



Report to Audit & Governance Committee

Date:	15 January 2025
Title:	Constitution – post-election: recommended changes
Relevant councillor(s):	Councillor R Newcombe, Chairman of Audit & Governance Committee; Councillor D Goss, Chairman of Standards & General Purposes Committee
Author and/or contact officer:	Lisa Marie Williams, Service Director Legal & Democratic Contact officers: Glenn Watson, Principal Governance Officer
Ward(s) affected:	None specifically
Recommendations:	1) To endorse the recommendations of the Constitution Task and Finish Group for constitutional change following the May 2025 election (as set out in paragraphs 2.1 and 3.1-4.4 of this report and in the annex to it); 2) To recommend their adoption by the Standards & General Purposes Committee, for subsequent approval by Council.

1. Executive summary

- 1.1 Buckinghamshire Council currently consists of 147 councillors. As a result of the recent Electoral Review, the membership will reduce to 97 at the elections in May 2025. The Audit & Governance and Standards & General Purposes Committees set up a joint cross-party Constitution Task and Finish Group in anticipation of this. The purpose of the Group was to recommend constitutional changes for a decision-making structure sustainable for 97 councillors.

- 1.2 A new council would of course be free to adopt a different structure. However, the Council considered it was appropriate to give the new council a starting arrangement that can be implemented at the earliest opportunity.
- 1.3 The Group’s recommendations for Constitutional change are **annexed** but are summarised in paragraphs 2.1 and 3.1-4.4 below. In short, the Group is recommending a **structure** similar to the present with a few significant changes:
- one fewer select committee
 - two fewer area planning committees
 - a revised licensing committee structure
 - a reduction in the number of members on some committees
 - revisions to the quorum on some committees
- 1.4 In addition, the Group looked at the council/committee **procedure rules** where a **threshold number** of councillors is cited for certain actions. For example:
- Revised ward member call-in arrangements for planning decisions
- 1.5 Lastly, the Group commissioned an **Independent Remuneration Panel** to make recommendations to Council on the potential allowances which may be applicable under the recommended meeting arrangements. This review is under way.
- 1.6 The revised Constitution, reflecting any post-election structural changes, would come into effect immediately after the election.
- 1.7 In reaching its conclusions, the Group had regard to the number and length of formal meetings over recent years. It also had regard to benchmarked practices undertaken by other unitary authorities of a similar council size and population.

2. Overview of recommended changes to meeting structure

- 2.1 In reviewing the meeting structure and its likely impact on councillors, the Group made the following assumption: that of the 97 councillors under the new council, 75 are likely to be available for committee work. The Group factored a potential Cabinet of 10 (with 10 deputies) who would not sit on council committees; likewise the Chairman and Vice-Chairman of Council.

Committee seats – current and proposed (non-executive members)

Committee	Current structure and seats	Proposed structure and seats
Area planning committees	Central Bucks 12	New x 12
	North Bucks 12	New x 12
	East Bucks 12	New x 12

	West Bucks 12 South Bucks 10 Total: 58	<i>(Area configuration to be determined by Council)</i> Total: 36
Audit and Governance	12	12
Licensing	15	15 <i>(Two committees to replace the current single licensing committee, for legal reasons. The two committees to have the same membership)</i>
Pension Fund	7	7
Select Committees	6 x 15 Total: 90	5 x 11 <i>(Select Committee coverage to be determined by Council: the Group recommended retaining a separate identity for committees dealing with statutory matters (Health, Adults, Children's and Crime/Disorder)</i> Total: 55
Standards & General Purposes	14	12
Senior Appointments* (SAPC)	7 (3)	7 (3)
Strategic Sites	12	12
TOTALs	211	152
<i>Ratio</i>	<i>1.69 seats per cllr</i> <i>(Based on: 211 seats/125 cllrs)</i>	<i>2.03</i> <i>(152/75)</i>

*4 Cabinet members also sit on SAPC – so total above is 3 for non-executive members.

- 2.2 The Group's remit related to the Constitutional position and the formal decision-making meetings of the Council. It was mindful that the fuller impact on councillors would need to factor in other commitments, such as:
- a) Community Boards (Cabinet having already determined a post-election structure of 8 rather than 16 boards)
 - b) Health and Wellbeing Board
 - c) Joint health overview and scrutiny committees
 - d) High Wycombe Town Committee
 - e) Outside body representation
 - f) Constituency work generally e.g. parish and town council attendance
- 2.3 No changes were proposed to those bodies. The Independent Remuneration Panel would, in any case, take this wider picture into account in assessing the implications for basic and special responsibility allowances.

3. Committee Structure – in more detail

- 3.1 The Group considered that the **Pension Fund Committee, Senior Appointments Pay Committee** and **Standards and General Purposes Committee** did not require any structural change.
- 3.2 As regards **Planning, Licensing and Select Committees** the Group recommended the following changes:
- A. Planning Committees:**
- a) A move from 5 Area Planning Committees (APCs) to 3 APCs each with 12 members (the Group did not specify the area of coverage for the three new committees);
 - b) Retain the Strategic Sites Committee (SSC) with 12 members.
- 3.3 Although membership of committees is a group leader decision, the Group was of the view that the Chairman of the Strategic Sites Committee should be allowed to sit on an APC and the Chairman and Vice-Chairman of the APCs should be able to sit on the SSC.
- B. Licensing Committee**
- 3.4 To reflect best legal practice, the functions of the Licensing Committee should be split into **Premises** and **Public Protection** and dealt with by two committees; each would have their own sub-committee, derived from the membership of the main committee.

- a) Each committee will have 15 members as currently; however, it is expected that the membership would be the same for each committee; with a meeting of both potentially on the same day
- b) The quorum would follow the current rule of one quarter of the membership rounded up (i.e. 4).

C. Select Committees

3.5 Proposals:

- a) Reduce from 6 to 5 committees with 11 elected members on each (down from 15).
- b) The Group recommends retaining a separate identity for committees dealing with statutory matters (Health, Adults, Children's and Crime/Disorder); beyond this, the Group did not specify the subject area for each of the new committees
- c) Appointment of non-voting co-optees with specialist knowledge should remain a possibility

D. Audit and Governance Committee

3.6 Proposals:

- a) Membership to include an independent co-opted member in line with CIPFA recommendations.
- b) The appointment should take place after May 2025 with the Audit and Governance Committee having a role in the selection process.
- c) Quorum should not include the independent member.

E. High Wycombe Town Committee

- 3.7 The Group noted that the membership of this Committee is composed of the elected councillors who wards (or parts of wards) include a part of the unparished area of High Wycombe. Currently 24 elected members serve on the Committee. From the May 2025 election, there will be 16 members whose wards include part of the relevant area.

F. Community Boards

- 3.8 The Group noted that Cabinet has taken the decision to reduce the number of Community Boards from 16 to 8 from May 2025. This should therefore be reflected in the Constitution.

4. Procedure Rules

- 4.1 The Group focused only on those procedure rules which related to the ‘numbers’ of councillors: the quorum and any thresholds for triggering certain kinds of actions. It did not make any recommendations on the procedure itself (e.g. rules of debate) as this did not relate to the Group’s core remit.
- 4.2 Quorum: the various committee procedure rules require the quorum to be quarter of the members of the body; the quorum being the minimum number of members required to be present for the business of the meeting to proceed. The Group has largely retained this provision. It has suggested certain variations to it in particular cases (as set out in the Annex).
- 4.3 Thresholds: the Group reviewed all instances where committee processes reflect a threshold for certain actions. The Group considered the significance of the constitutional provision giving rise to the threshold.
- 4.4 Perhaps the Group’s most significant suggestion relates to the **calling-in of planning applications** by ward members. This discussion was necessitated, in particular, by the mix of new 1, 2 and 3 member wards. Currently, there is a Constitutional provision whereby an application will automatically be considered by committee if all three members of the current 3 member wards require it. New ward arrangements necessarily change this. The Group’s recommendation is that the call-in would be needed from:

“At least two members whose ward is 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).”

5. Legal and financial implications

- 5.1 The recommended changes can be delivered within the revised staffing arrangements envisaged under the current review of Democratic Services. The Medium-Term Financial Plan (MTFP) from 2025 includes planned savings from the members’ allowances and staffing associated with the Council’s democratic arrangements:
- Reduction in budget required for Member Allowances following the boundary review (£623k saving in 25/26), being a direct result of 50 fewer councillors being in receipt of allowances from May 2025
 - Reduction in the rate for Member Allowances from 25/26 (saving of £257k in 25/26 - which is approximately 10% of £2.6m budget) based on the Council revising the allowances levels within the Scheme to apply from May 2025. The onward savings resulting from the reduction in the values of those allowances

would continue - an indexed Scheme can continue with the same values for a maximum of four years unless intentionally changed.

- Reduction in staffing linked to fewer member committees from 25/26 (£118k). This is part of a wider service review for the democratic services, elections and scrutiny functions (overall establishment reduction leading to savings) which will be implemented from February 2025.

5.2 The MTFP savings proposed of £880k and £118k above are included in the table below for Democratic Services, which reflects the full MTFP period:

Revenue Budget Changes

		Change 2025-26 £000's	Change 2026-27 £000's	Change 2027-28 £000's
Savings	Reduction in Member Allowances	(880)	(976)	(976)
	Reduction in the number of member committees	(118)	(118)	(118)
	Service review - staffing savings	(300)	(300)	(300)
Savings Total		(1,298)	(1,394)	(1,394)

5.3 The Group's recommendations would not prejudice the integrity of the Council's decision-making arrangements.

6. Next steps

6.1 Any comments and recommendations from this Committee will be reported to the Standards and General Purposes Committee which is scheduled to meet on 23 January 2025. That Committee has the remit to make recommendations on Constitutional change to Council itself. Council will then consider any such recommendations at its meeting on 12 March 2025.

6.2 This report reflects those changes which are direct response to the reduction in the number of councillors. A separate, majority group constitutional working group, is responsible for ongoing amends to the constitution as required.

6.3 Timeline of next steps:



Timeline	Decision point
15 January 2025	Audit & Governance Committee
23 January 2025	Standards & General Purposes Committee
12 March 2025	Council
May 2025	New constitution comes into effect post-election

