



Standards and General Purposes Committee minutes

Minutes of the meeting of the Standards and General Purposes Committee held on Thursday 4 April 2024 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2.00 pm and concluding at 3.00 pm.

Members present

D Goss, B Chapple OBE, M Baldwin, P Brazier, J Chhokar, P Gomm, T Green, S Lambert, H Mordue, C Oliver, L Smith BEM and D Thompson

Apologies

R Carington

Agenda Item

1 Apologies

Apologies were received from Cllr R Carington.

2 Minutes of the meeting on 18 January 2024

RESOLVED – That the Minutes of the meeting held on 18 January 2024 be approved as a correct record.

3 Declarations of Interest

Cllr D Goss declared an interest as an employee of the Conservative Party which also included voluntary offices in the Buckinghamshire area. In relation to item 5 he also mentioned that he was a Winslow Town Councillor. Cllr Tony Green declared a personal interest in item 4 as he was a Member of the unparished area of High Wycombe.

The following Members declared a personal interest in Item 5:-

- Cllr Chhokar as a Member of Gerrards Cross Town Council.
- Cllr Oliver as a Member of Hazlemere Parish Council
- Cllr Mordue as a Member of Buckingham Town Council
- Cllr Gomm as the Ward Member for Great Brickhill

4 Wycombe Community Governance Review Update

The Chairman provided an update on the Wycombe Community Governance Review and commented that the consultation would end on 7 April 2024 at midnight. A Meeting of the CGR Member Working Group and Standards and General Purposes

Committee would then consider the next steps.

<https://yourvoicebucks.citizenspace.com/corporate-services/high-wycombe-cgr/>

5 Community Governance Reviews: Parishes

As reported to the last Standards and General Purposes Committee meeting on 24 August 2023, the Council had received enquiries from parish councils and the public seeking to make changes to parish electoral arrangements. The Committee agreed that the CGR Working Group, that was established for the Wycombe CGR, should also recommend the draft Terms of Reference and Consultation Plan (as appropriate) for any other parish CGR requests received.

The Standards and General Purposes Committee on 18 January 2024 agreed an approach to considering CGR requests received from the community. To date, five formal requests had been received as follows:-

- 1) Buckingham Town Council – merging wards
- 2) electors from Lake End Road (affecting Burnham & Dorney Parishes) – change boundaries
- 3) Hazlemere Parish Council – increase number of councillors from 12 to 16
- 4) Longwick cum Ilmer Parish Council – increase number of councillors from 7 to 9
- 5) Newton Longville Parish Council – increase number of councillors from 8 to 10

The Group were reminded that the outcome of a Community Governance Review must, in law:

- (a) reflect the identities and interests of the community in that area, and
- (b) be effective and convenient
- (c) take into account other arrangements for community representation and engagement

The Statutory Guidance said: “Each area should be considered on its own merits, having regard to its population, geography and the pattern of communities, and therefore the Council was prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes.”. The Council should also have regard to the important democratic principle that each person’s vote should be of equal weight so far as possible.

The Standards and General Purposes Committee on 18 January 2024 agreed the following approach to considering CGR requests from the community:

- a. Proposals purporting to come from a parish council or councils should be based on a formal resolution of at least one of those councils;
- b. Proposals purporting to come from individuals or community groups should demonstrate wider support and that any existing parish councils affected by the proposal have already been consulted;
- c. Where a proposal suggests an increase in councillor numbers, a commentary was supplied on how this was justified with regard to the council’s success or otherwise in filling casual vacancies.

The guidance on council size was that a parish or town council must have no fewer than five councillors. There were otherwise no rules to the number of councillors that a parish or town council must or can have although there had been some research undertaken by Aston Business School and the National Association of Local Councils which recommended the number of councillors for varying population sizes. A five-year population forecast to 2028 had been provided for each of the proposals requesting changes to the overall parish council size (number of councillors).

During discussion the following points were made:-

- A Member asked if a review could be undertaken changing a parished area into an unparished area, particularly if there was a problem within the parish council itself. The Principal Governance Officer reported that there was a provision for a petition to change parish council arrangements which could be considered by the Council if it met the criteria as set out in the report. There was however, no provision to review arrangements simply because a parish council was not working. As democratic bodies, the membership could change over time e.g. with new councillors standing for election. It would be a significant step to dissolve a parish council. In response to another question it was noted that there were statutory thresholds for requesting a review by petition relating to the number of electors.
- Parish and town councils covered a large part of England, but only around 36% of the population. This was because, whilst most rural areas in England were entirely 'parished' – they had parish and town councils – many urban areas did not and were therefore said to be 'unparished'.
- A question was asked about how a Parish CGR review would compare to the Wycombe CGR review. The Electoral Services Manager, stated that there would be engagement with the local community, similar to the polling district review carried out last year, which would include asking Parish Councils to raise awareness of it as well. All correspondence in relation to the reviews would then be brought back to this Committee for consideration as part of the next stage after the consultations have been completed. The draft stakeholder document which was attached to the report outlined the communication plan. The approach and scale of stakeholder engagement with the Wycombe CGR was larger as it asked whether a Town Council should be created which was different to an amendment to local governance. Therefore, there had been more advertising for the Wycombe CGR which included sending out household letters to seek feedback from the local community.

Members considered that the Town and Parish Councils had put good reasoned arguments for a review and thanked the officers for their work on this and their work on it for the forthcoming year as it would be a busy year for the elections team. On a vote being taken (proposed by Cllr Chapple and seconded by Cllr Brazier) it was unanimously

RESOLVED

a) That the following proposals to review parish electoral arrangements proceed to a review:-

1. Buckingham Town Council
2. electors from Lake End Road (affecting Burnham & Dorney Parishes)
3. Hazlemere Parish Council
4. Longwick cum Ilmer Parish Council
5. Newton Longville Parish Council

b) That the draft Terms of Reference, stakeholder engagement and timetable (appendix 3, 4 & 5 of the report), be agreed.

6 Annual Review of Member Code of Conduct Complaints

The Committee received the report on the Annual Review of Member Code of Conduct Complaints. The report reviewed the Member Code of Conduct complaints received by Buckinghamshire Council and its parish and town councils in 2023/24. The report showed that 27 complaints were made against Buckinghamshire councillors and 23 against parish/town councillors, with only one breach of the Code found this being at the parish level. The report revealed that the most common alleged breach of the Code was disrespect, followed by alleged decision-making malpractice at the parish level. The majority of complaints came from the public, except for a third of parish/town complaints that came from fellow councillors or employees. In addition, there was some benchmarking information comparing the Council's experience of complaints with previous years and with other unitary authorities in the region. It also outlined the training activities delivered by the Council to promote and maintain good standards of conduct.

Members noted that there was an error in the first column in Annex 4 which should read as follows :-

Member Code of Conduct Complaints: Comparative – Unitary Authorities (numbers of complaints)

Bath and NE Somerset (59 councillors – notionally 0.5 per cllr over 3 years)
Bournemouth Christchurch and Poole (76 councillors, 0.9)
Buckinghamshire (147 councillors, 0.3)
Herefordshire (53 councillors, 0.7)
Milton Keynes (57 councillors, 0.5)
Reading (48 councillors, 0.7)
Swindon (57 councillors, 0.2)
West Berkshire (43 councillors, 1.1)
Wiltshire (98 councillors, 0.3)
Wokingham (54 councillors, 0.5)

During discussion the following points were made:-

- Buckinghamshire Council did not have the responsibility or the authority to intervene in the governance of parish councils, but only to investigate complaints arising from code of conduct breaches. The council could also offer advice and support to parish councils alongside the Buckinghamshire and Milton Keynes Association of Local Councils and other sources. If there were any problems with Parish Councillors new Councillors could be asked to stand for election, freedom of information requests could be made or a code of conduct complaint, which could lead to a Hearings Sub – Committee where Buckinghamshire councillors could apply sanctions.
- Reference was made to a possible vote of no-confidence in town councillors and what would happen if this occurred. There was no role for this Council in such a circumstance. It would be for the parish/town council itself to determine its own governance. This Council and all the Town and Parish Councils have a responsibility to promote high standards of conduct. As Buckinghamshire Council had a responsibility to investigate complaints it was important to have a degree of independence in any matters of governance or procedural advice to town and parish councils. However, advice could be sought from Buckinghamshire Council on a case by case basis, in more general terms.
- Reference was made to an email sent to the Monitoring Officer about a sanction relating to a previous complaint and it was agreed that a response should be written to the individual concerned by the Monitoring Officer rather than it being discussed at the Committee.
- It was highlighted that the Council would want to include examples of what could and could not be considered as a complaint under the Member Code arrangements (for example that the timeliness of a Member's response to correspondence was not a Code issue) so as to manage resident expectations. A Member commented that it reflected badly on those councillors who did respond in a timely fashion. If a resident was unhappy with the performance of a councillor they could change their vote at the next election being held.
- The report included a table that showed the number and percentage of complaints received by Buckinghamshire Council and other similar authorities in the last three years. The Principal Governance Officer was thanked for this information. Members noted that Buckinghamshire Council had a lower ratio of complaints per councillor than most of the other authorities and suggested that this reflected the high standards of conduct among its members, particularly for such a large authority.
- In response to a question, it was noted that this Council regularly engaged with Milton Keynes and Buckinghamshire Association of Local Councils and also provided two training sessions a year on the Nolan Principles and Standards of Public Life including Civility and Respect. Buckinghamshire Council had also responded to Councils who had requested training which included Buckingham Town and Hughenden Parish Councils due to specific circumstances. It would be difficult in terms of resources to offer this to all Councils and judgement would be made on any such request.
- A comment was made that people had different values and therefore

someone might feel disrespected even though this was not the intention.

- A Member commented on the importance of councillors cultivating respect in the Council Chamber. It was also noted that it was up to the Council to determine its own culture. The Code did however provide a large scope for political debate and free speech as an integral part of democracy.

RESOLVED that the report be noted.

7 Work Programme

The draft Work Programme was noted.

The 2025 Constitutional Task and Finish Group was meeting on 1 May 2024. This was a cross party working group looking at changes post 2025 following the boundary review. If any Members had any suggested changes for 2025 onwards they should notify their Group Leader. Members noted that there was also a current Constitutional Working Group which could authorise the Monitoring Officer to make minor changes to the current Constitution. Any major changes would need to be reported through this Committee and the Audit and Governance Committee. The Constitutional Working Group had met in February 2024 where the majority of the updates for the Constitution had been approved and version 4 of the Constitution incorporating those updates would be published shortly.

The Chairman thanked the Committee for all their hard work this year particularly as it had been a busy year with the electoral review and work on the community governance reviews. He also paid tribute to the work of Nick Graham Service Director of Legal and Democratic Services who had left the Council and had contributed greatly to the work of the Council.

8 Date of Next Meeting

11 July 2024 (subject to agreement at Full Council in May). [Post Meeting Note: A meeting of the Standards and General Purposes Committee will be held on Thursday 13 June 2024 at 1pm].