



## Standards and General Purposes Committee agenda

Date: Thursday 19 October 2023

Time: 2.00 pm

Venue: Jubilee Room - The Gateway

### Membership:

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

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<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies</b>	
<b>2 Minutes</b> To approve as a correct record the Minutes of the meeting held on 24 August 2023, copy attached.	<b>3 - 10</b>
<b>3 Declarations of Interest</b>	

Members to declare any interests.

- |          |   |                          |
|----------|---|--------------------------|
| <b>4</b> | <b>Report on changes to the Constitution</b><br>Contact Officer: Nick Graham/Maria Damigos                | <b>11 - 14</b>           |
| <b>5</b> | <b>Member Code of Conduct Complaints – Quarter 2 Review</b><br>Contact Officer: Nick Graham/ Glenn Watson | <b>15 - 22</b>           |
| <b>6</b> | <b>Community Governance Review Update</b><br><br>Contact Officer: Nick Graham                             | <b>Verbal<br/>Report</b> |
| <b>7</b> | <b>Work Programme</b>   | <b>23 - 24</b>           |
| <b>8</b> | <b>Date of Next Meeting</b><br>18 January 2024 – 2pm  |                          |

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For further information please contact: Clare Gray - [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)  
[democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)



Agenda Item 2  
**Buckinghamshire Council**  
**Standards and General Purposes**  
**Committee**

## Minutes

**MINUTES OF THE MEETING OF THE STANDARDS AND GENERAL PURPOSES COMMITTEE HELD ON THURSDAY 24 AUGUST 2023 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 2.00 PM AND CONCLUDING AT 3.25 PM**

### **MEMBERS PRESENT**

D Goss, B Chapple OBE, P Brazier, S Chhokar, P Gomm, T Green, S Lambert, H Mordue and C Oliver

### **OTHERS IN ATTENDANCE**

M Angell, D Barnes, K Bates and R Stuchbury

### **Agenda Item**

#### **1 APPOINTMENT OF VICE-CHAIRMAN**

Prior to the start of the formal agenda, the Chairman, on behalf of the Committee thanked the former Chairman for all his hard work and also paid tribute to the Vice-Chairman.

#### **RESOLVED:**

**That Councillor B Chapple OBE be appointed as Vice-Chairman of the Standards and General Purposes Committee for the ensuing year.**

#### **2 APOLOGIES**

Apologies were received from Cllrs M Baldwin, R Carington, L Smith, M Smith and D Thompson.

#### **3 MINUTES**

#### **RESOLVED –**

**That the Minutes of the meeting held on 13 April and 17 May 2023 be approved as a correct record.**

#### **4 DECLARATIONS OF INTEREST**

Cllr Goss declared an interest regarding his roles in the Conservative Party relating to his position as Chairman of Buckingham Constituency Conservation Association and Deputy Chair of the Buckinghamshire Area, particularly relating to item 5. Cllr Green and Oliver declared a personal interest in item 6 as legacy WDC Members in relation to the CGR. Cllr Green represented and resided in a ward relating to the CGR. Cllr Oliver ward was part of the unparished ward of Wycombe under the new boundary review and also under the Member

Code of Conduct Complaints one complaint related to her parish ward. Cllr Mordue declared a personal interest in item 7 as the local ward member of one of the parishes.

## **5 BUCKINGHAMSHIRE ELECTORAL REVIEW**

In May 2023, the Local Government Boundary Commission for England concluded its review and published the final recommendations which now go forward to Parliament. The outcomes would come into effect at the May 2025 elections. The review was undertaken as a result of the new Buckinghamshire unitary council and a full consultation was undertaken.

The Service Director for Legal and Democratic Services reported that this Committee had set up a Working Group to look at the Boundary Review which was a two stage process; the first stage looking at the important area of governance including the number of Members that the Council required and the second stage looking at the pattern of wards. The Commission came back with a proposed consultation which the Council responded to. The Commission then did a short review of a specific area in South Buckinghamshire which again this Council responded to. This report now provided information on the final outcome.

The Chairman confirmed that the pattern of wards would be 49 wards (as now) but represented by a variable number of councillors (rather than the currently uniform three members per ward): so ten three-councillor wards, 28 two-councillor wards and eleven single-councillor wards. 18 recommendations made by this Council were accepted by the Boundary Commission. The Order to implement the changes was currently before Parliament.

The Committee thanked officers for their hard work on this area.

**RESOLVED that the final outcome of the Buckinghamshire Electoral Review be noted.**

## **6 COMMUNITY GOVERNANCE REVIEWS – WYCOMBE AREA**

Community Governance Reviews were carried out to determine the direction for governance in a local area. They could be carried out by a local authority periodically or as a result of local petitions, as was the case in 2019 when a Review was carried out by the legacy Wycombe District Council. That Review proposed a number of options for consideration, including the establishment of a new High Wycombe Town Council.

A final decision on the way forward was not made by the district council at that time. The decision was deferred as the new Buckinghamshire Council unitary authority was being set up and was established in April 2020. Buckinghamshire Council has not yet made a decision because, following the creation of the Council, an Electoral Review took place. Community Governance Reviews could not be carried out at the same time. The Electoral Review has now been completed and so community governance for Wycombe could now be considered. High Wycombe remained unparished.

The Service Director Legal and Democratic Services noted that the previous Review had assessed whether there was any support for establishing a council for the town of High Wycombe and parish councils for the communities of Micklefield, Sands or Totteridge. In January 2020, the final report was produced (Annex 1 to this report). The report was mindful of two imminent events: firstly, that local government reorganisation was about to occur with the abolition of the district council and the establishment of Buckinghamshire Council; and secondly that an electoral review of Buckinghamshire Council would then follow shortly after reorganisation. Both would have implications for local governance.

The recommendations were framed as three Options:

- 1) Establish new councils – for High Wycombe and perhaps for Micklefield, Sands or Totteridge, with no Reorganisation Order happening until the new Buckinghamshire Council was established;
- 2) Deferral of any decision until the new Council was in place, recognising that further consultation may then be necessary;
- 3) Take no action - because other means of effective and convenient local governance, reflective of community interests and identity, would be established through the new unitary council, its community boards and the local Town Committee, with a further CGR occurring following the electoral review

The publication of the recommendations effectively ended the formal CGR process (begun with the publication of the original Terms of Reference). Considering the recommendations in April 2020, the new Buckinghamshire Council deferred any decision until after the electoral review.

The Service Director of Legal and Democratic Services highlighted that the statutory requirement for a Community Governance Review was that a Review must reflect the identities and interest of the community in that area and be effective and convenient. The Standards and General Purposes Committee had two main options:

- To agree to any of the proposals in the original Review carried out by Wycombe District Council, outlined in Annex 1 of the report.
- To commission a new Review to ensure that any proposals could fulfil the statutory criteria.

If the committee voted to commission a new Review, it was suggested that a working group of this committee be set up to formulate a timeline for the Review (draft terms of reference were attached at Annex 2 of the report) which would include a public consultation, giving local residents and all interested parties the opportunity to comment.

The Chairman commented that a number of emails had been circulated to the Committee which included the views of Cllr M Smith who was unable to attend the meeting today, which supported different recommendations. He thanked residents for their engagement and commented that he maintained an open mind to those recommendations.

During discussion the following points were made by Members:-

- A Member commented that they had previously been a Member of the Wycombe District Council Working Group and of the Committee that had discussed the original CGR. There had been some concerns about the original report produced and some Members felt that the recommendations could have been more balanced. There had also been a low response to the consultation (1700 respondents out of a population of 75,000). He suggested that there should be a threshold to a consultation response of approximately 30% and that the Working Group should discuss and agree this. There were financial implications to having a Town Council, which residents should be made aware of and it was important that an informed decision should be taken. He therefore agreed that a new Review should be commissioned. The Service Director for Legal and Democratic reported that should a new Review be commissioned that it was currently proposed that the consultation should be undertaken by this Council. It would be for the Working Group to recommend the extent of the consultation.
- Reference was made to the outcome of a CGR which must in law be effective and convenient. A Member asked for clarification regarding the word 'convenient'. The Service Director reported that this word had not been tested in a legal context but related to the fact that it was convenient to the community. The community should not

- see it as a burden.
- Referring to the previous comments made by Members, a Member made a comparison to the low responses which were obtained during the budget consultation and he felt that this was a reflection of general community engagement. The responses to Totteridge, Sands and Micklefield as discrete areas were quite low. He had taken part in the preparation for the unitary councils which included talking to town and parish councils (including the unparished area) on what a future relationship would look like. This included a promise to have a Wycombe CGR with better arrangements and engagement. He considered that the previous report had sound principles and was not out of date. He expressed concern about the cost of another CGR and also another set of elections and that the information in the previous report should be utilised. The new review should be aligned with the 2025 elections. The Principal Governance Officer referred to the draft terms of reference (point 3) which said that the Working Group would look at a suggested timeline. The Service Director reported that it would be possible for the review to be completed by May 2025 if Members so wished. The Member expressed concern about having an election in May 2026 (as referred to as an example under point 5.3 of the report) and the cost to residents.
  - A Member commented that a new review should be undertaken as the landscape had changed with a new unitary authority and also with the electoral review. It was important that residents were engaged as far as possible and that any decision met the needs of the local population and provided good value for money. He also commented that the Council should run the consultation exercise. Several Members agreed with this approach.

On a vote being taken on the officer recommendations (proposed by Cllr Brazier and seconded by Cllr Mordue) **it was unanimously RESOLVED that:-**

- 1) the recommendations of the former Wycombe area Community Governance Review be not taken forward; and**
- 2) a new Community Governance Review for the Wycombe area in the light of changed circumstances be undertaken; and**
- 3) a Community Governance Working Group of this Committee chaired by its Chairman, be set up as set out in Annex 2 of the report, which will:**
  - a) recommend draft Terms of Reference to this Committee for a new Community Governance Review for the Wycombe area; and**
  - b) recommend a Consultation Plan that will fully engage community views once any Terms of Reference are adopted and are published by the Committee; and consequently**
- 4) the recommended Terms of Reference from the Working Group be received in January 2024 with a view to commencing the statutory consultation in January/February 2024.**

## **7 COMMUNITY GOVERNANCE REVIEWS - PARISHES**

In connection with the last item, the Committee was invited to determine Community Governance Review arrangements for any other areas, as may be received. Now that the Buckinghamshire Electoral Review was over, this report invited the Committee to determine a means of considering community governance reviews for any other communities such as the expressions of interest from Buckingham Town Council, a number of residents in Lake End, Hazlemere Parish Council and Longwick cum Ilmer Parish Council.

The Service Director for Legal and Democratic Services advised that it was pragmatic for the same Working Group to look at all the CGRs. He referred then to the expressions of interest which had been received which were outlined on page 61 of the agenda pack. These were not the setting up of new councils but proposals to change boundaries or increase the number of councillors which required a community governance process. After a short discussion it was **RESOLVED that**

**1) the Community Governance Review Working Group, as agreed at the previous agenda item, be set up with a view to:**

**a) recommending draft Terms of Reference, as appropriate, for the review of any areas (other than the Wycombe area) where expressions of interest may have been made; and**

**b) recommending a Consultation Plan that will fully engage the relevant communities once any Terms of Reference are adopted and published by the Committee; and**

**2) the recommendations of the Working Group on 18 January 2024 be received with a view to commencing any consultation on approved Terms of Reference in February 2024.**

## **8 POLLING DISTRICT REVIEW**

The Council and Returning Officer were required to undertake a compulsory review of the polling districts, polling places and polling stations within Buckinghamshire between October 2023 and January 2025. It was proposed that the review in Buckinghamshire commenced on 2 October 2023 with the publication of notice and concluded on 1 February 2024 with publication of the revised register. The consultation period would therefore be between 2 October and 4 December 2023 and representations would be invited from stakeholders. This would enable any necessary changes to be made to polling districts so that they were ready to implement the outcome of the electoral review of Buckinghamshire Council's wards for May 2025 and the review of Parliamentary constituencies following Parliamentary approval.

The Electoral Services Manager reported that the proposed timetable would enable the review to commence at the earliest possible opportunity; the timing of the review provided the opportunity to make necessary changes to polling districts arising from the electoral review and anticipated changes to parliamentary constituency boundaries once approved by Parliament. There was also a need to make changes to some polling places due to changes to venue availability and this would need to be implemented in time for forthcoming elections, such as the next Police and Crime Commissioner elections on 2 May 2024. A Member expressed concern about schools being used as a polling station and that it should be the last resort. Another Member commented that in some urban areas where there were less community halls, schools sometimes had to be used as the only option. The only other option was temporary accommodation. The Electoral Services Manager reported that there was a legal duty for schools to be used for polling stations where required but the Council avoided using schools as polling stations where possible. However, a school might be a polling place where no suitable alternative venues were available. In terms of using temporary accommodation this was also avoided where possible due to the cost and size but there were a few areas in Buckinghamshire where temporary accommodation had to be used as a polling place due to the local circumstances, such as remote area with a small electorate with no other suitable buildings available.

**RESOLVED that the proposed timetable for the review of polling districts, polling places and polling stations in Buckinghamshire which the Council and Returning Officer are required to**

**undertake be endorsed.**

## **9 COMPLAINTS AND IMPROVEMENTS ANNUAL REPORT AND OMBUDSMAN UPDATE**

This was the third annual report for Buckinghamshire Council and gave a summary of the Council's complaints and compliments. The report also included a summary of the Local Government and Social Care Ombudsman's annual review of complaints. The Service Director Legal and Democratic reported that this report looked at the statutory complaints process for Adult and Children's Social Care and also the corporate complaints process. In addition to the internal complaints process residents had a right externally to complain to the Local Government Ombudsman and the LGO Letter and statistical information had been included in the report. He asked Members to bear in mind with the number of complaints the significant amount of contact the Council had with the general public and also last year there had been an issue with the bin collections in the South of the County which generated a considerable number of complaints. Aside from the complaints arising from the bin collection issue Buckinghamshire had a similar number of complaints as comparator councils.

A Member asked whether the information could be broken down further as some Directorates included a disparate amount of services. He commented that it would be helpful to have information at service level. Another Member asked how this Council could do better and reduce complaints and questioned the level of resourcing. The Head of Information Management confirmed that they did hold information at service level, the report already contained reasonable detail but they would look at service level information. She was working closely with service areas and also the business intelligence team to identify areas for improvement and weekly data was provided. This year she was looking at the categorisation of complaints and service delivery. There were also new dashboards being used by Adults and Childrens Social Care. Services would always welcome additional funding to help service delivery but the Council had to work to a set budget. For the second year Buckinghamshire was 100% compliant with the LGSCO recommendations for remedies. The Council had successfully completed the remedies before the complaint had reached the Ombudsman in 13% of cases which was the same as the average in similar authorities. Feedback was key to the Council's learning and talking with customers and colleagues was an underpinning principle of the initiative 'A year of conversation'. As part of the Ombudsman's learning they now issued Focus reports which the Council could consider when managing complaints. Reports were received for children out of education, equalities and human rights and homelessness reduction.

**RESOLVED that the report be noted and once signed off will be published on the Council's website as is required.**

## **10 MEMBER CODE OF CONDUCT COMPLAINTS – QUARTER 1 REVIEW**

This report gave an overview of the Member Code of Conduct complaints that were opened and closed during Quarter 1 (April to June) this year. The Principal Governance Officer reported that of the eight complaints considered in Quarter 1, no breach of code was found.

In terms of Parish/Town Councils, two complaints were received and closed between April and June 2023. A further complaint, opened in March, was closed within the Quarter. A fourth complaint remained outstanding (see paragraph 2.7 of the report). The three concluded complaints related to three parish councils. In only one of these cases was the complainant a fellow member of the council. The most common cause of complaint was perceived disrespect. Following an Initial Assessment, the relevant Code was not found to be engaged in any of these cases.

In terms of Buckinghamshire Council three complaints were received and closed between April



and June 2023. An additional complaint had been received in March but was closed within Quarter 1. In three of the four cases, the cause of complaint was also perceived disrespect. Another related to an allegation of bias and predetermination in a decision-making context. Following an Initial Assessment, the Code was not found to be engaged in any of these cases.

At the start of August ten complaints were currently open: five parish councillor complaints and five Buckinghamshire Councillor complaints. One parish council case (mentioned in Annex 1 of the report) was currently being formally investigated at Stage 3 and could, depending on the findings of the investigation, require the convening of a Hearing Sub-Committee to determine the matter. In all other cases, the complaints were at Stage 1 (Informal Resolution).

The Deputy Monitoring Officer had delivered two online Code of Conduct refresher sessions for Buckinghamshire Councillors, on 30 and 31 May during Quarter 1. The first of these was recorded for those councillors who could not attend the mandatory review. On 7 September, the Deputy Monitoring Officer would also help deliver training to parish and town councils through the Buckinghamshire and Milton Keynes Association of Parish and Town Councils.

The Committee was updated on the discharge of sanctions, following breaches of the Code by a Hughenden Parish Councillor. A Hearing Sub-Committee of this Council had recommended sanctions which Hughenden Parish Council approved. It was noted that, at the time of the meeting, it was understood that the councillor in question had not yet complied with two of the sanctions – giving an apology to two complainants and attending certain training. The Parish Council had been asked by the Deputy Monitoring Officer to confirm if and when the councillor would comply with these sanctions.

Noting that certain complaints in Annex 2 had been made about perceived non-response to emails, a Member commented that in terms of dealing with emails with residents it could be difficult to deal with them in a timely manner as some parishioners could be sending emails daily. He asked whether it would be possible to attend Code of Conduct refresher sessions held at parish council level and was informed that this was a matter for the Bucks and Milton Keynes Association of Local Councils.

**RESOLVED that the Member Code of Conduct Complaints opened and closed in Quarter 1 (April to June 2023, as set out in Annexes 1 and 2) of the report and those currently open be noted.**

#### **11 MEMBER CODE OF CONDUCT COMPLAINTS – HEARINGS SUB-COMMITTEE PROTOCOL**

At a previous meeting of this Committee, Members had expressed a wish to consider a protocol for achieving a balance of representation for the Hearings Sub-Committee, making use of particular expertise, whilst also avoiding potential conflicts of interest. A protocol was being recommended, set out in Annex 1 of the report.

**RESOLVED that:-**

- 1) the protocol in Annex 1 for achieving the composition of a Hearings Sub-Committee be adopted; and**
- 2) the Monitoring Officer be asked to deliver training for all members of the Committee in the procedures for hearing member code of conduct complaints.**

#### **12 WORK PROGRAMME**

The draft Work Programme 2023/24 was agreed and would be updated with regular reports on the Community Governance Reviews.

**13**    **DATE OF NEXT MEETING**  
19 October 2023.



# Report to Standards and General Purposes Committee

<b>Date:</b>	<b>19 October 2023</b>
<b>Title:</b>	<b>Review of the Constitution</b>
<b>Author and/or contact officer:</b>	Nick Graham, Service Director, Legal and Democratic.
<b>Ward(s) affected:</b>	<b>None specific</b>
<b>Recommendations:</b>	<b>To note</b>
<b>Reason for decision:</b>	

To update the Committee on reviews to the Constitution.

## 1. Background

- 1.1 Under s9P Local Government Act 2000 the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or is desirable. On 27 February 2020 Buckinghamshire Council Shadow Authority adopted the Buckinghamshire Council Constitution to have effect from 1 April 2020.
- 1.2 There is a rolling review of the Constitution to ensure that it remains relevant and appropriate to ensure the Council's operation as a new authority was properly supported and governed by the Constitution. However this will be supplemented by a more in depth consideration by members of the changes to the Constitution that will be required as a result of the recent Electoral Review.
- 1.3 Changes to the Constitution are reserved to full Council. Changes relating to ethical or conduct matters are considered by this Committee who will then recommend changes to full Council. Changes in relation to any other matter are considered by the Audit and Governance Committee who will then resolve to recommend that this Committee recommend the proposed changes to full Council.

- 1.4 The Monitoring Officer also has delegated powers to update the Constitution to reflect changes in legislation or legal requirements and to make minor amendments such as clarifications or corrections.
- 1.5 Changes to the Constitution have been approved by full Council in April 2021 which were implemented. Further changes were approved by full Council in April 2022. These changes were in principle with delegated authority to the Monitoring Officer to determine the final amendments with the approval of the Constitution Members Working Group.

## 2. Update on changes to the Constitution

### **Changes approved by Council**

- 2.1 In April 2022 full Council approved the proposed changes set out in Appendix 1 to the report of the Standards and General Purposes Committee.
- 2.2 All the changes were considered by the Members Working Group and extensive discussion has taken place on both the requirements and implementation. As a result the wording for all the changes has been agreed except for:
  - *Strengthen provisions in the Constitution to requiring officers to share information with local Members about issues impacting their areas.*
  - *To provide for draft recommendations of planning officers on planning applications to be shared with local Members.*

In addition the Terms of Reference for the Community Boards has been drafted and is waiting for comments on minor points.

Further work on the above areas and the appropriate textual amendments are being undertaken by the Working Group.

### **Changes made or to be made by the Monitoring Officer**

- 2.3 Update of the Members Allowance Scheme in line with inflation
- 2.4 Update to take account of replacement of Public Health England by UK Health Security Agency and Office for Health Improvement and Disparities
- 2.5 Update to take account of change of name of Integrated Care Partnership to Integrated Care Board
- 2.6 Update to the Contract Procedure Rules (after comment by the Members Working Group)

## **Proposals for changes to the Constitution**

- 2.7 The Members Working Group has discussed further proposals for recommendations relating to planning and nomination of chairman by officers. The Group will also consider whether recommendations are needed in relation to petitions.
- 2.8 It is also intended to put forward changes to the Licensing Sub-Committee procedure rules for recommendation together with any other potential changes or issues which are raised.

### **3. Next steps and review**

- 3.1 Members had originally required that all constitutional changes were made together in order to limit the need to reprint hard copies after individual updates. Given the number of changes now finalised and waiting to be made the Constitution will be updated and re-published.
- 3.2 There have been 2 versions of the Constitution published identified by a dated footnote. For ease as well as a date the version number will also be included in the footnote.

### **4. Legal and financial implications**

- 4.1 None except as set out in the body of the report.

### **5. Corporate implications**

- 5.1 The effectiveness of the Constitution is central to the operation of the Council as a whole and supports transparency, governance and good decision making. Reviews to ensure the Constitution is fit for purpose and effective should be undertaken regularly.

### **6. Background papers**

- 6.1 Report to Council 27 April 2022

Contact officer: Maria Damigos, Principal Governance Lawyer

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# Report to Standards and General Purposes Committee

<b>Date:</b>	<b>19 October 2023</b>
<b>Title:</b>	<b>Member Code of Conduct Complaints – Quarter 2 Review</b>
<b>Author and/or contact officer:</b>	Nick Graham, Service Director, Legal and Democratic. Contact officer Glenn Watson, Principal Governance Officer.
<b>Ward(s) affected:</b>	
<b>Recommendations:</b>	<b>To note and review the Member Code of Conduct Complaints opened and closed in Quarter 2 (July to September 2023, Annexes 1 and 2) and those currently open.</b>
<b>Reason for decision:</b>	

The Committee is responsible for Member Code of Conduct complaints both for this Council and for parish and town councils. As such, the Committee is kept informed of recent complaints activity and the effectiveness of the Council's 'Arrangements for dealing with complaints against councillors' (the 'Arrangements').

## 1. Executive summary

- 1.1 This report gives an overview of the Member Code of Conduct complaints that were opened and/or closed during Quarter 2 (July to September) this year. Of the 17 complaints considered in Quarter 2, no breach of the Code has been found thus far.
- 1.2 This update includes an indication of the source of the complaint (e.g. public, fellow councillors), the alleged behaviour and the outcome. As requested by the Committee, the annexes include information on the number of parish councils involved.

## 2. Update on complaints opened and closed (Quarter 2)

### The Council's arrangements for dealing with complaints

- 2.1 The Council's arrangements for Member Code of Conduct complaints include 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.
- 2.2 Annexes 1 and 2 set out the Member Code of Conduct Complaints that were opened and then closed over the period of Quarter 2 (July to September).
- a) Annex 1 relates to Parish and Town Council Complaints
  - b) Annex 2 relates to Buckinghamshire Council Complaints

### Parish/Town Councils

- 2.3 **Six** complaints were received between July and September. A **seventh** complaint will be the subject of a Hearing Sub-Committee meeting of this Committee at Stage 3. This will be convened shortly in accordance with the protocol agreed at the last meeting.
- 2.4 Three complaints were closed within this period, none resulting in a breach. In all three, the matters complained of were more to do with the relevant council's governance than the conduct of the individual.
- 2.5 In a departure from recent trends, none of the parish/town council complaints received in Quarter 2 related to 'disrespect' and were more concerned with governance or other technical points.



## **Buckinghamshire Council**

- 2.6 **Ten** complaints were received and closed between July and September 2023. No breaches were found. As with parish/town complaints, there was a shift away from complaints about ‘respect’ to more technical or governance matters – hospitality provisions, data protection, non-response to emails. Perceived delay or non-response to emails by councillors is not in itself a Code of Conduct issue; unlike officers, councillors are not subject to particular rules on the timeframes or prioritisation of their correspondence.

### **Performance in applying the Council’s complaints arrangements**

- 2.8 In all but three cases, the Council’s timeframes were met. In the instances where this was not so (Buckinghamshire Council Complaints 4-5 and 8, Annex 2) this was because further dialogue was required either with the complainant and/or the subject member.

### **Current complaints**

- 2.7 At the start of October **four** complaints were currently open, all relating to parish councils.. One of these complaints is at Stage 3 as mentioned in paragraph 2.3.
- 2.8 It is not uncommon for multiple complaints to be made about the same person/matter. They are, however, counted individually to give transparency to the number of times the complaint process is used.

## **3. Training on Member Code of Conduct**

- 3.1 On 7 September 2023, the Buckinghamshire and Milton Keynes Association of Parish and Town Councils held its annual training event on Civility and Respect. The Principal Governance Officer gave a presentation on Buckinghamshire Council’s experience of handling parish/town council complaints over the past year.

## **4. Stage 3 Complaint – update on sanctions**

- 4.1 It was reported at the last meeting that a Hughenden Parish Councillor, found to have breached the Code earlier this year, had not as yet discharged all of the sanctions imposed by the Parish Council. The sanctions had been [recommended by this Council](#). At an Extraordinary Meeting of Hughenden Parish Council held on 26 September, the Council resolved to make a Code of Conduct complaint to the Monitoring Officer on the basis of apparent non-compliance with sanctions, alleging a breach of the Hughenden Parish Council’s Member Code of Conduct. The complaint has been received and is being considered by the Monitoring Officer.

## **5. Next steps and review**

- 5.1 A further update will be presented to the Committee at each meeting, to give a quarterly picture of complaints opened, closed, and currently in hand.

## **6. Legal and financial implications**

- 6.1 The Council has a legal obligation under the Localism Act 2011 to promote and maintain high standards of conduct from councillors and co-opted members. This report contributes to fulfilling that duty. There are no financial implications arising from this report.

## **7. Background papers**

- 7.1 None.

Contact officer: Glenn Watson, Principal Governance Officer

**Annex 1 July to September 2023: Parish and Town Councils - Member Code of Conduct Complaints**

**Context**

These complaints related to **three** different parish councils.

**Council A** = complaint 1 and 4

**Council B** = complaint 2 and 3

**Council C** = complaint 5

**Council D** = complaint 6

**Complaint 7** = Hughenden Parish Council

White = open. Grey = closed.

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
1.	10/02/23	Open complaint	Anonymous (name known to Monitoring Officer)	Stage 3 – investigation completed; referred to Hearing Sub-Committee for determination	Respect, disrepute, misuse of information - published personal data online	Hearing Sub-Committee to consider the complaint.
2.	05/07/23	Closed	Fellow councillor	Stage 1 (Informal Resolution) – one month.	Bringing authority into disrepute; councillor acted without authority	No, actions well-meaning; issues more about governance than conduct.
3.	08/07/23	Closed	Public	Stage 1 (Informal Resolution) – one month.	Bringing authority into disrepute; councillor acted without authority	No, actions well-meaning; issues more about governance than conduct.

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
4.	10/07/23	Open complaint	Public	Stage 2 – under consideration	Breach of personal data; bringing the council into disrepute	Ongoing
5.	18/09/23	Open complaint	Fellow councillor	Initial Assessment – 15 days; aspects now at to Stage 1	Failure to declare interests; undue pressure on colleagues; inappropriate spending	At Stage 1 (failure to declare interests); all other aspects closed.
6.	22/09/22	Closed on 03/10/23	Public	Initial Assessment – completed in 7 days.	Misled the public; brought council into disrepute	Code not engaged. Issues relate to council's own governance.
7.	28/09/23	Open complaint	Parish Council	Stage 1 (Informal Resolution); NB Initial Assessment completed within 1 day.	Failure to discharge sanctions from previous breaches	At Stage 1

## Annex 2 July to September 2023: Buckinghamshire Council - Member Code of Conduct Complaints

Grey – opened and closed within period.

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
1.	04/07/23	14/07/23	Public	Initial Assessment 10 days	Breach of personal data	No. No breach occurred.
2.	08/07/23	26/07/23	Public	Initial Assessment 13 days	Contributed to disrepute by encouraging the bypassing of formal liaison between principal and parish councils	No, councillor had no such role.
3.	08/07/23	09/08/23	Public	Stage 1 22 days	Contributed to disrepute by not discouraging the bypassing of formal liaison between principal and parish councils	No. Events relate to governance matter between councils, not a conduct issue.
4.	10/07/23	01/09/23	Public	Stage 1 35 days (2 days outside time)on time)	Breach of hospitality policy	No. No conflict of interest. Cllr encouraged to seek advice in future.
5.	10/07/23	01/09/23	Public	Stage 1 37 days (2 days outside time)	Breach of hospitality policy	No. No conflict of interest. Cllr encouraged to

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
						seek advice in future.
6.	13/07/23	01/09/23	Public	Stage 1 35 days	Breach of hospitality policy	No. No conflict of interest. Cllr encouraged to seek advice in future.
7.	14/08/23	01/09/23	Public	Initial Assessment 13 days	Non-response to emails	No. Not a Code issue. Substance was quasi-judicial; not appropriate to comment.
8.	24/08/23	21/09/23	Public	Initial Assessment 19 days (4 days outside time)	Non-response to emails	No. Not a Code issue. Constituency discretion.
9.	20/09/23	Open	Public	Initial Assessment	Non-response to emails	No. Not a Code issue. Substance only 'for info' in any case, no reply required.
10.	22/09/23	03/10/23	Public	Initial Assessment 7 days	Non-response to emails	No. Not a Code issue.

**BUCKINGHAMSHIRE COUNCIL**

**STANDARDS AND GENERAL**

**PURPOSES COMMITTEE**

**WORK PROGRAMME 2023/24**

**19 October 2023**

- Standards Complaints Monitoring Report
- Constitution Working Group update
- CGR update
- Work programme

**18 January 2024**

- Local Government and Social Care Ombudsman report
- Polling District Review
- Standards Complaints Monitoring report
- CGR Update
- Work programme

**4 April 2024**

- Annual review of code of conduct and complaints
- Constitution Working Group update
- Work Programme