

Constitution Task and Finish Group - Recommended Procedure Rules Changes

Constitution Reference	Current Provision	CHANGE
<ul style="list-style-type: none"> Number of councillors (1.11-1.12) page 16 <p>1.11 Until the next election the Council consists of 200 147 councillors. From the next election there will be 97 147 councillors. From then on elections will be normally be held on the first Thursday in May every four years beginning in May 2025. If a Council seat becomes vacant during a councillor's term of office there may be a by-election. By-elections do not usually take place within 6 months prior to a normal election.</p> <p>1.12 Councillors must be over 18 years old and must live or work in the Buckinghamshire Council administrative area. They are democratically accountable to residents of their ward. There are currently 3 councillors elected for each ward. This will change from the May 2025 elections onwards. The overriding duty of councillors is to the whole community of Buckinghamshire, but they have a special duty to everyone who lives in their ward, including those who did not vote for them. Councillors set the policy of the Council and take many decisions. The Council's website contains details of how to get in touch with the councillors and any positions they hold in the Council.</p>	147 members	<p>Change (for now) to reflect current position of 147 and then switch to 97 for the post-election Constitution.</p> <p>The means of contacting councillors was not deemed to be a constitutional issue therefore could be removed.</p>
<ul style="list-style-type: none"> Community boards number (1.53) page 23 <p>Eight Sixteen Community Boards have been set-up to ensure strong connections between Buckinghamshire Council and local communities. The Community Boards are advisory and may make recommendations to decision-makers in accordance with their terms of reference. They</p>	16	<p>Factual change: 8</p> <p>As per Cabinet decision 10 September 2024 – 8 community boards in future.</p>

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do not have any decision-making powers, other than the allocation of the budget devolved to them. More information is available on the Council’s website.		
<ul style="list-style-type: none"> Community boards number (1.13) page 27 <p>Community Boards will take place in 8 16-local areas and there will be a Board for each area. The Boards welcome public participation. Although they are formal meetings they have a more relaxed way of working. Details about Community Boards and what they do are available on the Council’s website.</p>	16	<p>Factual change: 8</p> <p>As per Cabinet decision 10 September 2024.</p>
<ul style="list-style-type: none"> Quorum (3.12) page 45 <p>The quorum of a meeting will be one quarter of the whole number of councillors, rounded up. If a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chairman, or if during any meeting if the Chairman counts the number of councillors present and declares there is not a quorum present, the meeting will be adjourned. Remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.</p>	Quarter	No change except clarification that one quarter is “rounded up”
<ul style="list-style-type: none"> Motion to rescind a previous decision (3.68) page 53 <p>No motion or amendment to a motion to reverse a decision made at a meeting of the Council within the preceding six months shall be moved unless the notice of motion is signed by at least 15 councillors (including the proposer).</p>	15 councillors	No change

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<ul style="list-style-type: none"> Motion to one previously rejected (3.69) page 54 <p>No motion or amendments to a motion to the same effect as one rejected by the Council within the preceding six months shall be moved unless the notice of motion is signed by at least 15 councillors (including the proposer). Once the Council has determined the extant motion or amendment, no one may propose a similar motion or amendment within a further period of six months.</p>	15 councillors	No change
<ul style="list-style-type: none"> Recorded vote (3.74) page 54 <p>If 15% of councillors (rounded up) present at the meeting request it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and included in the minutes.</p>	15%	No change
<ul style="list-style-type: none"> Suspension of Procedure Rules (3.94) page 57 <p>Any of these Council Procedure Rules except Rules 3.724 (right to require individual vote to be recorded) and 3.830 (signing the minutes) may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can either be for an item or for the duration of the meeting.</p> <p><i>NB highlighted paragraph numbers are incorrect</i></p>	One half of Members must be at the meeting	No change. Suspension of standing orders is a significant matter and should require a significant threshold. Except to amend paragraph numbers.
2 - Committee Procedure Rules – page 67		

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<ul style="list-style-type: none"> Quorum (2.12) -page 68 <p>The quorum for a committee or sub-committee is one quarter of the total number of members of the committee or sub-committee (rounded up) unless otherwise detailed in the relevant terms of reference but shall not be less than three voting councillors.</p>	<p>Quarter of members but no fewer than 3</p>	<p>No change other than to add 'rounded up'</p>
<ul style="list-style-type: none"> Suspension of Committee procedure rules (2.81) page 77 <p>All of these Rules of Procedure except Rules 2.15 (signing minutes) and 2.61 (individual councillor vote to be recorded) may be suspended by the Chairman or by motion on notice or without notice if at least one half of the whole number of elected members of the Committee or Sub-Committee, are present. Suspension can either be for an item or for the duration of the meeting.</p>	<p>At least one half of members of committee</p>	<p>No change other than to add 'elected' in front of 'members' Suspension of standing orders is a significant matter and should require a significant threshold</p>
<p>3 - Planning Committee Procedure Rules - page 83</p>		
<ul style="list-style-type: none"> size and quorum (3.1-3.5) page 83 <p>3.1</p> <p>The Area Planning Committee will be comprised of 12 members (10 for South Buckinghamshire Area Planning Committee) or as otherwise detailed in the Area Planning Committee Terms of Reference</p> <p>3.2</p> <p>The quorum for all meetings of the Area Planning Committee will be 6 7 members (6 for South Buckinghamshire Area Planning Committee) or, if different, as detailed in the Area Planning Terms of</p>	<p>12/10; 7/6</p>	<p>Amend references to number of elected members per committee in line with the decision taken to have uniform size of committees (12).</p> <p>Quorum to be 50% NB the rules should not be restrictive as to who could sit on each committee</p>

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<p>Reference and no business will be transacted if any meeting or part of a meeting will not be quorate.</p> <p>3.3</p> <p>The members and substitute members for Area Planning Committees will be drawn from the area which that committee covers wherever possible.</p> <p>3.4</p> <p>The Strategic Sites Committee will be comprised of 12 members.</p> <p>3.5</p> <p>The quorum for all meetings of the Strategic Sites Committee will be 6 7 members or, if different, as detailed in the Strategic Sites Committee Terms of Reference and no business will be transacted if any meeting or part of a meeting is not quorate.</p>		
<ul style="list-style-type: none"> • Three member call in (3.33) page 89 <p>(a)</p> <p>Where a call-in has been requested under paragraph 3.31 or 3.32 above by at least two members whose wards would be materially affected by the application, all members for a particular ward the application will automatically be considered by the relevant Planning Committee as decided by the Service Director Planning and Environment; where an application relates to single member ward and that ward is the only one materially affected, then any call in by the member for that ward must be supported by at least one member from an adjacent ward (whether that ward is materially affected or not);</p> <p>(b)</p>	<p>Call in threshold to the area planning committees</p>	<p>Amend to reflect that call in must, in all cases, be made by at least two members whose wards would be materially affected by the development. Where an application relates to single member ward and that ward is the only one materially affected, then any call in by the member for that ward must be supported by at least one member from an adjacent ward (whether that ward is materially affected or not).</p>

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At that time, the members requesting the call-in must also disclose whether they have a Disclosable Pecuniary Interest, personal interest, prejudicial interest or any personal bias in the Planning Application being called-in.		
4 - Regulatory Committees Terms of Reference - page 90		
<ul style="list-style-type: none"> Licensing Committees size and quorum 	1 committee 15/4	2 committees (same membership) Agreed one quarter as quorum
<ul style="list-style-type: none"> Regulatory sub-committee size and quorum page 93 	3/3	Agreed no change.
<ul style="list-style-type: none"> Licensing sub-committee size and quorum page 95 (to deal with premises matters under Licensing Act 2003 and Gambling Act 2005) 	3/3	Agreed no change
<ul style="list-style-type: none"> Strategic sites committee size and quorum page 97 	12/7	No change to committee size Agreed – 50% quorum
<ul style="list-style-type: none"> Area planning committees size and quorum page 100 	12/10	Agreed – 12 members per committee and 50% quorum
5 - Standards and General Purpose Committee size and quorum page 102	12/25%	No change: in practice 14 members are currently appointed as no independent persons sit on the committee to take the nominal +2 places. Agreed to keep the principle of 12 elected members Agreed – 25% quorum
6 - Audit & Governance Committee size and quorum page 105	12/25%	Agreed that up to one independent, non-voting, co-opted member should be able to sit on the committee following appropriate recruitment. Therefore add

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		<p>reference in the Terms of Reference to allow for this possibility.</p> <p>Agreed – 25% quorum (not counting any independent co-optee)</p>
7 - Pension Fund size and quorum page 108	9/3	No change
<p>8 - Health and Wellbeing Board page 113</p> <p>3 Cabinet members nominated by Leader to include the Cabinet Members with responsibility for adult social care, children’s services and public health and communities</p> <p>Corporate Directors for Adults, Health and Housing, Children’s Services, Public Health</p> <p>Representative of the ICB</p> <p>Representative of Local Health Watch</p> <p>Member of NHS Commissioning Board by invitation</p> <p>Any co-optees as decided by the Board either as standing members or for particular areas of work</p>	<p>As a committee of council, the quorum would be 25% of voting members unless otherwise stated</p>	<p>No change except for the addition of the word ‘communities’ to reflect the currently agreed position.</p>
9 - Senior appointments and Pay Committee size and quorum page 114	7/3	No change
<p>10 High Wycombe Town Committee size and quorum page 116 and para 1.3</p> <p>Membership is restricted to those councillors representing the following unparished wards: Abbey; Booker, Cressex and Castlefield; Downley; Ryemead and Micklefield;</p>	24/25%	<p>Revise the list of affected wards to match the new wards/names that will exist from the May 2025 election (as a result of the electoral review).</p> <p>Agreed 25% quorum</p>

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<p>Terriers and Amersham Hill; Totteridge and Bowerdean; Tylers Green and Loudwater; West Wycombe</p> <p>1.3</p> <p>To initiate consideration of any issue, which in the opinion of the Chairman, or at least 5 members of the Committee, is of particular relevance/ importance to the residents of High Wycombe town</p>		
<ul style="list-style-type: none"> • Procedure Rules – membership (2.1 & 2.3) page 152 <p>2.1</p> <p>A Select Committee will comprise no more than eleven fifteen members, but the number of seats on a given Select Committee may vary depending on its remit and workload. The composition of the Select Committees will be politically proportionate.</p> <p>2.3</p> <p>Each Select Committee may appoint a maximum of two people as non-voting co-optees either as standing members of the Committee or on a time limited basis. Where the membership of a specific Select Committee includes the appointment of co-optees with voting rights this is detailed for example Education co-optees may vote on education functions.</p>	<p>Up to 15 + up to 2 co-optees</p>	<p>Agreed change from 6 to 5 committees, each with 11 members (plus max of two non-voting co-optees per committee).</p> <p>The Group recommended retaining a separate identity for committees dealing with statutory matters (Health, Adults, Children’s and Crime/Disorder)</p>
<ul style="list-style-type: none"> • Frequency of meeting (2.8) page 152 <p>A Select Committee should normally meet at least four times each year although additional meetings may be called as and when required</p>	<p>At least 4 times a year</p>	<p>No change</p>
<ul style="list-style-type: none"> • Calling further meeting (2.9) page 153 	<p>Chairman</p>	<p>Agreed – no change</p>

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<p>A meeting may be called by the Chairman of the relevant Select Committee or by any three members of the Committee or by the Proper Officer for Scrutiny if s/he considers it necessary</p>	<p>3 member of committee Proper Officer</p>	
<ul style="list-style-type: none"> Quorum (2.15) page 153 The quorum for a Select Committee meeting is one quarter of its members (rounded up) 	<p>25% rounded up</p>	<p>Agreed - no change</p>
<ul style="list-style-type: none"> Call in (2.67) page 161 At least 15% (rounded up) of councillors representing the number of councillor seats on the Council must notify the Monitoring Officer within three working days of the publication of the decision of an intention to request the Select Committee to examine the decision and of any requirement for the attendance by a Cabinet Member or any Officer. Within two working days of the notification of the call in request the same number of councillors must confirm whether they wish to proceed with the Call In Request and if so, provide the required details via the form. 	<p>15% rounded up</p>	<p>Agreed to retain 15% rounded up - no change</p>
<ul style="list-style-type: none"> Call in (2.73) page 162 At least two of the councillors who called in a decision must be present and at least one of whom will present their reasons for call-in at the meeting of the Select Committee which considers the call-in. If two councillors do not attend, the call-in will fail. 	<p>2 in attendance</p>	<p>No change. The Group considered it important that as a call in is a significant matter, it is proportionate to expect that at least two of the requisite number of members should attend the committee in representation of it.</p>

Not for Publication

