



## Standards and General Purposes Committee minutes

Minutes of the meeting of the Standards and General Purposes Committee held on Thursday 18 January 2024 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2.00 pm and concluding at 3.20 pm.

### Members present

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

### Apologies

M Baldwin

### Agenda Item

#### 1 Apologies

Apologies were received from Cllr M Baldwin.

#### 2 Minutes RESOLVED –

**That the Minutes of the meeting held on 19 October 2023 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 some of the organisations listed under this item. Cllr Chhokar declared a personal interest in item 8 as a Member of Gerrards Cross Town Council.

#### 4 High Wycombe Community Governance Review

In August 2023, the Committee had agreed to undertake a Community Governance Review (CGR) of the unparished area of High Wycombe. In doing so, a cross-party Councillor Working Group of the Committee had been established to make recommendations on the scope of the review, the timeframe for it and the engagement plan for consulting upon it.

The Committee considered a report that explained the background to CGRs

concerning parish governance arrangements, which included consideration of whether the existing governance arrangements in the unparished area of High Wycombe were sufficient or whether the whole of the High Wycombe area should formally be parished and a Town Council created. It also explained the key criteria for a CGR.

The cross-party Working Group had met on four occasions between September-December 2023 to frame its recommendations. Terms of Reference were required for every CGR which needed to set out what the Review would consider and the statutory and other considerations that applied. The Working Group's recommended Terms of Reference were at Appendix 1 to the report.

The options put forward by the Working Group dealt squarely with the binary question of whether or not the unparished area of High Wycombe should be parished. It recommended that the two options for consultation should be:

- (a) whether the existing governance arrangements for the area of High Wycombe were sufficient or could be improved; OR
- (b) whether the currently unparished area of High Wycombe should be parished and so have a Town Council for the whole area.

The rationale for Options (a) and (b) were detailed in the report. Appendix 2 set out the recommended timeline for the Review which following best practice would potentially include two consultations – one beginning in February 2024 (12 February to 7 April) on the Terms of Reference; and a second, if necessary, beginning in July 2024 on the Draft Recommendations arising from a consideration of the initial consultation responses.

The Council was conducting the Review under its discretionary power. As such it was not bound to a particular timeframe. However, best practice was that a Review should be concluded over a 12-month period beginning with the publication of the Terms of Reference and ending with the publication of Final Recommendations. The recommendation was that the Review should be concluded within 12 months. Flexibility in the review timeframe might be needed if a General Election occurred during 2024 that could affect the timing of the second consultation.

Appendix 3 set out the proposed Consultation and Communications Plan for seeking local and stakeholder views. A copy of the proposed survey was included. The Council had to consult local electors in the unparished area together with any stakeholders the Council considers appropriate. The Consultation and Communications Plan built on this and proposed a sustainable, inclusive and comprehensive consultation plan proposing a range of methods based on previous engagement in this area and the nature of the communities. Other formats and languages would be available on request. The methods would include a household postal survey (34,000 households) with free return and information booklet, an online survey, email or written responses, and multi-channel awareness raising including leaflets, roller banners, outdoor adverts and radio advertisements on several channels, as well as on social media.

During discussion the following points were made:-

- In terms of the binary choice under purpose of the review, Members noted that the choice was to have the arrangements as they current were without the need to establish a new formal layer of governance or to set up a new layer of local government such as a Town Council. With the current arrangements, there was also the opportunity of doing things differently for example changing the Community Board or making changes to the Town Committee. The Working Group had wanted to make the options very clear to the public.
- There was a typo in terms of the number of Councillors.
- Representatives should be referred to as 'democratic representatives'. There was a discussion that co-opted Parish Councillors were not elected and it was agreed that this statement was a more accurate reflection.
- There was a concern regarding the wording 'any other person or body who appears to have an interest in the review' as this seemed to be ambiguous as to who determined such relevance. In addition what checks were in place to stop lots of small organisations being set up to influence the review which could weigh the results of the survey. The Principal Governance Officer reported that the Authority had to consult those who appeared by the Council to have a stake or interest, so it was the Council's choice on who met this criteria for consultation and the Working Group would consider how to weigh the evidence.
- In terms of the key stakeholders in the Consultation and Communications Plan it was suggested that the list of political parties should include all parties (e.g. UKIP and Reform had not been included) or refer to parties generally.
- With regard to the information booklet and current arrangements for paying for services a Member commented that there were no public halls in High Wycombe and that this was not a complete list. Under the services provided by a Town Council it was important to note that some of those services were currently provided by High Wycombe Bid Co which had not been mentioned in the information booklet, although they had been listed as a consultee. This Company should perhaps be mentioned so that the public were aware that these roles were still undertaken without a Town Council. Another Member commented on the ability of Town Councils to raise precepts to create community halls etc. He also commented that Town Councils varied across Buckinghamshire and had different population sizes and community assets and that Amersham Town Council was probably a better comparison than Princes Risborough. It was also important to compare urban and rural Town Councils. He emphasised the importance of being clear about Special Expenses and the transfer of assets from the Council to the Town Council should that option be decided.
- With the introduction of the document a Member commented that it was important to draw residents in at the start to attract as many responses as possible. A Member of the public would be more interested in the pros and cons of each option rather than the detailed governance. The public should

be really clear about what a Town Council could do for their local area and further examples should be provided (in addition to bullet points already provided) about what other Councils had done e.g. Marlow. Residents were currently unhappy about the town and how to regenerate it. The Principal Governance Officer reported that the wording of these documents had been tested on the public. In its drafting they had also been very careful to ensure that a balance of information had been provided for both options so it was not weighted in favour of one option.

- A Member commented that because of its topography parts of Wycombe were not able to access digital radio and it would be useful also to advertise on other frequencies. The Head of Communications reported that the reason digital radio had been chosen was that it geo targeted advertising but they would endeavour to make sure other local FM radio stations also received the information.

Members were in support of the recommendation and asked that the above points be considered. Following a vote (proposer Cllr Chapple and seconder Steven Lambert) it was

**RESOLVED –**

**(1) That the recommendations of the Community Governance Review Working Group be NOTED and the following be APPROVED:**

- (i) The draft Terms of Reference for the Review (Appendix 1).**
- (ii) The draft timescale for the Review (Appendix 2).**
- (iii) The draft consultation and communications plan for the Review (Appendix 3).**

**(2) That the Director of Legal and Democratic Services be authorised to formally commence the Review by publishing the approved Terms of Reference and to begin the consultation accordingly.**

**5 Approach to considering requests for Community Governance Reviews**

The Standards and General Purposes Committee meeting had been informed in August 2023 that the Council had received enquiries from Parish Councils and the public seeking to make changes to parish electoral arrangements. To date, five requests had been received.

Whilst the process for conducting a Community Governance Review was set out in legislation and statutory guidance, the Committee received a report which proposed an approach for the handling of community-based requests not made via a petition. This was to ensure there was consistency and greater clarity on the approach to be followed. In summary, it was proposed that in addition to meeting the legislative requirements and statutory guidance, any proposal had to demonstrate local support and where this involved changing Council size that the request was justified e.g. by taking account of the number and duration of any unfilled casual vacancies in preceding years.

Section 2 of the report explained when a principal council must undertake a review, e.g. when presented with a valid community governance petition, and when a principal council may undertake a CGR of any part of the area at any time, e.g. in response to receiving a reasonable request for a review from residents or a parish council. When deciding whether to carry out a review in response to such a request the council had to first determine whether the request was reasonable. A request could refer to changes to population or anomalous boundaries. A request was considered unreasonable if it disrupted community cohesion or did not result in effective and convenient local government arrangements.

The Committee report suggested that before formal consideration was given to a request it be required to have the following:

- (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 suggested 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.

It was suggested that if these principles were accepted that the Council's web pages on community governance reviews, and the advice given to interested parties, were updated accordingly to manage expectations.

Members were informed that following approval of the approach to reviewing CGR proposals, the cross-party Councillor Working Group would apply the principles to the requests currently in hand. The Standards and General Purposes Committee would then receive a report at the next meeting on 4 April 2024 detailing the Group's recommendations on any such CGR proposals received to date, along with a proposed timetable for conducting any reviews that were taken forward.

A Member made reference to the table at 2.1 and asked why the middle band was not shown as a percentage and what that percentage should be. This was lifted from the guidance but would be checked.

Another question was asked about whether a request could be made for CGRs so that they are dealt with, for example biannually (every two years), at the same time and in the most efficient way. The Electoral Services Manager reported that five had been received so far but with 167 parishes in Buckinghamshire if a number of them requested reviews at the same time the Council could be inundated. A CGR could be triggered any time if a petition had the required number of signatures. The Deputy Chief Executive reported that a process for considering CGR requests was required as there were limited resources to progress these, especially in the event a large number of CGR requests were received. It was suggested a report be submitted to the next meeting with a proposed CGR review timetable which could include batching the reviews.

On a vote being taken (proposed by Cllr Chapple and seconded by Cllr Carington) it was:-

**RESOLVED –**

**That the approach to reviewing proposals to change parish areas or electoral arrangements via a Community Governance Review received by the Council be AGREED, as set out in paragraphs 2.4 to 2.6 of the Committee report.**

**6 Review of Polling Districts, Polling Places and Polling Stations**

The Council was required periodically by the Electoral Registration and Administration Act 2013 to undertake a compulsory review of the polling districts, polling places and polling stations within Buckinghamshire. The next review had to commence between October 2023 and January 2025 and would enable necessary changes to be made to polling districts arising from the electoral review of Buckinghamshire Council's wards for May 2025 and the review of Parliamentary constituencies. The review would also identify changes to some polling places due to changes to the availability of premises.

Members were informed that a power to designate temporary polling places was required because sometimes when a poll was called designated polling places were not always available and an alternative polling place must be found, often at short notice, to avoid delays to the printing and despatch of poll cards. For example, a UK Parliamentary election could be called with 25 days' notice which would leave only a couple of days to book 366 polling stations, identify and visit suitable alternative venues, and send poll card data to be printed for 421,000 electors. Similar situations occurred for unscheduled polls, such as by-elections or neighbourhood planning referendums, which continued to be held regularly within Buckinghamshire.

As previously agreed by the Committee, the review in Buckinghamshire had commenced on 2 October 2023 and the public consultation had closed on 4 December 2023. Stakeholders, including the public, Councillors, Parish Councils, election agents and local groups with particular expertise in accessibility, were contacted and invited to comment on the proposed polling districts and polling places. The full consultation responses were attached in Appendix 2 which included the comments of the Acting Return Officers.

The timetable for the review was attached as Appendix 1 and enabled the aforementioned consequential changes to polling districts, polling places and polling stations arising from the parliamentary and local government boundary reviews to be ready in time from when new boundaries took effect.

The Committee was informed that the Local Government Boundary Commission (LGBC) had undertaken a review of unitary wards within Buckinghamshire Council and their final report had been published on 30 May 2023. The polling district review provided an opportunity to identify consequential changes to polling districts,

polling places or polling stations arising from the final report's recommendations. The Council's new wards would take effect from May 2025 when the next scheduled local elections would take held. Any by-elections held between now and May 2025 would use the current wards. All proposed changes to polling districts arising from the polling district review were compatible with both the current and new unitary wards.

A Parliamentary Boundary Review had been undertaken by the Boundary Commission for England which meant that the next UK Parliamentary election would use the new constituencies. Buckinghamshire Council would administer the Aylesbury, Beaconsfield, Chesham and Amersham, Mid Buckinghamshire and Wycombe Parliamentary Constituencies. The Council would also support Milton Keynes City Council in administering the cross-border constituency of Buckingham and Bletchley for which Milton Keynes City Council had overall responsibility. Both Councils would work closely with one another to administer this cross-border constituency.

The report included information explaining about polling districts and polling places. For consistency the same polling districts were used for both local government and national elections. These were determined by the Council during a polling district review. A polling place was the building or area in which a poll took place and would be selected by the Returning Officer. The polling station was the actual room or building where the poll takes place. The polling district review would not change the boundaries of unitary wards, parishes or parliamentary constituencies that were dealt with through separate processes.

The Council currently had 366 polling stations and 309 polling districts. Most polling districts, polling places and polling stations were recommended to remain as they are now. Changes to polling districts boundaries were proposed where they would no longer match the new unitary ward or parish ward (where amended) and parliamentary constituency boundaries. There were proposed changes to some polling places arising from changes to venue availability. The full responses received during the consultation were in Appendix 2 to the Committee report.

Some of the proposals had received only positive consultation feedback or no feedback. These were in Appendix 3. Other proposals received feedback identifying alternative options. These were detailed in Appendix 4 which set out where further changes to some of the proposed polling districts and polling places were recommended, having regard to the consultation responses received and circumstances in each location.

Following the Committee's decision on future polling districts and polling places, the documents at Section 3.1 of the report would be published, and the revised register would be published on 1 February 2024. The new unitary wards, and consequential changes to parishes, would take effect at the next scheduled local elections on 1 May 2025.

A Member commented on the comments made by Councillor Wassell, set out in Appendix 2, on the consultation in relation to Totteridge Community Centre and Hannah Ball School. The Committee Member also commented that Hannah Ball School would be a better option than the Hive, which was being recommended, since the School was better positioned in the community. Schools also had a legal duty to be used as a polling place, if requested. The Electoral Services Manager reported that Hannah Ball School had requested that they no longer be used as a polling station which was why the Hive had been suggested as an alternative polling place in the review. If the Committee agreed for Hannah Ball School to remain the designated polling place the school would be informed accordingly. On a vote being taken (proposed by Cllr Green and seconded by Cllr Gomm) Members supported the proposal that Hannah Ball School continue to be designated as a polling place.

Following a request for clarification it was noted that Roman Park Hall was being proposed as replacement polling place to Berryfields Family Centre since that was now too small for the population which had increased.

#### **RESOLVED –**

- (1) That the Electoral Registration Officer be authorised to take the necessary measures to give effect to any new or amended polling districts and polling places (Appendix 5), and as amended above, ensuring that the register reflects existing and new boundaries, until the boundaries are fully in force.**
- (2) That power to designate temporary polling places in accordance with section 18 and 18B of the Representation of the People Act 1983 be delegated to the Electoral Registration Officer/Returning Officer subject to the Chairman of the Standards and General Purposes Committee and relevant ward Members being informed.**

#### **7 Preparations for 2025 Council - Constitutional arrangements**

As a result of the review by the Local Government Boundary Commission, the number of Buckinghamshire Councillors would reduce in May 2025 from the current 147 to 97. This change would have various implications for the way the Council was organised. With fewer councillors and a revised geography of representation, the Council inevitably needed to consider and adopt governance arrangements that were sustainable and effective. These arrangements would then need to be reflected in a revised Constitution.

Tasks to be undertaken in preparation for 2025 would need to include reviewing Committee structures and size, and considering any further changes to the Constitution which may be required as a direct result of the reduction in the number of members. In addition, the Council would need to commission an Independent Remuneration Panel to review of member allowances, with a view to recommending a new scheme of allowances to Council for 2025 following the unitary elections.

It was proposed to the Committee that a 2025 Constitution Task and Finish group be



established on a cross party basis to take a lead role in formulating changes to the constitution for consideration by the Standards and General Purposes Committee and the Audit and Governance Committee. Membership of the 2025 Constitution Task and Finish Group could comprise the Chairmen and Vice-Chairmen of the 2 Committees, the Leaders of the Opposition Groups and one of the Deputy Leaders of the Council.

Any proposals developed by the Task and Finish group to amend the constitution would need to be considered by both the Committees with the recommendations then submitted to Full Council. Draft Terms of Reference for the Task and Finish Group were attached at Appendix 1 of the report.

The Deputy Chief Executive reported that a change to the terms of reference had been agreed at the Audit and Governance Committee. They had asked for a quorum of four Members and also that a substitute should be allowed for any Member who was unable to make the meeting.

On a vote being taken (proposed by Cllr Brazier and seconded by Cllr Carington) it was:-

**RESOLVED –**

**That a cross party Member Task and Finish Group to bring forward proposals for changes to the Constitution for 2025 be established, as set out in the Committee report and as amended by Audit and Governance Committee.**

**8 Member Code of Conduct Complaints – Quarter 3 Review**

The Committee received a report with an overview of the Member Code of Conduct complaints that were opened and/or closed during Quarter 3 (October to December 2023). Of the 15 complaints considered in Quarter 3, one breach had been found following a Stage 3 hearing into a parish and town council complaint.

Thirteen complaints about parish and town councillors were considered during October to December 2023. One of these related to a Stage 3 hearing, that was detailed more fully at paragraph 3 of the report. All of the complaints had been closed, eleven at Initial Assessment or Stage 1. Four had related to the same incident. Almost all the complaints involved some allegations of a technical breach: for example, in relation to interests, the use of information or non-fulfilment of sanctions. Only three involved an element of interpersonal concern such as respect or bullying. Complaints about respect had been more prevalent in the past two years.

Two complaints on Buckinghamshire Council Councillors were received and/or closed within the Quarter. No breaches had been found. Both related to non-response to emails, an allegation which did not in itself trigger the Member Code.

The Committee was informed that in all but three cases, the Council's timeframes

had been met. In the instances where this was not the case (Parish and Town Council Complaints 3-4, and 6, Annex 1) this had been because further dialogue was required with either the complainant and/or the subject member.

Only one complaint was currently open at the start of January 2024. This related to a parish council and was at Stage 1. On 22 November 2023 a Hearings Sub-Committee heard a complaint about Cllr Linda Derrick of Hughenden Parish Council. The Sub-Committee upheld the complaint and found breaches of the Code in relation to bullying. Hughenden Parish Council have responded to the report and agreed to apply all the sanctions recommended.

The update included an indication of the source of complaints (e.g. public, fellow councillors), the alleged behaviour and the outcome. As requested by the Committee, Annex 1 included information on the Parish/Town Councils involved. A numerical comparison with the previous quarters for 2022/23 with 2023/24 was included at paragraph 2.7 of the report. As previously agreed, a fuller comparison with other authorities would feature in the annual report early in 2024.

Reference was made to the fact that not replying to emails was not a breach of the code and it was agreed that information on this should be included on the website. The Principal Governance Officer reported that when the Council reviewed the Code of Conduct more examples could be included to ensure that complaints were not triggered unnecessarily.

#### **RESOLVED –**

**That the information on Member Code of Conduct complaints opened and closed in Quarter 3 (October to December 2023, Annexes 1 and 2) and those currently open be NOTED.**

#### **9 Work Programme**

The draft Work Programme for the next 12 months was agreed and would be updated with regular reports on the Community Governance Reviews and on the 2025 Constitution Task and Finish Working Group.

#### **10 Date of Next Meeting**

2.00pm on Thursday, 4 April 2024. Officers were thanked for their work on a full Work Programme and tribute was paid to Nick Graham, Service Director for Legal and Democratic Services as this was his last meeting.