

Date of despatch: Monday, 23 January 2017

**To the Members of Slough Borough Council**

Dear Councillor,

You are summoned to attend a Meeting of the Council of this Borough which will be held in the The Curve - William Street, Slough, Berkshire, SL1 1XY on **Tuesday, 31st January, 2017 at 7.00 pm**, when the business in the Agenda below is proposed to be transacted.

Yours faithfully



**ROGER PARKIN**  
Interim Chief Executive

**ROYAL BERKSHIRE FIRE AUTHORITY BRIEFING**

**MEMBERS ARE ASKED TO NOTE THAT PRIOR TO THE COUNCIL MEETING A BRIEFING WILL BE DELIVERED BY TREVOR FERGUSON, DEPUTY CHIEF FIRE OFFICER, AT 6.30PM IN THE VENUE AT THE CURVE, WILLIAM STREET.**

**(This session is not open to the Press and Public)**

**PRAYERS**

**AGENDA**

***Apologies for Absence***

**PAGE**

1. Declarations of Interest

*All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.*

*The Mayor will ask Members to confirm that they do not have a declarable interest.*

*All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.*

- |    |  |       |
|----|--|-------|
| 2. | To approve as a correct record the Minutes of the Council held on 29 November 2016 and 22 December 2016. | 1 - 8 |
| 3. | To receive the Mayor's Communications.   |       |

**Public Questions**

- |    |  |        |
|----|--|--------|
| 4. | Questions from Electors under Procedure Rule 9.        |        |
| 5. | Petition: Salt Hill Leisure Facility - Ten Pin Bowling | 9 - 12 |

**Recommendations of Cabinet and Committees**

*[Notification of Amendments required by 10 a.m. on Monday*

- |    |   |         |
|----|---|---------|
| 6. | Recommendations of the Cabinet from its meetings held on 19th December 2016 and 23rd January 2017 | 13 - 56 |
|    | A. Proposal to Establish Housing Company Group Structure  |         |
|    | B. Five Year Plan 2017-2021   |         |
|    | C. Housing Revenue Account Rents and Service Charges 2017-18                                      |         |

**Officer Reports**

- |    |  |           |
|----|--|-----------|
| 7. | Review of Constitution   | 57 - 90   |
| 8. | Appointment of Interim Head of Paid Service                    | 91 - 92   |
| 9. | Appointment Process for Chief Executive (Head of Paid Service) | To Follow |

**Motions**

- |     |  |         |
|-----|--|---------|
| 10. | To consider Motions submitted under procedure Rule 14. | 93 - 94 |
|-----|--|---------|

**Member Questions**

- |     |   |  |
|-----|---|--|
| 11. | To note Questions from Members under Procedure Rule 10 (as tabled). |  |
|-----|---|--|

12. Exclusion of the Press and Public

It is recommended that the Press and Public be excluded from the meeting during consideration of the item in Part 2 of the Agenda, as it involves information relating to an individual and the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the Authority holding the information) as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (amended).

**PART II**

13.	Part II Minutes 22 December 2016	95 - 96
14.	Severance Payment to Chief Executive	97 - 98

This page is intentionally left blank

## MINUTES OF COUNCIL PROCEEDINGS

At a Meeting of the Council for the Borough of Slough held at The Curve – William Street, Slough on Tuesday, 29th November, 2016 at 7.00 pm

**Present:-** The Worshipful the Mayor (Councillor Arvind Dhaliwal), in the chair; Councillors Ajaib, Anderson, Bains, Bal, Bedi, Brooker, Carter, Chahal, Chaudhry, Cheema, Coad, Dar, Davis, Amarpreet Dhaliwal, M Holledge, Hussain, Mann, Matloob, Morris, Munawar, Nazir, Pantelic, Parmar, Plenty, Qaseem, Rana, Rasib, Sadiq, A Sandhu, R Sandhu, Sarfraz, Shah, Sharif, Smith, Sohal, Strutton, Swindlehurst, Usmani and Wright

**Apologies for Absence:-** Councillors Chohan and N Holledge

### 33. Declarations of Interest

Councillor Bal declared that his daughter worked at Slough Borough Council.

### 34. To approve as a correct record the Minutes of the Council held on 27th September 2016

**Resolved** - That the Minutes of the Council meeting held on 27<sup>th</sup> September, 2016 be approved as a correct record.

### 35. To receive the Mayor's Communications

The Mayor thanked those Members who attended the events arranged throughout the Borough for Remembrance Sunday and Armistice Day. In particular, the Mayor thanked his Chaplain, Reverend Linda Hillier, for her help and assistance with the arrangements.

Members were advised that the Christmas Lights switch-on took place on 26<sup>th</sup> November which attracted an enthusiastic crowd who enjoyed the entertainment and firework display.

The Mayor extended his best wishes to all Members of the Council for a Happy Christmas and a Prosperous and Peaceful 2017.

### 36. Questions from Electors under Procedure Rule 9.

The Mayor advised that a question had been received from a resident, a copy of which had been tabled. It was noted that the questioner was not present and a written copy of the reply would be forwarded to him.

**37. Recommendations of the Cabinet from its meeting held on 21 November 2016**

A) Proposed Strategic Acquisition Strategy

It was proposed by Councillor Ajaib,  
Seconded by Councillor Munawar,

- “(a) That it be agreed that whilst strategic acquisitions will normally be made within the Borough of Slough, to reduce risk, maximise financial returns and widen the potential to create a more balanced portfolio is achieved by buying investments outside Slough.
- (b) That the scoring criteria associated with out-of-borough investment assets be amended.
- (c) That the Capital Programme for 2016/17 be amended to increase the existing budget by an additional £25m.”

The recommendations were put to the vote and carried unanimously.

**Resolved -**

- (a) That it be agreed that whilst strategic acquisitions will normally be made within the Borough of Slough, to reduce risk, maximise financial returns and widen the potential to create a more balanced portfolio is achieved by buying investments outside Slough.
- (b) That the scoring criteria associated with out-of-borough investment assets be amended.
- (c) That the Capital Programme for 2016/17 be amended to increase the existing budget by an additional £25m.

B) Lease Slough Refugee Support, 28 Bath Road, Salt Hill Park

It was proposed by Councillor Ajaib,  
Seconded by Councillor Munawar,

“That a lease agreement be entered into with Slough Refugee Support for 28 Bath Road, Salt Hill Park as set out in Paragraph 4(f) of the report.”

The recommendation was put to the vote and carried unanimously.

**Resolved -** That a lease agreement be entered into with Slough Refugee Support for 28 Bath Road, Salt Hill Park as set out in Paragraph 4(f) of the report.

**38. Parliamentary Constituency Boundary Review**

It was proposed by Councillor Swindlehurst,  
Seconded by Councillor Sharif,

“(a) That the submission set out at Appendix A be agreed as Slough Borough Council’s formal response to the BCE’s initial proposals for the review of Parliamentary Constituency boundaries.

(b) That the views of the Conservative Group as set out in Appendix B be noted.”

A prior request having been made for the record of the voting:

There voted for the proposal:

Councillors Ajaib, Anderson, Bal, Bedi, Brooker, Carter, Chaudhry, Cheema, Coad, Dar, Davis, M Holledge, Hussain, Mann, Matloob, Munawar, Nazir, Pantelic, Parmar, Plenty, Qaseem, Rana, Rasib, Sadiq, A.Sandhu, Sarfraz, Shah, Sharif, Sohal, Swindlehurst and Usmani ..... 31

There voted against the proposal:

Councillors Bains, Chahal, Amarpreet Dhaliwal, Morris, R S Sandhu, Smith, Strutton and Wright ..... 8

There abstained from voting:

The Worshipful the Mayor, Councillor Arvind Dhaliwal ..... 1

**Resolved –**

(a) That the submission set out at Appendix A be agreed as Slough Borough Council’s formal response to the BCE’s initial proposals for the review of Parliamentary Constituency boundaries.

(b) That the views of the Conservative Group as set out in Appendix B be noted.

**39. Appointment of Section 151 Officer**

It was proposed by Councillor Munawar,  
Seconded by Councillor Hussain,

“That Neil Wilcox, the Assistant Director of Finance and Audit, be confirmed as the Council’s Section 151 Officer with effect from 30th November 2016.”

The recommendation was put to the vote and carried unanimously.

**Resolved –** That Neil Wilcox, the Assistant Director of Finance and Audit, be confirmed as the Council’s Section 151 Officer with effect from 30th November 2016.

**40. Appointment of Monitoring Officer**

The Mayor advised that this item had been withdrawn.

**41. Appointment to Slough Wellbeing Board**

It was proposed by Councillor Hussain,  
Seconded by Councillor Munawar,

- “(a) That the Chief Executive of the Slough Children’s Services Trust be appointed to the Slough Wellbeing Board; and
- (b) That the nomination of the Leader of the Council that the Commissioner for Health & Social Care is the sole councillor representative on the Slough Wellbeing Board be noted, and that the membership of the Board be adjusted accordingly.”

The recommendations were put to the vote and carried unanimously.

**Resolved –**

- (a) That the Chief Executive of the Slough Children’s Services Trust be appointed to the Slough Wellbeing Board; and
- (b) That the nomination of the Leader of the Council that the Commissioner for Health & Social Care is the sole councillor representative on the Slough Wellbeing Board be noted, and that the membership of the Board be adjusted accordingly.

**42. To consider Motions submitted under procedure Rule 14.**

A) Disclosure and Barring Service Checks

It was moved by Councillor Smith, as an amendment to the original motion,  
Seconded by Councillor Strutton,

“This Council resolves that all Members elected to Slough Borough Council be subject to a ~~Disclosure And Barring Service (DBS) standard Basic~~ **Disclosure** check **by Disclosure Scotland** within two months of taking office thereby extending the revised Criminal Records Policy and Procedure which currently requires only selected Members to undergo ~~basic criminal record~~ **Standard Disclosure And Barring Service (DBS) checks.**

It was moved by Councillor Sharif, as an amendment,  
Seconded by Councillor Matloob,

“This Council resolves

- That ~~all~~ members elected to Slough Borough Council who meet the criteria as set out in national legislation, by undertaking regulated activity involving regular and unsupervised contact with children and/or vulnerable



**Council - 29.11.16**

~~adults be subject to for a Disclosure and Barring Service (DBS) standard check be subject to a standard DBS check within two months of taking office. thereby extending the revised Criminal Records Policy and Procedure which currently requires only selected members to undergo basic criminal records checks.~~

- To request the government to adjust the legal requirements on councils affording councils the opportunity to carry out enhanced DBS checks on members who meet the criteria set out in national legislation.”

A prior request having been made for the record of the voting:

There voted for the amendment:

Councillors Ajaib, Anderson, Bal, Bedi, Brooker, Carter, Chaudhry, Cheema, Dar, Davis, M Holledge, Hussain, Mann, Matloob, Munawar, Nazir, Pantelic, Parmar, Plenty, Qaseem, Rana, Rasib, Sadiq, A.Sandhu, Sarfraz, Shah, Sharif, Sohal, Swindlehurst and Usmani ..... 30

There abstained from voting:

Councillors Bains, Chahal, Coad, Amarpreet Dhaliwal, Morris, R S Sandhu, Smith, Strutton, Wright and The Worshipful The Mayor, Councillor Arvind Dhaliwal ..... 10

The amendment to the motion became the substantive motion.

A prior request having been made for the record of the voting:

There voted for the motion

Councillors Ajaib, Anderson, Bains, Bal, Bedi, Brooker, Carter, Chahal, Chaudhry, Cheema, Dar, Davis, Amarpreet Dhaliwal, M Holledge, Hussain, Mann, Matloob, Morris, Munawar, Nazir, Pantelic, Parmar, Plenty, Qaseem, Rana, Rasib, Sadiq, A.Sandhu, R.Sandhu, Sarfraz, Shah, Sharif, Smith, Sohal, Strutton, Swindlehurst, Usmani, Wright and the Worshipful The Mayor, Councillor Arvind Dhailwal..... 39

(Councillor Coad was not present when the vote was taken)

**Resolved -**

- That members elected to Slough Borough Council who meet the criteria as set out in national legislation, by undertaking regulated activity involving regular and unsupervised contact with children and/or vulnerable adults, for a Disclosure and Barring Service (DBS) standard check be subject to a standard DBS check within two months of taking office.
- To request the government to adjust the legal requirements on councils so councils are afforded the opportunity to carry out enhanced DBS checks on members who meet the criteria set out in national legislation.

**Council - 29.11.16**

(B) Pay to Stay Policy

Motion Withdrawn.

**43. To note Questions from Members under Procedure Rule 10 (as tabled).**

A copy of questions received from Councillors Plenty, Wright and Strutton and replies were tabled.

Chair

(Note: The Meeting opened at 7.00 pm and closed at 8.40 pm)

## MINUTES OF COUNCIL PROCEEDINGS

At an Extraordinary Meeting of the Council for the Borough of Slough held at the Main Hall, Chalvey Community Centre, The Green, Chalvey, Slough, SL1 2SP on Thursday, 22nd December, 2016 at 7.00 pm

**Present:-** The Worshipful the Mayor (Arvind Dhaliwal), in the chair; Councillors Ajaib, Anderson, Bains, Bal, Brooker, Chahal, Chaudhry, Cheema, Chohan, Davis, M Holledge, N Holledge, Hussain, Matloob, Munawar, Nazir, Pantelic, Plenty, Rana, Rasib, Sadiq, A Sandhu, R Sandhu, Sarfraz, Shah, Sharif, Smith, Sohal, Strutton, Swindlehurst, Usmani and Wright

**Apologies for Absence:-** Councillors Bedi, Carter, Coad, Dar, Amarpreet Dhaliwal, Morris, Parmar and Qaseem

### 44. Declarations of Interest

Councillor Bal declared that his daughter worked for Slough Borough Council.

In relation to Agenda Item 3 – Severance Payment to the Chief Executive, several members stated that they had participated in an investigation relating to the item. The Legal Representative confirmed that Members were not required to declare this matter.

Councillor Swindlehurst passed a letter to the Interim Chief Executive, signed by eleven Members, raising a number of concerns about the information provided in connection with and the process and circumstances leading to the convening of the meeting. The letter was not formally tabled or considered at the meeting and was provided to the Interim Chief Executive to respond.

### 45. Motion Without Notice

It was moved by Councillor Smith,  
Seconded by Councillor Bains,

“That the meeting be adjourned.”

A prior request having been made for the record of the voting:

There voted for:

Councillors Bains, Chahal, R Sandhu, Smith, Strutton and Wright .....6

## **Council - Extraordinary - 22.12.16**

There voted against:

Councillors Ajaib, Anderson, Bal, Brooker, Chaudhry, Cheema, Chohan, Davis, M Holledge, N Holledge, Hussain, Matloob, Munawar, Nazir, Pantelic, Rana, Rasib, Sadiq, A Sandhu, Sarfraz, Shah, Sharif, Sohal and Usmani .....24

There abstained from voting:

Councillors Plenty, Swindlehurst and The Mayor, Councillor Arvind Dhaliwal..3

**Resolved** - That the motion to adjourn the meeting be rejected.

### **46. Exclusion of the Press and Public**

**Resolved –** That the press and public be excluded from the meeting during the consideration of the item in Part II of the agenda as it involved information relating to an individual, the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the Authority holding the information) and information relating to any consultations or negotiations, in connection with any labour relations, matters arising between the Authority or a Minister of the Crown and employees of, or office holders under the Authority as defined in Paragraphs 1, 3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972 (amended).

Below is a summary of the matters resolved during Part II of the agenda.

### **47. Severance Payment to Chief Executive**

The Council agreed a severance payment to the Chief Executive on the terms proposed in the Part II report, subject to a settlement agreement being concluded. Delegated authority was given to the interim Chief Executive to finalise the agreement and the final settlement payment would be reported to Council at its meeting on 31st January 2017.

Chair

(Note: The Meeting opened at 7.04 pm and closed at 9.29 pm)

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council

**DATE:** 31<sup>st</sup> January 2017

**CONTACT OFFICER:** Catherine Meek  
**(For all enquiries)** Head of Democratic Services  
 (01753) 875011

**WARD(S):** All

**PART I**  
**FOR DECISION**

**PETITION: SALT HILL LEISURE FACILITY – TEN PIN BOWLING**

1 **Purpose of Report**

To advise the Council of a Petition that has been received under the Council's Petitions Scheme. The Petition contains 1518 names of people who live, work or study in the area and reads as follows:

**“Keep Absolutely Ten Pin Open**

Slough Borough Council have asked Absolutely Leisure to remove all of their equipment from Absolutely Ten Pin when the contract on the building ends in May 2017. This will deprive the community of a fantastic venue and will force Absolutely Ten Pin to relocate outside Slough. As a charity, Absolutely Leisure reinvests any profits into developing new venues for the community, improving existing facilities and discounting use of our products for schools, charities and disabled groups. Last year alone Absolutely Ten Pin gave over £25,000 worth of discounted and free use to these groups. The removal of Absolutely Ten Pin from Slough will leave these groups with no venue to go to. During October half term Absolutely Ten Pin welcomed a record breaking 6,600 bowlers, mostly families, and welcomed over 2000 children into our newly-extended soft play area. Both of these facilities will be lost if Slough Borough Council go ahead with their plans to remove Absolutely Ten Pin next year and will leave local families with nowhere to go for their entertainment.

Please sign the petition to encourage Slough Borough Council and their leader Cllr Sohail Munawar change their mind and keep Absolutely Ten Pin serving the community as it has for the past six years.”

2. **Recommendation**

Following debate, the Council is requested to resolve what action it wishes to take with regard to the Petition.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

3a **Slough Joint Wellbeing Strategy Priorities**

All the actions within the Leisure Strategy will contribute towards achieving the overarching vision of the Slough Joint Wellbeing Strategy and will make significant contributions specifically to the health, wellbeing and safer Slough themes.

- **Health and Wellbeing.** Cabinet in July 2014 approved a strategy for leisure, with the overarching aim to “enhance the health and wellbeing of Slough

residents by ensuring leisure activity is adopted as a habit for life for all – more people, more active, more often”. The causal link between physical activity and overall health indicators is clear, particularly for obesity and heart disease, which are high priorities for Slough.

- **Safer Slough.** The opportunity to participate in shared leisure activities makes a positive contribution to community cohesion and interaction for all members of the varied and diverse community in Slough.
- **Regeneration and environment.** Leisure facilities contribute to the quality of the environment of the town. They provide opportunities to regenerate specific sites and local communities.

#### **Cross-Cutting themes:**

Good leisure facilities can improve the image of the town, making Slough a destination for sport and physical activity for local residents who will take a pride in the promotion of their use.

The leisure strategy and improved leisure facilities contribute towards addressing key priorities as set out in the JSNA including childhood obesity, positive activities for young people and cardio vascular disease.

### 3b. **Five Year Plan Outcomes**

- Slough will be the premier location in the south east for businesses of all sizes to locate, start, grow, and stay – good quality, accessible leisure facilities are attractive to employers to ensure a healthy workforce which is imperative for a businesses success.
- There will be more homes in the borough, with quality improving across all tenures to support our ambition for Slough – the future development of leisure facilities on chosen sites in the town will compliment planned housing developments and assist the organisational aim of maximising the value of assets.
- Slough will be one of the safest places in the Thames Valley – leisure activity can be used as a diversionary activity for young people who could be at risk of anti-social behaviour.
- More people will take responsibility and manage their own health, care and support needs – accessible leisure opportunities in the right location will enhance the health and wellbeing of all individuals living in Slough.
- Children and young people in Slough will be healthy, resilient and have positive life chances – improved leisure facilities will provide children and young people with wider opportunities for participation in sport and physical activity which results in greater physical and mental wellbeing. The proximity of the proposed new facilities to educational establishments will maximise use and allow the Council to realise corporate aims.
- The Council’s income and the value of its assets will be maximised through capital development and improvements to its leisure

### 4. **Other Implications**

#### (a) **Financial**

Cabinet have agreed to fund the proposed improvements to the Salt Hill leisure facility, which includes ten pin and soft play facilities.

(b) Risk Management

There are no reported risks associated with this report.

(c) Human Rights Act and Other Legal Implications

There are no legal implications arising from this report.

(d) Equalities Impact Assessment

An equalities impact assessment has been undertaken in respect to the proposed development of Salt Hill leisure facility.

5. **Supporting Information**

- 5.1 Under the Council's published Petitions Scheme a Petition that contains 1500 signatures triggers a debate at Council.

**Debate**

- 5.2 The Petition Organiser has been invited to the meeting to speak on the Petition (up to five minutes) and the Petition will then be discussed by Members of the Council for a maximum of 15 minutes. The Mayor has discretion to extend this time taking account of the degree of public interest in the issue, the level of support given to the petition and the number of elected members wishing to express their views on the subject.
- 5.3 Following this discussion the Council will need to decide what action to take with regard to the Petition. Where the issue is one on which the Cabinet is required to make the final decision the Council will decide whether to make recommendations to inform that decision.
- 5.4 The Scheme indicates that the Council's response to a Petition will depend on what a petition asks for and how many people have signed it but may include one or more of the following;
- Taking the action requested in the Petition
  - considering the Petition at a Council Meeting
  - Holding an Inquiry
  - Commissioning relevant research
  - Organising a public meeting
  - Mounting a wider public consultation
  - Meeting with the Petition Organiser or representatives of signatories
  - Providing a written response outlining the Council's views on the subject
  - Referring the issue to the Council's Overview & Scrutiny Committee **OR**
  - Referring the issue to the relevant Committee/Cabinet
  - Consulting statutory partners and local service providers
  - Instigating discussions with the voluntary and community sectors
  - Making representations to Commercial or other Interests

## **Background**

- 5.5 On the 19<sup>th</sup> December 2016 Cabinet agreed to plans for the refurbishment of the leisure facility in Salt Hill Park, which includes provision for ten pin bowling and a large soft play facility, along with other activities, which contribute to tackling the inactivity and childhood obesity issues prevalent in the town.
- 5.6 On 31<sup>st</sup> May 2017 Absolutely Ten Pin, located in the council owned leisure facility in Salt Hill Park, will be handed back to the council as an empty shell and unable to be used immediately for leisure purposes.
- 5.7 Slough Community Leisure (SCL) have frequently asserted their right to ownership of and their intention to relocate their ten pin equipment to a new location in the event that the Council did not wish to acquire this from SCL and in response to this the Director, Community & Customer Services wrote to SCL confirming their right to the removal of their assets by 31<sup>st</sup> May 2017. This was also agreed in a formal agreement signed between the Council and SCL and recorded in a consent order approved by Slough County Court
- 5.7 Slough Borough Council believes that the petition in question is misleading in that it claims that the both ten pin and soft play will be permanently closed, when SCL's contract ends in May. Facilities for both the activities mentioned in the petition will be re-provided in the refurbished family activity centre.
- 5.8 Public consultation on the refurbishment proposals, held prior to the Cabinet meeting in November 2016 indicated over-whelming support for the scheme, particularly from young people and parents in the borough.
- 5.9 Comments of Other Committees

Cabinet at its meeting on 19 December 2016 considered the future use of and provision of leisure facilities at Salt Hill Park, as outlined in Paragraph 5.5 above.

## 6. **Conclusion**

Members are requested to consider what action to take with regard to the petition.

## 7. **Background Papers**

Petition



**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council **DATE:** 31<sup>st</sup> January 2017  
**CONTACT OFFICER:** Nick Pontone, Senior Democratic Services Officer  
**(For all enquiries)** (01753) 875120  
**WARD(S):** All

**PART I**  
**FOR DECISION**

**RECOMMENDATIONS OF THE CABINET FROM ITS MEETINGS HELD ON 19<sup>th</sup> DECEMBER 2016 AND 23<sup>rd</sup> JANUARY 2017**

1 **Purpose of Report**

To advise the Council of the recommendations of the Cabinet from its meetings held on 19<sup>th</sup> December 2016 and 23<sup>rd</sup> January 2017:

- A. Proposal to Establish Housing Company Group Structure (19<sup>th</sup> December 2016)
- B. Five Year Plan 2017-2021 (23<sup>rd</sup> January 2017)
- C. HRA Housing Rents and Service Charges 2017-18 (23<sup>rd</sup> January 2017)

Items B and C will be considered by the Cabinet at its meeting on 23<sup>rd</sup> January following publication of the Council agenda. Any amendments will be reported to Council.

**A. PROPOSAL TO ESTABLISH HOUSING COMPANY GROUP STRUCTURE**

1 **Purpose of Report**

- 1.1 To consider the recommendation of the Cabinet in relation to the capital expenditure proposed as part of the establishment of two subsidiary housing companies as agreed by the Cabinet at its meeting on 19<sup>th</sup> December 2016.

2 **Recommendation(s)/Proposed Action**

The Council is requested to resolve:

- (a) That the Cabinet decision taken on 19<sup>th</sup> December 2016 to establish two wholly owned subsidiary housing companies be noted, including the matters resolved as detailed in paragraph 6.1 of the report.
- (b) That up to £3.1m of additional capital expenditure be incurred for Slough Homes to acquire suitable properties, which will be secured on property, and that £28m be allocated to Herschel Homes and £23.4m allocated to Slough Homes in the period to 31 March 2019 to acquire properties as set out in the business plan.

### 3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

Funding the delivery of new homes will improve the quality of the built environment and the image of the town whilst providing much needed housing accommodation. Providing quality private rented and sub-market rented accommodation through the subsidiary companies will help cater for areas of housing need that are occupied by people who cannot access traditional social housing whilst not being in a position to purchase a home.

#### 3b **Five Year Plan Outcomes**

Increasing the supply of well managed quality private rented accommodation address the five-year plans outcomes through:

- The introduction of HH and SH will increase choice and encourage people who work in Slough to also live in Slough, which will in turn help businesses of all sizes to locate, start, grow, and stay,
- Increasing the supply of quality accommodation will contribute towards children and young people in Slough being healthy and resilient,
- The introduction of Slough Homes will increase the supply of rented homes which are affordable to local people, will help prevent homelessness (where possible) and also help reduce the current financial burden of temporary housing costs.

### 4 **Other Implications**

#### (a) **Financial**

The financial modelling for the housing companies has been developed by external consultants with officers providing and agreeing assumptions.

The business plans assume the Council incurs additional capital expenditure in buying shares in and/or making loan advances to the housing companies. The interest charges on the loan advances will be sufficient over the life of both company's business plan (and agreed loan period) to at least meet the Council's financing and administrative costs in borrowing money to make these advances. The Council is able to lend funds to the housing companies using the powers outlined in section 4c) below. As long as the arrangements are deemed to be State-Aid compliant (i.e. effectively this means they do not provide a hidden subsidy to the company). The alternative of directly sourcing external private funding would be significantly more challenging, time consuming and would pass significant influence and potentially control over the housing companies business activities and decisions to the lenders.

Each company will submit an annual business plan that will set out future proposed loan requirements. The table below provides indicative funding requirements to allow the two companies to create the housing portfolios to fulfil their objectives.

	2016/17	2017/18	2018/19
Slough Homes – new units	-	£7.7m	£15.7m
Slough Homes – Pendeen & High St	£3.1m	-	-
Herschel Homes – new units	-	£17.5m (1)	£10.5m
<b>TOTAL FUNDING REQUIREMENTS</b>	<b>£3.1m</b>	<b>£25.2m(2)</b>	<b>£26.2m*</b>

Notes:

1. Whilst the sum of £17.5m is assumed to be spent in 2017/18, flexibility is requested to acquire suitable properties that may become available in 2016/17.

2. These loans are borrowed on an interest only basis and will need rescheduling and/or repaying by the sale of the housing units as the business plan and circumstances direct

(b) Risk Management

Risk	Mitigation	Opportunity
<b>Collapse of Housing Market</b> - Failure of a SHC	A slim, low cost structure is proposed, which the Council would control; either one or both companies could be wound up relatively easily if necessary.  Each company will be independently registered and will be fire walled.	The properties could be sold, realising the appreciation on capital value to repay loans and generate a profit
<b>Finance</b> - The assumptions in the financial model are not robust or the financial model is flawed	The Business Plan model will be rigorously tested. Assumptions will be challenged and set at prudent levels. Sensitivity analysis and testing will be undertaken and a mitigation strategy for each scenario will be developed.	
<b>Finance</b> - Initial rental values are lower than forecast.	Scheme viability and affordability has been based on up to date and market information. Advice taken by lettings agents before acquisitions takes place.	
<b>Finance/Management</b> - Failure to collect all legally recoverable monies	The lettings policy will require the use of direct debits and rental deposits/ credit checks prior to the letting of property.	The Council could enter into an agreement with a Lettings Agent to deliver the service – this will transfer risk, but reduce profitability.
<b>Finance/Management</b> - Failure to make available for re-letting or to re-let in timescale	A bad debt and void provision in the Business Case will be monitored carefully, as will the cost of void turnover repairs and time taken to re-let properties.	The Council could enter into an agreement with a Lettings Agent to deliver the service – this will transfer risk, but reduce profitability.

<b>Tax</b> - The accounting and tax treatment set out in the Business Case is challenged	Expert external tax advice will be taken and considered as part of the Business Plan.	
<b>Governance</b> – The Governance structures do not allow appropriate decision making and/or enable the project to be properly set up or delivered	Expert legal advice has been sought to introduce appropriate governance structures. Final Governance arrangements are proposed within this report.	
<b>Demand</b> - Properties prove difficult to rent and impact on the financial projections/profitability	Thorough market research has been undertaken to inform the financial projections and external expertise will be commissioned to support the development of a robust marketing plan.	The Council is potentially establishing a group of SHC's. Should one company fail, properties could be sold between companies at the relevant market value and/or properties could be sold to repay debt.
<b>Capacity</b> – the Council does not have the internal capacity to introduce the company without negatively impacting on business as usual.	Enter into agreements with a local lettings agent for the early years of the HH, allowing the focus to concentrate on business development.	Second SBC staff to the Lettings Agent with a view to developing in-house expertise before bringing the company in-house.

(c) Human Rights Act and Other Legal Implications

The Council have a general power of competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do. Accordingly the Council may own shares in companies, make loans and provide financial and other assistance to companies, dispose of assets to companies, and receive dividends from companies in the same manner as individuals generally may do. The Council, therefore, will be able to incorporate or acquire the companies and to operate them as proposed, under this general power of competence.

Furthermore, if the Council wish to do anything for commercial purposes under this general power of competence, they must do so through a company.

This general power of competence is, however, subject to the limitation that the Council cannot do anything which they were not able to do by virtue of any statutory restriction on their powers which applied before the Localism Act 2011 came into force.

In connection with its relations with the proposed companies, therefore, the Council will be subject to EU Rules on State Aid, to restrictions in relation to financial assistance given for privately let accommodation contained in the Local Government Act 1988 and, in relation to any disposal of any assets to the proposed companies, to the rules in relation to the disposal of its assets.

Similarly the companies, whilst they will be distinct legal entities, they may, by virtue of their links to the Council, be considered to be “bodies governed by public law” and hence to be “contracting authorities” for the purposes of the Public Contracts

Regulations 2015 and hence subject to those regulations. They may also be considered to be controlled companies for the purposes of Part V of the Local Government and Housing Act 1989 and subject to the requirements the Local Authorities (Companies) Order 1995.

In the light of the above the Council will need to be astute to the following:

### **State Aid**

Under State Aid Rules the Council will not be permitted to give the companies any form of financial assistance unless they do so on terms which are generally available in the market place or unless the Council are able to rely on exemptions contained within those rules. There are “de minimis” rules permitting assistance not exceeding 200,000 Euros in aggregate for all assistance by the Council in any three year rolling period and exemptions, subject to compliance with conditions, for assistance related to provision of affordable housing.

### **Disposal of HRA Land**

Any disposal of land held in the Council’s Housing Revenue Account to the companies would require consent from the Secretary of State unless any such disposals satisfy the conditions set out in The General Housing Consents 2013 issued by the Secretary of State in which case the need for specific consent is dispensed with. Under those consents the Council are permitted to dispose of land (which could include dwelling-houses, houses and flats) for a consideration equal to its market value to a body in which it has an interest provided any such disposal is among the first five disposals in any financial year.

### **Disposal of General Fund Land**

Any disposal of land held in the Council’s General Fund the companies would, under Section 123 of the Local Government Act 1972, have to be at the best consideration that can reasonably be obtained otherwise it would require consent from the Secretary of State. The Secretary of State has issued a general consent permitting disposals at an undervalue not exceeding £2 million for the promotion of social, environmental or economic well-being of persons residing within the area but any reliance upon such general consent may amount to breach of EU State Aid rules

### **Financial Assistance & the Local Government Act 1988**

Under Section 24 of the Local Government Act 1988 the Council have power to provide the companies with financial assistance for the purposes of acquisition, maintenance or management of any property which is intended to be privately let as housing accommodation. Such assistance (and any such assistance which is given gratuitously) requires the consent of the Secretary of State unless any such assistance satisfies the conditions set out in The General Consents under Section 25 of the Local Government Act 2010 issued by the Secretary of State (as updated). Any assistance given without such consent, or which does not meet the conditions set out in the General Consents, would be void. The General Consents allow the giving of assistance other than the disposal of an interest in land or property or the giving of assistance or a gratuitous benefit consisting of the disposal of a dwelling house or hostel whose value in aggregate in any financial year does not exceed a sum ascertained by multiplying £3.00 by the population of the area but any reliance upon such general consents may amount to breach of EU State Aid rules.

## **Requirements of the Local Authorities (Companies) Order 1995**

This statutory instrument imposes requirements on companies deemed to be local authority controlled companies. These requirements include matters such as the need for the Council's participation to be identified on official business stationery, directors' remuneration not to be excessive, the provision of information to Council Auditors, provision of financial information to the Council, approval of auditors by the audit commission and the minutes of general meetings of the companies being open to public inspection.

### (d) Equalities Impact Assessment

There are no identified needs for an EIA at this juncture.

### (e) Property

Based on the findings of an external property market analysis, the outlook for rents is stronger and more stable than for house prices over the next five years. Like the sales market, the rental market faces uncertainty. However, rental values are more closely linked with incomes than with measures that drive house price growth such as interest rates and mortgage availability. Rental growth is anticipated to slow next year because of tightening affordability and the effects of Brexit. Greater uncertainty, higher inflation, and a weak pound will impact how much households can spend on rents. However, the barriers to home ownership remain high. Renting will remain the tenure of choice for younger households.

The residential occupational market in the South East and more specifically Slough has been steady over the past sixteen months leading to November 2016. According to the Land Registry House Price Index, residential property values in Slough increased by 16% over the 12 months to April 2016. Local agents in Slough report that historic sales evidence and market activity has shown a good demand for residential property over the past twelve months, and mentioned that on certain developments, demand has maintained strong.

The decision for the United Kingdom to leave the European Union has undoubtedly had an impact on house prices in prime locations. From conversations with local agents in Slough, we understand the market remains active with values being maintained and new enquiries continuing to come in.

Taking into consideration the above, The Council's external advisors are of the opinion that as residential property is becoming increasingly unaffordable in London, Slough's popularity will increase with the aforementioned development and prospect of Crossrail servicing Slough from December 2019. Furthermore, Slough is in close proximity to London and Heathrow, so provides a good commuter location, in addition to the businesses location at the nearby SEGRO's Slough Trading Estate. It is therefore the opinion of external advisors that Slough's residential status is becoming increasingly popular for professional couples, families and investors alike.

## **5. Supporting Information**

- 5.1 Following Cabinet approval in September 2016, Slough Borough Council ("the Council" or "SBC") has been developing the business case and detailed business

plans to establish two wholly owned subsidiary housing companies. In agreeing to this recommendation, it was noted that the introduction the subsidiary housing companies had the potential to improve choice, increase quality, meet varying forms of housing need and generate independent income streams to improve the financial resilience of the Council. The outputs and outcomes were therefore closely tied to outcomes 2 and 7 in the Council's 5 Year Plan.

5.2 Whilst both companies will acquire homes for rent and will act as exemplar private landlords, supporting SBCs efforts to promote excellent standards in the Private Rented Sector ("PRS"), they will have distinct objectives and operating models:

5.2.1 The operating model for **Herschel Homes**, which will focus exclusively on full market rents, is described in sections 5.3 – 5.9; and

5.2.2 **Slough Homes**, which is summarised in sections 5.10 to 5.16, will provide a blend of affordable and market rent homes. The objective is to apply a discount on rents for as large a proportion as possible of these homes to accommodate people who are homeless or threatened with homelessness or otherwise fall within policy objectives. This will be achieved through cross-subsidy being provided from homes let at market rents.

### **Herschel Homes Description**

5.3 Herschel Homes ("HH") will acquire completed new build units to provide high quality housing for market rent. Financial modelling is based on the acquisition of an initial portfolio of 365 properties over a five-year period from 1 April 2017. The majority of these properties are a mix of high end new apartments, assumed to be largely a mix of 1 and 2 bed properties. This could include planned developments of SBC-owned sites at Alpha Street, Maria Cowland Centre, 150-160 Bath Road and Wexham South as well as sites developed by third parties

The fact that the Council already has a well-defined list of regeneration sites and an approved delivery vehicle (Slough Urban Renewal) in place to construct new build housing in Slough creates greater certainty that HH will realise its business objectives.

5.4 HH will require funding to acquire the properties. The intention is that this will be provided by the Council, and that the financial arrangements will enable the Council to earn a return on its funding in the most efficient way, taking account of the regulatory environment – in particular tax and state aid issues. To address both state aid and HMRC issues, the way in which HH is funded will reflect a normal commercial arrangement, with the Council acting in a way in which a private lender and/or investor would in similar circumstances in a market economy.

5.5 The Council's revenue return from its investment in the Company will be generated by the net rent receivable (less tax) and will be receivable as a combination of interest and dividends from profits after tax.

5.6 In addition to this projected revenue return to the Council, HH will own a portfolio of properties which are projected to appreciate in value over time. Whilst this growth in value will not be realised unless the properties are sold, the business plan shows the gradual increase in the underlying property values which could be realised at some point in the future to reduce debt and/ or provide capital for reinvestment.

5.7 The expectation is that within the first five years, capital funding for HH will be fully financed by the Council through loan funding and equity. However, the overriding principle of the financial modelling is that the company will introduce an independent income stream and there will be no overall cost to the Council from financing the housing company. In addition, the Council is likely to benefit from any future dividends (profits after tax) from the company and 100% of any growth in the value of the property portfolio.

5.8 It is envisaged that the Board of HH will consist of suitably experienced officers. Based on the existing staffing structure, the Board would include:

- Strategic Director – Regeneration, Housing & Resources
- Head of Finance (Transformation)
- Head of Housing
- Head of Asset Management

Due to the commercial nature and objectives of Herschel Homes, it may seek to augment the board by attracting external business expertise with commercial property and investment experience – potentially through part time non-exec Directors. It is anticipated that the Board of Directors will obtain operational support from the Council’s Asset Management Team to deliver the company Acquisition Strategy

The governance arrangements describing the role of Councillors will be described in section 5.23.

5.9 It is assumed that:

- The Company will enter into agreements with SBC to acquire services as required.
- In the early years (1-3) of the company, the day-to-day lettings, management and marketing will be managed on behalf of HH by a lettings company. This will allow the Board of Directors to concentrate on business development (i.e. building the portfolio).
- Whilst selected existing properties could be acquired if they reflected the operating model of HH and were deemed to represent a good investment, HH will primarily focus on acquiring and managing new build properties within Slough.
- The business plan will assume that the service will be brought completely in-house by year 4.
- To reduce tax liabilities, all net profits will be transferred back to the Parent Company (the Council) in the most tax efficient manner.
- An individual business plan will need to be approved by the board and SBC.

### **Slough Homes Description**

5.10 Slough Homes (“SH”) will focus on providing homes to a wider range of people than those who have traditionally been council or housing association tenants. As reported in September 2016, local market housing failure means that an increasing number of residents are unable to afford decent homes in the area. This failure not only has an adverse effect for individuals but also threatens the local economy. The expectation is that SH will assist the Council to more easily discharge its responsibilities to homeless residents and others and in containing or reducing the cost of expensive temporary accommodation such as Bed and Breakfast hotels. It would also be



possible for SH to secure accommodation for specialist purposes such as housing for care leavers and key workers.

- 5.11 It is proposed that the company will purchase up to 25 existing residential properties to rent in year 1 and 50 properties each year for the next 4 years with a total portfolio at the end of year 5 of 225 homes.
- 5.12 A significant proportion of this property will be let at a discounted rent and the overall aim would be to maximise this proportion. Rents would primarily be aligned with the Local Housing Allowance (LHA, the maximum level of Housing Benefit payments) and, in order for the model to remain cost neutral to the Council, a proportion will be let at full market rent. It will also be possible for the company to let at a range of rents below market level to reflect particular household or family circumstances. The initial proportion of homes able to be provided at discounted market rent levels is set out in the business plan and will be reviewed annually. Should the need for discounted market rent properties reduce in the coming years, the potential exists for the company to return an increased profit and make a return to the Council's General Fund in the form of a dividend from letting a greater number of properties at full market rent. In addition, the company will be able to assist the Council in identifying private sector properties for temporary use in discharging the Council's homelessness obligations.
- 5.13 The proposed operating model, which will involve acquiring existing properties, will provide an opportunity to respond quickly to growing demands and make a positive contribution towards tackling the escalating problem of households in inappropriate accommodation and the risk of material increases in temporary housing costs, which is having a detrimental impact on the General Fund.
- 5.14 It is envisaged that the Board of SH will consist of suitably experienced officers. Based on the existing staffing structure, the Board would include:
- Strategic Director – Regeneration, Housing & Resources
  - Head of Finance (Transformation)
  - Head of Housing
  - Head of Asset Management

It is anticipated that the Board of Directors will obtain operational support from the Council's Asset Management Team to deliver the company Acquisition Strategy and receive ongoing support from the Project Management Office. Similarly, the governance arrangements describing the role of Councillors will be described in section 5.26.

5.15 It is assumed that:

- SH will acquire lower valued properties and will purchase a mix of existing properties in various locations throughout Slough.
- The Company will enter into agreements with SBC to undertake the day-to-day business activities associated with the sub-market rent properties (allocations, property management and marketing) will be managed on behalf of SH by SBC, operating under an agreement to provide services. However, like HH,
- In the early years (1-3) of the company, the day-to-day lettings, management and marketing of the full market rent properties will be managed on behalf of

SH by a lettings company. This approach will be reviewed by the Board of Directors within 24 months.

- To reduce tax liabilities, all net profits will be transferred back to the Parent Company (the Council) in the most tax efficient manner.

5.16 The services provided by SBC will include: Allocations, Housing Management, Property Services and Rent Recovery.

### **Proposed Company Model – Limited by Shares (both companies)**

5.17 Subsidiaries are separate, distinct legal entities for the purposes of taxation regulation and liability. The most common way that control of a subsidiary is achieved is through the ownership of shares in the subsidiary by the parent (in this case the Council). These shares, along with governance measures below give the Council the necessary means to exercise control.

5.18 The advantage of a Company Limited by Shares is that it can be grouped with the Council for Stamp Duty Land Tax (“SDLT”) and therefore transfers between the two organisations would not be taxable.

5.19 Whilst the Council could seek to enter into a partnership with an equity investor via some form of joint venture, the most effective way to control the company is to incorporate a wholly owned subsidiary. With such a model, the Council will have the maximum possible degree of control over the future activities of the subsidiary company and the Council (as sole shareholder) will have the ultimate sanction of either removing the Board Members and appointing replacements or, ultimately resolving to wind up the company. However, such a model means that the risks will not be shared.

Moving forward, to allow sustained growth and to share risk, the Council may chose to change the model to allow an equity partner in one or both of the companies – however this scenario is not assumed in years 1-5.

### **Proposed Governance Arrangements (both companies)**

5.20 The Council's relationship with each company will primarily be governed by the Council's rights under the Memorandum and Articles; a Shareholders Agreement to be entered into by the Council and **each company**, future credit/funding financial agreements and Service Level Agreements. In this report the following terms are used:

- The Funding Role,
- The Shareholder Role,
- Service level Agreements, and
- The General Role.

**Each of these roles are described in detail in sections 5.21 – 5.30 below.**

5.21 **The Funder Role** is where the Council acts as a funder and would in determining whether to lend money to HH and SH. To provide resilience and deal with potential conflicts of interest it is recommended that the Funder Role is discharged by the section 151 officer. In effect the Funder Role will act as a bank credit committee. The Funding Role's primary task will be to assess viability (as an entity) for each project which loan funding will be used for and using this analysis to determine whether to release loan funding.

- 5.22 It will also be necessary for the Funder Role to regularly monitor and analyse financial information generated by each company during the lifetime of each loan to ensure that they are not in breach of key financial requirements (which will be stipulated as funding conditions/covenants in each loan). For State Aid reasons the Council and its Funder Role will need to establish that for each loan a notional private lender would make that loan in identical circumstances to the Council.
- 5.23 The Funder Role will also have to satisfy itself that each particular loan is made in compliance with State Aid requirements and that any statutory or constitutional changes (e.g. a change in the Secretary of State's consent regime and internal changes to the Council's constitution and procedures) do not render a proposed loan and/or proposed development ultra vires. For these assessments the Funder Role is likely in part to rely upon the Council's General Role and functions such as legal services.
- 5.24 **The Shareholder Role** is the Council acting as the shareholder in HH and SH and ensuring (as a shareholder would) that they deliver. It will be concerned with HH and SH maximising their economic performance. It will also be interested in HH and SH:
- Complying with good company governance, financial management/audit practices;
  - Having due regard for "brand"/reputation the consequences of their business practices; and
  - It may at some point have to make difficult decisions such as whether to sell all or part of its interest to a private sector organisation, cease expansion of either company's activities and/or in extreme circumstances consider dissolution/winding one of the companies.
- 5.25 Whilst the Shareholder Role is not a vehicle for the Council to remotely manage HH or SH, it provides a framework within which the companies will operate and run their business. This will include approving the annual business plan. The terms of reference for the Shareholder Role are set out in confidential Appendix Three to the Cabinet report with the draft Shareholder Agreement included as confidential Appendix Four.
- 5.26 To minimise conflict of interest, the person appointed to undertake the Shareholder Role in the Council should not be a Director of either company. This is because part of the Shareholder Role will be to hold each company's performance to account and a Director of HH or SH will be responsible for that performance. With this regard, this report suggests that the Shareholder Role should be undertaken by the Section 151 Officer in consultation with the Commissioner for Housing & Urban Renewal & Leader of the Council. This approach will be reviewed annually, thus ensuring that an appropriate mechanism is in place for Cabinet to oversee the business activities of the companies.

#### **Avoiding Conflicts of Interest**

5.27 As set out above, if an officer or Member is required to make decisions about approving funding to either HH or SH or hold performance to account (either through the Shareholder Role or monitoring) then there will be a conflict in that same individual acting as a Director for either company. This is because as a Director, that individual must in that role put the interests the company first. This would prove difficult and create the potential for conflicts of interests in number situations (where the named post is also a Director) including:

- An officer or Member considering whether to agree a loan from the Council for a development;
- An officer or Member monitoring/reviewing financial/commercial performance (as a Director they would be responsible for that performance);
- An officer or Member or member reviewing a business plan in the Shareholder Role (such a plan may seek expansion which could conflict with other Council funding priorities).

5.28 To avoid these potential conflicts, the Council should avoid appointing individuals responsible for the Funder Role, the Shareholder Role or 'scrutinising' the performance of either HH's or SH's performance as a Director of either company.

### **Service Level Agreement**

5.29 The underlying intent of a Service Level Agreement ("SLA") is to provide reassurance that there is transparency in relation to the use of the Council's core staff and facilities for purposes which relate to the activities of the subsidiary companies and ensure there is a robust mechanism for recovery by the Council of all associated costs. The SLA will set out the range of services (for example office space, IT support, Housing Services, Legal Services and Asset Management support) that will be provided and clarify the cost of each element.

The SLA will be reviewed annually and approved by the Assistant Director Finance and Audit on behalf of the Council in consultation with the Commissioner for Housing & Urban Renewal and Leader of the Council.

5.30 **The General Role** is the Council's ordinary governance (including financial governance) role.

### **Summary of Roles & Responsibilities**

5.31 In the event that Cabinet approves the introduction of the subsidiary companies, detailed arrangements will be put in place to demonstrate high levels of governance and operational effectiveness. The agreements will be required to demonstrate that:

- The group structure is established in a way that allows the Council to meet its statutory obligations,
- The strategic planning process allows the Council to guide the activities of each company in the management and delivery of services,
- The Council manages the performance of the subsidiary to ensure that standards are consistent.
- There are formal mechanisms for the control of the quality of service delivery by each company.
- There are appropriate opportunities for Councillors to be involved in decision making at a strategic level and ensure that appointments made to its subsidiary board is as transparent as possible.

- Costs are allocated correctly to each subsidiary company in order to get an accurate assessment of the total costs incurred,
- Financial reporting to the Council, include preparing ‘group’ accounts that will be consolidated into the Council’s annual financial statement, and assessing results against group budgets and reviewing performance against key financial targets is undertaken.
- A clear distinction is made between the various companies within the group to ensure that the Councillors, Staff and third parties are clear about which part of the group they are dealing with at any given time.

5.32 The Role & Responsibilities of each party will be set out in the above agreements. These will include but are not restricted to:

<b>Council</b>	<b>Subsidiary Company</b>
<ul style="list-style-type: none"> <li>• Approval of the overall strategy of the Group,</li> <li>• Following sign-off by the Chairperson of the subsidiary, approval of the subsidiary’s accounts,</li> <li>• Consideration and approval of subsidiary organisations’ annual Business Plans and annual budgets,</li> <li>• Monitoring the performance of the subsidiary against financial and performance targets,</li> <li>• Consideration and approval of all constitutional changes, and</li> <li>• The establishment of governance policies for the subsidiary, including standing orders and codes of conduct for board members.</li> </ul>	<ul style="list-style-type: none"> <li>• Works within limits approved by SBC- but with operational independence from SBC.</li> <li>• Purchases staffing and other services from SBC.</li> <li>• In relation to Slough Homes, be appointed by SBC to provide housing related services</li> <li>• Provide high quality, effective and customer- focused services</li> <li>• Comply with all the agreements in place between the subsidiary and the Council.</li> </ul>

**Proposed Disposals to Slough Homes**

5.33 To deliver the aims of Slough Homes the business plan prepared by external consultants has been augmented by a separate plan that involves the company acquiring the Council’s temporary accommodation hostel type stock and provides services to accommodate people in Emergency and Temporary Accommodation on behalf of the Council. This portfolio consists of only two properties at:

- 5.33.1 Pendeen Court, and
- 5.33.2 High Street, Langley

## **Pendeen Court**

- 5.34 Pendeen Court is a purpose built temporary accommodation housing scheme comprising 29 units plus:
- a communal laundry
  - a common room
  - internal children's play area
  - staff office and cloakroom
- 5.35 The property has not been refurbished since it was built 26 years ago and requires significant capital investment. The benefit of Slough Homes acquiring Pendeen Court is that the refurbishment costs would be funded to ensure its ongoing use as temporary accommodation, making it fit for purpose for the next 20 years.
- 5.36 Pendeen Court is currently owned by the HRA and the disposal of the property is subject to the rules limiting the Council to disposing of 5 properties per year and the HRA receiving a full market capital receipt for the property. Disposal from the HRA should be a straightforward process once the valuation has been agreed as no disposals have taken place this financial year.
- 5.37 The Council has already agreed the erection of 5 x 2 bed units on the garage site at Pendeen as part of the HRA small sites development programme, which do not form part of this initial proposal.
- 5.38 The final valuation, prepared by an independent chartered surveying firm, was attached as a confidential Appendix Five to the Cabinet report.

## **High Street, Langley**

- 5.39 This property, consisting of 12 single rooms with shared facilities across two adjoined houses is a General Fund acquisition of obsolete stock from a housing association earlier in the year. In approving the acquisition, the Capital Strategy Board agreed an additional capital allocation to refurbish the building, which is nearing completion.
- 5.40 The final valuation, prepared by an independent chartered surveying firm, was attached as a confidential Appendix Six to the Cabinet report.

## **Business Case – Disposals to Slough Homes**

- 5.41 The business case supporting the disposal of Pendeen Court and High Street, Langley was approved by the capital Strategy Board on 22 November 2016 and was contained in confidential Appendix Seven to the Cabinet report.

## **6 Comments of Other Committees**

- 6.1 The Cabinet considered the establishment of a subsidiary housing company structure at its meeting on 19<sup>th</sup> December 2016. In addition to the recommendation to approve the capital funding as outlined in section 2 of the report, the Cabinet resolved the following matters which the Council is asked to note:

- That the business plan for Herschel Homes, set out in Appendix One to the Cabinet report 19/12/16 (which contains exempt information), which seeks to establish a company that will acquire, manage and lease new build properties for full market rent be approved.
- That the business plan for Slough Homes be approved, as set out in Appendix Two to the Cabinet report 19/12/16 (which contains exempt information), which seeks to establish a company that will aim to acquire, manage and lease existing properties in a manner that will provide an offering of homes for people facing particular difficulties in accessing suitable accommodation, possibly through cross-subsidy provided from homes let at market rents.
- That it be noted that both Herschel Homes and Slough Homes will be companies that are limited by shares with the Council being the sole shareholder.
- That the Head of Legal Services, following consultation with the Commissioner for Housing & Urban Renewal and Leader of the Council, be authorised to seek the incorporation or acquisition of companies to be wholly owned by the Council to operate under the names of Herschel Homes and Slough Homes and to complete all necessary procedures for this purpose.
- That authority be delegated to the Assistant Director Finance & Audit, following consultation with the Leader and Commissioner for Housing & Urban Renewal to approve the draft Heads of Terms for the Facility Agreement for the Council to provide loan and equity finance to Herschel Homes and Slough Homes and agree that the Assistant Director Finance & Audit, in consultation with the Leader of the Council is authorised to finalise the Facility Agreement and to enable up to £28m to be lent to Herschel Homes and £26.5m to be lent to Slough Homes in the period to 31 March 2019 and for a temporary cash facility of up to £50k to be available from the Council to the two Companies for the initial 18 months as 'working capital' (charged at the base rate plus 2%).
- That the proposed governance arrangements for each company set out in Section 5 in the Cabinet report and the Shareholder Agreement included in Appendix 7.4 of the Cabinet report (which contains exempt information) be approved and authority be delegated to the Assistant Director Finance & Audit in consultation with the Head of Legal Service to complete the draft terms.
- That the Assistant Director Finance and Audit and the Head of Neighbourhoods be authorised to agree prices for services provided by the Council (such as Housing, Property and Asset Management), between the Council and both housing companies.
- That the Head of Legal Services, following consultation with the Strategic Director Housing, Regeneration & Resources in consultation with the Commissioner for Housing and Urban Renewal, be authorised to select an alternative company name for Slough Homes (which will be subject to availability at Companies House).
- That the disposal of the Housing Revenue Account ("HRA") asset at Pendeen Court and General Fund asset at High Street, Langley to Slough Homes be authorised for a sum that represents no less than best value.

- That delegated authority be given to the Assistant Director Assets, Infrastructure and Regeneration following consultation with the Leader, the Council's section 151 Officer and the Head of Neighbourhood Services to agree the final valuation sum for Pendeen Court and High Street, Langley and agree all non-financial terms.

## 6 **Conclusions**

- 6.1 The Council is asked to consider the Cabinet recommendation to approve the capital funding requirement for the two wholly owned housing companies, Herschel Homes and Slough Homes and is asked to note the other matters resolved by the Cabinet on 19<sup>th</sup> December 2016.

## 7. **Appendices Attached**

None.

## 8. **Background Papers**

Cabinet report, 19<sup>th</sup> December 2016



## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council                      **DATE:** 31<sup>st</sup> January 2017

**CONTACT OFFICER:** Nick Pontone, Senior Democratic Services Officer  
**(For all enquiries)** (01753) 875120

**WARD(S):** All

### **PART I** **FOR DECISION**

#### **RECOMMENDATIONS OF THE CABINET FROM ITS MEETINGS HELD ON 19<sup>TH</sup> DECEMBER AND 23<sup>RD</sup> JANUARY 2017**

##### **B. FIVE YEAR PLAN 2017 – 2021**

###### **1. Purpose of Report**

1.1 To consider the recommendation of the Cabinet from its meeting held on 23<sup>rd</sup> January 2017 to agree to the refreshed Five Year Plan.

###### **2. Recommendation(s)/Proposed Action**

2.1 The Council is requested to resolve that the refresh of the Five Year Plan, attached as Appendix A, be agreed.

###### **3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

###### **3a. Slough Joint Wellbeing Strategy Priorities and Joint Strategic Needs Assessment**

The Five Year Plan relates to all aspects of the Slough Joint Wellbeing Strategy's priorities as set out below:

1. Protecting vulnerable children
2. Increasing life expectancy by focusing on inequalities
3. Improving mental health and wellbeing
4. Housing

The Five Year Plan has been developed using the evidence base of the Joint Strategic Needs Assessment and the Slough Story.

###### **3b. Council's Five Year Plan Outcomes**

The review of the Five Year Plan proposes streamlining the outcomes down to five to replace the previous eight which were:

1. Slough will be the premier location in the south east for businesses of all sizes to locate, start, grow, and stay
2. There will more homes in the borough, with quality improving across all tenures to support our ambition for Slough

3. The centre of Slough will be vibrant, providing business, living, and cultural opportunities
4. Slough will be one of the safest places in the Thames Valley
5. More people will take responsibility and manage their own health, care and support needs
6. Children and young people in Slough will be healthy, resilient and have positive life chances
7. The Council's income and the value of its assets will be maximised
8. The Council will be a leading digital transformation organisation

#### 4 **Other Implications**

(a) Financial - the Five Year Plan is important in determining the priority outcomes against which resources will be allocated. The time frame for the Five Year Plan is aligned with our medium term financial planning and will roll forward each year, i.e. the new Plan looks ahead for the five years 2017/18 to 2021/22.

(b) Risk Management - There are no identified risks associated with the proposed actions.

(c) Human Rights Act and Other Legal Implications - There are no direct legal implications. The specific activity in the Strategy and other plans may have legal implications which will be brought to the attention of Cabinet separately. There are no Human Rights Act Implications.

(d) Equalities Impact Assessment - There is no requirement to complete an Equalities Impact Assessment (EIA) in relation to this report. EIAs will however be completed on individual aspects of any actions produced to sit underneath the Strategy, as required.

#### 5 **Supporting Information**

- 5.1 The Five Year Plan was launched in 2015 to define the Council's ambition; the opportunities and challenges we face; the role of the Council in meeting these and the priority outcomes against which resources will be allocated.
- 5.2 The Five Year Plan is therefore an important element of our strategic narrative in explaining our ambitions for Slough's future. It also describes the role of the Council in achieving this, recognising the importance of working with our communities and putting people first in everything we do.
- 5.3 The Plan is updated every year and we also produce an Annual Report so that we can check progress. Last year, 2016, we carried out a light-touch refresh of the Five Year Plan to update the actions in the Outcome Plans and set out how we will work with our partners and communities.
- 5.4 This year there has been a more in-depth review. The Leader and Cabinet have worked with officers to define their political priorities and revised the outcomes to reflect these. The Leader has been clear in his Foreword about his priority to put people first. We have reduced the number of outcomes from eight to five, combining some where there was overlap and duplication and removing others where they were more about ways of working than tangible outcomes.

- 5.5 The Plan therefore sets out our vision, priority outcomes and how we will make this happen:

**VISION: GROWING A PLACE OF OPPORTUNITY AND AMBITION**

***Our priority outcomes – putting people first***

- Our children and young people will have the best start in life and opportunities to give them positive lives
- Our people will become healthier and will manage their own health, care and support needs
- Slough will be an attractive place where people choose to live, work and visit
- Our residents will have access to good quality homes
- Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents

***Making this happen – how we will do this***

- We will listen to and work with our communities, customers and partners
- We will work towards being self-sufficient through innovation, income generation and maximizing the value and effective use of our resources
- We will use digital technology to provide smarter services for people and businesses
- We will recruit, retain and develop high quality people who are committed to Slough and supported to do their job

**6 Measuring progress**

- 6.1 An Annual Report of progress will be produced with case studies and performance indicators setting out how we are delivering our priority outcomes.
- 6.2 The refresh of the Five Year Plan includes a summary of the success measures that will be used to keep track of how we are achieving the outcomes. We are particularly keen to ensure that we meet Members' requirements expressed at both Cabinet and Overview and Scrutiny Committee to improve performance reporting. We are working on a new format for the performance report to focus on a high level set of measures.
- 6.3 Cabinet will also receive an Annual Report of progress against the Five Year Plan and this will reflect the comments made at Overview and Scrutiny and any views of Cabinet.

**7 Comments of Other Committees**

- 7.1 Work has been undertaken with the Leader and all Commissioners to ensure that the priority outcomes reflect the political priorities of the new Administration.
- 7.2 Overview and Scrutiny Committee considered the draft Five Year Plan at its meeting on 20 December. The Council's Scrutiny function will challenge and track progress of the outcomes and Members reiterated their comments about performance and how we measure the outcomes. Between now and publication we will therefore check and add to the actions and success measures in the outcome plans section of the Five Year Plan. Other comments at Scrutiny asked for more

examples of what we have done and what we will do to deliver the Five Year Plan; how we will work together as a Council and with partners; how we will ensure we listen to and engage with communities including community groups; more explanation of the values; and more clarity on a number of service specific issues. We have addressed the majority of these comments in the attached draft and will continue to look to add further examples before the document is published.

- 7.3 The Cabinet will consider the matters detailed in this report at its meeting on 23<sup>rd</sup> January 2017. Any amendments to the recommendations will be reported to Council.

## 8 **Conclusion**

- 8.1 The new Five Year Plan will provide the strategic direction for the Council over the next five years and will enable a clear focus of resources and activity.

## 9 **Appendices Attached**

‘A’ Five Year Plan 2017-2021

## 10 **Background Papers**

None.

# Five Year Plan 2017-2021

**‘Growing a place of opportunity and ambition’**

<b>Contents</b>	<b>Page</b>
<b>1. Leader’s Foreword</b>	<b>2</b>
<b>2. Introduction and vision</b>	<b>4</b>
<b>3. Our priority outcomes – putting people first</b>	<b>6</b>
<b>4. Making this happen - how we will do this</b>	<b>8</b>
<b>5. Outcome Plans</b>	<b>10</b>
<b>6. Budget</b>	<b>15</b>
<b>7. Performance scorecard</b>	<b>18</b>

## 1. Leader's Foreword

It's a great honour to have been elected to serve this town and an even bigger honour to lead Slough.

We sit on the cusp of a fantastic opportunity where the future of Slough is being shaped right around us, and I want to ensure that as a council we are working with residents so they are involved in shaping our town's future.

Since becoming Leader of Slough Borough Council last year I have started a conversation with residents about the future of our town. They are the life blood of all we do and under my leadership this council is becoming a people focused organisation.

This means listening to people and doing things with, rather than to, them. The council will become more inclusive and transparent in its decision making as well as being more accountable to the people we serve.

I want Slough to continue to grow and continue to be a world class destination to do business and I am proud to have some of the biggest names in global business based here. However we have to grow differently - and I will ensure we do. This includes looking at where we position ourselves in the world as well as looking to London and partnering with our West London neighbours who share many of the same opportunities and challenges. I want a growth that is inclusive for all. Slough has changed, and will continue to change, but local people must feel the full benefit of this change. I will ensure we have an offer to local residents that guarantees their place and their children's place in Slough for years to come.

This means we need a housing offer for local people; when businesses come to Slough they take on local young people in high quality apprenticeships; and we must ensure we have an inclusive education system in Slough that drives forward attainment for all our children.

I will be relentless in driving an agenda that puts local people first, to secure their future and that of their children in Slough. We need to support people who need us most, ensuring we have a healthy and active population able to grasp opportunities and live well. Our agenda is to allow everyone in this great town to feel the council is working with them and for them.

Some examples of our achievements against this agenda from the past year are highlighted below:

- The flagship Curve building launched in September bringing library, registrars, adult and community learning into one venue, supported by museum pods, a new multi-purpose space Venue@TheCurve and Gallery@TheCurve, available for exhibitions
- A series of school expansion projects have been delivered including new facilities such as a new four court sports hall for St Joseph's Catholic High School
- Housing regeneration projects at Britwell and Milestone housing in Ledgers Road were completed
- The new community sports stadium at Arbour Park was opened
- All Slough parks retained their Green Flag status

## DRAFT FIVE YEAR PLAN 2017-2021

- The Slough Youth Awards were held to recognise the significant contribution and achievements of Slough's young people
- The Make your Mark Campaign resulted in the second largest percentage turnout across the UK
- The number of people that are managing their social care support via a direct payment increased from 200 to 325 people in less than a year, helping people live independently with more choice and control over the care and support they need
- Over 1000 people were invited to the National Diabetes Prevention Programme 18 week free lifestyle courses, more than anywhere else in the country
- More than 500 people aged 60 and over were assessed for falls risk via the FallsFree4life programme and 60 percent of those attending the 12 week balance classes reduced their risk
- The Slough Women's Forum was established to identify and address issues that matter to women in the local community
- The Council continues to demonstrate strong partnership with the police and the Slough Children's Services Trust effectively safeguard vulnerable people
- Funding was secured from the Local Enterprise Partnership to deliver the new LED lighting programme
- An Investors Day was held to increase investment in the borough securing increasing income via business rates

I am proud of the successes the Council has delivered over the past year and the Five Year Plan sets out our plans for the future so we can build on these achievements and further improve the lives of people in Slough.

**Councillor Sohail Munawar**  
**Leader of the Council**

## 2. Introduction and vision

The purpose of the Five Year Plan is to do three things –

- To set out our vision
- To be clear about our priority outcomes
- To explain how we will do this

### ***VISION: GROWING A PLACE OF OPPORTUNITY AND AMBITION***

#### ***Our priority outcomes – putting people first***

- Our children and young people will have the best start in life and opportunities to give them positive lives
- Our people will become healthier and will manage their own health, care and support needs
- Slough will be an attractive place where people choose to live, work and visit
- Our residents will have access to good quality homes
- Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents

#### ***Making this happen – how we will do this***

- We will listen to, and work with our communities, customers and partners
- We will work towards being self-sufficient through innovation, income generation and maximising the value and effective use of our resources
- We will use digital technology to provide smarter services for people and businesses
- We will recruit, retain and develop high quality people who are committed to Slough and supported to do their job

The Five Year Plan was launched in 2015 to define the council's ambition; the opportunities and challenges we face; the role of the council in meeting these and the priority outcomes against which resources will be allocated.

The introduction of the Five Year Plan was important in providing clarity of vision and direction, explaining how and why the council is changing and identifying more effective and efficient ways of working together.

The Five Year Plan is updated every year and we also produce an Annual Report so we can check progress. Last year, 2016, we carried out a light-touch refresh of the Five Year Plan to update the actions in the Outcome Plans and set out how we will work with our partners and communities.

This year there has been a more in-depth review. The Leader and Cabinet have worked with officers to define their political priorities and revised the outcomes to reflect these. The Leader has been clear in his Foreword about his priority to put people first. We have reduced the number of outcomes from eight to five, combining some where there was overlap and duplication and removing others where they were more about ways of working than tangible outcomes.

### **Opportunities and challenges**

People are proud to live and work in Slough. We are ambitious for Slough's future and have bold plans in place to deliver the best outcomes for the town and its people.

The Leader has been clear about the opportunities for Slough's future. Our reputation and identity are strong. Heathrow and Crossrail are already attracting new development and investment into



## DRAFT FIVE YEAR PLAN 2017-2021

the town. If we can continue to attract growth and shape and manage it effectively we can ensure we deliver benefits for local residents.

Our population of around 145,000 is young, growing and dynamic. We need to ensure their future from an early age and education, to local employment opportunities and the availability of housing to meet their needs. People are living longer today than ever before but this adds pressure on local services such as adult social care to meet more complex needs while enabling people to live independently for as long as possible. There are inequalities across our population including household income, living conditions, wellbeing and health.

As a council we need to have a strong local economy to generate income from business rates for our budget, particularly as our funding from Government disappears. We start from a position of strength in Slough. With a turnover of around £9 billion the underlying strength of our economy and reputation as a place to invest means growth provides a number of opportunities. Inward investment, regeneration and infrastructure improvements will bring real benefits to Slough, from housing and jobs, to better transport, shopping and leisure facilities.

Local government has become increasingly adept at managing growing demand for services against a backdrop of reduced resources. The introduction of the government's austerity agenda hit us hard so we are increasingly having to make difficult decisions about our priorities and what we do. Section 6 on the budget explains the scale of the challenge and our response in more detail.

By the time our grant from Government disappears we will be almost entirely reliant on income from business rates and Council Tax. Developing these twin sources of income and other opportunities is essential to our finances and paying for services.

Given this context, we need to be clear about our priorities and how we will work to achieve these. This is why the Five Year Plan is so important as we will use it to:

- drive the decisions made in the medium and long term financial strategy
- focus on delivery of outcomes by prioritising reducing resources
- provide a basis for discussions with partners about the services they provide
- develop a performance framework to which services and staff will be held accountable

### **The role of the Council**

We will meet the challenges and opportunities we face by:

- demonstrating community leadership
- enabling people to help themselves
- supporting the most vulnerable
- shaping and managing the changing place

We believe we can do more to close gaps and reduce inequalities by enabling people to take more responsibility for their own lives, for example, by living healthier lifestyles. We will build on the strengths of our communities and partnerships. Wherever possible we will also look to manage future demand for services through targeted intervention and prevention. We will always ensure the most vulnerable in our community know how to get the support they need.

We have set a series of equality objectives to reduce inequalities and improve outcomes for local people in specific service areas. This is in line with our focus on putting people first as well as ensuring we meet our requirements under the Public Sector Equality Duty (Equality Act 2010).

### 3. Our priority outcomes – putting people first

At the heart of everything we do are the people of Slough – they are our residents, customers, service users – the communities that together give Slough its identity. It is our responsibility to ensure that as we change the way we do things, we communicate and engage with people so that they understand what is happening around them and why – and that they have an opportunity to be part of the conversation.

Our response to the opportunities and challenges we face is to focus on five priority outcomes to improve the lives of people in Slough. **Resources will primarily be allocated to achieve these outcomes.** Resource allocation will be evidence based – there will need to be a demonstrable, evidenced link between the outcome and the key action.

#### ***Our priority outcomes – putting people first***

- Our children and young people will have the best start in life and opportunities to give them positive lives
- Our people will become healthier and will manage their own health, care and support needs
- Slough will be an attractive place where people choose to live, work and visit
- Our residents will have access to good quality homes
- Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents

These cross cutting outcomes are important in ensuring that we are joining up resources to focus on shared priorities – this approach means we will increasingly be seen to be working as ‘One Council’.

The Outcome Plans in section 5 set out in more detail the actions we will take to achieve these.

In line with our agenda to put people first we will be clear about how new development, infrastructure and regeneration projects will provide benefits for the people of Slough. Some of the planned highlights for the year ahead are summarised below.

840 new primary school places are to be created in Slough under £20 million plans to expand and improve three primary schools. Working in partnership with Slough Urban Renewal the redevelopment plans will also provide enhanced learning environments with improved teaching spaces, dining halls and libraries as well as new sports halls and playground

Work to create a new "state-of-the-art leisure facility" on the Centre site in Farnham Road began in January following the demolition of the old building. The new leisure centre, which is being built by Slough Urban Renewal, will include an eight-lane swimming pool, a poolside sauna and steam room, a four-court sports hall and a gym. Leisure facilities will also be refurbished elsewhere including the extended Ice Arena, Salt Hill and Langley Leisure Centre. In addition, our parks and open spaces will be cleaner, safer and better promoted by a multi-agency group led by the Safer Slough Partnership.

We will implement our new housing strategy to provide more new and affordable homes and improve the standards of existing homes. New homes construction will begin on a series of ‘small sites’ to provide council housing for people on the council waiting list. Our two new Subsidiary Housing Companies will provide better and more affordable homes for homeless households and key workers and lead the way in providing high standards of private sector housing. A new Repairs, Maintenance and Investment contract for Council homes will improve services and value for money for council tenants and leaseholders

## DRAFT FIVE YEAR PLAN 2017-2021

Highways and public transport improvements at Windsor Road, Slough and Bath Road, and Langley will be completed. We will be working more closely with West London in order to maximise economic growth.

Access to lifestyle improvement programmes and 'step down' help from hospital will be easier through the Cardiowellness 4 Slough programme. This single point of access will triage and refer people through a wellbeing hub to the right programme for them and report on a common set of outcomes across a range of agencies.

#### 4. Making this happen – how we will do this

The Five Year Plan means that we are clear in Slough about our priorities and the Outcome Plans in the next section set out how we will work as a council and with others to achieve these.

Our capacity to provide people with support is under growing pressure. We know that we can no longer provide services in the way that we have in the past – we will not be able to provide everyone with everything. We need to rethink and change not only what we do but how we do it.

Our outcomes approach means that we are already working across teams in a more collaborative way which makes sense for many reasons, not least of which where we are working with the same people in our community.

This section explains how we will work to make the Five Year Plan happen and achieve the outcomes.

##### ***Making this happen – how we will do this***

- We will listen to and work with our communities, customers and partners
- We will work towards being self-sufficient through innovation, income generation and maximizing the value and effective use of our resources
- We will use digital technology to provide smarter services for people and businesses
- We will recruit, retain and develop high quality people who are committed to Slough and supported to do their job

- **We will listen to and work with our communities, customers and partners**

Listening to people, genuine community engagement and communication between the Council, communities and partners will be a key focus for us. By working with local people and helping them to do more for themselves we can reduce the demand on the council.

Many of our partners are facing the same twin challenges as the Council – rising demand at a time when resources are diminishing. Like us, they cannot deliver their outcomes without additional support. But what we also have in common is that we are all working with the same communities.

We will work through the Slough Wellbeing Board to facilitate a wider partnership network across the public, private and voluntary sectors to coordinate action and resources to achieve the best results for Slough. In September 2016 we launched a new Slough Wellbeing Strategy at the first in a series of annual partnership conferences to build collaboration across the borough.

The Council is committed to working with our key partners to develop a more integrated way of working with our residents. In the first instance we will be developing a ‘one council’ approach to working with our communities including the large number of community groups who are already keen to work more with us. This will ensure Slough has more resilient communities, with people better able to help themselves, developing social networks that will ultimately reduce demand on public services and take a co-production approach to achieve better outcomes.

- **We will work towards being self-sufficient through innovation, income generation and maximizing the value and effective use of our resources**

As a Council we will need to be more commercially minded and innovative to make the best use of our resources. We all need to think, act and work differently. We want to establish a reputation for innovation.

One example of this is the establishment of a new Local Authority Controlled Company (LACC) to oversee the commercialisation of services. This major new venture for the Council will reinforce our direction to deliver key frontline universal services as well as offer competitive commercial services to the market. By using our embedded subject matter experts and subject leads within the authority and the LACC we will identify opportunities to deliver commercial solutions for our residents and businesses.

- **We will use digital technology to provide smarter services for people and businesses**

Our services need to be smarter and relevant to the way in which people want to access them. We need to think about the customer and what they need rather than what suits us.

This year will see council staff better meeting customers' needs by working more in the community and on site, using technology to provide services in a timely and more efficient way, and reducing costs.

- **We will recruit, retain and develop high quality people who are committed to Slough and supported to do their job**

In keeping pace with all these changes we need to support our staff to acquire new skills and capabilities. Change is fast becoming a constant and the new normal. This is about more than just how we develop our staff – it means a change in the culture of the organisation and a mind-set that is about working differently.

Being clear about our values and behaviours means we can support our staff who want to continue to make a positive difference in their services to improve the lives of people in Slough. We have therefore launched a new set of Values and Behaviours for the Council that sets this out in more detail. Our five **values** are:

- Responsive
- Accountable
- Innovative
- Ambitious
- Empowering

We will use these to drive our behaviours and how we work. We will recruit and manage people by checking how they are performing against these. We have completed a series of Management Development Programmes for all our managers to support them to recruit, retain and develop our staff. We are now evaluating the programme to identify if any revisions are required before we launch another series.

We have reviewed our Recruitment and Selection Policy to give opportunities to all staff for vacancies that arise within the Council before these are advertised externally. There will be exceptions to this, for example, social workers, where we are aware there is not only a shortage locally but also nationally. We are using a broad range of advertising including social media to attract potential candidates and we will continue to explore other methods of recruiting especially within the local community.

## 5. Outcome Plans

Each of our outcomes will be delivered through key actions delivered by the council in partnership with a range of organisations and the community. Below is a summary of these actions. The detail of delivery, including performance measures, is set out in individual plans for each outcome. The table below therefore includes a summary of the types of success measures that will be used to keep track of how we are achieving the outcomes.

**The detailed actions and success measures in the table below will be checked and added to where necessary before the Plan is published –**

Our outcomes	Key actions - to achieve the outcome SBC will ...	Partners who will contribute to the outcome	'SMART' Success Measures will include
<p><b>Outcome 1:</b></p> <p><b>Our children and young people will have the best start in life and opportunities to give them positive lives</b></p> <p><b>N.B There is a responsibility for all children and young people in the borough and a duty towards vulnerable groups.</b></p>	<ol style="list-style-type: none"> <li>1. Enable children and young people have physically and emotionally healthy lives.</li> <li>2. Ensure children and young people are supported to be “safe, secure and successful”</li> <li>3. Enable children and young people to enjoy life and learning, to feel confident about their futures and aspire to achieve to their individual potential.</li> <li>4. Support young people into employment, education and training.</li> <li>5. Provide young people with opportunities to have their voice heard and to shape service planning and delivery.</li> </ol>	<ul style="list-style-type: none"> <li>• Slough Children’s Services Trust</li> <li>• Slough Borough Council / Young People’s Services</li> <li>• Public Health</li> <li>• Joint Corporate Parenting Panel,</li> <li>• The Local Children’s Safeguarding Board</li> <li>• Schools</li> <li>• Voluntary and Community Sector</li> <li>• Youth Forum</li> <li>• Children in Care Council</li> <li>• Creative Education Partnership</li> <li>• East Berkshire College</li> </ul>	<p>Establishment of a ‘good’ children’s service judged good by Ofsted by the end of 2018</p> <p>Health targets (healthy start, oral health, child obesity, health inequalities)</p> <p><b>Social care data:</b> Numbers of children subject to a child protection plan. Number of Children in care. Number of contacts / Referrals to Social Care. Number of early help assessments.</p> <p>Education outcomes (Key stages, GCSE, Pupil Premium benchmarking, LAC attainment, SEN attainment,)</p> <p>Levels of those not in education, employment or training (NEETs)</p>
<p><b>Outcome 2:</b></p> <p><b>Our people will become healthier and will manage their own health, care and support needs</b></p>	<ol style="list-style-type: none"> <li>1. Target those individuals most at risk of poor health and wellbeing outcomes to take up health checks</li> </ol>	<ul style="list-style-type: none"> <li>• Social care providers</li> <li>• Voluntary and community organisations</li> <li>• Residents</li> <li>• Slough CCG</li> <li>• Thames Valley</li> </ul>	<p>Smoking levels</p> <p>Increase in NHS health checks</p> <p>Levels of physical activity</p>

DRAFT FIVE YEAR PLAN 2017-2021

Our outcomes	Key actions - to achieve the outcome SBC will ...	Partners who will contribute to the outcome	'SMART' Success Measures will include
	<ol style="list-style-type: none"> <li>2. Develop preventative approaches to enable our residents to become more able to support themselves.</li> <li>3. Build capacity within the community to enable a focus on supporting more people to manage their own health, care and support needs.</li> <li>4. Deliver a new model of public service that empowers residents to live independent and healthy lives.</li> <li>5. Ensure people are at the centre of the adult safeguarding process and are supported to manage any risks.</li> </ol>	<ul style="list-style-type: none"> <li>Police</li> <li>• Probation Service</li> <li>• Leisure provider and sports' agencies</li> <li>• Slough Safeguarding Adults Board</li> <li>• Slough Children Services Trust</li> <li>• Local Safeguarding Children's Board</li> <li>• Schools</li> <li>• Business community</li> <li>• Housing Associations</li> </ul>	<p>Numbers referred to national diabetes prevention programme</p> <p>Reduction in the number of people receiving long term care.</p> <p>Increase in people receiving short term care and direct payments</p> <p>Increase in those people supported by voluntary and community sector</p> <p>Levels of social isolation</p> <p>Increased number of people involved in their safeguarding enquiries</p>
<p><b>Outcome 3:</b></p> <p><b>Slough will be an attractive place where people choose to live, work and visit</b></p>	<ol style="list-style-type: none"> <li>1. Work with members to conduct a residents survey on perceptions and combine with other survey data to create a clear understanding of peoples current perception of Slough (baseline)</li> <li>2. Work with the Safer Slough Partnership and other stakeholders ( e.g. Town Centre Group) to ensure that crime prevention and community safety is at the heart of an attractive and vibrant Slough</li> <li>3. Work to <b>promote</b> Slough as an attractive, safe and vibrant place with opportunities for all</li> </ol>	<ul style="list-style-type: none"> <li>• Safer Slough Partnership</li> <li>• Schools</li> <li>• Community organisations</li> <li>• Wellbeing Board</li> <li>• LSCB and LSAB</li> <li>• SBC Teams</li> <li>• Community Safety</li> <li>• Community Cohesion</li> <li>• Planning</li> <li>• Building Control</li> <li>• Environmental Quality</li> <li>• Housing</li> <li>• Highways</li> <li>• Parks &amp; Open Spaces</li> <li>• Neighbourhoods</li> <li>• The SUR</li> <li>• Slough Children's Trust</li> <li>• Youth Services</li> <li>• Leisure</li> </ul>	<p>Establish a baseline to measure progress and success.</p> <p>Comparison of annual Crime rates</p> <p>Number/ % of strategic decisions &amp; new policies that fully consider and document response to s17 (Crime &amp; Disorder Act)</p> <p>% increase in positive perception (SMART Target for parks, open spaces, leisure residential, etc to be discussed)</p>

DRAFT FIVE YEAR PLAN 2017-2021

Our outcomes	Key actions - to achieve the outcome SBC will ...	Partners who will contribute to the outcome	'SMART' Success Measures will include
	<ol style="list-style-type: none"> <li>4. Work with SBC teams and stakeholders to enhance and promote Slough's open space, leisure, arts and culture, residential and visual offer and identify strategic improvements e.g. gateways to the town, and other strategic locations</li> <li>5. Ensure that gateways to the town, prominent places and green spaces are clean and well-maintained</li> <li>6. Work with SBC teams and stakeholders to improve air quality</li> <li>7. Deliver the council's community cohesion strategy to increase community resilience.</li> <li>8. Work with partners to ensure that children and vulnerable people are protected (Child Sexual Exploitation and Trafficking)</li> </ol>	<ul style="list-style-type: none"> <li>• Community Services</li> <li>• Voluntary Sector</li> <li>• Businesses</li> <li>• Creative People and Places – HOME Slough</li> <li>• Waste &amp; Environment</li> </ul>	<p>Number of parks with Green Flag status</p> <p>Gateway inspections, levels of street cleanliness, fly-tipping and graffiti removal</p> <p>Improve the average air quality concentrations by 10% against the current 2015 baseline By 2021</p> <p>SMART Target for Community Cohesion (% improvement from Baseline)</p> <p>A reduction in the number of high and medium risk CSE cases</p>
<p><b>Outcome 4:</b></p> <p><b>Our residents will have access to good quality homes</b></p>	<ol style="list-style-type: none"> <li>1. Build Healthy Lifetime homes that can be easily adapted to take account of changing conditions</li> <li>2. Review our allocations policy with a view to giving higher preference to those with long term disabilities who are unable to work</li> <li>3. Robust regulation of the private rented sector to ensure health and safety standards are met and overcrowding is reduced.</li> </ol>	<ul style="list-style-type: none"> <li>• Private rented sector landlords</li> <li>• Private sector developers</li> <li>• Registered Providers</li> <li>• Slough Urban Renewal</li> <li>• Housing Associations</li> </ul>	<p>Number of new homes built each year</p> <p>Number new homes warranted and issued with building control completion certificates each year</p> <p>Number of social housing allocations each year</p>



DRAFT FIVE YEAR PLAN 2017-2021

Our outcomes	Key actions - to achieve the outcome SBC will ...	Partners who will contribute to the outcome	'SMART' Success Measures will include
	<ol style="list-style-type: none"> <li>4. Increase home improvements to allow people to stay in their own homes longer and not require expensive and unwanted residential care</li> <li>5. Make best use of existing public sector housing stock</li> <li>6. Utilise land and resources in and outside of our direct control to develop new homes across all tenures to meet local need</li> <li>7. Make better use of land and existing housing within the borough including using opportunities for new high quality, family and high density residential developments</li> <li>8. Prevent homelessness where possible through early intervention and using a range of housing options</li> <li>9. The Council will actively promote a new garden suburb in an area to the north of Slough</li> </ol>		<p>Number of adaptations carried out each year that enable people to stay in their own homes</p> <p>Increase in council tax base and new homes bonus</p> <p>Levels of homelessness acceptances</p> <p>Void turnaround times and under-occupation moves</p> <p>Progress towards new Local Plan</p>
<p><b>Outcome 5:</b></p> <p><b>Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents</b></p>	<ol style="list-style-type: none"> <li>1. Focus the council's business inward investment and retention function on growing business rate income to support service provision</li> <li>2. Deliver infrastructure improvements to attract and support businesses</li> <li>3. Support businesses and</li> </ol>	<ul style="list-style-type: none"> <li>• Public and private transport providers</li> <li>• SEGRO</li> <li>• Thames Valley Berkshire Local Enterprise Partnership</li> <li>• Slough Aspire</li> <li>• East Berkshire College</li> <li>• Key landlords, developers and</li> </ul>	<p>Business rate income</p> <p>New business investment</p> <p>Local skill levels</p> <p>Unemployment rate</p> <p>Town centre footfall</p> <p>Investor and</p>

DRAFT FIVE YEAR PLAN 2017-2021

Our outcomes	Key actions - to achieve the outcome SBC will ...	Partners who will contribute to the outcome	'SMART' Success Measures will include
	<p>partners to enable residents to develop skills to meet local employers' needs</p> <p>4. Deliver a Local Plan that supports economic growth</p> <p>5. Maximise the opportunities for local people of an expanded Heathrow Airport</p> <p>6. Cultivate a vibrant town centre</p>	<p>commercial property agents</p> <ul style="list-style-type: none"> <li>• Heathrow Airport Limited</li> <li>• Slough Urban Renewal</li> <li>• Secondary schools</li> <li>• Retailers</li> <li>• Slough CCG</li> <li>• Public sector partners</li> <li>• Waste &amp; Environment – Local Authority Controlled Company</li> </ul>	<p>developer enquiries</p> <p>Vacancy rates decreased by xy%</p> <p>Footfall and spending increased by xy%</p> <p>Investor and developer enquiries/net promoter score</p> <p>Gap between residents and incoming workers weekly wages</p>

## 6. Budget

The Five Year Plan runs from 1 April in line with our budget so that our service and financial planning are aligned. The Five Year Plan is refreshed each year along with the budget so we have as much clarity as possible for the year ahead.

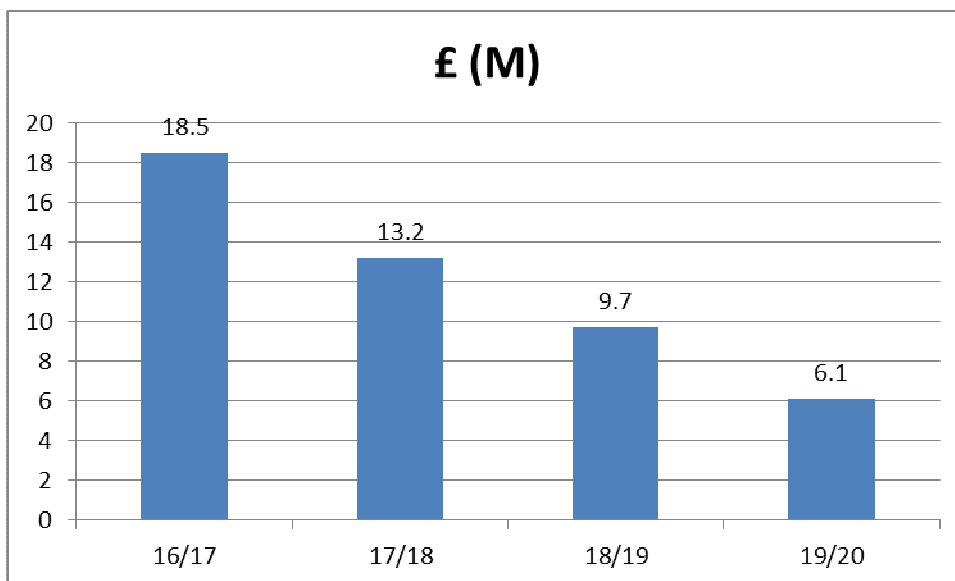
This section explains the scale of the financial challenge and savings required and our approach to tackle this as set out in our medium term financial strategy.

### The challenge

Alongside all other local authorities, we are affected by severe financial constraints. Under the government's deficit reduction programme – intended to reduce the government's budget deficit – national funding for local government has significantly decreased. The local impact of these decisions has resulted in a 66.8% decrease in the amount of central government revenue support grant funding we receive from £39.8m in 2013/14 to £13.2m in 2017/18. Meanwhile our population continues to grow with added pressure on service expenditure as well as ongoing government reforms for example to the funding of adult social care and welfare.

Government has offered all local authorities the opportunity to take up a four year funding settlement if they publish an Efficiency Plan. In October 2016, the Council signed-up to this agreement and accepted the government's offer of minimum guaranteed funding levels (for the period 2016/17 to 2019/20) whilst also accepting that these funding levels will be significantly reduced - see table below.

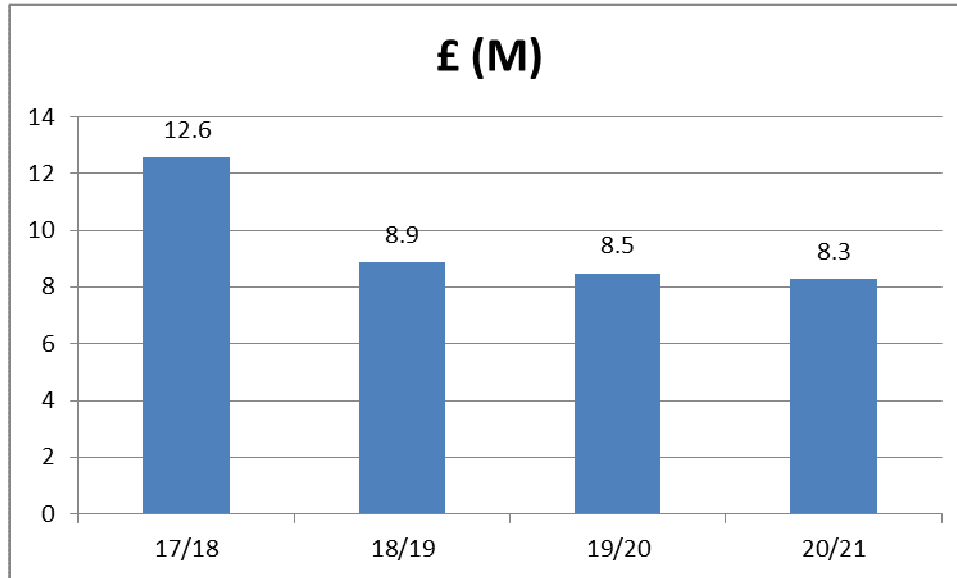
#### Revenue Support Grant to Slough Borough Council



Following the reductions in Revenue Support Grant the local government finance settlement in December included significant changes to the continuing operation of the New Homes Bonus and adult social care funding which have implications for our future funding assumptions. The Government is using the savings from New Homes Bonus to contribute towards a new £240m adult social care support grant. There will also be an increase in the adult social care precept from the current 2% to a new threshold of 3%.

## DRAFT FIVE YEAR PLAN 2017-2021

The table below shows how we need to make £38m savings over the next four years.



### Our response

We have a history of ensuring a balanced budget is delivered, as well as over recent years increasing general reserves to a sustainable level to meet the future financial challenges.

We start from a position of strength in Slough. With a turnover of around £9 billion the underlying strength of our economy and reputation as a place to invest means that growth provides a number of opportunities. Inward investment, regeneration and infrastructure improvements will bring real benefits to Slough. We need to ensure the town remains economically viable. The development of our new Local Plan is facilitating discussions and decisions about our commitment to growth including more and quality housing which is important to meet the needs of local people as well as increase our tax base.

Our medium term financial strategy therefore aims to look for opportunities and seek innovative solutions to help not only protect frontline services wherever possible, but also to enhance the borough's infrastructure and communities to ensure long term benefits to the borough.

Our jointly owned development company, Slough Urban Renewal (SUR) is delivering some major changes to the infrastructure of the borough while providing income to the council. SUR has rapidly developed since 2014 into a key enabler of the council's regenerative and commercial policy. The company, jointly owned by Slough Borough Council and Morgan Sindall Investments Ltd, is building council infrastructure as well as major housing schemes across the borough.

Our Strategic Asset Purchase scheme is designed to use our balance sheet to improve ongoing revenue streams and increase our asset base. The scheme is limited to £25m initially for properties that provide a good yield back to the council and/or are designed to regenerate.

The council has committed to invest heavily in infrastructure over the next five years, specifically on providing new leisure facilities, the landmark civic building – The Curve, as well as major investment in transport and housing infrastructure.

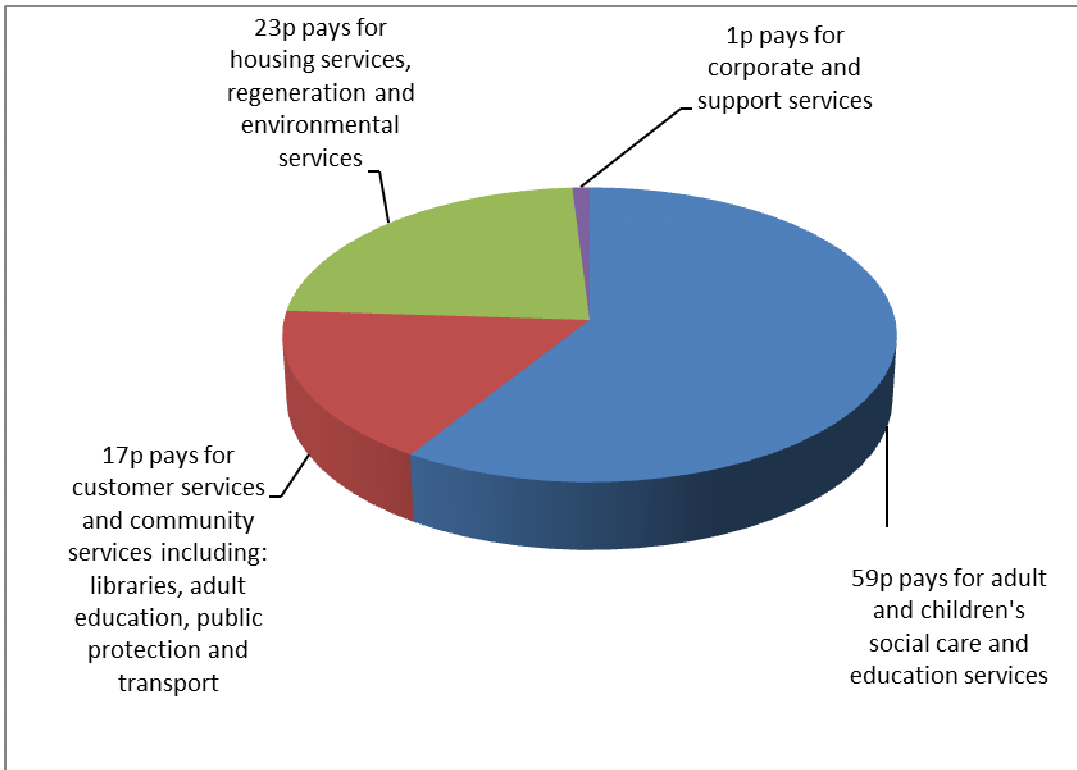
Alongside the council's investment, Crossrail opening in 2019 will also have a significant uplift to the borough, as will the planned western rail link to Heathrow due by the early 2020s.

This more innovative and entrepreneurial approach will also stand us in good stead in future years. Much of this income is on-going revenue streams, and where there is a one-off profit from the

## DRAFT FIVE YEAR PLAN 2017-2021

SUR, the schemes as a whole are helping to drive up council tax and business rates income overall and thus provide greater long term stability to the council's overall funding. This in turn helps to relieve the pressure on service expenditure in areas of high demand such as adult and children's social care.

The chart below shows how our money is spent -



## 7. Performance scorecard

It is important that we are able to provide evidence of progress towards achieving better outcomes to improve people's lives. The Outcome Plans in section 5 above include a series of success measures which we will use to monitor this.

We have identified a high level set of key performance indicators in the table below. These will form part of our Annual Report of progress against the outcomes. They will also be included in future annual refreshes of the Five Year Plan so that we have a consistent set of key performance measures to report against – whether performance is good or bad - so we can spot trends and tackle issues to get us back on track where needed.

Five Year Plan outcome	Performance measure
<p><b>1</b> Our children and young people will have the best start in life and opportunities to give them positive lives</p>	<ul style="list-style-type: none"> <li>• Increase % pupils achieving a good level of development across the Early Years Foundation Stage</li> <li>• Reduce prevalence of childhood with excess weight at start and end of primary school</li> <li>• Safeguarding measure (from Corporate Parenting Plan)</li> <li>• Reduce levels of those not in education, employment or training (NEETs)</li> </ul>
<p><b>2</b> Our people will become healthier and will manage their own health, care and support needs</p>	<ul style="list-style-type: none"> <li>• Increase number of people starting a smoking cessation course / % of those who successfully quit smoking</li> <li>• Increase number of adults managing their care and support via a direct payment</li> <li>• Increase the uptake of health checks</li> </ul>
<p><b>3</b> Slough will be an attractive place where people choose to live, work and visit</p>	<ul style="list-style-type: none"> <li>• Increase levels of street cleanliness</li> <li>• Reduce crime rates per 1,000 population</li> </ul>
<p><b>4</b> Our residents will have access to good quality homes</p>	<ul style="list-style-type: none"> <li>• Increase in number of dwellings</li> <li>• Increase number of affordable homes</li> <li>• Increase number of planning applications approved</li> </ul>
<p><b>5</b> Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents</p>	<ul style="list-style-type: none"> <li>• Increase business rate collection / increase in business rate base</li> <li>• Reduce unemployment rate</li> <li>• Reduce journey time</li> </ul>
<p>Enabling</p>	<ul style="list-style-type: none"> <li>• Increase Council Tax in year collection rate</li> <li>• Increase proportion of Council Tax payments by direct debit</li> <li>• Increase proportion of residents signed up for self service</li> </ul>

## SLOUGH BOROUGH COUNCIL

**REPORT TO:** Council **DATE:** 31<sup>st</sup> January 2017  
**CONTACT OFFICER:** Nick Pontone, Senior Democratic Services Officer  
**(For all enquiries)** (01753) 875120  
**WARD(S):** All

### PART I FOR DECISION

#### RECOMMENDATIONS OF THE CABINET FROM ITS MEETINGS HELD ON 19<sup>TH</sup> DECEMBER 2016 AND 23<sup>RD</sup> JANUARY 2017

#### **C. HOUSING REVENUE ACCOUNT RENTS AND SERVICE CHARGES 2017-18**

##### **1 Purpose of Report**

To consider the recommendations of the Cabinet from its meeting held on 23<sup>rd</sup> January 2017 in relation to the housing rents and service charges for 2017/18.

##### **2 Recommendation(s)/Proposed Action**

The Council is requested to resolve:-

- (a) That Council house dwelling rents for 2017/18 to **decrease by 1%** over the 2016/17 rent with effect from Monday 3<sup>rd</sup> April 2017. This is in line with current government guidelines and legislation.
- (b) That Garage rents, heating, utility and ancillary charges to **increase by 2.0%** with effect from Monday 3<sup>rd</sup> April 2017. This is based upon the September RPI figure.
- (c) That Service charges to **increase by 2.0%** with effect from Monday 3<sup>rd</sup> April 2017. This is based upon the September RPI figure.
- (d) That 'other committee' property rents to increase by an average of 2.0% from Monday 3<sup>rd</sup> April 2017 in line with the September RPI figure.

##### **3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

##### **3a. Slough Joint Wellbeing Strategy Priorities**

This report sets out the context and implications for the council over the setting of housing rents and service charges for the next four years and impact upon the local community.

##### **3b Five Year Plan Outcomes**

This report will primarily have implications for Outcomes 2 and 7 in the delivery of future social and affordable homes by the council, and the maximisation of the rental stream and asset value to the HRA.

#### 4 **Other Implications**

(a) **Financial**

The financial implications are contained within this report.

(b) **Risk Management**

If the Council follows Government guidance and legislation in the setting of its dwelling rents, then the risk to the Council will be mitigated.

<b>Risk</b>	<b>Mitigating action</b>	<b>Opportunities</b>
Legal	n/a	
Property		
Human Rights		
Health and Safety		
Employment Issues	n/a	
Equalities Issues		
Community Support		
Communications		
Community Safety		
Financial	Ensure that the Council sets a balanced HRA annual budget and matches the capital programme to the available resources.	
Timetable for delivery		Approval in January of the new rents will enable tenants to receive notification well within the statutory timescales.
Project Capacity		
Other		

(c) **Human Rights Act and Other Legal Implications**

There are no Human Rights Act Implications.

(d) **Equalities Impact Assessment**

There is no identified need for the completion of an EIA.

#### 5 **Supporting Information**

##### **Background**

5.1 For the 10 years prior to 2015/16, the setting of council social rents has been guided by the government policy called rent convergence, the intention of which was to bring



parity to council social rents across the country, and reduce the ‘gap’ between council social rents and Housing Association rents.

5.2 Driving these annual rent charges was a government prescribed formula which linked the following year’s rent changes to the previous September’s RPI and was weighted for regional differences e.g. salaries and house prices.

5.3 However, in the summer budget on the 8<sup>th</sup> July 2015, the Chancellor announced that “rents paid in the social housing sector will not be frozen, but reduced by 1% a year for the next four years”. In previous years, the Government has always allowed Councils ‘discretion’ in changing their rents but produced a rent policy to guide Councils in the setting of their rents. Slough Borough Council has followed Government ‘rent policy’ and set its rents in line with that policy.

5.4 The Government has now departed from the previous practice of issuing rent ‘guidance’ to setting social rents across the country through primary legislation. Section 23 (1) of The Welfare Reform and Work Act 2016 states that:-

In relation to each relevant year, registered providers of social housing must secure that the amount of rent payable in a relevant year by a tenant of their social housing in England is 1% less than the amount that was payable by the tenant in the preceding 12 months.

5.5 Section 23 (6) then goes on to define the relevant applicable years as a year beginning on the 1 April 2016, 1 April 2017, 1 April 2018 or 1 April 2019.

5.6 The Act does allow exemptions from this rent reduction to be granted by the Secretary of State but these are very limited and clearly specified and cover properties such as specialist supported housing, temporary social housing, care homes and nursing homes. One of those exemptions (section 25(10)) is if the SoS considers that the local authority would be unable to avoid serious financial difficulties if it were to comply with the 1% rent reductions.

In effect, this means that for 2017/18, the Council will again need to set its social rents (HRA) 1% lower than the rents current in this year.

## Impact

5.7 The HRA 30 Year financial Business plan has been updated to reflect the introduction of the 1% decrease this year and the next three years. The impact on this year is an estimated reduction of £0.89m over last year’s rental income of £33.6m.

5.8 The estimated average weekly rent for the current year is now £103.82 and the Government proposals will produce a total estimated loss in potential rental income of £7.8m and an average decrease of 3.0% in weekly rent over the next three years; this roughly equates to the loss of 30 new social properties. Over a ten year period, the cumulative estimated loss of rental income could be £38m. The year by year impact is shown in the table below:-

	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
Average weekly rent	£102.78	£101.75	£100.74
Annual loss of Rent Income	£1.6m	£2.6m	£3.6m

## **Next Four Years**

- 5.9 In addition to the rent decrease this year and the next three years, (the Government has not yet released any indication of rent changes after 2019/20 but an annual increase of 0.9% has been assumed in the HRA 30 year Financial Business Plan) the HRA is also progressing with the procurement of its Repairs, Maintenance and Investment contract. This will continue to require investment until the new contract is in place but will result in a new contract that offers better value for money, focuses more effectively on meeting tenants' housing needs and aspirations, continues the building of new social housing, focuses investment in 'regenerating' existing estates, and better contributes to the Slough 'pound'.
- 5.10 In light of the above uncertainties, and as previously reported to Members, a comprehensive Asset management Review/Options Appraisal linked to the HRA Business Plan is currently being undertaken. This will also look at rent levels, and explore the opportunities that a 'Slough Living Rent' might represent for tenants and Slough residents in the provision of new housing.
- 5.11 The other change likely to impact on the HRA and the Council's tenants in the next few years is:-

### **5.11.1 Sale of High Value Council Houses**

The Housing and Planning Act 2016 introduced a "Duty to consider selling vacant higher value housing" and Section 76 (1) states that "A local housing authority in England that keeps a Housing revenue Account must consider selling its interest in any higher value housing that has become vacant." This is linked to the proposed introduction of 'right to buy' for Housing Association tenants and is intended to 'compensate' Housing Associations for the loss of their stock through RTB.

Recently, speaking at a Communities and Local Government session on the 8th November 2016, the Housing Minister Gavin Barwell admitted that a decision hadn't yet been taken on the timing and the policy would require "quite a notice period" before being introduced. This was followed later that month, by a further statement from the Housing Minister stating that the government would not be requesting any high-value asset payments from Local Authorities during 2017/18.

- 5.12 Most tenants currently receive their water supply from Thames Water through an arrangement with the Council. The HRA receives a "commission" from Thames Water for administering this service on their behalf and in previous years, this commission has been retained within the HRA for the benefit of all tenants. This arrangement is currently being reviewed but for 2017/18, it is proposed to directly net off this commission against each tenant's water charge managed through the Council.

## **6 Comments of Other Committees**

- 6.1 The Housing rents and service charges 2017/18 was considered by the Neighbourhoods and Communities Services Scrutiny on 17<sup>th</sup> January 2017.

6.2 The Cabinet will consider the matters detailed in this report at its meeting on 23<sup>rd</sup> January 2017. Any amendments to the recommendations will be reported to Council.

## 7 **Conclusion**

The Council is requested to approve the housing rents and service charges for 2017/18.

## 8 **Background Papers**

- '1' Welfare and Reform Act 2016
- '2' Housing and Planning Act 2016
- '3' Summer Budget 2015

This page is intentionally left blank

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council **DATE:** 31<sup>st</sup> January 2017  
**CONTACT OFFICER:** Catherine Meek, Head of Democratic Services  
**(For all Enquiries)** (01753) 875011  
**WARD(S):** All

**PART I**  
**FOR DECISION**

**REVIEW OF CONSTITUTION AND RELATED MATTERS**

1. **Purpose of Report**

To report the recommendations of the Member Panel on the Constitution (MPOC) on the Review of the Constitution and seek approval for the recommendations as set out below.

2. **Recommendations**

The Council is requested to resolve:

- (a) That the Developer's briefings to Planning Committee Protocol as set out at Appendix A be approved and incorporated into the Constitution.
- (b) That the amendments to Part 5.2 of the Constitution - Code of Conduct for Councillors and Officers in relation to Planning and Licensing matters as set out in Appendix B be approved.
- (c) That Part 3.6 of the Constitution – Scheme of Delegation to Officers – Proper Officer Functions – Public Health (Control of Disease) Act 1984 be amended as set out in Appendix C.

3. **Community Strategy Priorities**

None as this report is administrative in nature.

4. **Other Implications**

The Constitution meets the Council's requirements and incorporates all necessary legal requirements.

5. **Supporting Information**

**Background**

- 5.1 Members are appointed to the Member Panel on the Constitution (MPOC) at the commencement of each municipal year, to undertake a review of constitutional matters where necessary. All Members were given the opportunity to raise any matters relating to the Constitution that they wished to be reviewed. The MPOC met

on 21<sup>st</sup> September 2016 to discuss a number of items and recommended a number of amendments to the Council that were agreed. The Panel met again on 20<sup>th</sup> December 2016 to consider further elements of the Constitution and recommended that the Council approve the following amendments:

## 6. **Recommendations for revisions to the Constitution**

### **Member Involvement During Formal Pre-Application Submissions To The Local Planning Authority (Lpa).**

6.1 The Panel considered proposed amendments to Part 5.2 of the Constitution - Code of Conduct for Councillors and Officers in relation to Planning and Licensing matters - to:

- enable Planning Committee / relevant Ward Members to participate in pre-application submissions of the planning process
- give applicants the opportunity to participate during Planning Committee meetings.

6.2 The proposals had been presented to the Planning Committee and the Committee had supported the proposals and requested that the right balance be achieved between the time allocated to the applicant and objectors. The draft protocol presented to the Panel set out the time limits for each party. Members were advised that the scheme of delegation and the suggested improvement to the pre application process would ensure that good quality sustainable developments were delivered in Slough whilst ensuring the interests of residents were protected.

6.3 During discussion of the proposals the Panel was advised:

- that the Protocol only applied to proposed large scale development;
- that the normal pre application discussion with officers would remain unchanged;
- that the proposals were likely to reduce the lobbying of planning committee members ;
- that early member involvement would avoid any possible miss-alignment of opinions with less likelihood of applications being deferred by committee;
- the proposals would demonstrate that Slough was truly 'open for business' by positively engaging with applicants and developers.

6.4 Panel members discussed the proposals and in particular the provisions for ward members to address the committee. The Panel agreed a number of amendments to the Protocol and the amended Protocol is set out at Appendix A for the Council's agreement.

6.5 Additional training would be provided to members before the new protocol was introduced.

### **Applicant addressing Planning Committee**

6.6 The Council Constitution presently includes a 'Public Participation Scheme' which sets of the right of objectors and other individuals to address the Planning Committee. In the section 'What is the order of speaking for each application', it is stated that the Chair will invite the applicant or agent to respond after an objector has spoken. It is further clarified under 'Rules, Procedures and Guidelines for

Public Speaking at Planning Committee' that "an objector, a representative or the Parish Council and the applicant (where an objector has registered to speak) may each speak on a planning application". As Members are aware some very large developments do sometimes not attract any opposition from residents and therefore the applicant does not have the opportunity to address the Planning Committee. This approach is outdated and not consistent with current Government guidance and with procedures of other planning authorities. This, in combination with the lack of Member involvement in the pre-application process, means that the Planning Committee is not fully engage in the application process.

- 6.7 It is therefore recommended that applicants be given the opportunity to address the Planning Committee, even where no objectors have registered to speak against the proposed development. This would require very minor amendments to Ethical Framework - Part 5.2 of the Constitution as indicated in Appendix B.

#### **Proper Officer Appointment - Public Health (Control of Disease) Act 1984**

- 6.8 The Panel considered proposed amendments to Part 3.6 of the Constitution – Scheme of Delegation to Officers – Proper Officer Function – to reflect updates legislation.
- 6.9 The proposed amendments reflected the updated legislation and that Public Health England had requested that the Council appoint any one in their organisation who is appointed to one of two defined job titles as the Council's Proper Officer as this allowed flexibility in terms of staff changes and covering emergency rotas etc.
- 6.10 The Panel recommended that Part 3.6 of the Constitution – Scheme of Delegation to Officers – Proper Officer Functions – be amended as set out in Appendix B.

#### **7. Appendices**

Appendix A - Developer's briefings to Planning Committee Protocol

Appendix B - Part 5.2 - Code of Conduct for Councillors and Officers in relation to Planning and Licensing matters

Appendix C - Proper Officer Appointment - Public Health (Control of Disease) Act 1984

#### **8. Background Papers**

A full copy of the Constitution can be accessed on the Council's website.

This page is intentionally left blank



**Developer's briefings to Planning Committee Protocol**

Early member engagement in the planning process is encouraged and supported by the NPPF. Enabling a developer to brief and seek the views of elected Members about planning proposals at an early stage (usually pre-application or where this is not possible, very early in the formal application period) is important in ensuring that new development is responsive to and reflects local interests/concerns where possible.

Slough Borough Council proposes to achieve this objective through formal presentations to the Planning Committee in accordance with procedures set out in this Protocol. No decision will be taken at these meetings and if the pre-application submission is followed by a formal planning application, the application will be subject to the normal procedure of a report to a future meeting of the Planning Committee.

1. The purpose of briefings is:

- To enable Members to provide feedback that supports the development of high quality development through the pre- application process, and avoid potential delays at later stages;
- To ensure Members are aware of significant applications prior to them being formally considered by the Planning Committee;
- To make subsequent Planning Committee consideration more informed and effective;
- To ensure issues are identified early in the application process, and improve the quality of applications; and
- To ensure Members are aware when applications raise issues of corporate or strategic importance.

2. What sort of presentations would be covered in the briefings?

Presentations on proposed large-scale developments of more than 50 dwellings, or 5,000m<sup>2</sup> of commercial or other floorspace or which includes significant social, community, health or education facilities, or where the Planning Manager considers early discussion of the issues would be useful; and

Presentations on other significant applications, such as those critical to the Council's regeneration programmes, significant Council developments, or those requested by the Chair of the Committee or deemed appropriate by the Planning Manager.

3. Frequency and timings of meetings

The presentation will coincide with the monthly Planning Committee meetings.

#### 4. Format of the presentations

- The meeting will be chaired by the Chair of the Planning Committee who will ask Members attending to disclose any relevant interests;
- The Developer will supply all presentation materials including any models, and these will be displayed in the meeting room;
- Officers to introduce the proposal (5 minutes);
- The developer and/or agents will be invited to make a presentation (10 minutes);
- Ward Members will have the opportunity to address the Committee (4 minutes each, subject to the discretion of the Chair);
- Question and answer session: Members of the Planning Committee and Ward Members will be able to ask questions to the Developer and officers (15 minutes) Supplementary questions from Ward members to be at the discretion of the Chair);
- A short note of the meeting summarising Members' comments would be made.

#### 5. Other matters

Members questions will be restricted to points of fact or clarification and must be structured in a way that would not lead to a member being perceived as taking a fixed position on the proposals. Members should ensure that they are not seen to pre-determine or close their mind to any such proposal as otherwise they may then be precluded from participating in determining the application.

## **Part 5.2 Code of Conduct for Councillors and Officers in relation to Planning and Licensing matters**

Councillors can involve themselves in discussions with developers, applicants, their constituents and others about planning and licensing matters. However, difficulties can be avoided if you follow these useful general rules:

### **Do**

- Inform officers about any approaches made to you and seek advice
- Familiarise yourself with the Councillors Code of Conduct and follow it when you are representing the authority
- Keep your register of interests up to date
- Be aware of what predisposition, predetermination and bias mean in your role
- Preface any discussion with disclaimers; keep a note of meetings and calls; and make clear at the outset that discussions are not binding
- Be aware of what Disclosable Pecuniary Interests (DPIs) and prejudicial interests are
- Recognise the distinction between giving advice and engaging in negotiation and when this is appropriate in your role
- Stick to policies included in adopted plans, but also pay heed to any other considerations relevant to planning
- Use meetings to show leadership and vision
- Encourage positive outcomes
- Recognise that you can lobby and campaign but that this may remove you from the decision making process
- Feed in both your own and your local community's concerns and issues
- Be aware that you can engage in discussions but you must have and be seen to have an open mind at the point of decision making

### **Do not**

- Use your position improperly for personal gain or to advantage your friends or close associates
- Meet developers/applicants alone or put yourself in a position where you appear to favour a person, company or group – even a 'friendly' private discussion with a developer/applicant could cause others to mistrust your impartiality
- Attend meetings or be involved in decision-making where you have a prejudicial interest under the Councillors Code of Conduct – except when speaking when the general public are also allowed to do so
- Accept gifts or hospitality
- Prejudge or be seen to prejudge an issue if you want to be a decision maker on a proposal
- Seek to influence officers or put pressure on them to support a particular course of action in relation to an application
- Compromise the impartiality of people who work for the authority

## 1. **INTRODUCTION**

- 1.1 This Code has been written to advise all those concerned with planning and licensing matters of Slough Borough Council in its operation of the town and country planning and licensing systems within the Borough. The Code applies to all Councillors and Officers involved in these council functions.

**Within this code the following terms are defined as follows:**

<b>Councillor</b>	<b>All members of the authority</b>
<b>Committee Member</b>	<b>Member of the Licensing Committee/Sub Committee or Planning Committee</b>
<b>Local Member</b>	<b>Local Ward Councillor for the application in question</b>

### **Planning**

- 1.2 Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of everyone and the private interest of individuals, landowners, and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions) and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision-making.
- 1.3 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that the Council should make planning decisions affecting these interests openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no grounds for suggesting with any justification, that a decision has been partial, biased, or not well-founded.
- 1.4 Thus the successful operation of the planning system in Slough depends upon the Council always acting in a way which is clearly seen to be fair and impartial. This requires a shared understanding of the respective roles of Councillors and Officers and trust between these parties. The following quotation from the Local Government Association serves to illustrate the point:-

*“The role of an elected member on a planning committee involves a balance between representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals. It is this dual role which, as the Nolan Committee in its recent report acknowledges, can give rise to great tensions”.*

*(Source: Probity in Planning 1997).*

## **Licensing**

- 1.5 The Licensing Committee and its sub-committees deal with a wide range of licensing matters. These include the increased responsibilities of licensing both persons and premises with regard to the carrying out of licensable activities including the sale and supply of alcohol; provision of regulated entertainment; and the provision of late night refreshment, by virtue of the Licensing Act 2003.
- 1.6 Many of the licensing and enforcement functions entail Committee Members and officers acting in a quasi-judicial capacity. In doing so they will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights. It is important that the process is characterized by open and transparent decision-making.
- 1.7 The role of an elected member on the Licensing Committee and its Sub-Committees will involve making informed judgements. For example balancing the multiple needs and interests of the local community whilst prioritizing the Licensing Objectives of the Licensing Act 2003 or balancing the private interests of individuals applying for licences as Private Hire Vehicle Drivers with public safety considerations. In carrying out this role the elected member must maintain his/her impartiality and as public perception of probity is critical, his/her appearance of impartiality too, during the decision making process. Decisions should be made openly, impartially with sound judgment and for justifiable reasons. The process should leave no grounds for suggesting, with any justification, that a decision has been partial, biased or not well founded.

## **2. GENERAL PRINCIPLES**

- 2.1 Councillors are required to comply with the statutory provisions on the disclosure of interests, the Councillors Code of Conduct, this Council's Procedure Rules and its Scheme of Delegation.
- 2.2 Officers involved in the processing and determination of planning and/or licensing matters must also act in accordance with the Council's Procedure Rules, Scheme of Delegation, the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct, any other relevant professional or adopted Council Employee Code of Conduct as appropriate.
- 2.3 With regard to Planning this Code deals primarily with planning applications, but also to consideration of Development Plan Documents, Development Briefs, enforcement cases and all other planning matters. An *overriding* principle is that when local authorities are dealing with planning matters, they should only take into account material planning considerations and ignore irrelevant matters (**Appendix A**).
- 2.4 With regard to Licensing this Code deals with all Licensing matters including the duties introduced by the Licensing Act 2003 (regarding licensable activities including the sale and supply of alcohol; provision of regulated entertainment; and the provision of late night refreshment) which require

determination having taken into account the Licensing objectives contained within the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.5 This Code is supplemental to the provisions referred to above and provides further specific advice and guidance for Councillors and Officers involved in planning and licensing matters. A key principle is that Councillors should represent their constituents as a body and vote in the interests of the Borough as a whole. Councillors should take account of all views expressed, they should not be biased or appear to be partial towards any person, company, group or locality.

### **3. GENERAL ROLES OF COUNCILLORS MEMBERS AND OFFICERS**

- 3.1 Councillors and Officers have different, but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst Officers are responsible to the Council as a whole. A successful relationship between Councillors and Officers can only be based upon mutual trust and understanding of each other's position. This relationship, and the trust which underpins it, must never be abused or compromised.
- 3.2 Councillors set the Council's planning and licensing policies and must determine applications, enforcement issues and other planning and licensing matters within the context of those policies. When Committee Members come to make a decision, they must:-
- (a) Act fairly and openly
  - (b) Approach each application with an open mind.
  - (c) Carefully weigh up all relevant issues.
  - (d) Determine each application on its own merits.
  - (e) Avoid contacts with interested parties which might be taken to indicate that they were unduly influenced by one party or another.
  - (f) Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.
- 3.3 The Officers' function is to advise and assist Committee Members in matters of policy and in their determination of planning and licensing applications, enforcement issues and any other matters by:-
- (a) Providing impartial and professional advice.
  - (b) Making sure that all the information necessary for the decision to be made is given.
  - (c) Providing a clear and accurate analysis of the issues.
  - (d) Setting planning applications, enforcement issues and other planning matters against the broader Development Plan policies and all other material considerations.

- (e) Setting licensing applications, enforcement issues and other licensing matters against the Licensing Objectives, the Council's Licensing Policy and all other material considerations.
  - (f) Giving a clear recommendation.
  - (g) Carrying out the decisions of Committee Members in Committee.
- 3.4 Councillors who also serve on Parish Councils may need to clarify their separate roles in each Council regarding Slough Borough Council planning policies. The public and other interested parties should be clear at all times when the Councillors are acting as a Parish Councillor and when they are acting in their role as a Borough Councillor.
- 3.5 Committee Members who carry out functions in another public authority or another local authority (e.g. parish council or health authority) which is making an application for a license or planning permission or which is making a representation should make a disclosure of his/her position in advance of the Committee/Sub Committee meeting and the Chair of the Committee will consult with the Committee's legal advisor to decide if the Member can take part in the decision-making. If it is decided that a Member can be part of the Licensing Sub-Committee then it is important that it is made very clear that any decision taken has been made on the basis of the Licensing Objectives and the Council's Licensing Policy Statement and that the Member concerned is coming to the hearing with an open-mind.
- 3.6 When the Licensing Sub-Committee is considering an application from the Council for a licence, a Councillor who took part in the Council meeting, which approved the policy statement, or the Licensing Committee, which recommended it, would not normally be excluded from the Licensing Sub-Committee. However, there may be an exception if the Member involved could reasonably be seen as having been leading or particular advocate for or against the proposal to such an extent that there were doubts that the Member had retained a genuinely open-mind.

#### **4. DECLARATIONS OF INTEREST**

- 4.1 Councillors should observe strictly the guidance on the disclosure of interests as set out in the Councillors Code of Conduct adopted by the Council in June 2012 (as updated). A Councillor with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- 4.2 Councillors who have substantial property interests, or other interests which would prevent them from voting on a regular basis should avoid serving on the Planning Committee, the Licensing Committee or Sub-Committee.
- 4.3 Gifts and hospitality give rise to particular problems in respect of the credibility of the planning and licensing process and the acceptance of gifts or hospitality

by Councillors or Officers can be a very serious criminal offence. Committee members should have particular regard to the provisions of the Councillors Code of Conduct and must immediately report to the Monitoring Officer any offer of gifts or hospitality. Also, they should avoid any behaviour which might be taken as indicating that they are open to such offers. Officers should strictly comply with the Council's adopted Employee Code of Conduct.

- 4.4 Officers must seek permission from the appropriate senior officer for any private work or interest which they wish to take up as required by the Council's Rules.

## 5. **PRE-APPLICATION DISCUSSIONS**

### **Planning**

- 5.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties, and is regarded as best practice. Discussions can take place for a variety of reasons, for example: to establish whether an application can be improved in design, to overcome planning objections, meet relevant neighbour concerns or concerns on matters relating to owner and disorder or noise or the presence of children.
- 5.2 It should always be made clear at the outset that pre-application discussions will not bind the Council to making a particular decision and that any views expressed are provisional, until all relevant information is submitted and consultations on it have taken place.
- 5.3 Officers will ensure that their advice is ~~not partial, nor~~ neither partial, nor seen to be and is in line with Council policy. This is because a consequent report could be seen as advocacy for a particular point of view. A written attendance note should be made of pre-application discussions, and important telephone conversations and placed on the relevant file. Ward Members will be supplied with a copy of formal pre-application advice given by planning officers on prospective major planning applications except where there is a justified request for confidentiality by the potential applicant.
- 5.4 ~~To ensure professional advice and maintain impartiality it is highly desirable that Committee members do not take part in pre-application discussions other than in cases of minor development. Committee members are encouraged to participate in pre-application submissions through the 'Developer's briefings to Planning Committee Protocol' in order to gain more information about proposed developments likely to be presented to the Planning Committee. This pre-application process gives members the opportunity to make applicants aware of specific concerns and for the applicant to respond in a proactive manner, before the application is submitted and without undermining the ability of the members to participate in the decision making process.~~ - If there are other occasions when Committee members are involved, they must be accompanied and advised by professional officers of the Council including a Senior Planning/Licensing Officer. The involvement of Committee members



in such discussions will be noted by Officers in a written attendance note which must be placed on the relevant file.

- 5.5 For the avoidance of doubt, Committee Members are prohibited from negotiating with the applicant.

Fees may be charged for pre-application advice – applicable fees can be viewed on the Council’s website at [www.slough.gov.uk](http://www.slough.gov.uk)

## **6. ATTENDANCE AT PUBLIC MEETINGS**

- 6.1 Officers who are wholly or partly involved in the processing or determination of planning/licensing matters should not attend public meetings in connection with pre-application development proposals or submitted planning applications, unless their attendance has been agreed by the ~~Head of Planning and Strategic Policy~~ [Planning Manager or the appropriate Assistant Director](#). To do so could lead to allegations of prejudice or bias to a particular point of view. If such attendance has been authorised, Officers should only provide information and give no view on the merits or otherwise of the proposal.

- 6.2 When attending public meetings, Committee members must be accompanied by a Senior Planning / Licensing Officer and they should take great care to maintain their impartial role as a Councillor, listen to all the points of view expressed by the speakers and the public and not state a conclusive decision on any pre-application proposals and submitted applications.

## **7. RESPONSE TO LOBBYING OF COUNCILLORS**

- 7.1 It is a fact of life that when Councillors undertake their ward roles they will be approached by prospective and actual applicants (and agents) or members of the public with a view to them lending support to the proposal, or indeed opposing it. When Committee Members are lobbied they need to exercise great care to maintain the Council’s reputation and the Member’s own integrity and the public perception of the planning and licensing process.

- 7.2 If they are approached, Committee Members should use all reasonable endeavours to refer the person to another Member who is not a Member of the Planning or Licensing Committee. If, however, the lobbying persists then Committee Members should expressly state that whilst they can listen to what is said, they cannot give any commitment (for or against) in respect of the application/proposal for to do so without all relevant information, evidence and views would be unfair, prejudicial and may amount to maladministration. If a Member who sits on the Licensing Sub-Committee wishes to represent the person then he/she will need to excuse him/herself from the Licensing Sub-Committee and address the Sub-Committee as a local member.

- 7.3 If a Committee Member considers that an ordinary member of the public believes that s/he held a conclusive view in respect of an application or other matter before the relevant meeting then s/he should advise the Monitoring

Officer in writing prior to the meeting, and not take part in the debate or vote on the issue.

- 7.4 If approached by a constituent, who is not professionally represented, a Committee member should only give advice on planning or licensing procedure, rules and policy. If approached by a constituent who is represented, or a non-constituent, or a professional agent, a Committee member should refer the person making the approach to the [Development Control Manager](#)/[Planning Manager](#) / Planning Case Officer or Licensing officer as appropriate.
- 7.5 Other than for formal site visits, Committee members should not enter premises or sites (if the visit is in relation to the application) which are, or are likely to be, the subject of a licensing application, planning application or forms part of a Development Plan proposal.
- 7.6 Committee Members should not organise support, opposition or put undue pressure on other Councillors or Officers for a particular decision/recommendation.
- 7.7 A decision in respect of any planning or licensing matter or application can only be taken at the relevant Committee when all relevant information is to hand and has been carefully considered. Individual Committee Members should reach their own conclusions at the meeting rather than be influenced by others. In this regard, any political group meetings prior to Committee meetings should not be used to decide how Committee Members should vote.

## **8. THE PARTY WHIP**

- 8.1 Committee Members cannot accept an instruction from anyone to determine an application in a particular manner, but must determine the issue on its merits. Accordingly, whilst they may accord appropriate weight to the views of other Committee Members, whether expressed in the Committee meeting or in prior discussions, they must determine the application on its merits and should not take into account any factor which they are not prepared to state in open Committee. Therefore, it is inappropriate for any Party Group to instruct its Committee Members to vote in a particular manner on an application or to apply or threaten to apply any sanction to any Member who votes contrary to the Group's collective views.
- 8.2 Where such a "Whip" has been applied, Committee Members should declare it in exactly the same manner as they would declare any other attempt at lobbying.

## **9. PUBLIC PARTICIPATION SCHEME FOR PLANNING**

- 9.1 Applications for planning permission are determined by either Officers acting under the Council's Scheme of Delegation or by Members who form the Planning Committee. Each application is subject to a public consultation/notification exercise which includes local residents and other bodies inviting comment in writing on the application before it is determined.

9.2 The following will be allowed to address the Planning Committee before Committee Members take their decision:-

- (a) Objectors (subject to para 4 of the explanatory leaflet set out in Appendix B)
- (b) Parish Council representatives
- (c) The applicant (or his agent) (~~where an objector has registered to speak~~)
- (d) Ward Councillors or other appropriate elected representatives raising material planning issues on behalf of those they represent.

9.3 The Public Participation Scheme will only apply to applications which are to be determined by the Planning Committee. They do not apply to any matter where the Planning Committee is considering enforcement of any kind. Applications to be determined under Officer Delegated Authority are not subject to the requirements of this code.

9.4 The Public Participation Scheme will operate in accordance with the explanatory leaflet attached as **Appendix B** to this Code of Conduct.

## **10. ELECTED MEMBERS AS INTERESTED PARTIES UNDER THE LICENSING ACT**

10.1 All elected councillors are “interested parties” under the Licensing Act 2003 and can make representations in their own right in response to premises licence and club premises certificate applications.

10.2 Councillors either need to be 'interested parties' in their own right or need to be asked by an 'interested party', specifically, to represent them.

10.3 Only “relevant representations” can be considered by the licensing authority. Representations that are made about the general problems in an area or the fact that there are “too many” licensed premises in an area, for example, **are not** relevant representations. Representations should address the effect of the application on one or more of the licensing objectives, i.e. –

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

10.4 Given the quasi-judicial nature of the proceedings, all representations or reviews:

- must be in writing, showing the name and address of the person seeking to make the representation (the representation/review application must be published as part of the process) – there is a prescribed form for reviews on the Licensing Act web pages on the SBC web site;
- must clearly set out the likely effects the grant of the licence would have on the promotion of at least one of the licensing objectives;

- must present evidence which is relevant in support of the representation or review; and
  - must clearly relate to the premises for which an application is being made.
- 10.5 Councillors can make representations or apply for a review in respect of any premises within any ward in the licensing authority's area.
- 10.6 Members of the Licensing Committee can make representations or request a review and in addition to this also address the Licensing Sub-Committee as an interested party. However, a Councillor cannot sit as a member of the Sub-Committee when it considers the application that they are involved in.

**Elected Member representing another interested party**

- 10.7 Councillors are able to represent another interested party (or parties) who has made a representation. In this scenario the Councillor does not need to have made a representation in his/her own right, but must ensure that he/she demonstrate to the licensing authority that they have been requested to represent the interested party or parties in question.

**11. REPORTS BY OFFICERS**

- 11.1 Reports to the Planning Committee on applications and other planning matters must be clear and accurate and comprise:-
- (a) a description of the site/summary of the application
  - (b) any related planning history
  - (c) full details of any relevant policies of the Development Plan and other material considerations.
  - (d) a technical appraisal of which clearly justifies the written recommendation.
  - (e) a written recommendation setting out clear and unambiguous reasons for:
    - (i) granting planning permission (with conditions to be attached); or
    - (ii) refusal.

Officer reports should be proportionate to the planning issues. It will be acceptable for reports to summarise analysis when there is compliance with policies and concentrate analysis on issues where there is conflict or some variance with policies. The content of reports is the responsibility of the [Head of Planning and Strategic Policy-Planning Manager](#).

- 11.2 Officers may supply written information at the Planning Committee to take account of additional relevant matters that arise between the publication of the agenda and the date of the meeting. Plans of the proposed development will be available for inspection at Committee. The Chair, at the request of any Member of the Committee, shall adjourn the meeting for a reasonable period of time to enable the Committee Members to have an opportunity of reading any information which has been tabled by the officers at the meeting.

- 11.3 As a general rule the Members of the Committee will not take into account any written information at the meeting which has not been submitted by the developer/applicant or any consultees (including local residents) as part of the application process. However in exceptional circumstances the chair, in consultation with the officers present, may exercise his/her discretion to consider new information if it is appropriate to do so.
- 11.4 Reports to the Licensing Committee on applications and other licensing matters must be clear and accurate and comprise:-
- (a) full summary of the application
  - (b) summary of the representations made
  - (c) summary of how the Licensing Officer views the provisions of the Licensing Policy, Guidance of the Secretary of State and the relevant legislation as relating to the application.
  - (d) any relevant representations.
  - (e) a site location plan
  - (f) a written recommendation setting out clear and unambiguous reasons for:
    - (i) granting the license or
    - (ii) refusal.
- 11.5 The relevant Planning/Licensing Officer must be available at the Licensing Committee to answer any questions or clarify any queries raised by Committee Members.

## **12. THE DECISION MAKING PROCESS**

### **Planning**

- 12.1 In determining applications submitted pursuant to the Town and Country Planning Act 1990, and other planning or planning related legislation, the Council will follow the Guidelines adopted as part of this Planning Code. These adopted Guidelines will be subject to changes from time to time to reflect the latest government guidance and case law ([Appendix A](#)).
- 12.2 Committee Members should not take part or vote on any application or matter if they have not read the committee report and have not been present throughout the consideration of such application or matter unless the item has been deferred from a previous meeting after being partially considered.
- 12.3 In discussing and determining a planning application enforcement issue or other planning matter, Committee Members should confine themselves to the planning merits of the case. The reasons for making a final decision should be clear, convincing and supported by material considerations and the

planning merits. The Planning Committee's decisions should be properly minuted.

- 12.4 From time to time Members of the Planning Committee will disagree with the professional advice given by the [Head of Planning and Strategic Policy Planning Manager](#) or his/[her](#) representative. As indicated in paragraph 1.2 above planning is not an exact science and there can be genuine disagreement about the implications of a particular proposal. A senior legal officer will be present at Committee and will be able to advise if the facts simply cannot support the conclusion which the Committee Members have drawn and the Committee is in danger of acting unreasonably.
- 12.5 Where Committee members wish to add or amend conditions or reasons for refusal, the general content will be agreed at the meeting before the vote is taken and the final wording will generally be delegated to the [Head of Planning and Strategic Policy Planning Manager](#). Where an appeal arises against such a decision, Officers will give support to the relevant Committee Members in preparing evidence for the appeal, but it will be for Members of the Planning Committee to appear at any appeal inquiry/hearing and give evidence to justify the reasons for the Committee's decision.
- 12.6 If the officer report recommends approval of a departure from the Development Plan, the justification for this recommended departure should be included in the report.

### **Licensing**

- 12.7 In determining applications submitted pursuant to the Licensing Act 2003 the Council will follow Licensing Objective contained in the Licensing Act 2003, the Council's Licensing Policy, Government Guidance and Regulations.
- 12.8 In discussing and determining a licensing application, enforcement issue or other licensing matter, Committee Members should confine themselves to the licensing merits of the case. The reasons for making a final decision should be clear, convincing and supported by material considerations and the licensing merits. Reasons for decision must be clearly documented so that any subsequent accusation of bias etc. can be defended. It is critical that it is clear that decisions are made according to the Licensing Objectives of the Licensing Act 2003 as well as the Council's Licensing Policy Statement. The Licensing Committee's decisions should be properly minuted.
- 12.9 Committee Members should not take part or vote on any application or matter if they have not read the committee report and have not been present throughout the consideration of such application or matter unless the item has been deferred from a previous meeting after being partially considered.

### **13. APPLICATIONS OR PROPOSALS OF COUNCILLORS, OFFICERS AND THE COUNCIL**

- 13.1 Councillors and Officers should never act as agents for individuals (including a company, group or body) pursuing an application, enforcement issue or

other planning or licensing matter. If Councillors or Officers submit their own development proposal or licensing application to the Council, they should take no part in its processing or the decision-making. The Council's Monitoring Officer should be informed by the Councillor or Officers of all such proposals as soon as they are submitted and shall ensure that such applications and/or matters are dealt with in a correct and open manner.

- 13.2 Applications made on behalf of the Council for its own development must be determined in an identical manner to applications made by the general public and the same planning policy considerations applied. The Council's current practices and procedures achieve this with identical consultation and publicity in relation to the application. Decisions must be made strictly on planning/ licensing merits and without regard to any financial or other gain which may accrue to the Council if the development license is permitted. Applications for development by the Council are considered by the Planning Committee for decision or in accordance with the Council's Scheme of Delegation. This scheme gives clear guidelines on when planning applications will be determined under delegated powers. All applications for licences by the Council are considered by the Licensing Committee for decision irrespective of whether or not representations are made.

#### **14. SITE VISITS**

##### **General**

- 14.1 Site visits are:-

- (a) fact finding exercises
- (b) not part of the formal consideration of the application and therefore public rights of attendance do not apply
- (c) to enable Officers and the Applicant to point out relevant features
- (d) to enable questions to be asked on site for clarification. However, discussion on the application will only take place at the subsequent Committee as all relevant parties may not be in attendance on site.

- 14.2 At the site visit Committee Members shall be accompanied by a Planning/Licensing Officer who will record what takes place at the inspection. Committee Members may ask questions of the Officers and the applicant/agent. However, representations on the merits of the application will not be heard.

- 14.3 The site visit shall take place during normal working hours as far as is practicable unless there are exceptional reasons which dictate otherwise (which should be minuted).

- 14.5 The Planning Officer who attended the site visit will prepare notes for the Planning Committee on the planning issues and any relevant information obtained by Committee Members and a recommendation on how the application should be determined.

- 14.6 The Officer attending the site visit will ensure that all correspondence in relation to site visits clearly identifies the purpose of the site inspection, the format and conduct of the inspection and the appropriate procedure for the applicants, agent and interested parties to address Committee Members.

### **Planning**

- 14.7 A site visit is private and its purpose is for Committee Members to gain knowledge of the development proposal and to observe the characteristics of the site and its relationship to its surroundings. A site visit may be called by
- Any two Members of the Planning Committee;
  - A Ward member, if the application has been referred to Committee by the [Head of Planning and Strategic Policy](#) [Planning Manager](#) on the request of the Ward Member.
- 14.8 Requests for site visits will be made directly to Democratic Services, with an outline of the main reasons as to why a site visit should take place and must be submitted ten working days before the meeting at which the application is to be considered.
- 14.9 All Members of the Planning Committee will be invited to the site visit and all ward members will also be advised of the visit and invited to attend.

### **Licensing**

- 14.10 Site visits by Licensing Sub-Committee members shall only be undertaken where objective decisions cannot be taken without viewing the site and adjoining properties and the reasons should be clearly minuted. If a site visit is agreed a Viewing Panel shall be properly constituted where at least two Sub Committee members attend the site accompanied by the licensing officer who will record what takes place at the inspection.

## **15. PLANNING AGREEMENTS**

- 15.1 When applications which propose or require planning obligations by agreement are referred to the Planning Committee the heads of agreement will be included in the Officers' written report, and a copy of the agreement, when made, will be publicly available, provided (following the advice of a Council Solicitor) it is not considered to prejudice clearly established interests of commercial confidentiality.

## **16. TRAINING**

- 16.1 No Councillor should be appointed to the Planning Committee or Licensing Committee without having agreed to participate in educational training programmes directed towards the role of Councillors in making decisions.
- 16.2 The Council will, from time to time, consider and review the form of education and training that is most appropriate.



16.3 Training sessions for Planning Committee by the Council's Solicitors and Planning Officers will cover the following topics:-

- The Role of the Government in Planning
- The Development Plan and Material Considerations
- Section 106 Planning Obligations/Planning Conditions
- Enforcement of Planning Control
- ~~Certificates of Lawful Use~~ [Permitted Development](#)
- Planning Procedures

16.4 Training for Licensing Committee will cover all aspects of the Council's Licensing functions.

16.5 This training will be open to all Councillors and brief handouts will be provided where appropriate. The Council welcomes suggestions from Councillors on any other subjects which they would like to see covered and any other training procedures that they would wish to adopt.

## **17. COMPLAINTS & RECORD KEEPING**

17.1 In order that planning and licensing procedures are undertaken properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application and licensing application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interest by Councillors.

17.2 The same principles of good record keeping will be observed in relation to all planning, enforcement and licensing matters. Monitoring of record keeping may be undertaken by the appropriate managers.

This page is intentionally left blank

## **COUNCIL GUIDELINES FOR DETERMINING PLANNING APPLICATIONS**

### **1. APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING ACT 1990 (TCPA)**

- (i) The emphasis in determining applications is upon a plan led system. Section 54A of the Town and Country Planning Act 1990 requires all planning applications to be determined by reference to the Development Plan if material to the application, and any other material considerations. If the Development Plan is material to the application then the statutory position is that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- (ii) The term “other material considerations” has a wide connotation as expressed by the following judicial comment:-

“.....I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity.....it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration”.
- (iii) Material considerations include national planning guidance in the form of Government Circulars, Planning Policy Statements, Non-Statutory Development Control Guidelines and case law. A ministerial statement may be a material consideration.
- (iv) Examples of material considerations are:-
  - (a) appearance and character of development;
  - (b) traffic generation, highway safety and parking;
  - (c) Overshadowing, overlooking and loss of privacy;
  - (d) noise, disturbance or other loss of amenities;
  - (e) layout and density of buildings;
  - (f) relevant planning policies.
- (v) Matters which are not material considerations include:-
  - (a) boundary disputes, covenants or other property rights;
  - (b) personal remarks (e.g. the applicant’s motives);
  - (c) reduction in property values;
  - (d) loss of private view over the land.
- (vi) The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, in exceptional circumstances they may outweigh other material planning considerations. Where this is the case, specific and valid reasons must be given to justify the exception.
- (vii) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision-maker having regard to the planning evidence. In attaching

weight to any offers of community benefit accompanying any planning application, Members must be mindful of the ~~a~~Advice in [Circular 05/20051/97 Planning Obligations \(Section 106 Agreements\) the Planning Practice Guidance: Planning Obligations](#) as to the legality and materiality of such offers.

- (viii) It is essential to consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by [English Heritage/Historic England](#) or the Environment Agency.
- (ix) The view of local residents are relevant when determining a planning application, but it must be recognised that such opposition cannot be a reason in itself for refusing or granting planning permission unless founded on valid planning reasons, which are supported by substantial evidence (~~Circular 03/2009~~[\(Planning Practice Guidance\)](#)).
- (x) Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
- (xi) It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.
- (xii) Planning Conditions should only be imposed for a planning purpose and not for any ulterior one. They must fairly and reasonably relate to the development. Thus it is essential to avoid conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

## 2. **APPLICATIONS UNDER THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (PLBCA)**

- (i) It is now established that the determination of planning applications and applications for PLBCA are two separate statutory duties. The provisions of the TCPA do not override those of the PLBCA.
- (ii) The Development Plan contains policies that deal with development in Conservation Areas and applications for Listed Building Consent under the PLBCA to enable the local authority to consider the desirability of preserving the building or its setting or any feature of special historic interest or the Conservation Area.
- (iii) Members will also have regard to the replies of statutory consultees, e.g. [English Heritage/Historic England](#) and amenity societies.
- (iv) [Planning Policy Statement Planning Practice Guidance](#) and the Historic Environment [Records](#) will be relied upon.
- (v) Any other material consideration, e.g. appeals decisions and relevant case law.

**PUBLIC PARTICIPATION SCHEME**

**SLOUGH BOROUGH COUNCIL**

---

**What happens about my  
Objection to a  
Planning Application?**

---

**This information explains how your objection is dealt with and how the application is determined. Your views on planning applications are always considered when planning decisions are made**

## **1. I have objected. What happens next?**

### **1.1 Planning officers will consider whether:**

- the application should be recommended for approval as it stands
- it should be amended to resolve your objection, or
- it should be refused

**1.2** Your written objection may be made by email or by letter. Your written objection will not normally be replied to or acknowledged. If the application is to be referred to the Planning Committee you will be notified when the Agenda is prepared to give you the opportunity to register if you wish to speak on your objection. The deadline for receipt of requests to speak at a Planning Committee shall be no later than three clear working days prior to the day of the meeting. If exceptionally an application is taken to Planning Committee as a late urgent item you will be informed. If there is not three working days for the submission of your request discretion may be exercised to relax the procedure.

**1.3** If you have submitted a petition in response to a planning application your petition will be noted for the purposes of the Public Participation Scheme and, in the event that the application is to be determined by the Planning Committee, the petition organiser/main contact will be advised of their right to speak at the meeting.

[Note: The submission of a petition does not mean that the planning application will automatically be referred to the Planning Committee.]

## **2. Who Makes the Decision?**

Most planning applications are dealt with at officer level under a Scheme of Delegation. In this circumstance the application will not be reported to the Planning committee for determination. In certain circumstances, as set out in the Scheme of Delegation, the application will be determined by the Planning Committee. Any comments received will be summarised in a report when the application is presented.

## **3. Can I see the officer's report before the Planning Committee Meeting?**

Yes. The agenda and reports will be available five working days before the meeting. An additional paper (The Amendment Sheet), containing information received after the reports have been written and prior to the meeting, will be circulated at the meeting.

## **4. Can I speak at the Planning Committee Meeting?**

Slough Borough Council has a public participation scheme that allows for speaking about a planning application that is to be determined by the Planning Committee. You may speak if:-

- (a) you have made a written objection or lodged a petition and
- (b) registered to speak.

## **5. Can a member of the public speak about any application on the Agenda?**

No. Members of the public can only speak if they have objected in writing to an application and registered to speak, in line with the Public Participation Scheme.

## **6. How much time will be allowed for speakers?**

A total of four minutes per site/application will be allocated to hear the views of all objectors, four minutes for Parish Councils and four minutes for the applicant/agent. The Chair of the Planning Committee can in exceptional circumstances extend the time limit for all parties and his decision will be final.

## **7. What happens if there are a number of objectors wishing to speak?**

- 7.1 The time limit remains the same and objectors will be encouraged to present a joint objection or appoint a spokesperson, as this is often the most effective use of the time available. In order to agree the best approach, objectors may contact the Planning Committee Clerk for details of others wishing to speak. The telephone and fax numbers and the e-mail address can be found in the Notice of Objection form which accompanies this leaflet. In some cases the Parish Council or a Residents' Association may be willing to represent objectors.
- 7.2 The Council needs to strike a balance between providing the opportunity for people to be heard and ensuring that the applications are dealt with efficiently, within a meeting of reasonable length. This is why there is a time limit on speakers.

## **8. Can someone else speak on my behalf?**

Yes. You could ask a friend, relative or professional adviser to speak for you.

## **9. How do I present my objection?**

The Committee may only consider relevant planning issues. Please limit your comments to matters such as:-

appearance and character of development  
traffic generation, highway safety and parking  
overshadowing, overlooking and loss of privacy  
noise, disturbance and other loss of amenities  
layout and density of buildings  
relevant planning policies

Please avoid matters that cannot be considered by the Committee such as:-

boundary disputes, covenants or other property rights  
personal remarks (e.g. the applicant's motives)  
reduction in property values  
loss of private view over the land

If you would like to check what issues are relevant, please contact the appropriate planning officer in the [Department of the Green and Built Environment Customer and Communities Department](#). Advice is given free of charge at present but is subject to review.

You may be asked to pay a fee for specific advice from a Planning Officer in accordance with any charging scheme the Council may introduce.

If you have any questions or documentary evidence e.g. letters, maps, photographs etc in support of your objection they must normally be submitted to the appropriate planning officer at least 72 hours before the meeting. This will allow any such documents to be

verified and to be given proper consideration by the Committee. Documents or questions submitted outside this deadline can only be considered in exceptional circumstances and with the approval of the Chair.

#### **10. When and where are the meetings held?**

Applications are dealt with by the Planning Committee, which meets at 6.30 p.m. You will be advised by letter or e mail of the date of the meeting if the application you have objected to is to be considered by the Committee and the location of the meeting.

#### **11. Who is on the Committee and who else will be there?**

The Committee is made up of elected Councillors. Council Officers attend to advise the Committee and make a formal record of the meeting. Other Councillors may be present to speak on applications within their Ward, but they cannot vote. Any member of the public or applicant may attend to listen to the debate and the Media is usually present.

#### **12. What is the order of business at the meeting?**

The Chair of the Planning Committee will normally amend the order of business on the Agenda and deal firstly with those applications where people have expressed a wish to speak under this Scheme.

#### **13. What is the order of speaking for each application?**

The Chair will announce the application.

A planning officer will give a short introduction.

The Chair will invite objectors to speak

The Chair will invite the applicant or agent to [speakrespond](#)

The Chair will invite the Ward Councillor(s) to speak

The Chair will invite the Parish Council representative to speak.

Committee members may ask questions of the speakers and seek clarification of particular points from officers.

The Committee will then discuss the application and make a decision. This may be to:-

- [1.](#) approve the application
- [2.](#) refuse the application
- [3.](#) [delegate the application to the Planning Manager for final determination](#)
- [4.](#) defer consideration e.g. for further information or amendments, or
- [5.](#) defer consideration for a site visit by a panel of Councillors.

#### **14. What happens if an application is deferred for a Site Visit?**

If, before the meeting, a councillor asks for a site viewing and the application is not discussed, you will be invited to speak at a subsequent meeting when the item will be considered. If, after hearing the objectors, the Committee decides to view a site, you will



not be invited to speak again. **You will be given only one opportunity to speak on an application.**

**15. Can Objectors speak at a Site Visit?**

No. The site visit is private and its purpose is to observe characteristics of a site and its relationship to the surroundings. Representations on the merits of the application will not be discussed.

**16. Can an application be approved by the Committee if it is recommended for refusal?**

Yes the Committee (i.e. the Members elected by the public) can disagree with the officer's recommendation.

**17. What happens after the decision is made?**

The applicant/agent will be sent the notice of decision. Objectors/supporters can view the decision on the Council's website. [www.slough.gov.uk](http://www.slough.gov.uk) or inspect the Planning Register at the Planning Office. Where an application has been refused, the applicant can appeal to the Planning Inspectorate. You will be advised of any such appeal, your original comments will be forwarded to the Inspectorate and you will be asked for any further comments. Where an application has been granted, there is no opportunity for objectors to appeal.

# SLOUGH BOROUGH COUNCIL

## PLANNING COMMITTEE: PUBLIC PARTICIPATION SCHEME

### OBJECTOR WISHING TO SPEAK- REGISTRATION FORM

Application No:	
Location:	
Proposal:	

I confirm that I would like the opportunity to address the meeting as an objector **in the event** that the above mentioned application is referred to the Planning Committee for decision. (Please note that most planning applications are dealt with by an Officer under a scheme of delegation and these applications are not referred to the Planning Committee for decision).

#### OBJECTOR

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone No: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Please Note:	<b>SHARING OF INFORMATION</b> Where more than one Objector has registered to address the Committee his/her contact details (telephone number and email address) will be shared with all registered Objectors on request to enable the appointment of a spokesperson if necessary. <b>If you do not want your contact details to be disclosed then please complete the section below.</b>
	I <b>do not</b> give my consent for my contact details to be disclosed to other registered Objectors.  Signed: .....

#### Please return to:

Planning Committee Clerk  
Slough Borough Council  
St. Martins Place  
51 Bath Road  
Slough  
SL1 3UF

Or Fax on: (01753) 875171  
Or E-mail: [teresa.clark@slough.gov.uk](mailto:teresa.clark@slough.gov.uk)

## **Rules, Procedures and Guidelines for Public Speaking at Planning Committee**

1. An objector, a representative of the Parish Council and the applicant (~~where an objector has registered to speak~~) may each speak on a planning application for a period not exceeding four minutes (per application). Circulation of any photographic or written material by speakers will not be permitted – any such information should be formally sent to the Planning Department for consideration well in advance of the meeting and preferably during the early planning application consultation stages where possible.
2. In the event of more than one objector wishing to speak, objectors may nominate one person to speak for all or the time may be shared. No cross-questioning will be allowed.
3. Speakers should restrict their comments to material planning considerations. A brief guide is given below.
4. Those wishing to speak should complete the registration form and submit this no later than 3 clear days prior to the committee meeting). Speakers should arrive no later than 6.15 pm on the evening of the committee meeting to allow the order of speakers to be confirmed and procedural arrangements to be clarified.
5. When the application comes forward for consideration at the Committee meeting the Planning Officer will introduce the report. The Chair will then call forward the public speakers: Objectors, Applicant, and Parish Councillors. Any Member of the Council who is not a member of the Planning Committee but who wishes to address the Committee will then be offered the opportunity to speak.
6. Public address is not an opportunity to engage officers or Councillors in dialogue. At the end of the period of public address, the Committee will debate and vote on the application. Members of the public, including any previous public speakers will not be able to address the Committee further.
7. The four-minute time limit will be strictly observed.
8. The decision of the Chairman will be final in terms of any questions of interpretation arising from these written procedures.
9. For the benefit of those wishing to speak, the following are typical material planning considerations:

The Committee may only consider relevant planning issues. Please limit your comments to matters such as:-

appearance and character of development  
traffic generation, highway safety and parking  
overshadowing, overlooking and loss of privacy  
noise, disturbance and other loss of amenities  
layout and density of buildings  
relevant planning policies

Please avoid matters that cannot be considered by the Committee such as:-

boundary disputes, covenants or other property rights  
personal remarks (e.g. the applicant's motives)  
reduction in property values  
loss of private view over the land

This page is intentionally left blank

## **Scheme of Delegation to Officers – Proper Officer Functions**

3.4 Delete existing:

3.5 Replace with:

LOCAL GOVERNMENT ACT 1972, SECTION 270 (3) AS AMENDED  
PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984, SECTION 74 AS AMENDED

Slough Borough Council hereby appoints any person for the time being employed as a Consultant in Communicable Disease Control / Consultant in Health Protection at Public Health England South East, to act as Proper Officer for the following purposes:

Legislation	Section or Regulations	Effect	Proper Officer
The Health Protection (Notification) Regulations 2010	Regulations 2, 3, 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.	As may be appointed from time to time by the SDCCS
Public Health (Control of Disease) Act 1984	Section 48 as amended by Health and Social Care Act 2008	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.	As may be appointed from time to time by the SDCCS

This page is intentionally left blank

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council **DATE:** 31<sup>st</sup> January 2017  
**CONTACT OFFICER:** Linda Walker, Interim Monitoring Officer  
**(For all enquiries)** (01753) 875017  
**WARD(S):** All

**PART I**  
**FOR DECISION**

**APPOINTMENT OF ITERIM HEAD OF PAID SERVICES**

1 **Purpose of Report**

This report seeks the appointment of an Interim Head of Paid Services.

2 **Recommendation**

The Council is requested to resolve that Roger Parkin, Interim Chief Executive, be appointed as the Council's Interim Head of Paid Services with effect from 1<sup>st</sup> February, 2017.

3 **Slough Joint Wellbeing Strategy Priorities**

The Head of Paid Service along with the Monitoring Officer and the Section 151 Officer combine to form the Council's Statutory Officer functions. These roles are key to ensuring lawfulness, fairness, probity and general good governance that support the council in achieving its aims. It is important that they work effectively together yet maintain appropriate independence and that the roles are undertaken by adequately skilled and experienced staff supported by appropriate resources.

4 **Other Implications**

(a) **Financial**

None.

(b) **Human Rights Act and Other Legal Implications**

The appointment of a Head of Paid Service is a statutory requirement under Section 5, Local Government & Housing Act 1989. The Council has the power to designate and appoint the Head of Paid Service.

5 **Supporting Information**

5.1 At its meeting on 22 February 2007 the Council appointed Ruth Bagley as the Council's Head of Paid Services until further notice.

5.2 The Council's Head of Paid Services has a number of functions which are defined within the Council's constitution.

- Overall corporate management and operational responsibility (including overall management responsibility for all officers).
- Provision of professional advice to all parties in the decision making process.
- Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.
- Representing the Council on partnership and external bodies (as required by statute or the Council).
- Policy & Communications
- Professional Services

5.3 The Council is committed to appointing permanent officers to the statutory officer roles but pending a permanent appointment a temporary appointment is necessary.

## 6 **Conclusion**

The role of the Head of Paid Service is an important element in the Council's structure and processes. The arrangements outlined in this report will ensure that the functions continue to be discharged appropriately until a permanent member of staff is appointed.

## 7 **Background Papers**

None.





This page is intentionally left blank

**AGENDA ITEM 13**

By virtue of paragraph(s) 1, 2, 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

**AGENDA ITEM 14**

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank