Eastern side) moves from Beaconsfield Constituency to Chesham & Amersham Constituency.
- No change from earlier on in the consultation for Buckingham and Bletchley Constituency.
- Constituency name changed from Princes Risborough to Mid Buckinghamshire.
- Constituency name changed from High Wycombe to Wycombe.

It was noted that the proposed Buckingham and Bletchley Constituency would cover parts of the Buckinghamshire and Milton Keynes authority areas and would require cross working between authorities.

As part of the changes to the Elections Act 2002, there had been a change in requirement for electors to show identification when they vote at a polling station. This change would come into effect for parliamentary elections from 5 October 2023 and for all other elections from May 2023.

Members considered the report and commented:

- That the Boundary Commission had proposed that Hazlemere ward be included in the Chesham & Amersham Constituency. As part of the earlier stage of consultation, it was suggested that Hazlemere ward be retained within the Wycombe Constituency, alongside Tylers Green & Loudwater being included in Chesham & Amersham.
- That it was preferred not to split up the current Gerrards Cross ward.
- Concern was raised over how the Buckingham and Bletchley Constituency would be managed between two authorities.

It was agreed that the Council submit a response to the Commission's final consultation repeating the Council's comments submitted during the initial consultation.

RESOLVED –

To note the final proposals for the 2023 review of Parliamentary Constituencies from the Boundary Commission for England (BCE).

6 Member Code of Conduct Complaints - Quarterly Review

The Committee received the Member Code of Conduct Complaints Quarterly Review. The report provided a review of the Member Code of Conduct complaints that were opened and then closed during Quarter 2. This would normally be for the period July to September. As the Committee did not meet in October, the report brings the information up to date for November 2022. Similarly, the report updated the Committee on currently open complaints. As requested by the Committee, the annexes included information on the number of parish councils involved; and the number of individuals who were the subject of open complaints.

It was noted that Buckinghamshire Council would continue to provide training to both Buckinghamshire Councillors as well as town and parish Councillors. Bespoke training had been issued to individual Parish Councils in addition to specific training delivered with the Local Association of Councils.

The Service Director of Legal and Democratic Services informed the Committee of the national initiative by the National Association of Local Councils regarding civility and public life. The Committee had previously looked at social media in regard to complaints and reviewed the guidance issued. In light of the national guidance from the Association of Local Councils, it was suggested that this be revisited in the future.

Previously the Committee had requested additional information within the Quarterly Review to include the number of Parish and Town Councils whose Councillors had attracted complaints, the number of different individuals subject to complaint, and more details regarding the complaints. The Committee noted that these had been provided in the Quarter 2 report. During the meeting, it was requested that information regarding the outcomes and remedies from upheld complaints be included in future reports where possible.

Annex 1 in the Committee report contained information on closed Parish and Town Council complaints over Quarter 2 (July 2022 onwards including October). 5 Parish Councils attracted 8 complaints, where had been closed. 1 Parish Council accounted for 3 of these complaints, whilst another Parish Council accounted for 2. Overall, 7 individuals had been involved in those particular complaints and 1 individual had been complained about twice.

Annex 2 concerned closed complaints about Buckinghamshire Council. In total, 2 Councillors had received complaints.

Annex 3 set out the complaints that were currently open. This showed 9 complaints currently open, relating to 3 individuals. 1 Parish Councillor received 3 complaints

and would be the subject of a Stage 3 hearing. 5 complaints related to 1 Buckinghamshire Councillor. The remaining complaint also concerned a Buckinghamshire Councillor.

Each annex gave a corresponding summary of the code principle relating to the alleged breach. Similarly to the previous quarter and the past year, the main reason for complaints had been perceived disrespect. A couple of instances had concerned alleged instances of bullying Parish Council Officers or the suggestion of a conflict of interest. It was noted that no breaches had been identified within the closed complaints.

RESOLVED:

- 1) To note and comment upon the Quarter 2 report into Member Code of Conduct Complaints that were opened and then closed in that period, as at Annexes 1-2.**
- 2) To note and comment upon the Member Code of Conduct complaints currently open, as at Annex 3.**

7 Local Government and Social Care Ombudsman - Annual Review Report

The Committee received the Annual Review Report for the year 2020/21, reflecting on complaints that were considered by the Ombudsman up to 31 March 2022. It was explained that a proportion of complaints in the report refer to previous years, as the Ombudsman was dealing with a backlog due to the COVID pandemic and therefore concerns legacy Councils. Thus, focus would be on complaints the Ombudsman reviewed for Buckinghamshire Council and ensuring that appropriate remedies were pursued.

Within the report, the Ombudsman stated that complaints would be upheld, even if Buckinghamshire Council had already upheld the complaint and a number of complaints has been taken up with the relevant services to deliver improvements.

Members considered the report and commented:

- Whether the recommendation regarding the wording on forms given to complainants had been resolved. It was confirmed that the incorrect wording had been sent out in error under the legacy Councils and had been remedied.
- Concern was raised over the financial implementations of complaints received by the Ombudsman and the resulting remedies. It was explained that a financial remedy was only pursued where appropriate and the Ombudsman looks at compensation on a tariff basis.
- That it would be helpful in measuring the effectiveness of the complaints process to see the extent of which the Ombudsman agreed with Buckinghamshire Council decisions and if the Ombudsman agreed with the level of compensation where applicable. The percentage of upheld complaints where Buckinghamshire Council gave a satisfactory remedy could be found within the Ombudsman's letter in the agenda pack. It was identified that Buckinghamshire Council fell below relevant comparisons, which was

being picked up with the appropriate service to pursue improvements.

RESOLVED:

To note the content of the report.

8 Constitution Working Group

The Constitution Working Group met on 8 November 2022 to discuss updating the Constitution following Council agreeing the changes in principal and also discussed the contract procedure rules.

The purpose of the meeting was to ensure that the Working Group captured the changes to the constitution made at Full Council. The changes included changes to contract procedure rules, ensuring good governance, and the tendering process. The Working Group were asked to review the Community Board Terms of Reference and to discuss how officers can better support local Members. Further work would be undertaken to address these points, which would be sent to the Committee at a later date.

RESOLVED:

The Committee noted the verbal report.

9 Work Programme

The Committee were asked to consider the work programme attached to the agenda pack.

The following points were highlighted:

- The Committee had been charged with reviewing electoral matters and it was proposed that the Committee receive a report outlining the implementation of the Elections Act 2022 in Buckinghamshire. The legislation required all voters to show photo identification when voting in person, and brought about other changes which included greater restrictions on campaigners' handling postal votes.
- Members were reminded of the decision in July 2020 to pause consideration of community governance reviews in light of the Local Government Boundary Commission's review of Buckinghamshire Council ward boundaries. The Community Governance Review for the Wycombe area was highlighted as needing to come back to the Committee for decision as well as reviews requested for other areas of Buckinghamshire moving forward.

RESOLVED:

The Committee is asked to note the Work Programme.

10 Date of Next Meeting

The next meeting would be held at 2pm on Thursday 13 April 2023. It was noted that

the meeting on Thursday 8 December had been cancelled as it was no longer required.

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Report to Standards and General Purposes Committee

Date:	13 April 2023
Title:	Buckinghamshire Electoral Review
Relevant councillor(s):	All
Author and/or contact officer:	Nick Graham, Service Director, Legal and Democratic. Contact officer Glenn Watson, Principal Governance Officer.
Ward(s) affected:	All

Recommendations:

- (1) to adopt the recommendation of the Electoral Review Working Group that the proposals set out by the Local Government Boundary Commission in their further consultation (and summarised at Annex 1) be accepted;
- (2) to recommend Council to endorse the Commission's proposed wards and to inform the Commission accordingly.

Reason for decision:

The Committee is tasked by Council to make recommendations to it on potential responses to electoral review consultations. In doing so, the Committee receives the advice of the Electoral Review Working Group. This report summarises the Working Group's recommendation in response to the Commission's latest consultation on four wards in the south-east of the county; namely, Chalfont St Peter, Farnhams & Stoke Poges, Gerrards Cross & Denham and Iver.

1. Background:

1.1 It was expected that, on 28 February, the Local Government Boundary Commission would publish its final proposals for the pattern of wards for Buckinghamshire Council. Instead, the Commission launched a limited further consultation on revised proposals for four wards in the south-east of the county. These amendments were made by the Commission in response to a significant number of objections to their previous

proposals in this area. The Commission believes the 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's proposals and report can be found on their [website here](#).

1.2 The Commission has not indicated what position it has taken on the remainder of the county. Instead, it now intends to publish the final recommendations on all wards on 30 May. The consultation officially ends on 11 April but the Commission has 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.

1.3 The Electoral Review Working Group invited the ward members for the consultation area to give their views. Drop-in sessions for ward members were arranged with the Chairman and Deputy Chairman. The Working Group then met on 23 March to consider the Commission's proposals and the feedback from local members.

2. The Commission's proposals

2.1 The Commission's report notes: "it has received sufficient evidence relating to the rest of Buckinghamshire to finalise its recommendations, so this [new] consultation is focused...only" on the four south-east wards.

2.2 In response to feedback, the Commission has changed each of the four proposed wards: Chalfont St Peter, Farnhams & Stoke Poges, Gerrards Cross & Denham and Iver. As the revised proposals were new, the Commission felt obliged to consult on them.

2.3 Annex 1 summarises the key changes envisaged by the Commission. In short, these are:

- A. To reverse the proposed extension of Chalfont St Peter southwards into Gerrards Cross Parish: based on "strong community-based evidence"
- B. Consequently, to reduce the number of Chalfont St Peter councillors by one: to achieve acceptable electoral variance for that ward (10%)
- C. 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 aligns with this Council's original submission)
- D. 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.

- E. To pluralise 'Farnham' to demonstrate that both Farnham Royal and Farnham Common are included in the name "Farnhams & Stoke Poges".

2.4 This results in one fewer councillor overall, 97 instead of the previously proposed 98. The Commission had indicated, throughout the review, that the "98" number may marginally increase or decrease depending on the final balance of criteria for each ward.

2.5 The representation and variance would therefore be:

Ward	Electorate	Variance*	Councillors
Chalfont St Peter	10069	10%	2
Farnhams & Stoke Poges	11990	-12.51%	3
Gerrards Cross & Denham	14304	4%	3
Iver	9308	2%	2

2.6 It is notable, from A-E above, that the revised proposals are interlocked, with a decision for one ward having some impact on another. This demonstrates the consideration at the heart of an electoral review: achieving a *balance* of the relevant criteria for each ward and for its neighbours.

2.7 The Commission considers their revisions achieve a working balance of the criteria: only one ward would exceed the variance, others coming well within it or at the acceptable limit of it; only one parish (Chalfont St Peter) would cross a Buckinghamshire Ward boundary; and each reflects an acceptable balance of community identity.

3. The Working Group's consideration

3.1 The Working Group met on 23 March to consider the Commission's proposals and the feedback from local ward members. Annex 1 includes an indication of ward member views.

3.2 The Working Group noted the interlocking nature of the proposals for each ward. It noted that the local ward members for three of the four proposed wards were largely supportive of the changes.

3.3 The Working Group noted that process of balancing the criteria necessarily involved a compromise between them. The Group concluded that the Commission's proposals presented the most workable balance of the criteria, having regard to the constraints of geography and the interlocking implications for each ward.

3.4 The Working Group received an alternative proposal from Councillors in Chalfont St Peter but did not support this. The Group's decision to support the Commission's proposal instead recognised that the proposals were interlocked and that a significant alternative proposal would impact the overall criteria for one or more of the adjacent

wards; not reflect the views from the majority of local ward members; and not be likely, in any case, to persuade the Commission.

3.5 The Group recommends the adoption of the Commission’s revised proposals.

4. Next steps

4.1 Council will consider the recommendation of this Committee on Wednesday 26 April.

4.2 Thereafter, the Commission’s revised timetable is:

Final report We publish the Commission’s recommendations	May 2023
Order laid in Parliament This makes the recommendations law	To be confirmed
Effective date The new arrangements apply to elections after this date	May 2025

5. Legal and financial implications

5.1 This report does not contain any financial implications. At present, the Council is participating in a consultation on the future electoral boundaries of the Council. There is no cost in responding to the consultation and any outcome will not be effected until the election of 2025.

5.2 In considering these recommendations, the Committee is fulfilling the delegation granted to it by Council. The Council is a statutory consultee to the electoral review.

6. Corporate implications

6.1 The outcome of the electoral review will shape the nature of the Council’s elected member representation from the May 2025 elections and as such will have significant corporate implications at that time. For now, there are no current corporate implications.

Buckinghamshire Electoral Review - LGBC Further Consultation (south-east of county)

Summary of Proposals

Proposed Ward	Rationale	No. of councillors + variance	Local Member View
Chalfont St Peter	<p>LGBC has accepted objections to incorporating part of GX parish into a three-member CSP ward, recognised that this had excluded an “integral part of GX community”.</p> <p>Proposing to use Austenwood Common and Kingsway as boundary between CSP and GX; by doing so, “many GX community facilities” would be restored to GX, reflecting community identity. Doing so makes a three-member CSP unviable in variance terms. So now proposing to reduce CSP to two members.</p>	2 members, 10% variance	Cllrs Darby, Rush and L Smith BEM are not supportive of the Commission’s proposal and queried both the loss of an area to Gerrards Cross & Denham, and also the proposed reduction from three members to two.
Farnhams & Stoke Poges	<p>LGBC received support for their previous two-member proposal. However, accommodating Hedgerley and Fulmer (from GX & Denham) now requires a three-member arrangement to achieve good variance. While this still creates an excess variance (-12%), it represents the “best balance” of criteria.</p> <p>LGBC noted comments that Fulmer may not have strong links with the Farnhams. However, LGBC say that the links are “by no means weak”. The proposal also avoids dividing Fulmer between wards.</p>	3 members, -12% variance	<p>Cllrs Anthony and Naylor support</p> <p>Cllrs Bagge and Egleton support</p>

Proposed Ward	Rationale	No. of councillors + variance	Local Member View
	<p>LGBC “consider it a necessity to ward Fulmer [with Farnhams etc.] to achieve even a reasonable level of electoral equality for wards across the south-east of Buckinghamshire”.</p> <p>LGBC are “pluralising” the name Farnhams to reflect the distinct identities of Farnham Royal and Farnham Common.</p>		
Gerrards Cross & Denham	<p>Commission remains of the view that linking GX and Denham gives electors here a vote of broadly equal weight with other communities in Buckinghamshire. Accepted that New Denham had no community links with Iver and should remain in GX & Denham.</p> <p>Restoring New Denham to GX & Denham would create an excess variance. So Hedgerley and Fulmer parishes would now be excluded (and placed within Farnhams & Stoke Poges).</p>	3 members, 4% variance	<p>Gerrards Cross and Denham Members supportive</p> <p>[NB Cllr Broom, as Chairman of the Working Group and Committee has not expressed a personal view].</p>
Iver	<p>Removing New Denham from the previously-proposed Iver Ward, would lead to under-representation in three-member ward.</p> <p>Achieving an acceptable variance for Iver involves reverting to Buckinghamshire Council’s original proposal for a two-member Iver Ward i.e. following the Iver parish boundary and so coterminous with it.</p>	2 members, 2% variance	Cllrs Griffin, Matthews and Sullivan support



Report to Standards and General Purposes Committee

Date:	13 April 2023
Title:	Elections Act 2022 Implementation
Relevant Councillors:	all councillors
Author:	Mat Bloxham, Electoral Services Manager, 01494 732143, mathew.bloxham@buckinghamshire.gov.uk
Ward(s) affected:	all wards
Reason for decision:	To receive an update on 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.

Recommendations:

- 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.

1. Background

- 1.1 This report provides an update on the implementation of Elections Act 2022 in Buckinghamshire. The Act changes the way UK parliamentary elections, local elections, referendums and police and crime commissioner elections and electoral registration is administered. The headline change is 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, are also significant. Some of the Act's forthcoming changes are subject to Statutory Instruments being made. As such, the information in this report may be subject to change.

1.2 Buckinghamshire's key electoral statistics

Electorate	412,797
Overseas electors	861 (estimated increase to 3,000)
Voter Authority Certificates	8,300 – 25,000 (estimated 2-6% of electorate)
Postal votes	63,151
Polling Stations / Presiding Officers	366
Poll clerks	570 (estimated increase to 720)

2. Main content of report

2.1 This report sets out the following reforms arising from the Elections Act 2022:

May 2023

- Electoral Registration Officer (ERO) to issue a free Voter Authority Certificate (VAC) to eligible residents who apply for one because they do not already have valid photo ID to show to polling staff when they vote in person.
- Voters to show ID at polling stations before a ballot paper is issued.
- Improvement of support in polling stations for people with a wider range of disabilities through a general responsibility on the Returning Officer (RO) to consider the needs of people with disabilities and provide equipment to support voting. Anyone over the age of 18 will be able to act as a companion to assist a voter with a disability in a polling station.

October 2023

- Voter ID requirements come into effect for UK Parliamentary elections from 5 October.
- Absent vote (postal & proxy) applications can be made online. This will include a process for verifying the applicant's identity. This is expected to be similar to the way electors already register to vote via gov.uk
- New postal and proxy voting restrictions will apply. This means that the maximum period someone may apply for a postal vote will be three years and after that a fresh application must be made. A transition period will apply for electors with existing postal votes. A person will be limited to being a proxy for a maximum of two domestic electors and two overseas or service voters.

January 2024

- The 15-year limit on expatriates' right to vote in UK Parliamentary elections will be removed and all British citizens overseas who were previously registered or resident in the UK will be enfranchised.

May 2024

- New postal vote handling rules will apply from May 2024 polls. This bans political campaigners from handling postal votes, and places a limit on the number of postal votes a person can hand in to a polling station or to the council offices on someone else's behalf.
- New voting and candidacy arrangements for EU citizens will take effect after the May 2024 polls.

Voter Photo Identification & Voter Authority Certificates

- 2.2 For elections held on 4 May 2023 onwards, electors will be required to show an approved form of photographic identification before voting in a polling station. A passport, driving license, immigration document, a PASS card, Ministry of Defence Form 90, concessionary travel pass (excluding railcards) and national ID card are acceptable. It does not matter if the photo ID has expired, provided that the photo remains a true likeness of the person.
- 2.3 Any elector who does not have any of the acceptable forms of photo ID may apply for a voter identity document free of charge. This is 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 are expected to last around 10 years. Electors can 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 is 5pm six working days before polling day.
- 2.4 There may be circumstances when a temporary VAC may need to be issued to electors, for example when a VAC application has been received before the deadline, has been printed and posted to the elector, but has not been received by the elector in time for polling day. A Temporary VAC may only be used once by an elector. A Temporary VAC can only be issued by the Electoral Registration Officer (ERO), or their deputy. Nick Graham is the Council's ERO and there are no deputy EROs currently appointed. Only the Council can appoint Deputy EROs. To provide resilience the Committee is asked to agree that the Head of Democratic & Electoral Services, Electoral Services Manager, Deputy Electoral Services Manager, and Senior Electoral Services Officer are appointed Deputy EROs for the purpose of issuing a Temporary VAC.
- 2.5 Special arrangements will be in place for electors registered to vote anonymously. They will need to provide an Anonymous Elector Document (AED) in addition to the current requirement to provide a poll card when voting in person at a polling station.

Due to the need for electors to show photo ID before voting, polling stations will have provision for electors to produce their ID in private, if requested. For example, to enable religious clothing worn over the face to be removed so polling staff can verify the elector's identity before they are issued a ballot paper.

- 2.6 Whilst Buckinghamshire does not have scheduled elections on 4 May 2023, the requirement for voters to show photo ID will also apply to other elections from this date. This includes by-elections and neighbourhood planning referendums (NPR). On average one by election/NPR is held each month in Buckinghamshire. Polling staff will receive training on the process for checking electors' photo ID which will be incorporated into the polling staff training.
- 2.7 The Electoral Commission (EC) has updated its recommended polling staff levels taking account of the requirements for electors to show photo ID. The staffing requirements for polling stations in Buckinghamshire have been reviewed and updated in light of this. An additional 21 Presiding Officers and 150 poll clerks will be required in Buckinghamshire for a combined national and local election or standalone UK parliamentary election. Work is being undertaken to advertise and recruit additional polling staff.
- 2.8 The EC are currently running a national communications campaign to raise awareness of the photo ID requirement among voters. Whilst no elections are scheduled to be held on 4 May 2023 in Buckinghamshire, a local communications plan is in place to cover forthcoming by elections and neighbourhood planning referendums.

Accessibility

- 2.9 For elections taking place from May 2023, the RO will have a general duty to take all reasonable steps to support voters with disabilities. Whilst there is already a requirement to provide support to electors with disabilities this is being widened to move away from prescribed measures. From May 2023, voters will also be able to receive assistance from a companion over the age of 18.
- 2.10 Almost all of the required accessibility measures were already in place in Buckinghamshire. However, all polling stations have been surveyed to assess their current accessibility. Extra equipment has been purchased. This includes pencil grips to make it easier for electors with limited dexterity to hold a pencil when marking their ballot paper. Local accessibility groups have been contacted to inform our planning. The support available to all electors has also been published on the Council's elections and voting web page.
- 2.11 A polling district and polling places review will 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 will include an assessment of accessibility.

Absent Voting (postal and proxy voting)

- 2.12 From October 2023, electors will be able to apply for an absent vote (postal & one off proxy) online. Electors can already register to vote via gov.uk, and this will be extended to include absent vote applications. Absent vote applications can continue to be made on a paper form. The applicant's identity will be checked as part of the absent vote application. This is already in place for new applications to register to vote.
- 2.13 Postal vote applications will last a maximum of three years before a fresh application will be required. A transition period will apply for electors with existing postal votes in place. Currently, electors may apply for a postal vote until further notice, with a fresh signature required every five years.
- 2.14 Applications for a permanent proxy, only allowed for medical reasons or due to being registered to vote overseas or as a service voter, will continue to require a paper application. A person will also be limited to being a proxy for a maximum of two domestic electors and two overseas or service voters.
- 2.15 From May 2024, new postal vote handling rules will take effect. This will ban political campaigners from handling postal votes. The Electoral Commission already provide guidance on the handling of postal votes in their Code of Conduct for Campaigning, however local communications will be important to ensure that all local political parties, candidates and their campaigners are clear on what the rules are, especially those new to campaigning. Local election agents have already been sent information about forthcoming changes arising from the Election Act. Once these rules take effect the letters given to candidates and election agents when they submit a valid nomination will be updated to reflect the ban on handling postal votes. For scheduled elections, briefings are arranged by Electoral Services and held with candidates and election agents prior to an election to provide important information about the election process. This will include information about the ban on handling postal votes. Representatives from the Police and Electoral Commission will also be invited to attend these briefings.

Election Staff

- 2.16 Polling staff will have additional responsibilities going forward as the Election Act changes are introduced. Staff will need to receive additional training explaining the new procedures to follow. There will also be a need to attract and recruit additional polling staff, in line with the updated Electoral Commission recommended staffing levels.
- 2.17 DLUHC have advised that they will 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 are 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 will therefore be necessary to review the fees currently paid to election staff, and to keep these under review.

- 2.18 The Committee is therefore asked to agree that authority be delegated to the RO to carry out a review of the fees paid to election staff, as set out in the Fees and Charges Order, and to keep this under review to ensure consistency with new staff responsibilities, DLUHC guidance, and the fees paid by both neighbouring, and similar sized, authorities.

EU Citizens' Voting and Candidacy Rights

- 2.19 From May 2024, EU citizens will no longer automatically be eligible to register to vote, vote and stand for election. This will apply for all local elections, referendums, Police and Crime Commissioner elections and those where the local election franchise is used.
- 2.20 Two groups of EU citizens will retain their rights:
- 'qualifying EU citizens': from countries with reciprocal agreements, and who have leave, or do not require it, to remain in the UK. This is currently Luxembourg, Poland, Portugal and Spain.
 - 'EU citizens with retained rights': who were resident in the UK before 1 January 2021. Electoral Services will need to review existing EU electors registered to vote, and process applications in line with the new eligibility criteria. As yet the process we will follow is still in development by DLUHC and we are awaiting more details. Communicating this change will be important to ensure electors are aware.

Overseas Electors

- 2.21 From January 2024, the current 15-year limit on voting rights for British citizens living overseas will be removed, and overseas electors will be able to register at an address where they were previously registered, or if they were never registered, where they were last resident. Once an elector is registered to vote overseas they will need to renew their registration every 3 years, rather than the current annual renewal process. There are currently just under 1000 overseas electors registered to vote in Buckinghamshire and guidance indicates that this number could triple due to this change. Many overseas registrations happen in the period immediately before a UK Parliamentary election. The EC will lead on the national and international communications.

Funding

- 2.22 Initial grant funding has already been received from DLHUC to cover the costs incurred to date to implement the changes. DLUHC have committed to providing additional grant funding to cover forthcoming changes. There is a provision for the ERO/RO to claim additional funding, via a justification led bid, where expenditure necessary for implementation has not already been provided from the grant. After two years grant

funding will cease and the funding for continued delivery of the changes will be incorporated into the overall funding the Council receives from central government.

Communications

- 2.23 The EC are leading on the national communications for Elections Act changes. Localised communications will also be provided by the Council. Electoral Services have been working with the Communications team to develop a communications plan for Buckinghamshire. We have already engaged with local accessibility groups on the forthcoming changes. It will also be important for other community stakeholders, such as town and parish councils and elected members, to support messaging locally, where possible.

3. Summary

- 3.1 The Elections Act will significantly change the way electoral registration and elections are delivered as changes are implemented over the next 18 months. There is a need to appoint Deputy EROs with powers to issue a Temporary VAC. Polling staff will have extra responsibilities and additional polling staff we need to be recruited. This, combined with new guidance expected from DLUHC on staffing arrangements, necessitates a review of the current staffing fees, and will require these to be kept under review. Communication of the changes being implemented will be important, and whilst this will be led nationally by the EC, locally a communications plan is in place to ensure that electors and other stakeholders are informed.

4. Next steps and review

- 4.1 Following endorsement of this report and agreement of the associated recommendations, the RO will carry out a review of the election Fees and Charges Order, and Deputy EROs will be appointed to enable the issue of a Temporary VAC. The Electoral Services Team will continue to deliver the Election Act changes as they come into effect. Communications will be issued, as required, and as set out in the communications plan.

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Report to Standards and General Purposes Committee

Date: 13 April 2023

Title: **Annual Review of Member Code of Conduct Complaints**

Relevant councillor(s):

Author and/or contact officer: Nick Graham, Service Director, Legal and Democratic.
Contact officer Glenn Watson, Principal Governance Officer.

Ward(s) affected:

Recommendations:

- 1) To note and comment on the annual review of the Member Code of Conduct Complaints for 2022/23**
- 2) To note the decision of the Stage 3 Hearing Sub-Committee with regard to three complaints about a Hughenden Parish Councillor**

Reason for decision:

The Committee has oversight of Member Code of Conduct Complaints both for this Council and for parish and town councils. The report provides an annual review of the complaints considered during 2022/23; and of the effectiveness of the arrangements for handling them.

Executive summary

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

Review of Complaints and Procedure

- 2.1 This report addresses four points:
- A) An outline of complaints considered during 2022/23 – differentiating between this Council and those relating to parish/town councils; including information on the nature and outcome of each.
 - B) The effectiveness of the Council’s complaints arrangements.
 - C) Stage 3 Hearing Sub-Committee into complaints about a Hughenden parish councillor.
 - D) Training and best practice overview.
- 2.2 The review builds on the quarterly reports received by the Committee throughout 2022/23.

A. Complaints considered

Generally

- 2.3 Annexes 1 and 2 set out the complaints considered during 2022/23. Annex 1 relates to **Buckinghamshire Council**; Annex 2 to **parish and town councils**. An indication is given of:
- a) The source of the complaint (for example, the public; a fellow councillor).
 - b) The nature of the complaint (a brief description; and the Code provision that the complainant believed to be engaged).
 - c) The stage of the process at which the complaint was resolved (if so).
 - d) The time taken to resolve the complaint.
 - e) The outcome (for example, whether there was an informal resolution; no case to answer; or a breach).
- 2.4 Mindful of personal data, it is not appropriate to give details of the identity of the complainants, the subject member or identifying details of the complaints themselves. Notes have been added to each Annex, though, to give the Committee more information on the **number of councillors** who were the subject of complaints; and (on Annex 2) a **list of the parish councils** about which complaints were received.

2.5 In some cases more than one person made a complaint about the same alleged behaviour/incident. For transparency reasons, the Annexes list the total number of complaints received even where they related to the same subject matter. This gives the Committee a fuller picture not only of the complaints but of the number of persons who sought to use the Council’s complaints arrangements.

Headlines

2.6 Table 1: complaints and breaches

Authority	Complaints	Complaints with breaches
Buckinghamshire	18 (7 in 2021/22)	0
Parish/town	15 (27 in 2021/22)	3
Totals	33 (34 in 2021/22)	3

2.7 **Table 1** shows that the overall number of complaints considered in 2022/23 was roughly the same as in 2021/22. The number of complaints about Buckinghamshire Councillors *increased* in 2022/23; whereas the number of complaints about parish councillors *decreased*. The split between Buckinghamshire Council and parish and town councils, though, was very different from the previous year.

2.8 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; that is, there were multiple complaints about the same matter. One councillor, for instance, was the subject of five complaints about the same subject. Effectively, there were 11 different circumstances that caused a complaint to be made.

2.9 Nine individual **parish and town councillors** were the subject of a complaint in 2022/23. However, while 15 people made complaints, in only one instance did two complainants make a complaint about the same incident. Effectively, there were 13 different circumstances that caused a complaint to be made. One parish councillor was the subject of seven (nearly 50%) of the complaints received, covering six different circumstances. The members complained about came from six individual parish and town councils.

2.10 **Table 2** shows the aspects of the Code cited by complainants. It shows that 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 reflects the national picture, as seen in paragraph 6.2 below. The second most common allegation was ‘bullying’ at parish level and ‘bias and predetermination’ at Buckinghamshire Council.

2.11 Table 2: aspects of the Code

Code/Authority	Buckinghamshire	Parish/Town
Respect	13	12
Bullying	0	4
Bias/predetermination	3	0
Interests	1	2
Personal data	1	2
Hospitality	1	0
Disrepute	0	1

2.12 Last year, the **source** was predominantly internal across both councils; that is, from fellow councillors or officers. For 2022/23, this has levelled out, as at Table 3.

2.13 Table 3: source of complaints

Source/Authority	Buckinghamshire	Parish and Town
Councillor	4	5
Employee	1	2
Public	13	8
Total	18	15

2.14 For Buckinghamshire Council, in eight individual complaints (relating to four separate incidents), a member of the public expressed concern about a councillor acting in a

formal meeting setting; in three of the incidents, the subject member was the chairperson of the meeting. In each case, there was an unhappiness with the outcome of the item in question and the Code complaint was raised in connection with the handling of the meeting. In none was a breach found.

B. The effectiveness of the Council's complaints arrangements

3. Cases and commentary

- 3.1 During 2022/23, this Committee undertook a review of the Council's published arrangements for dealing with complaints against councillors. In doing so, the Committee reviewed them alongside best practice issued by the Local Government Association, and a survey of other councils' processes.
- 3.2 The outcome of the review was that the Council's arrangements were sound but that a specific timeframe was needed for undertaking an Initial Assessment. The Local Government Association's recommended timeframe of 15 working days was adopted. The Council's arrangements consist of the following stages:
- a) An initial assessment – to determine whether a councillor was acting as a councillor at the time of the alleged breach; and whether, if proven, the matter would amount to a breach of the Code
 - b) Stage One – the subject member is asked to comment along with any suggestion to resolve the complaint informally (if appropriate)
 - c) Stage Two – the Monitoring Officer or Deputy Monitoring Officer determines if an informal resolution is possible or whether an investigation should take place
 - d) Stage Three – formal investigation, with a report presented to a meeting of the Hearing Sub-Committee of this Committee, if necessary.

Compliance with timeframes

- 3.3 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. One **parish and town council** complaint took 20 working days rather than 15 for the same reason. In all other cases, the complaints begun in 2022/23 have been conducted within time.
- 3.4 The Annexes show the stage at which the complaints were resolved. 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. So, 88% of complaints were resolved without recourse to further escalation.

- 3.5 However, following consultation with the Independent Person and the Chairman of this Committee (at Stage 2), the Monitoring Officer considered three complaints to be serious enough to warrant a Stage 3 investigation. Subsequently, a Hearing Sub-Committee of this Committee was convened. This is considered in more detail below.
- 3.6 During 2022/23, The Council's arrangements were delivered proportionately and consistent with best practice. The Hearing Sub-Committee did have concerns about the lack of significant sanctions available to local authorities under the current ethical governance framework. This was a reflection on the shape of current legislation and matches concerns raised by bodies such as the Committee on Standards in Public Life and the Local Government Association.

C. Stage 3 Hearing Sub-Committee - Complaints about Cllr Derrick (Hughenden Parish Council)

4. Complaints and Decision Notice

- 4.1 Annex 3 is the Decision Notice of the Hearing Sub-Committee which met in January and March 2023 to consider three complaints about Cllr Linda Derrick of Hughenden Parish Council. The complaints alleged breaches of the Code in several respects. Following a Stage 2 review, the Monitoring Officer commissioned an independent investigation of each of the complaints. An external counsel was appointed to do this who interviewed the complainants and Cllr Derrick.
- 4.2 The investigation, the escalation to the Sub-Committee, and the latter's consideration of it the complaints, followed the Council's agreed processes. Given the nature of the personal data involved in the complaints, the Sub-Committee determined that the matter should be conducted in private, in exempt session.
- 4.3 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. Five breaches in total were found. The Sub-Committee upheld the investigator's view that two other Code provisions were **not** breached ('Harassment' in one, and the 'Bullying' provision in another).
- 4.4 Cllr Derrick submitted written evidence to the Sub-Committee but did not attend either the first session (which ruled as to breaches); nor did she attend the reconvened meeting (which considered the sanctions) or offer any comment.
- 4.5 The procedure envisages that any potential sanctions identified by the Sub-Committee stand as recommendations to Hughenden Parish Council. It is for the Parish Council to decide whether to adopt them, having regard to its own duties to promote and maintain standards of conduct.

- 4.6 The sanctions recommended to Hughenden Parish Council are outlined in the Decision Notice. The Parish Council was due to consider them on Monday 3 April and the Committee will be updated on the outcome.
- 4.7 Cllr Derrick did not consider she had breached the Code in any of the complaints. Nevertheless, the Sub-Committee unanimously found otherwise, following an independent investigation and having taken the advice of the Independent Person. The findings of breach (and non-breach) are matters of act and there is no right of appeal. Hughenden Parish Council's Member Code of Conduct contains the commitment: "I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct."
- 4.8 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.

D. Training and best practice overview

5. Training

- 5.1 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. This is a standing arrangement and the training is likely to be delivered again twice during the coming council year.
- 5.2 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).

6. Best practice guidance

- 6.1 During the year, several pieces of guidance have been issued by representative bodies, particularly to help parish and town councils embed good ethical governance.
- 6.2 The [Civility and Respect Project](#) is 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.
- 6.3 A cluster of useful resources has been developed by the Project, including:

- a) A Civility and Respect Pledge. As yet, only a handful of Buckinghamshire local councils have adopted the pledge.
 - b) Template/model policies on councillor-officer protocol; dignity at work.
 - c) Guidance on roles and responsibilities; recruitment; social media use.
- 6.4 In October 2022, jointly with the Local Government Association, the Civility and Respect Project also produced useful [Guidance on the Local Government Association Councillor Code of Conduct for Local Councils](#). This takes the Association's guidance for councils generally and tailors it specifically to the parish and town council perspective. Based on the Association's model code of conduct, the commentary within it is useful for any councillor.
- 6.5 The Monitoring Officer's team has referenced these materials when delivering training. Similarly, the Hearing Sub-Committee highlighted that these materials might be useful to Hughenden Parish Council (unrelated to the complaints heard at the hearing).
- 7. Other options considered**
- 7.1 This report is an annual review of member code of conduct complaints and the arrangements for dealing with them. There are no alternative means of addressing this other than a report to this Committee which has oversight for member ethical governance.
- 8. Legal and financial implications**
- 8.1 There are no direct financial implications arising from this report.
- 8.2 Under the Localism Act 2011, Buckinghamshire Council has a duty to investigate complaints that a councillor of this Council or of a parish and town council may have breached the Code. This report gives feedback to the Committee on the activity undertaken by the Council in fulfilment of that duty.
- 9. Next steps and review**
- 9.1 A quarterly report will be made to the Committee throughout the coming year on the operation of the member code of conduct arrangements.

Annex 1 Annual Report – Member Code of Conduct Complaints (Buckinghamshire Council): April 2022 – March 2023

Notes

- 1, 2 (same subject) and 9 – related to Cllr A
- 3 – Cllr B
- 4, 5, 6, 7 and 8 (all on the same subject) – Cllr C
- 10 and 14 – Cllr D
- 11, 12 and 13 (all on the same subject) – Cllr E (ward member)
- 15 – Cllr F
- 16 – Cllr G
- 17 – Cllr H
- 18 – Cllr I

All timeframes met except Complaint 11, which took 3 days more than the 15-day target for an Initial Assessment.

Shading = previously reported to Committee

Unshaded = not previously reported to Committee

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
1.	11/05/22	16/05/22	Fellow councillor	Initial Assessment 5 days	Respect - failure to show respect to fellow councillors and to correspondents in email communication	No. Right to free speech; comment relevant to context.
2.	12/05/22	16/05/22	Fellow councillor	Initial Assessment 4 days	Respect - failure to show respect to fellow councillors	No. Right to free speech; comment relevant to context.

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
					and to correspondents in email communication	
3.	02/10/22	21/10/22	Public	Initial Review 15 days	Bias in chairing a meeting.	No evidence of bias. No case to answer.
4.	03/10/22	30/11/22	Public	Stage 1 8.5 weeks	Respect – disability discrimination in a meeting context	No. Refresher training for staff and members.
5.	05/10/22	30/11/22	Public	Stage 1 8 weeks	Respect – disability discrimination in a meeting context	No. Refresher training for staff and members.
6.	06/10/23	01/12/22	Public	Stage 1 8 weeks	Respect – disability discrimination in a meeting context	No. Refresher training for staff and members.
7.	07/10/22	01/12/22	Public	Stage 1 8 weeks	Respect – disability discrimination in a meeting context	No. Refresher training for staff and members.
8.	07/10/22	01/12/22	Public	Stage 1 8 weeks	Respect – disability discrimination in a meeting context	No. Refresher training for staff and members.
9.	10/10/22	31/10/22	Public	Initial Review 15 days	Respect - disrespect; not showing due diligence when posting on social media	No evidence of disrespect or undue diligence. No case to answer.

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
10.	21/10/22	20/12/22	Parish Councillor	Stage 1 6 weeks	Respect – rude and insistent comments towards parish clerk and councillors	No breach. Parish Council and Subject Councillor should discuss informally
11.	17/11/22	15/12/22	Public	Initial Assessment 19 days (additional time taken to query evidence)	Failure to declare hospitality	No breach. No evidence that registration necessary.
12.	24/11/22	15/12/22	Public	Initial Assessment 14 days	Failure to declare hospitality	No breach. No evidence that registration necessary.
13.	02/12/22	15/12/22	Public	Initial Assessment 9 days	Failure to declare hospitality	No breach. No evidence that registration necessary.
14.	16/12/22	11/01/23	Public	Initial Assessment 15 days	Respect – disrespect towards parish councillor	No breach. Parish Council and Subject Councillor should discuss informally
15.	16/01/22	06/03/23	Public	Stage 1 7 weeks	Failure to declare/register interests. Bias and predetermination	No breach. No evidence of failure or of bias/predetermination
16.	15/02/23	28/02/23	Officer	Stage 1 9 days	Respect – brusque towards a member of staff	No breach. Apology given.

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
17.	28/02/23	15/03/23	Public	Initial Assessment 11 days	Respect – failure to respond to queries	No breach. Councillor had responded.
18.	13/03/23	15/03/23	Fellow councillor	Initial Assessment 2 days	Respect – misrepresented fellow councillor's views to the public	No breach. No misrepresentation evident. Article 10 rights to freedom of expression prevail.

Annex 2 Annual Report – Member Code of Conduct Complaints (Parish and Town Councils): April 2022 – March 2023

Complaints

- 1-2 (same subject), 3, 8-9 and 14-15 - all relate to Cllr A
- 4-5 – Cllr B
- 6 – Cllr C
- 7 – Cllr D
- 10 – Cllr E
- 11 – Cllrs F and G
- 12 – Cllr H
- 13 – Cllr I

The Parish Councils

The complaints below related, variously, to members from the following councils:

- Buckingham Town Council
- Hughenden Parish Council
- Lane End Parish Council
- Little Missenden Parish Council
- Stoke Hammond Parish Council
- Stoke Mandeville Parish Council

Complaints 3-14 completed within timeframes. Complaints 1-2, and their context, are referenced in the report. Shading = previously reported to Committee. Unshaded = not previously reported to Committee.

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
1.	27/06/21	02/03/23	Officer	Stage 3 – Hearing Sub-Committee	Respect and Bullying – through insistence on seeing documentation	Yes – respect and bullying

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
				13 months, (complaint process begun 03/02/22)		
2.	24/07/21	02/03/23	Fellow councillor	Stage 3 – Hearing Sub-Committee 13 months (complaint process begun 03/02/22)	Respect and Bullying – as in 1. And also in posting blog posts critical of the employee	Yes – respect No - bullying
3.	28/02/22	02/03/23	Officer	Stage 3 – Hearing Sub-Committee 12 months	Respect, Bullying and Harassment – insistence that would only meet employee if witnessed or recorded	Yes – respect and bullying No - harassment
4.	20/06/22	23/08/22	Public	Stage 1 2 months	Respect - disrespect and bullying by making untrue allegation about fellow councillor in a meeting	No finding needed – apology given as informal resolution
5.	06/07/22	23/08/22	Public	Stage 1 1.5 months	Respect - disrespect by making untrue allegation about fellow councillors in a meeting	No finding needed – apology given as informal resolution

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
6.	13/07/22	19/08/22	Public	Initial Assessment 1 month (1 week outside target – needed to research context)	Respect - disrespect in aggressively challenging persons who queried the councillor's attendance and actions	No evidence of undue challenge sufficient to engage the Code; reminded to accept scrutiny.
7.	01/08/22	10/08/22	Public	Initial Assessment 7 days (within target)	Respect - disrespect in seeming to criticise a shouted comment from the public gallery	No evidence of disrespect; free speech; no case to answer.
8.	30/08/22	15/09/22	Public (recent former colleague councillor)	Initial Assessment 2 weeks (within target)	Disclosed confidential information – correspondence between councillors	No evidence of confidentiality; no case to answer.
9.	30/08/22	15/09/22	Public (as in 4. above)	Initial Assessment 11 days (within target)	Respect - disrespect in communications – implied threat ('angering the subject councillor was unwise').	No evidence of disrespect sufficient to engage Code; robust speech; no case to answer.
10.	31/08/22	21/09/22	Fellow councillor	Initial Assessment 15 days (within target)	Respect – disrespecting a disability; failure to declare interest about involvement	No evidence of disrespect; no declarable interest existed;

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
					with community groups.	no case to answer
11.	31/08/22	21/09/22	Fellow councillor	Initial Assessment 15 days	Failure to declare interest about involvement with community groups	No declarable interest existed; no case to answer.
12.	20/09/22	21/10/22	Fellow councillor	Stage 1 1 month	Respect - disrespect through allegation of making untrue statement	Apology given. No public interest in further stages.
13.	09/01/23	06/03/23	Buckinghamshire Councillor	Stage 1 8 weeks	Bullying – threatening behaviour: swearing and physical intimidation	No. No witness to corroborate varying accounts.
14.	10/02/23	ONGOING	Anonymous	Stage 2 Currently within timeframes	Respect, disrepute, misuse of information - published personal data online via a blog about a complainant	Stage 2 ongoing to determine if Stage 3 investigation should occur (potentially reporting to a Hearing Sub-Committee)
15.	22/03/23	03/04/23	Anonymous	Initial Assessment 7 days	Respect – mishandling employment matter	No. No evidence of irregularity



Decision Notice - Hearings Sub-Committee

A HEARING HELD ON 19 JANUARY AND 2 MARCH 2023 AT THE GATEWAY, GATEHOUSE ROAD, AYLESBURY

SUBJECT MEMBER: COUNCILLOR LINDA DERRICK, HUGHENDEN PARISH COUNCILLOR

Members of the Sub-Committee

Councillor T Broom (Chairman), Councillor B Chapple OBE, Councillor D Thompson

Mr T Dobson (Independent Person), advisory and non-voting.

Participants

Mr N Graham – Deputy Monitoring Officer, Buckinghamshire Council, advisory

Mr J Thomas – external investigator appointed by the Council

Complainant for Complaint PC 32, as a witness called by Mr Thomas

The Sub-Committee noted that the Subject Member, Cllr Derrick, whilst invited, was not in attendance at the meeting. She had however submitted written comments for the meeting on 19 January.

PURPOSE OF THE NOTICE:

1. This is a notice of the decisions made by the Hearing Sub-Committee of Buckinghamshire Council into three complaints made against Cllr Linda Derrick of Hughenden Parish Council. Each complaint alleged that Cllr Derrick had breached the Hughenden Parish Council Member Code of Conduct. In considering the complaints, the Sub-Committee followed the Buckinghamshire Council procedure for undertaking hearings.

SUMMARY OF THE COMPLAINTS

Complaint PC 32

2. This complaint was made by an employee who has since left the Parish Council. The complaint alleged that on 14 May 2021, Cllr Derrick made unreasonable demands of the officer to see documentation held by the Council, despite Cllr Derrick having been informed that this was contrary to the Council's previous resolutions. The employee felt that Cllr Derrick disrespected the employee's role and felt bullied by her into providing the file on Cllr Derrick's terms and not on the Council's.

PC 47

3. This complaint was made by a Hughenden Parish Councillor (since resigned). The complaint was two-fold.
 - 1) That, as in PC 32, Cllr Derrick made unreasonable demands of the employee on 14 May 2021 to access the documentation
 - 2) That Cllr Derrick made unreasonable criticisms of the same employee in online blog posts.

PC 52

4. This complaint was made by a second employee, who has since left the Parish Council. The complaint was that Cllr Derrick unreasonably required that any meetings between Cllr Derrick and the employee be recorded or witnessed by a third party. The employee considered this to be disrespectful of her role and that the behaviour was tantamount to bullying and harassment of her.

DECISIONS:

5. Buckinghamshire Council had appointed an external investigator who presented a report of his findings to the Sub-Committee. In reaching his conclusions, the investigator had reviewed all written evidence and had interviewed each complainant and Cllr Derrick.
6. Following consideration of all of the evidence presented to it, the Sub-Committee upheld each of the recommendations contained in the Investigator's report. Consequently, it found that Cllr Derrick had breached the Hughenden Parish Council Member Code of Conduct in relation to each of the three complaints as set out below. The Panel also upheld two recommendations to find that the Code of Conduct had not been breached as set out below.

PC 32 – complaint:

- A. Cllr Derrick breached paragraph 7.1 of the Hughenden Parish Council Member Code of Conduct, in that Cllr Derrick failed to show respect to an employee of the Council in relation to the incident on 14 May 2021
- B. Cllr Derrick breached paragraph 7.2 of the Code in relation to that incident, in that Cllr Derrick was found to have bullied the employee

PC 47

The first part of this complaint was, in essence, the same as in PC 32. In relation to this (as above):

- C. Cllr Derrick breached paragraph 7.1 of the Code, in that Cllr Derrick failed to treat an employee with respect in relation to the incident on 14 May 2021
- D. Cllr Derrick breached paragraph 7.2 of the Code in relation to that incident, in that Cllr Derrick bullied the employee

The second part of this complaint related to blog posts by Cllr Derrick which allegedly made public criticisms of the same employee. In relation to this:

- E. Cllr Derrick breached paragraph 7.1 of the Code, in that Cllr Derrick failed to treat the employee with respect as an employee of the Council in posting the public blog posts critical of the employee
- F. Cllr Derrick did not breach paragraph 7.2 (duty to refrain from bullying) in relation to this complaint.

PC 52

- G. Cllr Derrick breached paragraph 7.1 of the Code, in that Cllr Derrick failed to treat the second employee with respect in saying that she would only meet with the employee if the meeting were witnessed or recorded
- H. Cllr Derrick breached paragraph 7.2 of the Code in that Cllr Derrick bullied the employee in making this requirement
- I. Cllr Derrick did not harass the employee with regard to this matter and so did not breach the Code (paragraph 7.2) in respect of harassment.

REASONS FOR DECISIONS

PC 32 and equivalent part of PC 47:

- 7. The Sub-Committee agreed that the employee had been put in an invidious and intimidating position in being made to provide documents in a manner expressed by Cllr Derrick, contrary to what the employee genuinely believed to be the stated will of the Council. The Sub-Committee agreed with the investigator that this represented a failure to treat the employee's position and person with respect, that there were other procedural ways in which any disagreement with the employee's role and position could have been addressed; Cllr Derrick's insistence on acting contrary to the employee's statement of the Council's stance and then taking pictures of the material in direct opposition to that stance, was disrespectful. The Sub-Committee considered that the deep upset caused to the employee, albeit during one-off incident, and seemingly not intended as such by Cllr Derrick, was an instance of bullying, having regard to the ACAS definition.

PC 47 – second element

- 8. The Sub-Committee agreed with the investigator's conclusion that the blog posts were, effectively, a public criticism of the employee's performance. Such concerns should have been addressed through the Council's internal staffing procedures. Publishing the criticisms went beyond Cllr Derrick's rights to freedom of expression: it contravened the Council's processes for dealing with concerns about an employee's performance; and it raised the matters in an arena where the employee did not have a legitimate right of reply and when there was no compelling or immediate reason to have done so. The Sub-Committee considered that this behaviour was disrespectful of the role and position of an employee of Hughenden Parish Council and so breached the Code of Conduct in

that respect. The Sub-Committee also noted from the investigator's report that while the employee considered the posts to be "frustrating and on occasion humiliating" they did not have a sustained impact which could be considered bullying: as such the Sub-Committee did not find that bullying had occurred.

PC 52

9. The Sub-Committee agreed with the recommendation of the investigator that Cllr Derrick's requirement was inappropriate and unreasonable. The Sub-Committee agreed with the investigator that "the insistence on having a witness/recording by a councillor is an abuse of power which has very strong negative connotations regarding the trustworthiness" and accepts that the requirement caused the second employee a great deal of upset. As such, the Sub-Committee agreed that the requirement was disrespectful to the person and position of the employee and so breached the Code; and that the impact of the behaviour was such that it was bullying in nature, and consequently was a breach of the Code.

SANCTIONS

10. Having made its findings, the Sub-Committee adjourned the 19 January meeting to 2 March in order to discuss any appropriate sanctions that should apply where a breach of the Code had been found. The Sub-Committee noted that while Cllr Derrick had decided not to attend the proceedings of the Hearing Sub-Committee on 19 January, it would nevertheless offer her the opportunity to comment on the subject of sanctions, as envisaged in the Contested Hearing Procedure. In the event, Cllr Derrick did not make any comment and did not attend the reconvened meeting.
11. The Sub-Committee decided to recommend the following sanctions to Hughenden Parish Council as an appropriate and proportionate means of addressing the various breaches found:
 - A. Ask Cllr Derrick to issue a written apology to the complainants of PC 32 and PC 52, (to recognise the upset caused to both former employees)
 - B. Censure Cllr Derrick for each of the breaches (*given the seriousness of the findings and to place on record the Council's collective commitment to high standards of public conduct*)
 - C. Issue a press release to report the breaches and sanctions to the wider public (*to demonstrate the importance of high standards of public conduct and the integrity of the Member Code of Conduct complaints process*); and to note where breaches were not found
 - D. Place a statement on the Parish Council's website and public notice boards about the breaches and sanctions; a similar notice to be placed on Buckinghamshire Council's website (*for the same reason as in C, with particular emphasis on informing local people of the same*); and to note where breaches were not found
 - E. Require Cllr Derrick to attend arranged training in observing the member code of conduct; councillor-officer relations; and in handling personal data (*to ensure proper understanding of these areas of governance and to ensure Cllr Derrick can be more fully effective in future as a councillor*)
 - F. That from the date of Hughenden PC's resolution until Cllr Derrick attends this training, she be excluded from attending any premises of HPC except to attend

meetings of the Council (*given that Cllr Derrick's behaviour was directed towards an employee outside of a meeting context*)

This decision is final and there is no right of appeal.

ADDITIONALLY

12. The Sub-Committee also agreed that it would issue a press statement about the above decisions, to give transparency to them.
13. As a separate issue from the complaints and having regard to the future arrangements of Hughenden Parish Council, the Sub-Committee agreed to highlight the following best practice to the Council to it:
 - 1) Consider adopting a *Councillor-Officer Protocol* – such as the model protocol issued by the Civility & Respect Project
 - 2) Consider adopting a *Social Media Protocol*
 - 3) Consider further developing the Council's ethical culture by, for example, giving consideration to the *Civility and Respect Pledge* formulated by the Civility and Respect Project

Cllr Thomas Broom
Chairman, Buckinghamshire Council Hearings Sub-Committee

2 March 2023

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BUCKINGHAMSHIRE COUNCIL

STANDARDS AND GENERAL

PURPOSES COMMITTEE

WORK PROGRAMME 2023/24

13 April 2023
<ul style="list-style-type: none"> • Annual Review of Code of Conduct and Complaints Procedure • Local Government Boundary Commission for England – Response to consultation on four wards in South Buckinghamshire • Election Act Implementation • Constitution Working Group verbal update • Draft Work programme for 2023/24
13 July 2023
<ul style="list-style-type: none"> • Polling District Review • Compliments and Complaints Report 2021-22 • Review of Standards Complaints Monitoring Report • Electoral Review – Outcome of the Commission’s final report • Community Governance reviews • Work programme
19 October 2023
<ul style="list-style-type: none"> • Standards Complaints Monitoring Report • Constitution Working Group verbal update • Work programme
7 December 2023
<ul style="list-style-type: none"> • Local Government and Social Care Ombudsman report • Polling District Review • Standards Complaints Monitoring report • Work programme
4 April 2024
<ul style="list-style-type: none"> • Annual review of code of conduct and complaints • Constitution Working Group update • Work Programme