

**MINUTES of the
SHADOW AUTHORITY
for the BUCKINGHAMSHIRE COUNCIL**

Monday 3rd June 2019

Present:

Councillors J Adey, S Adoh, K Ahmed, Z Ahmed, D Anthony, M Appleyard, M Asif, A Bacon, R Bagge, D Barnes, M Bateman, B Bendyshe-Brown, P Birchley, J Bloom, A Bond, S Bowles, C Branston, D Bray, S Broadbent, N Brown, T Butcher, D Carroll, B Chapple OBE, S Chapple, S Chhokar, J Chilver, A Christensen, M Clarke, A Collingwood, M Collins, P Cooper, A Cranmer, I Darby, D Dhillon, T Egleton, C Etholen, B Everitt, R Farmer, P Fealey, B Foster, R Gaffney, B Gibbs, J Gladwin, N Glover, S Graham, A Green, G Hall, M Hanif, M Harker OBE, M Harris, C Harriss, M Harrold, M Hashmi, M Hawckett, L Hazell, A Hill, P Hogan, G Hollis, M Hussain, M Hussain, M Hussain JP, T Hussain, P Irwin, C Jackson, S Jenkins, C Jones, P Jones, J Jordan, P Kelly, M Knight, S Lambert, J Langley, T Lee, M Lewis, D Lyons, A Macpherson, W Mallen, N Marshall, D Martin, P Martin, V Martin, Dr W Matthews, H McCarthy, I McEnnis, T Mills, L Monger, G Moore, S Morgan, R Newcombe, C Oliver, C Paternoster, D Pepler, C Poll, G Powell, R Raja, S Raja, W Raja, S Raven, J Read, N Rose, J Rush, B Russel, S Saddique, G Sandy, J Savage, M Shaw, N Shepherd, D Smith, L Smith BEM, M Smith, N Southworth, M Stannard, P Strachan, R Stuchbury, N Teesdale, M Tett, M Titterington, A Turner, P Turner, D Varley, N Varley, A Waite, H Wallace, L Walsh, J Ward, J Wassell, J Waters, C Wertheim, C Whitehead, W Whyte, A Wight, G Williams, F Wilson, R Wilson, M Winn and K Wood

Apologies:

B Adams, C Adams, P Bastiman, A Baughan, M Bezzant, J Blake, N Blake, M Bradford, J Brandis, S Brown, H Bull, J Burton, C Clare, L Clarke OBE, A Cole, S Cole, J Cook, E Culverhouse, M Davy, M Flys, C Ford, A Garth, P Griffin, B Harding, G Harris, A Harrison, D Hayday, P Hudson, T Hunter-Watts, A Hussain, N Hussain, A Huxley, S Jarvis, D Johncock, A Jones, R Jones, R Khan, R King, D Knights, J Lowen-Cooper, J MacBean, H Mordue, N Naylor, R Newman, S Patel, B Pearce, G Peart, D Phillips, M Rand, I Rashid, R Reed, S Renshell, B Roberts, C Rouse, R Sangster, D Saunders, R Scott, D Shakespeare OBE, M Smith, M Stamp, Sir B Stanier Bt, L Sullivan, J Teesdale, D Town, D Watson and L Wood

1 **Election of Chairman**

The Proper Officer requested nominations for the office of Chairman for the Shadow Authority for the Buckinghamshire Council for the Shadow period up to 31 March 2020.

Councillor C Branston proposed Councillor R Scott as Chairman for the Shadow Authority, and Councillor T Lee seconded the nomination.

Councillor R Raja then proposed Councillor R Stuchbury as Chairman for the Shadow Authority, which was seconded by Councillor M Hussain.

Following a show of hands, it was

RESOLVED:

That Councillor R Scott be elected Chairman of the Shadow Authority for the Buckinghamshire Council for the Shadow period up to 31 March 2020.

2 **Election of Vice-Chairman**

It was noted that Councillor R Scott had sent his apologies for the meeting. In Councillor Scott's absence, the Proper Officer invited nominations for the office of Vice-Chairman of the Shadow Authority for the Shadow period up to 31 March 2020.

Councillor G Hall proposed the appointment of Councillor P Strachan as Vice-Chairman of the Shadow Authority, which was seconded by Councillor H Wallace.

Councillor R Raja proposed the appointment of Councillor M Hashmi as Vice-Chairman of the Shadow Authority, and Councillor M Hanif seconded the nomination.

Following a show of hands, it was

RESOLVED:

That Councillor P Strachan be appointed Vice-Chairman of the Shadow Authority for the Shadow period up to 31 March 2020.

The Vice-Chairman then made and signed the Declaration of Acceptance to Office.

Note 1: In the absence of Councillor R Scott, Councillor P Strachan took the Chair.

The Chairman expressed his thanks to the Shadow Authority for his appointment, and how hugely privileged he was to undertake the role of Vice-Chairman of the Shadow Authority during a momentous time for Buckinghamshire. Members were advised that the agenda was primarily concerned with constitutional matters, and that speeches would be limited to 2 minutes. Councillor Strachan then asked for a volunteer for a Vice-Chairman for the meeting.

Note 2: Councillor S Bowles in the Vice-Chair.

3 **Declarations of Interest**

There were no declarations of interest.

4 **Adoption of Calendar of Meetings**

The report set out the proposed calendar of meetings for the Shadow Authority, Shadow Executive, and Shadow Overview and Scrutiny Committee going forward until March 2020. The proposed calendar of meetings was attached at Appendix A. The Proper Officer advised that the calendar was subject to change, and that information about meetings would be published on the Shadow Authority website.

Concerns were raised that there were not enough scheduled meetings for the Shadow Overview and Scrutiny Committee, and were advised that the Shadow Overview and Scrutiny Committee could consider, at its first meeting, the frequency its meetings. Further, that the Committee could consider establishing Task and Finish Groups for matters they may wish to consider further during the transition period, but that this was a matter for the Committee to decide.

Members noted that a minimum number of meetings were recommended to be set in the calendar of meetings for consideration of the Shadow Authority at its first meeting.

It was moved by Councillor A Collingwood, seconded by Councillor I Darby and

RESOLVED:

That the calendar of meetings at Appendix A be adopted.

5 **Constitution and Code of Conduct**

The report sought Members approval of the proposed Shadow Authority Constitution. Members were advised that adopting a Constitution was a requirement of The Buckinghamshire (Structural Changes) Order 2019. The draft Constitution attached at Appendix A had been prepared by officers from the 5 Buckinghamshire authorities. It was noted that a further Constitution would be prepared for the Buckinghamshire Council.

Support was given to the recommendation, and the importance of the role of backbenchers and the implementation executive in the move to better localism and partnership working with Town and Parish Councils was expressed.

It was enquired about the rationale for the proposed membership number for the Shadow Overview and Scrutiny Committee (20 Members), and was advised that the figure was relative to the size of the Shadow Authority membership. Further, given the speed in which implementation needed to progress, the proposed grounds for call-in were clearly set out in the scrutiny procedure rules. Members noted that the Shadow Overview and Scrutiny Committee would be a politically proportionate body.

A suggestion to remove the provision at Article 14 paragraph 2.1(b) which allowed the Leader to authorise amendments to the constitution was requested, and it was advised that some matters were the responsibility of the Shadow Executive and were not matters for the Shadow Authority that the inclusion of the Leader and the Shadow Executive was in accordance in accordance with the Local Government Act 2000.

It was questioned as to why call-in requests required Members of more than 1 political party in order to be valid, and it was reiterated that this provision was to ensure that only where there was broad support for a call-in across more than one party should the transition process be held up.

Members commended the hard work of officers across the 5 Bucks authorities on the work undertaken so far. It was enquired as to how confident officers were in supporting the delivery given the tight timescale in which to deliver the new Buckinghamshire Council. The Chief Executive for Buckinghamshire County Council (BCC) and Implementation Lead, Rachael Shimmin, informed Members that officers and Members alike had a shared responsibility to make the transition a success, and that a clear plan was in place, with partnership working across both the officer core and the Member core. A Programme Management Office had been established to support this delivery.

It was moved by Councillor W Whyte, seconded by Councillor M Collins, and accordingly

RESOLVED:

that, in accordance with Article 6 of The Buckinghamshire (Structural Changes) Order 2019,

a) the creation of a leader and cabinet executive within the meaning of Part1 A of the Local Government Act 2000 (the Shadow Executive) as set out in the Constitution be agreed; and

b) that the Constitution and the detail set out within the Constitution as the arrangements for the Shadow Authority during the Shadow Period as defined in Article 2 be approved.

6 Public Participation

No questions had been received.

7 Appointment of External Auditors

Members were asked to consider and agree the mechanism for putting in place future external audit arrangements for both the Shadow Authority and the Buckinghamshire Council.

Members noted that there was a statutory requirement to appoint external auditors for the Shadow Authority and Buckinghamshire Council. It was recommended that, for the Buckinghamshire Council, Members agree to opt-in to Public Sector Audit

Appointments Limited (PSAA) for the appointment of external auditors. This was in line with other local authorities across the country.

It was advised that the PSAA were unable to appoint external auditors for shadow authorities, and therefore it was recommended that Members opt-in to Smaller Authorities' Audit Appointments Limited (SAAA) for the appointment of external auditors for the Shadow Authority for delivering the new Buckinghamshire Council.

It was enquired as to whether the auditors would review the budgets and capital programme spend of all 5 Bucks authorities, and the Director of Finance and Procurement at BCC advised that the existing Councils had external auditors for the 2019/20 accounts. Further, that the Shadow Executive would be considering a spend protocol at their meeting on 11 June 2019. It was noted that the Shadow Executive would review new spending commitments, and that existing commitments would not be stopped.

In response to a question as to whether the external auditors for the Shadow Authority would continue into the new Buckinghamshire Council, it was confirmed that this would not be the case.

Members strongly recommended that clear preferences on external auditors be given to the PSAA, and were advised that the PSAA will take into account preferences.

It was moved by Councillor R Newcombe, seconded by Councillor J Gladwin and

RESOLVED:

(i) to opt-in to Public Sector Audit Appointments Limited (PSAA) for the appointment of external auditors for Buckinghamshire Council; and

(ii) to opt-in to the Smaller Authorities' Audit Appointments (SAAA) for the appointment of external auditors for the Shadow Authority.

8 Appointment to Committees

The Proper Officer made a verbal amendment to table in the report indicating the number of Members of political groups. The percentage entitlement was therefore as follows:

Con	Alliance	Labour
186	28	9

It was moved by Councillor T Mills, seconded by Councillor P Birchley and

RESOLVED:

(i) that the creation of the Shadow Executive in accordance with the provisions of the Buckinghamshire Structural Changes Order 2019 and the nominations of the five Councils be agreed; and

(ii) that the appointment to the Overview and Scrutiny Committee in accordance with political balance be agreed.

	Con	Alliance	Labour	Total
Overview and Scrutiny	16	3	1	20

9 **Members' Allowances Scheme**

The report sought approval of the draft Members' Allowances Scheme for 2019/20 to the period ending 31 March 2020. A report of the Independent Panel on Member's Remuneration was at Appendix A.

The draft Members' Allowances Scheme was at Appendix B to the report, which included the recommendation that the amount of basic allowance payable to Members by the Shadow Authority of Buckinghamshire Council be set at nil.

It was moved by Councillor T Butcher, seconded by Councillor D Dhillon and

RESOLVED:

that having regard to the recommendations made by the Independent Remuneration Panel the Members' Allowances Scheme at Appendix B be adopted.

10 **Consultation on the Appointment of Interim Officers**

Members of the Shadow Authority considered a report on the recommendations on the designations to the three statutory interim roles: Head of Paid Service, Monitoring Officer and Chief Finance Officer.

A concern was raised with regards to remuneration for the officers, and Members were advised that the recommendation was in line with other local authorities that had undergone unitary transition, and that a team of officers would support the officers in their duties during the transition period.

It was moved by Councillor H Wallace, seconded by Councillor V Martin and

RESOLVED:

(i) to note that the Shadow Executive must consult the Members of the Shadow Authority on the proposed designations of interim officers, and

(ii) that such proposed designations are to be decided at the first meeting of the Shadow Executive.

(iii) The Shadow Authority endorsed the designations of:

a. Rachael Shimmin as the interim Head of Paid Service;

b. Catherine Whitehead as the interim Monitoring Officer; and

c. Richard Ambrose as the interim Chief Finance Officer.

11 Urgent Items

There were no urgent items.

End of meeting: 7.52 pm

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