

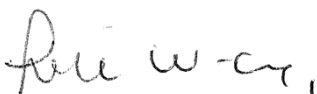
Date of despatch: Wednesday, 12 May 2021

To the Members of Slough Borough Council

Dear Councillor,

You are summoned to attend Annual Meeting of the Council of this Borough which will be held at The Centre, Farnham Road, Slough on **Thursday, 20th May, 2021 at 7.00 pm**, when the business in the Agenda below is proposed to be transacted.

Yours faithfully



JOSIE WRAGG
Chief Executive

PRAYERS

AGENDA

Apologies for Absence

PAGE

- | | | |
|----|---|-------|
| 1. | Declarations of Interest | - |
| | <i>All Members who believe they have a Disclosable Pecuniary or other in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i> | |
| 2. | To Elect the Mayor for the 2021/22 Municipal Year | - |
| 3. | To Elect the Deputy Mayor for the 2021/22 Municipal Year | - |
| 4. | To approve as a correct record the Minutes of the Council held on 27th April 2021 | 1 - 8 |
| 5. | To receive the Mayor's Communications. | - |

Officer Reports

6.	Report of the Returning Officer - Local Election 6th May 2021	9 - 10
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12.	2018/19 Accounts - Section 24 Statutory Recommendations	85 - 98

Press and Public

Attendance and accessibility: You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before any items in the Part II agenda are considered.

Webcasting and recording: The public part of the meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The footage will remain on our website for 12 months. A copy of the recording will also be retained in accordance with the Council's data retention policy. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

Emergency procedures: The fire alarm is a continuous siren. If the alarm sounds Immediately vacate the premises by the nearest available exit.

Covid-19: To accommodate social distancing there is significantly restricted capacity and places for the public are very limited. We would encourage those wishing to observe the meeting to view the live stream. Any members of the public who do wish to attend in person should be encouraged to contact the Democratic Services Officer in advance.

MINUTES OF COUNCIL PROCEEDINGS

At a Meeting of the Council for the Borough of Slough held as a Virtual Meeting on Tuesday, 27th April, 2021 at 7.00 pm

Present:- The Worshipful the Mayor (Councillor Brooker), in the chair; Councillors Ajaib, Akram, Ali, Anderson, Bains, Basra, Bedi, Begum, Carter, Chaudhry, A Cheema, H Cheema, Davis, Dhaliwal, Gahir, M Holledge, Hulme, Kelly, Mann, Matloob, Minhas, Mohammad, Nazir, Pantelic, D Parmar, S Parmar, Sabah, A Sandhu, R Sandhu, Sarfraz, Smith, Strutton, Swindlehurst and Wright

Apologies for Absence:- Councillors Dar, N Holledge, Plenty, Rasib and Sharif

70. Declarations of Interest

None received.

71. To approve as a correct record the Minutes of the Council held on 26th January 2021 and 8th March 2021

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

There voted for approval of the minutes:

Councillors Ajaib, Akram, Ali, Anderson, Bains, Basra, Begum, Carter, Chaudhry, A.Cheema, H.Cheema, Davis, Dhaliwal, Gahir, M. Holledge, Hulme, Mann, Matloob, Minhas, Mohammad, Nazir, Pantelic, D.Parmar, S.Parmar, Sabah, A.Sandhu, R.Sandhu and Swindlehurst..... 28

There voted against approval of the minutes:

Councillor Bedi 1

There abstained from voting on approval of the minutes:

Councillors, Kelly, Smith, Strutton, Wright and The Worshipful the Mayor, Councillor Brooker.....5

Resolved – That the minutes of the meetings held on 26th January 2021 and 8th March 2021 be approved as a correct record.

72. To receive the Mayor's Communications.

Members were reminded about the Mayor's Charity which was supporting the voluntary sector in Slough and that further details could be obtained from the Mayor's Executive Assistant.

Council - 27.04.21

A minute silence was held to remember the Duke of Edinburgh who had recently passed away and also in memory of former colleague and friend Shabnum Sadiq, who had lost her life to COVID-19 last year.

73. Questions from Electors under Procedure Rule 9.

Three elector questions had been received. The electors were present and also asked a supplementary question. A written copy of replies to the questions would be sent to the electors following the meeting.

74. Recommendation of the Employment and Appeals Committee from its meeting held on 6th April 2021

It was moved by Councillor Ali,
Seconded by Councillor Gahir,

“That the Pay Policy Statement 2021/22, as attached at Appendix A of the report, be approved for publication.”

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

There voted for the recommendation:

Councillors Ajaib, Akram, Ali, Anderson, Bains, Basra, Begum, Carter, Chaudhry, A.Cheema, H.Cheema, Davis, Dhaliwal, Gahir, M. Holledge, Hulme, Mann, Matloob, Minhas, Mohammad, Nazir, Pantelic, D.Parmar, S.Parmar, Sabah, A.Sandhu, R.Sandhu, Sarfraz and Swindlehurst.....29

There voted against the recommendation:

Councillor Wright 1

There abstained from voting on the recommendation:

Councillors Bedi, Kelly, Smith, Strutton and The Worshipful the Mayor, Councillor Brooker.....5

Resolved – That the Pay Policy Statement 2021/22, as attached at Appendix A of the report, be approved for publication.

75. Recommendation of the Overview and Scrutiny Committee from its meeting held on 26th April 2021

It was moved by Councillor Dhaliwal,
Seconded by Councillor Satpal Parmar,

“That the Annual Scrutiny Report 2020/21 be endorsed.”

The recommendation was put to the vote and agreed unanimously.

Resolved - That the Annual Scrutiny Report 2020/21 be endorsed.

76. COVID-19 Decisions Update

It was moved by Councillor Swindlehurst,
Seconded by Councillor Mann,

- (a) "That the report be noted; and
- (b) That the significant decisions taken by Silver as set out in the Appendix to the report be ratified insofar as they relate to Council functions."

The recommendations were put to the vote and agreed unanimously.

Resolved –

- (a) That the report be noted; and
- (b) That the significant decisions taken by Silver as set out in the Appendix to the report be ratified insofar as they relate to Council functions.

77. To consider Motions submitted under procedure Rule 14.

Motion A – Green Housing

It was moved by Councillor Anderson,
Seconded by Councillor Nazir,

"This council notes that existing homes are responsible for 20% of the UKs CO2e emissions with construction of new homes contributing a further 3% and 70% of homes remain at EPC 'D' or worse and that improving poor housing could save the NHS £1.4 billion a year and lift millions out of fuel poverty.

Council therefore resolves to write to the Secretary of State for Housing, Communities and Local Government to call for the Government to:

- Recognise their Social Housing Decarbonisation fund of just £50m is woefully inadequate compared to the £1.8 billion of investment which is required annually and immediately extend this project to meet existing need
- Extend the Green Homes Grant at least for the next 18 months.
- Bring forward and extend the Public Sector Decarbonisation Fund for at least the next 18 months.
- Scale up the affordable homes programme, re-balancing it in favour of council and social rented homes and ensuring it enables meeting environmental and safety standards, to prevent the need for expensive retrofitting in the future."

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

There voted for the motion:

Councillors Ajaib, Akram, Ali, Anderson, Bains, Basra, Begum, Carter, Chaudhry, A.Cheema, H.Cheema, Davis, Dhaliwal, Gahir, Hulme, Mann, Matloob, Minhas,

Council - 27.04.21

Mohammad, Nazir, Pantelic, D.Parmar, S.Parmar, Sabah, A.Sandhu, R.Sandhu, Sarfraz and Swindlehurst.....28

There voted against the motion:

Councillor Smith 1

There abstained from voting on the motion:

Councillors Bedi, Kelly, Strutton, Wright and The Worshipful the Mayor, Councillor Brooker.....5

Resolved -

This council notes that existing homes are responsible for 20% of the UKs CO2e emissions with construction of new homes contributing a further 3% and 70% of homes remain at EPC 'D' or worse and that improving poor housing could save the NHS £1.4 billion a year and lift millions out of fuel poverty.

Council therefore resolves to write to the Secretary of State for Housing, Communities and Local Government to call for the Government to:

- Recognise their Social Housing Decarbonisation fund of just £50m is woefully inadequate compared to the £1.8 billion of investment which is required annually and immediately extend this project to meet existing need
- Extend the Green Homes Grant at least for the next 18 months.
- Bring forward and extend the Public Sector Decarbonisation Fund for at least the next 18 months.
- Scale up the affordable homes programme, re-balancing it in favour of council and social rented homes and ensuring it enables meeting environmental and safety standards, to prevent the need for expensive retrofitting in the future.

Motion B – Bullying and Intimidation

It was moved by Councillor Bedi,
Seconded by Councillor Strutton,

“This Council acknowledges that:

- The Councillor Code of Conduct states that Members must treat each other with respect, and that Members must not conduct themselves in a manner which could reasonably be regarded as bringing the Council, into disrepute.
- There must be no place for bullying or intimidation in this local authority, and that examples of such behaviour in public meetings could risk breaching the Councillor Code of Conduct.
- Women in politics have been disproportionately impacted by social media abuse in recent years, potentially discouraging many women from standing for elected office.
- That labelling female politicians as “traitors” is inflammatory language.

Council - 27.04.21

This Council resolves to:

- Take a zero-tolerance approach to bullying or intimidation within the Council and supports the review of the Councillor Code of Conduct currently under way with a focus on investigating allegations of bullying or intimidation in a timely manner and supports imposing sanctions where appropriate.”

It was moved by Councillor Pantelic, as an amendment,
Seconded by Councillor Mann,

“This Council acknowledges that:

- The Councillor Code of Conduct states that Members must treat each other with respect, and that Members must not conduct themselves in a manner which could reasonably be regarded as bringing the Council, into disrepute.
- There must be no place for bullying or intimidation in this local authority, and that examples of such behaviour in public meetings could risk breaching the Councillor Code of Conduct.
- Women in politics have been disproportionately impacted by social media abuse in recent years, potentially discouraging many women from standing for elected office.
- ~~That labelling female politicians as “traitors” is inflammatory language.~~

This Council resolves to ~~take a zero-tolerance approach to bullying or intimidation within the Council and supports~~ **reaffirm its commitment and support for** the review of the Councillor Code of Conduct currently under way with a focus on investigating allegations of bullying or intimidation in a timely manner and supports imposing sanctions where appropriate.”

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

There voted for the amendment:

Councillors Ajaib, Akram, Ali, Anderson, Bains, Basra, Begum, Carter, A.Cheema, H.Cheema, Davis, Gahir, Hulme, Mann, Matloob, Minhas, Mohammad, Nazir, Pantelic, D.Parmar, S.Parmar, A.Sandhu and Swindlehurst.....23

There voted against the amendment:

Councillors Bedi, Kelly, Smith, Strutton and Wright5

There abstained from voting on the amendment:

Councillor R.Sandhu and The Worshipful the Mayor, Councillor Brooker.....2

The amendment to the motion was carried and became the substantive motion.

Council - 27.04.21

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

There voted for the substantive motion:

Councillors Ajaib, Akram, Ali, Anderson, Bains, Basra, Begum, Carter, Chaudhry, A.Cheema, H.Cheema, Davis, Dhaliwal, Gahir, Hulme, Mann, Matloob, Minhas, Mohammad, Nazir, Pantelic, D.Parmar, S.Parmar, A.Sandhu and Swindlehurst.....25

There voted against the substantive motion:

Councillors Bedi, Kelly and Strutton.....3

There abstained from voting on the substantive motion:

Councillors R.Sandhu, Smith and The Worshipful the Mayor, Councillor Brooker.....3

Resolved -

This Council acknowledges that:

- The Councillor Code of Conduct states that Members must treat each other with respect, and that Members must not conduct themselves in a manner which could reasonably be regarded as bringing the Council, into disrepute.
- There must be no place for bullying or intimidation in this local authority, and that examples of such behaviour in public meetings could risk breaching the Councillor Code of Conduct.
- Women in politics have been disproportionately impacted by social media abuse in recent years, potentially discouraging many women from standing for elected office.

This Council resolves to reaffirm its commitment and support for the review of the Councillor Code of Conduct currently under way with a focus on investigating allegations of bullying or intimidation in a timely manner and supports imposing sanctions where appropriate.

Motion C - Heathrow Airport

It was moved by Councillor Strutton,
Seconded by Councillor Kelly,

“This Council acknowledges that since the start of the pandemic over 70,000 Slough residents have received support from the Government’s furlough scheme; over 7,000 Slough residents have applied for assistance from the Self-Employed Income Support Scheme and over 8,000 Slough residents have been in receipt of Universal Credit.

Council - 27.04.21

This Council therefore resolves to undertake a strategic review into this authority's over-reliance on Heathrow Airport as an employment source; in doing so, seeking to shine a light on a long-term solution to the sustainable creation of jobs for Slough residents in the years, and decades to come."

It was moved by Councillor Swindlehurst, as an amendment,
Seconded by Councillor Bains,

"This Council acknowledges that since the start of the pandemic ~~over 70,000~~ Slough **1 in 6 working age** residents have received support from the Government's furlough scheme; over 7,000 Slough residents have applied for assistance from the Self-Employed Income Support Scheme and over 8,000 Slough residents have been in receipt of Universal Credit.

This Council therefore resolves to undertake a strategic review ~~into this authority's over-reliance on Heathrow Airport as an employment source; in doing so, seeking to shine a light on a long-term solution to the sustainable creation of jobs for Slough residents in the years, and decades to come~~ **to build upon the work already being undertaken by the council.**"

The amendment to the motion was put to the vote and carried with 25 votes for, 5 against and 1 abstention and became the substantive motion.

The substantive motion was put to the vote and agreed with 28 votes for and 3 abstentions.

Resolved -

This Council acknowledges that since the start of the pandemic 1 in 6 working age residents have received support from the Government's furlough scheme; over 7,000 Slough residents have applied for assistance from the Self-Employed Income Support Scheme and over 8,000 Slough residents have been in receipt of Universal Credit.

This Council therefore resolves to undertake a strategic review on a long-term solution to the sustainable creation of jobs for Slough residents in the years, and decades to come to build upon the work already being undertaken by the council.

78. To note Questions from Members under Procedure Rule 10

None received within the relevant timeframe.

79. Vote of Thanks to the Retiring Mayor

Councillor Anderson moved and Councillor Swindlehurst seconded a vote of thanks to the retiring Mayor for his service during what had been an exceptionally unique municipal year. A number of other Members also added their thanks to the Mayor.

80. Vote of Thanks to the Retiring Deputy Mayor

Councillor Akram moved and Councillor Hulme seconded a vote of thanks to the retiring Deputy Mayor for his service during the past municipal year. A number of other Members also added their thanks.

(Councillors Bedi, Kelly, Smith, Strutton and Wright abstained from voting on this item)

Chair

(Note: The Meeting opened at 7.00 pm and closed at 10.47 pm)

SLOUGH BOROUGH COUNCIL
ANNUAL MEETING OF THE COUNCIL
BOROUGH ELECTIONS – 6 MAY 2021
REPORT BY RETURNING OFFICER

The following persons were elected as Councillors at the municipal elections held on 6 May 2021:

NAME	WARD
Kamaljit Kaur	Baylis and Stoke
Martin Carter	Britwell & Northborough
Iram Hussain	Central
Atiq Sandhu	Chalvey
Jemma Davis	Cippenham Green
Satpal Parmar	Cippenham Meadows
Naveeda Qaseem	Elliman
Joginder Bal	Farnham
Madhuri Bedi	Foxborough
Wayne Strutton	Haymill & Lynch Hill
Chandra Muvvala	Langley Kedermister
Bally Gill	Langley St Mary's
Gurdeep Grewal	Upton
Sandra Malik	Wexham Lea

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SLOUGH BOROUGH COUNCIL

REPORT TO: Annual Council **DATE:** 20th May 2021
CONTACT OFFICER: Josie Wragg, Chief Executive
01753 875017
WARDS: All

PART I
FOR DECISION**APPOINTMENT TO STATUTORY ROLE OF DIRECTOR OF FINANCE (S151 OFFICER)**1 Purpose of Report

To approve the appointment of Steven Mair as the Council's s151 Officer.

2 Recommendation

The Council is requested to approve the appointment of Steven Mair as the Council's S151 Officer.

3 Background

- 3.1 Neil Wilcox was appointed as the Council's s151 Officer with effect from 2nd October 2017, and as Executive Director of Corporate Operations last year as part of the Our Futures project. Mr Wilcox has resigned from the Council, and his last day of service was 14th May 2021.
- 3.2 In order to review, improve and transform various aspects of the Council's finances and linked to the capitalisation directive that MHCLG are minded to approve and the outcome of the external auditors work on the 2018/19 accounts and likely recommendations arising from that, the Council recruited Steven Mair to provide support.
- 3.3 Mr Mair is a highly experienced S151 officer of 9 years standing with 13 years as Group Director/Assistant Director of Finance having previously been Treasurer of Westminster City Council and prior to that Treasurer of Oldham Borough Council, He has also worked for the Government of Jersey and various other major local authorities in financial and management roles. He is a qualified account (CIPFA), has an honours degree and a Masters in Business Administration and has considerable experience of radically transforming local authority finances and financial teams

4 Legal & Constitutional Context

- 4.1 The Local Government Act 1972 requires the Authority to designate an officer as its Section 151 Officer/Chief Finance Officer. The Section 151 Officer, along with the Chief Executive as Head of Paid Service and the Monitoring Officer are responsible for ensuring lawfulness, fairness, probity and general good governance that support the Council in achieving its aims, and the 3 Statutory Governance Officers are expected to work closely together.
- 4.2 In accordance with the Local Authorities Standing Orders Regulations 2001, matters relating to the appointment of a s151 Officer are reserved to Full Council.
- 4.3 The Council's Constitution sets out the main duties of the Section 151 Officer as: ensuring the lawfulness and financial prudence of decision making; administration of financial affairs; contribution to corporate management; and providing advice and financial information.
- 4.4 The Local Government Finance Act 1988 requires that the post holder be a member of a specified accountancy body.
- 4.5 The Chief Executive, as the Head of the Paid Service, has a duty under section 4 of the Local Government and Housing Act 1989 to determine the staffing arrangements necessary to deliver the Council's functions.

5. Conclusion

The Council is required to have a s151 Officer, and Slough is fortunate that Mr Mair is already working for the Council and so can take up the responsibilities of the statutory role immediately upon appointment by Council.

Mr Mair and the Associate Director for Business Services will report to the Chief Executive, pending recruitment to the vacant post of Executive Director of Corporate Operations.

6 Background Papers:

None.

SLOUGH BOROUGH COUNCIL

REPORT TO: Annual Council **DATE:** 20th May 2021

CONTACT OFFICER: Alexander Polak, Interim Head of Democratic Services,
(For all Enquiries) 07985 686996

WARD(S): All

PART I
FOR DECISION**REVIEW OF THE COUNCIL'S CONSTITUTION****1. Purpose of Report**

As part of the Council's governance workstream, the Council is seeking to improve its governance processes to ensure lawful, fair and transparent decision making.

The report seeks approval for Phase 1 of the review, recommending amendments to the councillors' code of conduct, officer scheme of delegation and scrutiny panels, as well as incidental amendments arising from the Phase 1 review.

2. Recommendations

Council is recommended to:

1. Consider and adopt the amendments set out in the appendices namely:
 - a. Councillors' Code of Conduct
 - b. Article 12 Officer Roles & Statutory Officer Functions
 - c. Park 3.6 Scheme of Delegation to Officers
 - d. Article 6 – Overview and Scrutiny
2. Delegate authority to the Monitoring Officer to make changes to the constitution to effect changes outlined in Sections 5c and 5d.
3. Agree that the amendments to the Constitution will come into effect on the day following the Council meeting.
4. Note the planned forward work programme of the member working party and that future phases of the review will be reported to Council over the next year.

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

The Constitution sets out the rules and procedures for decision making by the Council. The delivery of the wellbeing strategy priorities is dependent on the highest possible standards of openness, honesty and accountability. This is

underpinned by the ethical framework with the Constitution, including the Councillors' Code of Conduct.

By amending the officer scheme of delegation, it will allow officers to make operational decisions in support of the wellbeing priorities, whilst ensuring that strategic and political decisions are taken at a member level.

Overview & Scrutiny plays an important role in scrutinising the progress made in the delivery of all aspects of the SJWS and realigning the panels to lead member areas will strengthen this work.

3b. **Five Year Plan Outcomes**

The Constitution and in particular the Overview & Scrutiny panels are central to ensuring accountability in the delivery of all five priority outcomes of the Five Year Plan.

- Outcome 1: Slough children will grow up to be happy, healthy and successful
- Outcome 2: Our people will be healthier and manage their own care needs
- Outcome 3: Slough will be an attractive place where people choose to live, work and stay
- Outcome 4: Our residents will live in good quality homes
- Outcome 5: Slough will attract, retain and grow businesses and investment to provide opportunities for our residents

4. **Other Implications**

(a) Financial

There are no financial implications of the proposed action. It is assumed that the budget for scrutiny functions will remain the same and there will be no requirement for additional funding.

(b) Risk Management

The Council is legally obligated to keep its constitution under review and ensure that officers and members comply with it. Failure to comply with the constitution could render decisions unlawful, as well as failing to meet requirements in relation to public transparency.

The officer scheme of delegation has not been formally reviewed for some years and the Council's staffing structure has recently changed. It is therefore important to ensure that the scheme reflects the way that decisions are being taken and provides clarity to officers to understand the extent of their delegated powers.

The Our Futures programme includes a workstream on Governance and Grip. In addition, following the MHCLG capitalisation direction, the Council needs to review its financial and governance procedures to ensure that the financial and legal implications of decisions are properly considered.

The Code of Conduct amendments arise from a review of the LGA Model Code of Conduct, which was finalised in January 2021.

(c) Human Rights Act and Other Legal Implications

Under Section 37 of the Local Government Act 2000, the Council is required to prepare and keep up to date a document, referred to as the Constitution, which contains as a minimum:

- (i) The Council's Standing Orders
 - (ii) The Council's Code of Conduct for Members; and
 - (iii) Such other information as the Secretary of State directs – under the Local Government Act 2000 (Constitutions)(England) Direction 2000 this information includes the membership, terms of reference and functions of the Council's Committees and Sub-Committees, and any rules governing the conduct and proceedings of those Committees and Sub-Committees.
- 7.2.

Subject to those provisions, it is for the Council to decide what information its Constitution should contain.

SBC's constitution contains a large number of rules and procedures and is broadly split up in the following way:

1. The Articles
2. Responsibility for functions
3. Procedure rules
4. Ethical framework
5. Members' allowances

This phase of the review focuses on the Councillors' Code of Conduct under the Ethical framework, the articles in relation to statutory and chief officers and overview & scrutiny and the officer scheme of delegation under the responsibility for functions section. As a result of these changes, it is recommended to make consequential changes to the reserved functions for full council and the member officer protocol.

Section 27 of the Localism Act requires the Council to promote and maintain high standards of conduct by members of the Council and, in discharging this duty, the Council must adopt a code dealing with the conduct that is expected of members of the Council when they are acting in that capacity. The Council must secure that such code adopted by it is, when viewed as a whole, consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership ("the Nolan principles").

(d) Equalities Impact Assessment

An equality impact assessment has not been completed.

The proposed new overview & scrutiny panel structure will align better with the new structure of the organisation under the Our Futures programme, which should allow scrutiny the opportunity to examine equalities issues effectively across all areas of the council's operations. In addition, the officer scheme of delegation provides clarity on the extent of delegation to executive directors and gives flexibility to these senior officers to determine the extent of delegation within their directorates. When making decisions, officers must make these in accordance with Council policies and this will include the need to consider equalities implications.

The proposed code of conduct makes specific reference to the duties under the Equality Act 2010 and how these apply to elected members.

5. **Supporting Information**

5a **Councillors' Code of Conduct**

In 2019 the Local Government Association undertook a review of the Councillor Code of Conduct. This review resulted in a new draft code, which was consulted on last Summer, and received over 1,400 responses.

In response to the Consultation, in December last year the LGA published a new Model Code of Conduct, which was sent to all members of this Committee before Christmas. The latest version was published in January 2021.

In a joint statement the LGA introduced the Code as follows:

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role.

Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want people from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

The Member Working Group is an informal group of elected members who meet to discuss proposed amendments to the Constitution. This group met on 5 May 2021 and agreed that the model code of conduct should be adopted by the Council in its entirety. Appendix 1 contains the proposed new Part 5.1 – Councillors' Code of Conduct. The amendments are to Part 1 of the Code which deal with Rules of Conduct, although the general dispensations from the existing code have been retained. No changes have been made to Part 2 or 3, with the exception of removing some of the forms and flowcharts which made the document overly lengthy. The Member Working Group have expressed an interest in reviewing the procedure for investigating complaints as a separate piece of work.

5b Officer Scheme of Delegation

In relation to the officer scheme of delegation, the current scheme attempts to set out a set of rules for how every decision should be taken and to dictate what level of officer should take the decision. There are a number of issues with this approach:

- It is not possible to set out in detail how every decision should be taken and this has led to inevitable gaps and confusion as to what decisions officers can take.
- The current approach does this engender a culture of trust and collective responsibility.
- The current approach does not give responsibility to the Chief Executive and Executive Directors to determine how decisions should be made within their own directorate.
- The current scheme is not particularly flexible and does not link well to internal policies and procedures.
- The current scheme does not explicitly reflect the need to consider political sensitivities, which may mean that good governance would suggest that a proposal should be referred to members for a decision.

It is proposed to simplify Article 12 – Officer Roles and Statutory Chief Officer functions as set out in Appendix 2 to:

a) list the chief officers

b) list the statutory chief officers and the posts that these roles are designated to – the scrutiny officer has been removed, as this is not a statutory chief officer. The monitoring officer and director of public health need to be referred to, even though the current post holders are not employees of SBC;

c) list the statutory functions of the statutory chief officers – this is limited to those functions that sit with statutory post, as opposed to the wider list of responsibilities for the individual post holder.

It is proposed to simplify Part 3.6 of the Constitution, which sets out the Scheme of Delegation to Officers. The amended document is at Appendix 3. The following main changes have been made:

a) Delegation is to Executive Director level only.

Each Executive Director is expected to maintain a directorate scheme of delegation, setting out what each Associate Director and other staff have delegated authority to decide. This will give each Executive Director flexibility to delegate authority based on individual staff members' ability and responsibility. It will also allow the schemes to develop and change over time and at short notice if need be.

b) Delegation is subject to a set of guiding principles.

This relates to the need for a culture of good governance as officers should only make decisions that are covered by an approved policy, where there are no

unusual features and no political or other significant issues. Officers must also comply with other constitutional rules, such as financial and contract procedure rules and internal council policy. This requires officers to have an awareness of the policy framework and constitutional requirements, as well as good relationships with relevant lead members to understand the political dynamics of a particular decision.

c) Urgency procedures.

These have been redrafted to give specific authority to the Chief Executive to take urgent executive and non-executive decisions. At present the urgency procedures do not cover executive decision making. The Chief Executive is making decisions in relation to the Covid 19 pandemic and reporting these back to Cabinet, relying on these being operational decisions, however it would be preferable to have a clear framework as to how these type of emergency decisions should be taken. This reflects best practice elsewhere.

d) Delegation of function to London Borough of Harrow

This confirms the nature of the delegation of function in relation to legal services that currently sits with HB Public Law, but makes it clear that the Monitoring Officer retains authority to make decisions on legal matters. It is proposed that this includes the ability to sign and seal documents to implement a decision. The seal is currently located in Harrow Council's officers and sealing is undertaken under the supervision of senior lawyers – this ensures proper oversight, including 4 where external lawyers are instructed. As reflected in the Liverpool City Council best value report, the role of the in-house legal team (including HB Public Law) is critical in ensuring that proper processes and authority has been obtained before contracts and property documents are executed, thereby binding the Council.

e) General delegations

These are re-drafted to use more general language and to focus on activities rather than financial limits and functions. The delegations are subject to compliance with financial and contract procedure rules (which are currently being reviewed and will be subject to Member consideration at a later date), which sets out financial limits for officer decision making and to HR policies. By removing the financial limits from Part 3.6 it avoids the need to amend different sections of the constitution and allows each Executive Director to consider the financial limits for levels of staff within their own directorate based on role and skillset. For instance some directorates will regularly conduct commissioning activity and may require high levels of autonomy around letting of contracts than other directorates. The Place directorate will undertake the majority of land transactions and will require a more detailed internal scheme of delegation to take account of this.

f) Proper officer and statutory officer list

This picks up non-chief statutory officers and proper officer functions so it is clear where these statutory responsibilities sit. It is intended that this will replace Part 3.6.1 as the current documents duplicate each other in certain places. g) Specific delegations – these have been redrafted to use more general language, but also to pick up learning from other councils. For instance the ability to suspend one of the three statutory chief governance officers (Head of Paid Service, s.151 officer and Monitoring Officer) has been added to deal with urgent circumstances where it is not possible to convene a member meeting. This following learning from Croydon Council.

g) Executive director functions

The functions of each directorate are set out making it clear that the general delegations apply to these functions. Some specific delegations are specified, but the majority of authority stems from the wider drafted general delegations.

5c Change to Overview & Scrutiny panels

The Joint Cabinet Scrutiny Working Group has over the last six months reviewed the balance and remit of the four scrutiny panels. Drawing on the LGA Governance Peer Review, and previous sessions with members, the Group identified a number of challenges which needed to be addressed:

- Out of date terms of reference.
- A significant imbalance in workloads between panels.
- Duplication in the scrutiny of some policy areas.
- The lack of a clear home for other policy areas – such as employment and skills.
- The need to reflect the new organisational structure and the council's current areas of strategic focus.

The new structure proposed by the joint working group retains the Overview & Scrutiny Committee, which would be underpinned by three new panels: People, Customer & Community and Place. Details of the policy areas which fall under the remit of these panels is included in Appendix 4.

The proposed structure was discussed with the current members of the Overview & Scrutiny Committee and the three sub panels, at a workshop on 24th February. Although it is not part of the scrutiny structure, the role of Audit & Corporate Governance Committee is relevant to the review of scrutiny as part of the same wider assurance framework which provides check and challenge to the authority. It has also been discussed that to avoid duplication with Overview & Scrutiny and free up space on scrutiny work programmes, the Audit & Corporate Governance Committee could play a greater role in scrutinising the performance of major contracts and commissioning processes.

5d Consequential amendments

Other parts of the constitution need amendment to take account of the re-drafting of the Constitution. At present there are a number of discrepancies between different sections of the Constitution (probably reflecting the fact that they were reviewed at different times), which is causing issues in terms of interpreting the extent of officer's delegated powers. The suggested amendments are as follows:

a) General dispensation for members nominated as directors to SBC companies and appointments to outside bodies.

Elected members are often appointed to outside bodies to provide a link to the council and the local community. However, their involvement in the outside body is likely to constitute a disclosable pecuniary interest, meaning they are not entitled to participate in the decision making process. It is likely that the public interest would be better served if these members could participate in discussion and voting on matters relating to certain outside bodies to which they have been appointed directly by, or on the nomination

of, their own authority. To provide transparency, members should still declare the interest at the start of the meeting, even though the interest will be on their register of interest. The member should also seek advice of the Monitoring Officer if they are concerned about whether participation would breach the code of conduct. Finally due to the more judicial nature of certain regulatory decisions, it is recommended that members do not participate in decisions to grant licences, approvals or consents to bodies that they are nominated or appointed to. The amendment appears in the Councillors' Code of Conduct appended as Appendix 1.

b) Officer appointment to outside bodies.

This is a local choice function and has been reserved to full council with no right to delegate it. This means that officer and member appointments should be approved by full council. It is unlikely that this has consistently happened to date for officer appointments. It is proposed to amend 3.3 to reserve appointment of members to outside bodies to full council, but permit officers to be appointed in accordance with the scheme of delegation. The scheme proposed that this decision is reserved to the Chief Executive.

Council officers are currently undertaking work to ensure that officers and members are appointed to outside bodies based on a skills analysis of what is needed at board level in these organisations. Officers are also undertaking work to ensure that proper terms of appointment are provided, with details of the role and extent of insurance and indemnity and that officers and members are provided with an appropriate induction and training by the outside body. This work is outside the remit of the review of the constitution.

c) Secondment of officers to other bodies

The placing of officers at the disposal of other authorities is a local choice function that has been reserved to full council and is stated as not capable of delegation. This would prevent officers from seconding staff to other bodies on a temporary basis, including to facilitate a member level decision. It is unlikely that this was the intention of the restriction and with an increasing number of LA connected entities and shared service arrangements, this creates an unnecessary level of bureaucracy. Chief officers should be able to take operational decisions in relation to secondments to implement policy decisions of the Council. It is proposed to amend 3.3 to make this a permitted delegation in accordance with the scheme of delegation.

d) Attendance at mandatory member training

The Member Working Group were keen that the Constitution emphasised the importance of elected members participating in member training. A new member development programme has been launched this year to ensure that training and development is appropriate and high quality. Part 5.4 Local Code Governing Relations Between Elected Members and Council Employees sets out the roles and responsibilities of members and officers and how the relationship should be managed. At section 3.1 it sets out what members can expect from officers, including (i) Training and development in order to carry out their roles effectively. The Member Working Party were keen to see this amended to refer to "high quality" training and development. In addition, it is proposed to add in a new line in Section 3.2, which dealt with what officers can expect from members, stating "members attendance

and commitment to training and development offered by officers, including attendance at mandatory training events.”

The Member Working Party were keen to emphasise that members should actively participate in training events and that feedback should be sought to measure the impact of the overall member development programme. The Audit and Corporate Governance Committee has already requested an officer report on the member development programme, including attendance levels and feedback. This will enable changes to be made to the programme over time.

6 **Comments of Other Committees**

The Audit and Corporate Governance Committee received a report on the Councillors’ Code of Conduct on 4 March 2021, however the Committee determined that the informal Member Working Group should consider the issue. This group met on 5 May 2021 to consider all proposed amendments to the constitution and agreed that these should be referred to full council for a decision.

The Member Working Group is keen to produce a forward work programme focusing on other aspects of the constitution. Members were particularly keen to review the complaints procedure. It is also likely that as part of the work on governance, officers will be recommending further amendments to the constitution, including to financial procedure rules and contract procedure rules.

6. **Conclusion**

Approval of the constitution is a matter for Full Council, however senior officers and the Member Working Group have been consulted on these changes and are supportive of them and recommend that they are adopted by Full Council.

8. **Appendices Attached**

- ‘1’ - Councillors’ Code of Conduct
- ‘2’ - Article 12 – Officer Roles and Statutory Chief Officer functions
- ‘3’ - Part 3.6 – Scheme of Delegation to Officers
- ‘4’ - Appendix to Article 6 – Overview and Scrutiny

9. **Background Papers**

None.

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Part 5.1 Councillors' Code of Conduct

Introduction

The Localism Act 2011 requires this Council to promote and maintain high standards of conduct by its Members and Co-opted Members. In discharging its duty, the Council is required to adopt a Code of Conduct which sets out the conduct expected of its Councillors. This code shall be reviewed by the Council at least once every year.

The Council's Code of Conduct is divided into 2 sections:

1. the Rules of Conduct
2. the Complaints process

Parish Councils

Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, you should inspect any website operated by the Parish Council or request the parish clerk to allow you to inspect the Parish Council's Code of Conduct

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

Part 1 – Rules of Conduct

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

- i. I have received the consent of a person authorised to give it;**
- ii. I am required by law to do so;**
- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in

the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you

reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also

allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –
a. your own financial interest or well-being;
b. a financial interest or well-being of a relative, close associate; or
c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

General Dispensations

Dispensations from the restriction from participating and voting in meetings

A Member may apply for a dispensation from the requirement not to participate in or vote in respect of a matter at a meeting by written request to the Monitoring Officer. The Monitoring Officer (or in his/her absence the Deputy Monitoring Officer) may grant a dispensation where s/he considers, after having regard to all relevant circumstances that:

- a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- c) granting the dispensation would be in the interests of persons living in Slough;
- d) without the dispensation each Member of the Cabinet would be prohibited from participating in any particular business to be transacted by the Cabinet;
or
- e) it is otherwise appropriate to grant a dispensation.

A dispensation will be granted in writing setting out the ground or grounds on which it is agreed and it will be published on the Council's website within 7 days of the decision. The dispensation must be for a fixed time not exceeding a period beyond the next Council elections and will normally cover only a specific matter or meeting.

General Dispensations

A general dispensation is granted to all Members to be present, speak and vote where they would otherwise have a Disclosable Pecuniary Interest on the grounds that it is appropriate to grant a dispensation to allow all Members to participate fully in the following matters:

- a) Housing: where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not only relate to the Member's particular tenancy or lease*.
- b) School meals or school transport and travelling expenses where the Member is a parent or guardian of a child in full time education, or is a parent governor of a school, provided that the matter does not only relate to the particular school which the child attends.
- c) Housing Benefit: where the Member (or spouse or partner) directly receives housing benefit in relation to their own circumstances.
- d) Allowances, travelling expenses, payments or indemnity for Members (this is included for the avoidance of doubt even though they are not a DPI)
- e) Setting the Council Tax or a Precept;
- f) Decisions in relation to Council Tax Benefit; and
- g) where the member has been nominated or appointed by the Council to an outside body and who has registered the interest. The dispensation does not

apply to quasi-judicial functions where the body is applying to the Council for a licence, consent or approval. The member should still declare the interest at all meetings where matters relating to the body in question are to be discussed, but is permitted to participate in the discussion and decision making, unless this would involve a breach of this code.

* Any general housing related dispensations afforded to Members will not negate the need for Members to declare a Personal Interest, particularly where the Member or spouse holds a tenancy or lease with the Council and a matter requiring a decision may/will impact their own Council tenancy.

For example, in cases where the matter particularly affected their local neighbourhood and was considered to affect their own tenancy more than other people in the authority's area, the Member should consider whether it is appropriate to participate in the decision making process.

For the avoidance of doubt and to ensure adherence to the Member Code of Conduct, Members should seek guidance from the Council's Monitoring Officer.

Dispensations do not affect a Member's obligation under Section 106 of the Local Government Finance Act 1992 to declare and not vote on the Council's budget if they are two months or more in arrears with their Council Tax.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. Any unpaid directorship.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- 'director' includes a member of the committee of management of an industrial and provident society.

- 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

PART 2: THE COMPLAINTS PROCESS

This Part of the Code of Conduct sets out how the Council will deal with allegations of a failure to comply with the Council's Code of Conduct.

The Monitoring Officer may investigate a specific matter relating to a Member's adherence to the Rules of Conduct under the Code or a complaint made against a member for breach of the Council's Code of Conduct. Members shall cooperate, at all stages, with any such investigation by or under the authority of the Council. No Member shall lobby a member of the Audit & Corporate Governance Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.

Complaints against Members

All complaints against members must be in writing and on the Council's prescribed form. The Council will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will consider complaints according to the Code of Conduct's "Member's Complaint Assessment Criteria" contained at Appendix C of the Code. **Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.**

The Monitoring Officer will acknowledge receipt of a complaint within 5 working days of receiving it. The Subject Member will be advised that a complaint has been made, together with a short summary of the complaint and the name of the complainant unless they have indicated that they wish to remain anonymous.

The Monitoring Officer will determine every complaint received and shall consult the Independent Person as to whether a formal investigation should be undertaken and shall give him the opportunity to review and comment upon any complaint which the Monitoring Officer is minded to dismiss as being without merit, vexatious, or trivial,. This decision will normally be taken within 14 days of receipt of a complaint. Where the Monitoring Officer has taken a decision, he will inform the Complainant and the Subject Member of his decision and the reasons for that decision.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies

PART 3: INVESTIGATION & DETERMINATION OF COMPLAINTS

If the Monitoring Officer decides that a complaint merits formal investigation, he may either appoint an Investigating Officer to investigate the complaint or investigate the complaint himself.

The Investigating Officer would normally write to the Subject Member.

The Subject Member will be provided with a copy of the complaint. The Subject Member will be requested to provide any relevant information the Investigating Officer needs to investigate the Complaint.

In exceptional cases, where it is appropriate to keep the identity of the Complainant confidential or disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer withhold the Complainant's details or delay notifying the Subject Member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer/Monitoring Officer will produce a draft report. This draft will be sent in confidence to the Complainant and the Subject Member, to give them an opportunity to identify any matter in that draft report which is either factually incorrect or which may require further consideration. Having received and taken account of any comments on the Draft Report, the Investigating Officer will send the Final Report to the Monitoring Officer.

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the Subject Member and the Complainant notifying them of either:

(a) he is satisfied that no further action is required, and provide them both a copy of the Investigating Officer's final report, or

(b) following review of the Investigating Officer's report that either the complaint will be

- (i) sent for determination before a Standards Determination Sub Committee or,
- (ii) after consulting the Independent Person, seek a local resolution.

Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and the Complainant and seek to agree fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Subject Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Subject Member complies with the suggested resolution, the Monitoring Officer will report the

matter to the Audit & Corporate Governance Committee for information, but will take no further action.

Process for the Determination of Complaints

If the Monitoring Officer considers that local resolution is not appropriate, then the Monitoring Officer will convene a Standards Determination Sub Committee to determine the complaint. It will conduct a hearing which will decide whether the member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the member.

The set up and structure of the Standards Determination Sub-Committee is provided for by the Council's Constitution

The Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and may issue directions as to the manner in which the hearing will be conducted.

Conduct of a Sub Committee hearing

The Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Subject Member has failed to comply with the Code of Conduct. The Subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Sub Committee, with the benefit of any advice from the Independent Person, concludes

(a) that the Subject Member did not fail to comply with the Code of Conduct, then they can dismiss the complaint

(b) that the Subject Member did fail to comply with the Code of Conduct, the Chair will inform the Subject Member of this finding and the Sub Committee will then consider what action, if any, the Sub Committee should take as a result of the Subject Member's failure to comply with the Code of Conduct. In doing this, the Sub Committee will give the Subject Member an opportunity to make representations to the Sub Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

The Council has delegated to the Sub Committee powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub Committee may authorise the Monitoring Officer to –

(a) Publish on the Council's website any findings in respect of the Subject Member's conduct which shall include a brief statement of the facts, the provisions of the Councillors' Code of Conduct which have been breached,

the view of the Independent Person, the reasons for the findings made and details of the sanctions applied;

(b) Report the findings to the Audit & Corporate Governance Committee for information;

(c) Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

(d) Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

(e) Arrange training for the Subject Member;

(f) Remove from all outside appointments to which the Subject Member has been appointed or nominated by the Council;

(g) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or

(h) Exclude the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Sub Committee has no power to suspend or disqualify the Sub Member or to withdraw members' or special responsibility allowances.

At the end of the hearing, the Chairman will state the decision of the Sub Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub Committee resolves to take.

The Monitoring Officer will issue a decision notice, in consultation with the Chairman of the Sub Committee. The decision notice will be sent to the Complainant and the Subject Member. Thereafter a summary of the decision may be available for public inspection and the decision will be reported to the next convenient meeting of the Audit & Corporate Governance Committee.

Appeals

There is no right of appeal against a decision of the Monitoring Officer or of the Standards Determination Sub Committee to the Council.

Independent Person

The Independent Person is invited to attend all meetings of the Sub Committee and his/her views are sought and taken into consideration before the Sub Committee takes any decision on whether the member's conduct constitutes a failure to comply

with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Revision of these arrangements

In the interests of fairness, the Monitoring Officer may vary any of these arrangements as appropriate. The Chair of the Standards Determination Sub Committee may depart from the arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Appendix C

MEMBERS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for a referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Audit & Corporate Governance Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
11. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

Complaints which may be referred to the Audit & Corporate Governance Committee

1. It is serious enough, if proven, to justifying the range of actions available to the Standards Determination Sub-Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation.

3. When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or
4. The complaint is about a high profile Member such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate.
5. Such other complaints as the Monitoring Officer considers it would not be appropriate for him to investigate.

ARTICLE 12 – OFFICER ROLES AND STATUTORY CHIEF OFFICER FUNCTIONS

1 Chief Officers

Post
Head of Paid Service (and Chief Executive)
Executive Director of People (Children)
Executive Director of People (Adults)
Executive Director – Corporate Operations
Executive Director of Place
Executive Director of Customer and Community
Executive Director of Strategy and Innovation

Statutory Chief Officers

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director of Legal and Governance – London Borough of Harrow	Monitoring Officer
Executive Director of Corporate Operations	Chief Finance Officer – S151 Officer
Director of People – Children	Director of Children’s Services
Director of People - Adults	Director of Adult Social Services
Joint Director of Public Health – East Berkshire Council	Director of Public Health

Such posts will have the functions described below.

Structure. The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

2 Functions of the Head of Paid Service

1. Duty to grant and supervise exemptions from political restriction from the authority's staff	Section 3 Local Government and Housing Act 1989
2. Duty to report on the following matters: <ol style="list-style-type: none"> a. the manner in which the discharge by the authority of their different functions is co-ordinated; b. the number and grades of staff required by the authority for the discharge of their functions; c. the organisation of the authority's staff; d. the appointment and proper management of the authority's staff 	Section 4 Local Government and Housing Act 1989
3. To be the principal advisor on staffing matters to the council (except where there would be a conflict of interest in respect of his or her own pay and conditions of service)	Part 1 Local Government and Housing Act 1989
4. To ensure the appointment and proper management of the authority's staff and that all staff are appointed on merit.	Part 1 Local Government and Housing Act 1989

- (a) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.
- (b) **Role as Returning Officer.** The Head of Paid Service will act as the Acting Returning Officer and Returning Officer in parliamentary and local elections respectively.

3 Functions of the Monitoring Officer

1. Report on contravention or likely contravention of any enactment or rule of law.	Section 5 & 5A Local Government and Housing Act 1989.
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3. Appointment of Deputy Monitoring Officer.	Section 5 Local Government and Housing Act 1989.

4. Report on resources needed to undertake Monitoring Officer functions.	Section 5 Local Government and Housing Act 1989.
5. Establish and maintain registers of member's interests and gifts and hospitality.	Sections 29 and 30 Localism Act 2011 The Relevant authorities (Disclosable Pecuniary Interests) Regulations 2012
6. Advice to Members on interpretation of the Code.	Members' Code of Conduct
7. Advice and determination of process for complaints under the Code of Conduct in accordance with the agreed complaints procedure.	Sections 28 – 34 Localism Act 2011
8. Advice to Members on Compensation or remedy for maladministration.	Section 92 Local Government Act 2000.

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Affixing the seal.** The Monitoring Officer will authorise in writing another officer, including legal staff within the London Borough of Harrow, to affix the common seal and execute under seal any deed or document
- (b) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer – S151 Officer or the Head of Paid Service.

4 **Functions of Chief Finance Officer (S151 Officer)**

1. Oversight of proper administration of financial affairs.	Section 151 Local Government Act 1972
2. Duty to nominate a member of his/her staff as chief financial officer (if unable to act owing to absence or illness).	Section 114 Local Government Finance Act 1988
3. Duty to report on a Council decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114 Local Government Finance Act 1988
4. Duty to report if the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.	Section 114 Local Government Finance Act 1988
5. Duty to report on an Executive decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114A Local Government Finance Act 1988
6. Duty to report on the robustness of the authority's budget calculations.	Section 25 Local Government Act 2003
7. Duty to report on the adequacy of the authority's proposed financial reserves.	Section 25 Local Government Act 2003
8. Duty to report on previous years' financial reserves if it appears that controlled reserves is or likely to be inadequate, including recommendations for appropriate actions to rectify.	Section 27 Local Government Act 2003
9. Duty to assist the Council in carrying out regular budget monitoring.	Section 28 Local Government Act 2003

- (a) **Restrictions on posts.** The s.151 Officer cannot be the Head of Paid Service or the Monitoring Officer.

5. Functions of the Director of Children's Services

1. Responsible for functions conferred on or exercisable by the authority in their capacity as a local education authority	Section 18 Children Act 2004
2. Responsible for functions conferred on or exercisable by the authority, which are social services functions, so far as those functions relate to children.	Section 18 Children Act 2004
3. Responsible for functions under section 23C to 24D of the Children Act 1989, relating to looked after children.	Section 18 Children Act 2004
4. Improving well-being of children in the authority's area.	Sections 10 and 18 Children Act 2004
5. Safeguarding and promoting the welfare of children.	Sections 11 and 18 Children Act 2004
8. Responsible for any function under section 75 of the National Health Service Act 2006 on behalf of an NHS body so far as those relate to children.	Section 18 Children Act 2004

6 Functions of the Director of Adult Social Services

1. Responsibility for all social services functions (other than those for which the Director of Children's Services is responsible under section 18 of the Children Act 2004).	Section 6 and Schedule 1 of the Local Authority Social Services Act 1970
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7. Functions of the Director of Public Health

Director of Public Health	Statutory Source of Function.
1. Responsibility for the functions under S2B National Health Service Act – taking steps to improve Health.	Ss 2B and 73A National Health Service Act 2006.
2. Responsibility for the functions under S111 National Health Service Act – dental public health.	Ss 111 and 73A National Health Service Act 2006.
3. Responsibility for the functions under S249 National Health Service Act – joint working in respect of prison health.	Ss249 and 73A National Health Service Act 2006.
4. Responsibility for compliance with regulations made under s6C(1) or (3) National Health Service Act 2006 –requirement to undertake functions of the Secretary of State	Ss 6C(1) and (3) National Health Service Act 2006
5. Responsibility for the functions under S7A National Health Service Act – arrangements to undertake Secretary of State’s functions.	Ss 7A and 73A National Health Service Act 2006.
6. Responsibility for the exercise by the authority of its functions under Schedule 1 National Health Service Act 2006 - inspection of school pupils.	Schedule 1 National Health Service Act 2006
7. Responsibility for any functions that relate to planning for or responding to emergencies involving a risk to public health.	S73A National Health Service Act 2006.
8. Responsibility for the functions under S325 Criminal Justice Act 2003 – arrangements for assessing risk of certain offenders.	S325 Criminal Justice Act 2003
9. To prepare an annual report on the health of the people in Harrow	S73B(5) National Health Service Act 2006

10. To be a member of the Health and Wellbeing Board	S194(2)(d) National Health Service Act
11. Responsibility for the exercise of all other Local Authority's public health functions specified in S73A(1) National Health Service Act 2006.	S73A National Health Service Act 2006.

9 Conduct

Officers will comply with the Officers' Code of Conduct for Employees in Part 5.3 and the Local Code Governing Relations Between Elected Members and Council Employees in Part 5.4 of this Constitution. .

10 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

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Part 3.6 Scheme of Delegation to Officers

Contents

Section 1. Guiding Principles

Section 2. General Delegations which apply to all the Council

Section 3. Proper Officer Functions

Section 4. Delegations to each Directorate

Chief Executive

Executive Director – Corporate Operations

Executive Director of Place

Executive Director of People (Adults)

Executive Director of People (Children)

Executive Director of Customer and Community

Executive Director of Strategy & Improvement

Section 1 - Guiding Principles

1.1. Introduction

This document sets out how the Council has delegated its executive and non executive powers to officers. Its purpose is to ensure that there are sufficient properly authorised, officers to carry out the Council's business, lawfully and effectively and that everyone: officers, members and the public, knows who they are.

These delegations to officers are the last link in the chain of delegation which begins with the framework described in the Constitution. They must be read in conjunction with the Constitution itself, and in particular the arrangements for discharge of executive and non-executive functions set out in Part 3, and those delegations to Committees, sub Committees and Directors.

General principles

Officers may exercise delegated powers provided that the matter:-

- is covered by an approved policy
- there are no unusual features
- there are no political or other significant issues,

otherwise the matter should be referred to Members to determine.

In exercising delegated powers officers must:

- Incur expenditure within approved estimates/limits.
- Comply with the Council's procedural rules and constitution, including the Contract Procedure Rules and Financial Procedure Rules in force at the time.
- Comply with any policy, plan or direction of the Council, Cabinet or Committee.
- Comply with the Council's internal policies, procedures and guidance.
- Consult where appropriate, and/or agree with other relevant officers.
- Consult or refer the matter to the Chief Executive, s.151 Officer and/or Monitoring Officer in appropriate cases.
- Keep appropriate records and registers of decisions and report to Council, Cabinet or Committee if required.

In using delegated powers, officers are accountable to the Council or Cabinet or the Committee from which those delegated powers derive.

Acts of officers done under delegated powers are deemed to be acts of the Council.

1.2. Structure of the Scheme

Section 2 of the Scheme is the **General Delegations**. These are delegated powers which are common to all parts of the Council and relate to the Finance, Procurement, Human Resources, Legal transactions and Property Management functions which support the main work of the Council.

Section 3 lists the 'Proper Officers' described in Part 3.6.4 of the Council's Constitution. These are posts which are created by legislation rather than resulting from a chosen structure. The proper officers are listed and cross referenced to officer posts in each directorate. 'Proper Officers' include the 'statutory chief officers' whose roles are set out in Article 13 of the Constitution. Although they retain personal responsibility for how their powers are used, they may delegate some of their duties to other officers.

Section 4 sets out the functions delegated to each Directorate. The Executive Director is responsible for maintaining a written internal scheme of delegation setting out particular posts or groups of posts can exercise functions and make decisions. The internal scheme is subject to restrictions set out in the constitution and where the two documents do not align, the constitution takes precedence.

1.3. Reserved Matters, deemed delegations and general authorities

Matters reserved to the Council, the Executive, and their Committees:

Functions may be specifically reserved to the Council, or a Committee of the Council, or to the Executive of the Council, either under the Articles of the Constitution, Part 3 of the Constitution (Responsibilities for Functions), Financial Regulations or Contract Procedure Rules. Functions may also be reserved under the Scheme of Delegations. These reserved functions may not be carried out by any officer unless they have been specifically delegated to him/her by the person or body holding the reserved power. The only exception is the urgency provision set out in paragraph 1.4 below.

Deemed delegations to officers:

- Any matter not specifically reserved in this way will be deemed to be within the delegated authority of the Chief Executive or the relevant Executive Director.

The Chief Executive may exercise any function delegated to any other officer, except those functions of the other statutory chief officer or where the delegation is to an officer with a required appointment process e.g. appointed health and safety inspector. Executive Directors may exercise any function outside their directorate delegations delegated to them by the Chief Executive.

- Statutory chief officers and proper officers should make arrangements to appoint a individual to undertake their responsibilities during period of absence.
- London Borough of Harrow has a delegation of function to:
 - commence, defend or settle any legal proceedings as necessary to protect the interests of the Council, whether or not specifically delegated under

this scheme.

- Take any action in order to protect the interests of the Council or of any person or property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council, including certifying documents as a copy of the original.
- Sign any documentation to give effect to any resolution of the Council in any tribunal or court.
- Sign any document necessary to give effect to any decision of the Council.

This delegation is exercised by the Head of Legal, London Borough of Harrow, who is permitted to delegate the function to any of her officers. The Monitoring Officer also has power to exercise these functions.

1.4. Urgency provisions – Non Executive functions

The following provisions apply regardless of any specific reservations to Members:

- The Chief Executive has power to act in cases of emergency or urgency to discharge non-executive functions.
- In the absence of the Chief Executive the Executive Director nominated to deputise will exercise emergency or urgency powers in the same way.

Urgency provisions – Executive functions

- Subject to consultation with the Leader of the Council (or in his/her absence the Deputy Leader) where possible, the Chief Executive (and his or her appointed deputy in the case of absence) shall have the power to exercise executive functions in cases of emergency or urgency.

When deciding whether a matter is an emergency or urgent, consideration should be given to the following:

- whether it is prejudicial to the Council's interest to delay
- whether it is practicable to call an emergency member meeting
- whether it is appropriate to refer the matter to a member meeting following the action

1.5. Incidental and ancillary functions, successor legislation, meaning of 'officer'

Incidental functions: any reference to officers being authorised to carry out or perform any functions in the schemes shall be deemed to include the authority to carry out any other functions which are necessary or incidental to, or required to facilitate or be conducive to the performance of the function in question.

Successor legislation: any reference in the Schemes to any legislation or to any Council procedure or rule shall be deemed to include a reference to any successor legislation, procedure or rule as may be introduced or enacted by way of substitution, revision or amendment.

If the Council acquires a new function responsibility will fall to the Chief Executive or Executive Director with responsibility for the relevant service area.

Restructure

If the Council restructures its organisation, delegated authority will be deemed to be held by the chief officer with responsibility for the service area.

Section 2 - General Delegations

Delegated Powers

General

Taking and implementing any decision required for operational effectiveness.

Taking any action necessary to ensure the effective development and implementation of the Council's key strategies and services relating to directorates.

Investigating and resolving complaints, including agreeing the payment of compensation, including payments or other benefits in cases of maladministration

Responding to requests for data or information in accordance with information law procedures.

Attending and representing the Council on partnership boards.

To conduct criminal investigations, including exercising statutory powers, administering cautions and conducting financial investigations in relation to proceeds of crime.

Exercising proper officer functions where these are not specifically designated under section 3 below.

Financial – these are subject to limits within the Financial Procedure Rules

Preparation for member approval of the annual directorate budget

Monitoring of directorate budget

Authorise expenditure within approved revenue budget estimates.

Virement of revenue and capital in accordance with Financial Procedure Rules.

Authorise collection of income

Authorise expenses

To agree in-year variations to costs, fees and charges

- up to 3% plus inflation

Applying for grants

Disposing of non-land assets

Write off debts

Procurement – these are subject to limits within Contract Procedure Rules

Authorise tendering processes

Approve contracts

Approve variations in contracts

Approve use of consultants

Human Resources – these are subject to internal HR policies and procedures

To appoint, suspend and dismiss staff

To take any action under the Council's employment policies and procedures

To re-organise staff within their directorates, subject to budgetary implications

Consultation with trade unions on staff organisational changes

Maintaining an up to date staffing structure

Property - subject to budgetary provision and compliance with internal procedures and statutory processes

To authorise the granting, renewal, termination, assignment or sub-letting of leases, tenancies or other interests in land and property.

To approve variations in rent arising from rent reviews of land and property leased to or by the Council.

To authorise the acquisition of legal estates or interest in land and property in accordance with agreed policy and within the capital programme.

To authorise the disposal of legal estates or interests in land and property not required by the Council.

To authorise the taking, granting, revocation or termination of covenants, easements, wayleaves, licences and other rights or user.

To serve and respond to statutory notices in relation to land.

To authorise the appropriation of land, including appropriation by the HRA from the general fund.

Legal transactions

Instructing HB Public Law (London Borough of Harrow) or the Monitoring Officer in relation to legal matters and disputes

Instructing external lawyers in relation to legal matters and disputes, where agreement has been sought from the HB Public Law or the Monitoring Officer, that instructions are appropriate

Authorising officers to attend court and appear on behalf of the Council under s.223 Local Government Act 1972 and the County Courts Act 1984, following consultation with the Monitoring Officer or HB Public Law.

Section 3 – Proper Officer and Statutory Officer designations (statutory chief officers are set out in Article 12)

Post	Designation	Function
	Electoral Registration Officer	Section 8 - Representation of the People Act 1983
Chief Executive	Returning Officer	Section 35 - Representation of the People Act 1983
Chief Executive	Acting Returning Officer	Section 28 - Representation of the People Act 1983
Superintendent Registrar	Proper Officer for Births, Deaths and Marriages	Registration Services Act 1953
	Scrutiny Officer	Section 31 – Local Democracy, Economic Development and Construction Act 2009
	Virtual School Head	
	Data Protection Officer	
	Local Authority Designated Officer	
	Chief Internal Auditor	
Chief Executive	Proper Officer for notices regarding councillor appointments and resignations	Section 83 to 99 Local Government Act 1972
Chief Executive	Proper Officer for notices of council meetings	Section 100 to 100G Local Government Act 1972
Monitoring Officer	Proper Officer for deposit of documents and certifying documents.	Section 225 Local Government Act
	Local Registrar	Section 19 of the Land Charges Act 1975

Section 4 – Specific Delegations

Chief Executive

To take any action necessary to ensure the effective and efficient management and operations of the Council and the effective development and implementation of the Council's key strategies and services. If following a Borough Election the Leader has not been elected as a councillor or, if re-elected, the political party of which they are a member does not have a majority on the Council, then until a Leader is appointed, the Head of Paid Service (in consultation with all Group Leaders) shall be authorised to take and implement any decision required for operational effectiveness of the Council but excepting any such responsibilities, duties and powers specifically reserved to any other person or body.

To promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council's officers in accordance with the Code of Conduct for Council Employees and to undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.

Approve minor and technical changes to the Council constitution in consultation with the Monitoring Officer.

Following consultation with the Leader and Leader of the Opposition, to suspend the Monitoring Officer or officer designated as Chief Finance Officer in exceptional circumstances for up to ten days pending the Chief Officer's Employment Panel being convened to consider the suspension in accordance with Part 4H of the constitution.

Following consultation with the Leader and Leader of the Opposition, to refer matters of discipline (as defined in the disciplinary procedure) in respect of the Monitoring Officer or officer designated as Chief Finance Officer to the Chief Officers' Employment Panel.

Appointing officers to represent the Council on outside bodies, including as company director of such bodies, subject to compliance with internal processes in relation to the appointment.

Executive Director – Corporate Operations

Functions in relation to:

Finance
 Business support
 Fraud & Risk
 Democratic Services
 Information governance
 Human Resources
 ICT

Following consultation with the Leader and Leader of the Opposition and the Monitoring Officer, to suspend the officer designated as Head of Paid Service in exceptional circumstances for up to ten days pending the Chief Officer's Employment Panel being convened to consider the suspension in accordance with Part 4H of the constitution.

Following consultation with the Leader and Leader of the Opposition, to refer matters of discipline (as defined in the disciplinary procedure) in respect of the officer designated as Head of Paid Service to the Chief Officers' Employment Panel.

Executive Director – Customer and Community

Functions in relation to:

Customer services
 Revenue and benefits
 Housing recovery
 Tenant services
 Housing allocations and social lettings
 Locality and neighbourhood management
 Learning, skills and employment

Executive Director – People (Adults)

Functions in relation to:

Adult social care operations
Adult social care commissioning
Mental health
Public health
Communities, libraries and leisure

Executive Director – People (Children)

Functions in relation to:

Children’s social care
Children’s centres and early help services
Early years
Access and inclusion
School effectiveness
Education services
Special educational needs and disabilities
Youth services

Executive Director – Place

Functions in relation to:

Assets management
Regeneration development and delivery
Cemeteries and crematoriums
Food and safety
Community safety partnerships and prevention
Transport planning
Planning services

Executive Director of Strategy & Innovation

Functions in relation to:

Transformation

Overview & Scrutiny Committee	People Scrutiny Panel		Customer and community Scrutiny Panel	Place Scrutiny Panel	Audit & Corporate Governance (No change)
<ul style="list-style-type: none"> • Overarching strategies • Strategic Finance • Commercial operations • Gold projects • Performance 	<ul style="list-style-type: none"> • School standards and effectiveness • School services • Inclusion • Early Help • Early Years & Children’s Centres • Music services 	<ul style="list-style-type: none"> • Public Health • Mental Health • Integration • Safeguarding • ASC operations • People strategy & commissioning 	<ul style="list-style-type: none"> • Customer Services • Revenues and benefits • Community & Neighbourhoods • Learning, Skills & Employment • Accommodation 	<ul style="list-style-type: none"> • Environmental Services • Asset management • Place Strategy • Infrastructure • Housing Regulation • Planning • Public Protection 	<ul style="list-style-type: none"> • Standards of conduct • Risk management and controls • Financial statements • Governance statements
Cabinet portfolios					
<ul style="list-style-type: none"> • Leader, Regeneration and Strategy 	<ul style="list-style-type: none"> • Children & Schools 	<ul style="list-style-type: none"> • Health and Wellbeing 	<ul style="list-style-type: none"> • Governance and customer services • Housing & community safety • Inclusive Growth & Skills 	<ul style="list-style-type: none"> • Planning & regulation • Transport & env. services • Housing & community safety • Incl. growth & Skills 	<ul style="list-style-type: none"> • Governance and customer services

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ARTICLE 6 – OVERVIEW AND SCRUTINY

1 The Council will appoint an Overview and Scrutiny Committee and Panels as shown in the table below to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations made thereunder.

Committee/Sub Committee	Scope
Overview and Scrutiny Committee	<ul style="list-style-type: none"> • All Overview and Scrutiny functions on behalf of the Council. • The co-ordination of the Overview and Scrutiny work plan including the allocation of issues to Scrutiny Panels. • Consideration of the details of the Executive’s Forward Plan.
<p>Panels:</p> <ul style="list-style-type: none"> • Health • Education & Children’s Services • Neighbourhood and Community Services • <u>People</u> • <u>Customer & Community</u> • <u>Place</u> 	<p>Each Scrutiny Panel shall be responsible for:</p> <ul style="list-style-type: none"> • Scrutiny of functions falling within the scope of the Cabinet portfolios allocated to them and any non-executive functions or matters associated with those portfolio functions. • Matters within its area of responsibility which have been : <ul style="list-style-type: none"> ➢ Referred to it by the Council or Overview and Scrutiny Committee ➢ Referred to it by the Overview and Scrutiny Committee on receipt of a member call in ➢ Agreed by the Panel for inclusion in its agenda plan or work programme. <p>Each Panel shall make recommendations or reports to the Overview and Scrutiny Committee, Cabinet, other Committee or Council as appropriate.</p>

General Role

2 Within its terms of reference, the Overview and Scrutiny Committee will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;
- (ii) make reports and/or recommendations to the full Council and/or the Executive and/or any other Committee in connection with the discharge of any functions;

- (iii) consider any matter affecting the Borough or its inhabitants; and
- (iv) review decisions made but not yet implemented by the Executive and any other Committee, where these have been called-in.

3 The Committee (and its Panels) will meet in public unless confidential or exempt information is being considered.

Specific Functions

4 **Policy Development and Review** - The Overview and Scrutiny Committee may:

- (i) Assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question Members of the Executive, other Committees and Directors about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

5 **Audit Functions** - The Overview and Scrutiny Committee shall receive, on an exception basis, information from the Audit and Corporate Governance Committee through the Performance Report. In particular the following information will be provided:

- Reports on abnormal issues arising from audit recommendations including poor performance by directorates in implementing agreed recommendations within planned timescales.
- Special audit investigation reports.
- Head of Internal Audit & Risk Management's annual report.
- External Audit Management Letters and other reports

6 **Scrutiny Functions** – The Overview and Scrutiny Committee shall:

- (i) review and scrutinise the decisions made by and performance of the Executive, Committees and Council Officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets, data quality and/or particular service areas;
- (iii) question Members of the Executive, Committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects;

- (iv) make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance; and
- (vi) question and gather evidence from any person (with their consent).

7 **Annual Report.** The Overview and Scrutiny Committee must report annually to the full Council on future work programmes and amended working methods if appropriate.

Proceedings of Overview and Scrutiny Committee

8 The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure rules set out in part 4 of this Constitution.

Statutory Scrutiny Officer

9 **In accordance with the provisions of** Section 9FB of the Local Government Act 2000 the Council's Statutory Scrutiny Officer is the ~~Service Lead Strategy & Performance~~Group Manager for Governance.

10 **The Statutory Scrutiny Officer will**

- (a) promote the role of overview and scrutiny within the locality,
- (b) provide support to the authority's scrutiny function
- (c) provide support and guidance to-
 - (i) members of the authority,
 - (ii) such persons who are not members of the authority but who sit on an overview and scrutiny committee or committees,
 - (iii) officers of the authority,
 - (iv) other designated persons to which section 9F(2) applies in relation to the authority's scrutiny function.

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SLOUGH BOROUGH COUNCIL

REPORT TO: Annual Council **DATE:** 20th May 2021

CONTACT OFFICER: Alex Polak
(For all enquiries) Interim Head of Democratic Services

WARD(S): All

PART I
FOR DECISION

APPOINTMENT OF CABINET, COMMITTEES, SUB-COMMITTEES, OTHER BODIES AND THEIR CHAIRS, AND ALLOCATION OF POLITICAL GROUP OFFICER SUPPORT

1 **Purpose of Report**

To appoint members to the committees, sub-committees and other specified bodies of the Council as set out in the Constitution, in line with the rules of proportional representation.

To agree the appointment of the Chairs and Vice Chairs of those committees, sub-committees and other specified bodies.

To agree the continuation of Political Group Officer support to Political Groups.

To receive the report of the Leader on the appointment of the Deputy Leader and the Cabinet.

2. **Recommendations**

The Council is requested to resolve:

- (a) That Committees/ Sub-Committees and other bodies be appointed and seats thereon allocated to political groups in accordance with the rules of proportionality where applicable as per **Appendix 1** (to follow)
- (b) That appointments be made to Committees, Sub-Committees and other bodies in accordance with the nominations received from political groups as per **Appendix 2** (to follow).
- (c) That the Chairs and Vice-Chairs of the above bodies be appointed as per **Appendix 2** (to follow).
- (d) That the report of the Leader on appointment of the Deputy Leader and Commissioners (the Cabinet) and their portfolios be received. (To Follow-**Appendix 2**).
- (e) That Political Group Officer support to Political Groups is agreed for the 2021/22 municipal year on a continuation of the current terms ie 37 hours/week for the Labour Group and 12 hours/week for the Conservative Group.

- (f) To note the dates for Full Council meetings in the 2021/22 municipal year, as previously agreed by Council on 8 March 2021.

3. **Community Strategy Priorities**

Effective, transparent and equitable democratic and decision-making processes are an essential pre-requisite to the delivery of all the Council's priorities.

4. **Other Implications**

(a) Legal Implications

The recommendations within this report meet legal requirements (primarily the Local Government & Housing Act 1989 and associated Regulations) and the Local Government and Public Involvement in Health Act 2007. The proposals have no workforce implications and any financial implications have been reflected within the approved budget. There are no Human Rights Act implications.

The rules for the allocation of seats are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government Committee and Political Group Regulations 1990. The Council has an obligation to ensure compliance with the legislative requirements for political balancing in relation to the allocation of seats and the nominations to them. Any non-compliance with these rules increases the risk of challenge to the Council for failure to correctly determine the allocations.

Section 15 of the Local Government and Housing Act 1989 imposes a duty on Councils to review the representation of different political groups on bodies to which the Council makes appointments. The Act requires that the review should be undertaken at the annual meeting or as soon as practicable after that meeting.

(b) Financial Implications

None.

5. **Supporting Information**

- 5.1 It is a requirement to appoint to the Committees, Sub-committees and other bodies as set out in the Constitution.

Allocation of Seats on Committees, Sub-committees and other Bodies

- 5.2 The Council, in undertaking its duty to allocate seats to political Groups is required, as far as reasonably practicable, to give effect to the statutory principles below:
 - (i) Where an authority has two or more political groups, no committee may comprise Members from just one political group;
 - (ii) Where a majority of Members are from one political group, that political group must have a majority of the seats on each committee;

- (iii) Without being inconsistent with the first two rules, the number of seats allocated to each political group on all the committees taken together must be as near as possible proportionate to their strength on council; and
- (iv) Without being inconsistent with rules 1 to 3, each political group must be allocated that number of seats on each committee taken individually as is proportionate to their strength on the council.

In practice, the proper application of these rules often leads to a variation in the number of members from each Group on each committee, even between committees with the same number of members, in order to ensure balance overall across all committees and sub-committees.

Memorials confirming the establishment of political groups following the local elections are awaited at the time of writing. Following receipt of this information a revised 'basket' of seats will be circulated to the Council showing the application of these rules to the Council's structure of committees, sub-committees and other relevant bodies.

- 5.3 The Council is asked to agree the allocation of seats on committees, sub-committees and other bodies and to appoint to those seats. The allocation of seats on those Committees where proportionality applies has been calculated and is set out in **Appendix 1 (To Follow)**
- 5.4 Some committees or sub-committees have specific training requirements before members can sit on those committees. In these cases those members will be offered that training before the first meeting and may not attend until that training has been completed. In other cases there are limitations or constraints on eg whether Cabinet Members may be appointed to certain committees. The proposals in **Appendix 2** (to follow) will take account of these restrictions.
- 5.5 Under the legislation political Groups are entitled to a proportionate number of seats on committees. Independent members are not entitled to seats unless they are part of a Group. This does not prevent Council from agreeing to appoint independent members to seats on committees if the overall allocation of seats is considered, as far as is practicable, proportionate.
- 5.6 In some cases it can be appropriate to adjust the size of one or more committees in order to better serve the achievement of proportionality overall. If, on consideration of the Memorials and their effect on the 'basket', this is considered advisable a supplementary paper will be circulated to this effect.
- 5.7 Nominations from political groups for appointments to seats on Committees, etc have been sought and will be circulated as **Appendix 2** when received.

Allocation of Political Group Officer Support

- 5.5 Under the Local Government & Housing Act 1989 Councils are free to decide whether to have Political Group Support Officers. If they do have such roles in their officer structure, then a political group qualifies for support if it comprises at least 10% of the membership of the Authority. Statements of Group membership (known as 'memorials') have not yet all been received at the time of writing. However as of the election in May 2021 the Labour Group is expected to have 81.0% of the seats on the Council and the Conservative Group is expected to have 11.9%. Both therefore qualify for some support.

- 5.6 A political group cannot have more than one political assistant and the total number of political assistants is limited to three. In the previous municipal year the Labour group received 37 hours of support per week and the Conservative Group received 12 hours per week. The Council will need to take a decision on whether there is any grounds to alter the above recommendation based on the Groups' Memorials once received. It is recommended that this continues to remain fit for purpose.

Dates of Council Meetings – 2021/22

- 5.6 The Constitution requires the timetable of ordinary meetings of the Council for the forthcoming year to be approved at the Annual Meeting. The dates of Council meetings (all at 7.00pm) for 2021/22 were previously agreed at the Council meeting on 8th March 2021 and are as follows:

22nd July 2021
23rd September 2021
23rd November 2021
27th January 2022
3rd March 2022 (Budget)
26th April 2022
19th May 2022 (Annual)

6. **Appendices**

Appendix 1 – Allocation of Seats (TO FOLLOW)
Appendix 2 - Cabinet and Committee and other bodies - appointments in accordance with proportionality rules where applicable (TO FOLLOW)

7. **Background Papers**

None

SLOUGH BOROUGH COUNCIL

REPORT TO: Annual Council **DATE:** 20th May 2021

CONTACT OFFICER: Alex Polak, Interim Head of Democratic Services
(For all enquiries) (01753) 875011

WARD(S): All

PART I
FOR DECISION

APPOINTMENTS TO OUTSIDE BODIES 2021/22

1. Purpose of Report

To appoint/nominate representatives to serve on outside bodies.

2. Recommendations

The Council is requested to resolve the appointments and nominations to the outside bodies set out in Appendices A and B, for the Municipal year 2021/22.

3. Slough Joint Wellbeing Strategy Priorities

- 3.1 The Council works with a range of partners and outside bodies that either provide or assist in providing services which contribute to the Council's priorities. Many outside bodies utilise volunteers from the local community to assist them with organising fund-raising activities and assisting in the delivery of their services. The Council provides financial assistance to those outside bodies which it sees as essential to delivering its priorities. The Council fully appreciates the assistance and role which many of the volunteers play in delivering services to the local community.

4. Other Implications

4.1 Legal & Human Rights Implications

There are, on the whole, neither legal nor human rights implications relating to the appointment of representatives to outside bodies. Some outside bodies have been established by statute.

Members will be indemnified in their appointments to outside bodies/organisations.

4.2 Financial

The Council provides financial assistance to those outside bodies which are considered essential in implementing its key priorities. Out of Borough travel expenses are payable to Council representatives. This cost is met from the budget for Members' Allowances.

4.3 Workforce

Officers from the Council are involved in monitoring/supporting the Council's representatives and in some cases are required to attend the meetings of the key organisations

5. Supporting Information

5.1 At the start of each municipal year the Council considers appointments and nominations to outside bodies.

5.2 The Council has agreed to adopt a two level approach to its representation on outside bodies:

Level 1 - Corporate Bodies where Members have significant liability and/or the body has significant responsibility for service delivery.

Level 2 - Outside bodies where members have no significant liability/responsibility for service delivery.

Members appointed to outside bodies are appointed with full voting rights and as such any liability is covered by the Council.

5.3 The Council will note that a number of Members are appointed to outside bodies by virtue of the office they hold (e.g. Lead Members or Committee Chairs). In such cases, Members are required to stand down from any such outside body to which they were appointed as soon as they cease to hold the office in question.

5.4 A number of adjustments to the list of Outside Bodies to be appointed to have been made, for example where a body no longer requires a nominated representative or where the status of a body has changed.

5.5 Nominations have been sought from the political groups and will be circulated prior to the meeting. Appendices 'A' and 'B' set out the appointments required for consideration by the Council.

6. Appendices

Appendix A - Level 1 - Corporate Bodies where Members have significant liability and/or the body has significant responsibility for service delivery.

Appendix B - Level 2 - Outside bodies where members have no significant liability/responsibility for service delivery.

7. Background Papers

Correspondence file relating to Outside Bodies.

OUTSIDE BODIES
APPOINTMENTS TO OUTSIDE BODIES / PARTNERSHIPS 2021 / 2022

Level 1 – (Corporate Bodies where Members have significant liability and/or the body has significant responsibility for service delivery)

	Outside Body	Total Reps (Member/Officer)	Purpose of Outside Body	Whether a Statutory (S), Best Practice (BP) or Other (O) Appointment & Meeting Arrangements	Representative(s) appointed 2020/2021 or other period as stated	Status (Director / Trustee / Councillor)	Nominations required 2021/22
	1. Berkshire Healthcare NHS Foundation Trust – Council of Governors	1 Member (preferably Lead Member for Health & Social Care)	Provision of Mental Health services to the Slough area	BP	Councillor A Sandhu	Governor Observer	1
Page 77	2. Berkshire Local Transport Body	1 Member (preferably Lead Member with responsibility for transport) and 1 named Deputy)	From 2015 funding for major transport schemes will be devolved to the BLTB which is a voluntary partnership between Local Enterprise Partnerships and the LA, Slough BC is the Accountable Body that will provide Section 151 Officer, legal and secretariat support to the LTB. The main purpose of BLTB will be to prioritise infrastructure schemes to receive the funding allocated.	S Three times a year	Councillor Anderson (Deputy, Councillor Swindlehurst)	Councillor	1 Plus Deputy
	3. DISH CLS Ltd	3 Members	DISH CLS is a company limited by shares and wholly owned by SBC to support the strategy to deliver additional housing.	(O)	Councillors Swindlehurst, Nazir and Mann	Director	3
	4. Slough Local Asset Backed Vehicle (LABV) Board	One elected Member plus one named Deputy (nominated by Cabinet) and: The Director of Regeneration, or substitute; Service Lead for Regeneration Delivery or substitute.	LABV was established in September 2012 to maximise the value of the disposal of Council assets for the benefit of the local community.	O	Councillor Ajaib (Deputy - Hulme)	Board Member	1 Plus Deputy

	Outside Body	Total Reps (Member/Officer)	Purpose of Outside Body	Whether a Statutory (S), Best Practice (BP) or Other (O) Appointment & Meeting Arrangements	Representative(s) appointed 2020/2021 or other period as stated	Status (Director / Trustee / Councillor)	Nominations required 2021/22
5.	Royal Berkshire Fire Authority *Allowance payable 2019/20 was £2351 per annum	3 Members	To provide a fire service for Berkshire	S 4 times a year Rotates 6.30 p.m.	Councillors Hulme, Minhas, Smith,	Members	3
6.	Safer Slough Partnership	1 Member	Requirement for the police, local authorities and other key agencies to work together to tackle crime and disorder. Safer Slough Partnership seeks to reduce crime, anti-social behaviour and the fear of crime.	BP	Councillor Mann	Member	1
7.	Thames Valley Athletics Centre Management Committee	1 (Usually the Lead Member responsible for leisure) 1 Deputy required	Supervision and monitoring of the management contractor and acting to dispense the daily business in short-term planning in operation of the facility (including financial matters) except where either the trust or the Committee are of the opinion that the matter should be referred to the trust.	S (Joint Arrangement) At least four times per annum. Eton.	Councillor Parmar (Councillor Anderson – Deputy)	Member	1 Plus deputy
8.	Thames Valley Athletics Centre Trust	1 (Usually the Lead Member responsible for leisure) 1 Deputy required	The provision of facilities for recreation or other leisure time occupation for the benefit of the public in the interests of social welfare, particularly in the Royal Borough of Windsor & Maidenhead and the Borough of Slough. The advancement of education (particularly physical education) for the benefit of pupils at Eton College and any other schools or other places of education in the Boroughs of Windsor & Maidenhead and Slough.	S (Joint Arrangement) At least twice per year. Eton.	Councillor Parmar (Councillor Anderson – Deputy)	Trustee	1 Plus deputy

	Outside Body	Total Reps (Member/Officer)	Purpose of Outside Body	Whether a Statutory (S), Best Practice (BP) or Other (O) Appointment & Meeting Arrangements	Representative(s) appointed 2020/2021 or other period as stated	Status (Director / Trustee / Councillor)	Nominations required 2021/22
9.	Slough Children's First Board	1 Elected Member (Lead Member responsible for children's services) Plus the Executive Director of Customer and Community and the Deputy Section 151 Officer.	Delivering agreed Children's and Young People's Services. Council agreed on 8 th March 2021 to delegate authority to the Chief Executive to make initial appointments to the new Local Authority Controlled Company from 1 st April 2021.	O As and When Required.	N/A (Councillor D Parmar was the most recent representative on Slough Children's Services Trust)	Non Executive Director	1 Elected Member Plus ED Customer & Community and Deputy S151 Officer
10.	Slough Safeguarding Partnership - Children	1 Member (must be Lead Member responsible for children's services)	The objective of partnership is to coordinate and to ensure the effectiveness of their member agencies in safeguarding and promoting the welfare of children. Membership includes local authorities, health bodies, the police and others.	S 4 times a year. Daytime at St Martins Place	Councillor Carter	Member	1
11.	Slough Safeguarding Partnership - Adults	1 Member (must be Lead Member responsible for adult services)	National guidance requires each local authority to establish a Safeguarding Partnership. Members are from across health and social care agencies and service user groups.	S 4 times a year. Daytime-venue varies.	Cllrs Pantelic	Member	1

Level 2 – (Bodies/Organisations – No significant Liability/responsibility for service delivery)

	Outside Body	Total Reps (Member/Officer)	Purpose of Outside Body	Whether a Statutory (S), Best Practice (BP) or Other (O) Appointment & Meeting Arrangements	Representative(s) appointed 2018/2019 or other period as stated	Status of Appointment (Director / Trustee / Councillor)	Nominations required 2018/19
1.	Heathrow Community Engagement Board	1 (Member or Officer) (Suggested Lead member responsible for Regeneration and Strategy plus deputy)	The Committee is an advisory body constituted by Heathrow Airport Limited in accordance with Section 35 of the Civil Aviation Act 1982. Provides a means of consultation with regard to any matter concerning the management of administration of the airport which affects the interests of nearby local authorities.	O Quarterly	Councillor Swindlehurst	Councillor/ Member	1 (plus deputy)
2.	James Elliman Trust. (Charitable Trust)	7 (Trustees appointed for a term of 4 years by the Council).	Application of income from the charity in the provision or in assisting in the provision of facilities for the inhabitants of Slough for recreation, or any other leisure-time occupation, in the interests of social welfare with the object of improving the conditions of life for said inhabitants.	O Meetings arranged as and when required. Subject to sufficient income from capital to distribute. Evening.	Councillors Anderson and BS Bains (2018- 2022) S Parmar (2019-2023) Councillors Davis and A Sandhu terms expired. Sarfraz and N Holledge.	Trustee	4
3.	Parking & Traffic Regulation Outside London Joint Committee (PATROLJC)	1 Member (Lead Member for transport)	To oversee the operation of the National Parking Adjudication Service which hears appeals against penalty tickets issued under Decriminalised Parking Enforcement.	S Twice yearly Venue varies Day time	Councillor Anderson	Councillor	1
4.	Slough Local Access Forum	2 Members	A statutory advisory forum providing advice and guidance to the Council and the Countryside Agency on ways in which the area can be made more accessible and enjoyable for open-air recreation while having regard to social, economic and environmental interests.	S Quarterly. Evening meetings.	Councillors S Parmar & Rasib	Councillor	2

5.	Groundwork South (formerly Groundwork Thames Valley)	1 (Member or Officer)	Promotes environmental regeneration in and around the Colne and Thames Valley.	O Meets four times a year. Denham Country Park daytime.	Councillor Dar	Councillor	1
6.	South East Employers	2 Members plus 2 deputies (Lead Member and Chair of Employment & Appeals Cttee) (Should not be employee of another LA or an employee or official of any of the LG unions)	To be an active and influential employers' organisation for local government in the South-East of England.	BP Twice per annum, in London during the daytime.	Councillors Ali and Swindlehurst (Deputies Bains and Gahir)	Councillors	2 Plus 2 deputies
7.	St Mary's School Charity. (Charitable Trust)	2 Members	Enhancement of education of children and young persons in Slough.	O Meets at least twice per year in Slough. Evening meetings.	Councillors Brooker and Plenty	Trustee	2

8.	Standing Conference on Archives	1 (Member) and 1 (Officer)	To act as a channel of communication with the major users and depositors of documents; to be a means of consultation to identify their views and expectations; and to serve as forum for debate regarding the future direction of the Record Office.	Twice a year- (usually in October)	Councillor Basra	Councillor	1
9.	Strategic Aviation Special Interest Group (SASIG)	1 Member plus deputy	SASIG seeks to ensure that any national aviation strategy for the UK is implemented through regional planning guidance and other planning processes so as to reconcile economic, social and environmental issues in a sustainable way.	O	Councillor H Cheema	Councillor	1 plus deputy
10.	Slough Council for Voluntary Service. (Unincorporated Association and Registered Charity)	1 Member plus Deputy. 1 Officer	Provides forum where voluntary and statutory bodies can discuss local issues relating to advancement of education, furtherance of health and relief of poverty and sickness.	BP At least monthly in Slough. Evening meetings.	Councillor Hulme (Councillor Akram - Deputy)	Councillor	1 Member plus deputy
11.	Local Government Association	3 Members	LGA is the national voice of local government. Aim to influence and set the political agenda on the issues that matter to councils.	Twice a year Daytime	Councillors Swindlehurst, Akram and Minhas	Councillor	3 Members

SLOUGH BOROUGH COUNCIL

REPORT TO: Annual Council **DATE:** 20th May 2021

CONTACT OFFICER: Alexander Polak, Interim Head of Democratic Services

(For all Enquiries) 07985 686 996

WARD(S): All

**PART I
FOR DECISION****LOCALISM ACT 2011 - DISPENSATIONS****1. Purpose of Report**

That a general dispensation is granted to all Members to be present, speak and vote where they would otherwise have a Disclosable Pecuniary Interest (DPI).

2. Recommendation

The Council is requested to resolve that the grant of general dispensations, as set out in paragraph 5.1 of the report, be approved.

3. Slough Joint Wellbeing Strategy Priorities

The report indirectly supports all of the strategic priorities and cross cutting themes by maintaining strong governance across the Council.

The Code of Conduct forms the basis of the conduct regime for Members and aims to ensure that ethical behaviour and governance of the highest order is maintained as this contributes to open, transparent and fair decision making.

4. Other Implications

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

5. Supporting Information

5.1 In order to protect Members it is recommended that a general dispensation is granted to all Members to be present, speak and vote where they have a DPI on the grounds that it is appropriate to grant a dispensation to allow all Members to participate fully in the following matters:

(a) Housing: where the member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not only relate to the member's particular tenancy or lease*.

- (b) school meals or school transport and travelling expenses where the member is a parent or guardian of a child in full time education, or is a parent governor of a school, provided that the matter does not only relate to the particular school which the child attends;
- (c) Housing Benefit: where the member (or spouse or partner) directly receives housing benefit in relation to their own circumstances
- (d) Allowances, travelling expenses, payments or indemnity for members;
- (e) Setting the Council Tax or a Precept; and
- (f) Decisions in relation to Council Tax Benefit.

*Any general housing related dispensations afforded to members will not negate the need for members to declare any other registrable interests; particularly where the member or spouse holds a tenancy or lease with the Council and a matter requiring a decision may/will impact their own Council tenancy.

For example in cases where the matter particularly affected their local neighbourhood and was considered to affect their own tenancy more than other people in the Authority's area, the Member should consider whether it is appropriate to participate in the decision making process.

In instances where a Member has a DPI and a dispensation, they would still need to declare their interest but would be able to remain and vote due to having a dispensation on the matter. For the avoidance of doubt and to ensure adherence to the member code of conduct, members should seek guidance from the Council's Monitoring Officer.

Members' allowances are included in this general dispensation for the avoidance of doubt and for completeness even though they are not a DPI.

It is recommended that the Council considers granting general dispensations each year at its annual meeting.

Dispensations for Council Tax relate to Members' DPIs, and do not affect a Member's obligation under Section 106 of the Local Government Finance Act 1992 to declare and not vote if they are two months or more in arrears with their Council Tax when voting on setting the Council's budget.

6. **Comments of other Committees**

None.

7. **Conclusion**

Agreeing dispensations will allow members to participate fully in matters as set out in the report.

8. **Background Papers**

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

SLOUGH BOROUGH COUNCIL

REPORT TO: Annual Council **DATE:** 20th May 2021

CONTACT OFFICER: Steven Mair, Associate Director of Finance

WARD(S): All

PART I
FOR DECISION

2018/19 ACCOUNTS – SECTION 24, STATUTORY RECOMMENDATIONS

1. **Purpose of Report**

To advise the Council of four Statutory Recommendations that Grant Thornton have made in relation to the 2018/19 accounts as per schedule 7 of the Local Audit and Accountability Act 2014

2. **Recommendations**

The Council is requested to:

- a) accept the recommendations of the auditors as set out in pages 6 to 9 of the enclosed report
- b) agree the management actions as set out in pages 6 to 9 of the enclosed report

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

3a. **Slough Wellbeing Strategy Priorities**

The Council has a statutory duty to prepare and have audited annual accounts which underpin good governance, the financial management of the Council and thus the ability of Departments to deliver their services and meet the priorities shown below

- 1. *Starting Well*
- 2. *Integration (relating to Health & Social Care)*
- 3. *Strong, healthy and attractive neighbourhoods*
- 4. *Workplace health*

3b. **Five Year Plan Outcomes**

As noted above the proposal will underpin delivery of all of the Five Year Plan outcomes as without sound finances the ability to action these will be impeded

4. **Other Implications**

(a) **Financial**

These are dealt with in the enclosed audit report

(b) Risk Management

There are no risks in agreeing the recommendations. Risks would arise if the Council decided not to accept the recommendations due to the need to address the auditors recommendations and take forward the financial service, address the excessive delay and quality issues in producing the accounts, improve the governance and increase the reserves

Recommendation from the audit report	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
Finance capacity and skills	No risks if recommendation agreed	To be developed as set out in the report	0	To be developed as set out in the report
Robust arrangements for accounts preparation	No risks if recommendation agreed	To be developed as set out in the report	0	To be developed as set out in the report
Address the low level of revenue reserves	No risks if recommendation agreed	To be developed as set out in the report	0	To be developed as set out in the report
Effective financial and governance arrangements for the group relationships	No risks if recommendation agreed	To be developed as set out in the report	0	To be developed as set out in the report

(c) Human Rights Act and Other Legal Implications

Section 24 and Schedule 7 of the Local Audit and Accountability Act 2014 set out the duties of appointed local auditors of relevant authorities. These include a duty to make a public interest report or recommendations in specified situations.

Paragraph 2 of Schedule 7 states that the local auditor may make recommendations during or at the end of an audit and the recommendation must be sent to the Secretary of State.

Paragraph 5 of Schedule 7 states that where a local auditor has made recommendations, the local authority must consider the recommendations at a meeting (of full council) held before the period of one month and at the meeting, the authority must decide whether the recommendations should be accepted and what, if any, action to take in response to the recommendation. Paragraph 9 requires that the meeting must be held in public.

(d) Equalities Impact Assessment

There is no adverse impact from the recommendations on race, gender or disability groups. There is also no possible impact for age, religion and sexual orientation

(e) Workforce

The proposals in the report will greatly enhance the skills and capacity of the finance service and will support the rest of the Council workforce through the benefitting from proper and robust financial management

5. **Supporting Information**

The Council's external auditors, Grant Thornton UK LLP, have responsibility to give an opinion on the Council's financial statements and assess its arrangements for securing economy, efficiency and effectiveness in its use of resources.

In addition to these responsibilities, they have additional powers and duties under the Local Audit and Accountability Act 2014. These include powers to issue a public interest report, make written recommendations, apply to the Court for a declaration that an item of account is contrary to law, and to give electors the opportunity to raise questions about the Council's accounts and to raise objections received in relation to the accounts.

Due to a number of adverse findings identified by the external auditors from their 2018-19 audit, they have concluded that it is appropriate to use powers to make written recommendations under section 24 of the Local Audit and Accountability Act. The issuance of statutory recommendations is rare as these are reserved for highlighting serious matters and areas of significant weakness.

The enclosed report from Grant Thornton sets out the areas of concern highlighted from their work, the statutory recommendations issued and the Council's responses to address the auditors' recommendations. The statutory recommendations report highlights:

- insufficient capacity and skills within the finance department,
- inadequate preparation of financial statements,
- inadequate general and earmarked revenue reserves,
- inadequate financial governance and monitoring over its outside groups and companies

The Council recognises its responsibility in responding to the Statutory Recommendations under section 24 of the Local Audit and Accountability Act 2014. The Act requires the Council to:

- a) Consider the recommendation at a meeting held within one month of the recommendations being sent to the Council; and
- b) at that meeting the Council must decide:
 - whether the recommendations are to be accepted, and
 - what, if any, action to take in response to the recommendations

Officers are recommending that the proposed management actions be agreed by the Council.

Following consideration of the attached report, the Council must notify the external auditors of its decisions and publish a notice containing a summary of final decisions reached.

6. Comments of Other Committees

The Accounts for 2018/19 and the two audit reports have been presented to the Audit and Corporate Governance Committee on the 18th May 2021.

7. Conclusion

This report will provide a starting point for a greatly enhanced financial service, quality financial management, better stakeholder engagement and allow the Council to meet its statutory duties

8. Appendices

'1' - Grant Thornton Statutory Recommendations and management response

9. Background Papers

'1' - Grant Thornton audit findings report and management response 2018/19

'2' - Statutory accounts 2018/19

Slough Borough Council

Section 24 Statutory recommendations

9 May 2021



Slough Borough Council
Observatory House
25 Windsor Road
Slough
SL1 2EL

9 May 2021

Dear Sirs

[Recommendations made under section 24 schedule 7 of the Local Audit and Accountability Act 2014](#)

Our responsibilities

As well as our responsibilities to give an opinion on the financial statements and assess the arrangements for securing economy, efficiency and effectiveness in the Council's use of resources, we have additional powers and duties under the Local Audit and Accountability Act 2014. These include powers to issue a public interest report, make written recommendations, apply to the Court for a declaration that an item of account is contrary to law, and to give electors the opportunity to raise questions about the Council's accounts and to raise objections received in relation to the accounts.

We have concluded that it is appropriate for us to use our powers to make written recommendations under section 24 of the Act, due to inadequate arrangements and insufficient skills and capacity at the Council to prepare reliable financial statements and supporting working papers. In addition, we identify concerns regarding the Council's financial sustainability and levels of reserves and weaknesses in the Council's financial governance, monitoring and controls in relation to its Group entities. Further details are set out in the attached report.

What does the Council need to do next?

Schedule 7 of the Local Audit and Accountability Act 2014 requires the following actions:

The Council must consider the recommendation at a meeting held before the end of the period of one month beginning with the day on which it was sent to the Council.

At that public meeting the Council must decide

- whether the recommendations are to be accepted, and
- what, if any, action to take in response to these recommendations.

Schedule 7 specifies the meeting publication requirements that the Council must comply with.

[Julie Masci](#)

Key Audit Partner
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Background to the recommendations

We have concluded that it is appropriate for us to use our powers to make written recommendations under section 24 of the Act, due to inadequate arrangements and insufficient skills and capacity at the Council to prepare reliable financial statements and supporting working papers. In addition, we identify concerns regarding the Council's financial sustainability and levels of reserves and weaknesses in the Council's financial governance, monitoring and controls in relation to its Group entities.

Preparation of the financial statements

Recruitment and retention of skilled and qualified finance staff in the locality has been an ongoing and longstanding issue for the Council with a number of interim appointments used in key finance roles during the course of the 2018-19 audit process. The Council has bought in skills and experience from professional advisors, but recognises this is not an ideal substitute for an internal fully staffed and skilled finance team which will be developed over the longer term.

The Council has had difficulties producing supporting information for a number of areas in the financial statements resulting the 2018-19 audit incurring a significant level of delay and additional audit resource to conclude. The Council has relied on the use of the CIPFA Big Red Button which has resulted in issues understanding the audit trail between the ledger and Trial Balance and how these reconcile to the Council's financial statements.

Our 2018-19 audit work has identified a number of in year and prior period adjustments particularly in the area of PPE valuations and accounting for additions and disposals of assets. The valuation errors have resulted in the Council commissioning external experts to produce a new valuation for the opening balances as at 1 April 2018, as well as the closing position at 31 March 2019. In addition, during the course of the audit, the Council identified a substantial over accrual of anticipated profits from its interests in Slough Urban Renewal, highlighting poor controls over the routine review of balances held within the Council's balance sheet and lack of quality assurance arrangements.

Our audit has identified a number of internal control deficiencies including:

- Poor quality and incomplete financial statements presented for audit in July 2019
- Poor quality of working papers supporting the financial statements
- Lack of audit trail to explain how aspects of the financial statements are supported by the Council's financial system and underlying supporting documentation
- Lack of critical review of the draft financial statements and supporting audit working papers prior to audit
- Inadequacy of routine reconciliation and review of debtors, creditors and other balance sheet line items
- Lack of clarity around bank reconciliations, particularly in relation to School bank accounts
- Inadequate maintenance of the fixed asset register, with examples identified where prior year transactions had not been correctly removed from the asset register or material transactions had been incorrectly accounted for during the year.
- Poor governance, oversight and financial reporting in relation to the Council's group accounts and group relationships

In conclusion, there remains significant weaknesses and material misstatements in the preparation of the Council's financial statements which have reoccurred over a number of years. There remains a significant need for improvement in key financial controls and processes and the quality of the underlying working papers to ensure that the financial statements are prepared to an appropriate quality, in line with CIPFA Code accounting requirements and free from material error.

Our statutory recommendations in relation to these matters are set out on page 6 of this report.

Background to the recommendations

Levels of Useable reserves

Levels of general fund reserves at the Council have remained stable over a number of years however the level of earmarked reserves has continued to decline with earmarked reserves reducing from £30.9m in 2012-13 to £4.780m in 2018-19, placing it as one of the lowest levels of all local authorities nationally. There is no evidence that the Council has properly understood the risks involved in running down reserves which are ultimately largely earmarked to support its revenue position.

In the 2021-22 budget report to Council, forecast reserves were £11.425m at the end of 2020-21. This assumed £8.173m of General Fund Balance and £3.252m of Earmarked Reserves. However due to findings arising from the 2018-19 financial statements audit, a substantial over accrual of anticipated profits from the Council's interests in Slough Urban Renewal has resulted in a further reduction of general fund reserves of £7.573m in the 2018-19 accounts. Thus reducing current forecasted General Fund Reserves down to only £550k.

There remains further risk in these reserve levels subject to the finalisation of the 2018-19 audit, confirmation of the final 2020-21 outturn position and completion of the 2019-20 and 2020-21 financial statements audits.

The Council has identified a significant savings programme of £15.576m for 2021/22., this being a bigger programme than we have seen delivered in recent years by the Council. This coupled with the adjustments required to the Council's reserves arising from the audit, gives indication that general fund reserve levels (both earmarked and unearmarked) are at unsustainably low levels requiring action from the Council.

In addition, in light of the impact of Covid 19 on the future financial position of the Council, coupled with the impact the business rate appeal of £5.3m and the ongoing discussions with Department for Education on the recoverability of financial support to Slough Children's Trust, the Council has recently sought further financial support through MHCLG.

In conclusion, maintaining sound reserves is absolutely vital and a key indicator of sound financial governance. It should be at the heart of the Council's medium-term financial plan. The Council should take urgent action to develop a clear, sustainable financial plan to significantly replenish its levels of useable reserves in order to ensure financial resilience for the future. Low levels of reserves would inhibit the Council's ability to respond to any significant unexpected events or manage its position where its savings programmes are not effectively delivered.

Our statutory recommendation in relation to this matter is set out on page 8 of this report.

Background to the recommendations

Financial governance, monitoring and control for Council Group entities

The Council is one of two members of a limited liability partnership (LLP), trading as Slough Urban Renewal Partnership LLP (SUR LLP). It has a 50% interest in the LLP, the remaining interest being held by the other member, a private sector construction services business.

In addition, in 2017-18, the Council established two wholly owned housing subsidiaries (Herschel Homes Limited and James Elliman Homes Limited), to assist in the provision of affordable homes within the Borough. Herschel Homes Limited remains a dormant company, but operations within both SUR LLP and James Elliman Homes Ltd have continued to grow since its establishment. The Council's interests in both these entities have been consolidated into the group accounts of Slough Borough Council.

Our 2018-19 audit work on the Group accounts has identified a number of findings.

James Elliman Homes does not operate its own financial systems and records to record the company's financial transactions. All company transactions are currently being processed within Slough Borough Council's systems and day to day transactions. Whilst these are recorded on separate account codes, the accuracy and completeness of this is highly dependant on council officers reviewing and identifying the specific invoices and transactions that relate to the company and categorise these appropriately within the financial system. This presents a risk that financial records for the company have not been fully identified and these have been erroneously included in the council's own financial data.

As a commercial entity subject to separate legal, tax and accounting considerations, there should be clear separation of these transactions, in a separate financial ledger, with clear and distinct financial controls and monitoring in place for both the Council and the company.

From our enquiries with officers and review of the records held on Companies House website, we have established that a statutory audit was commenced on the 2017-18 financial statements of James Elliman Homes, however this audit was never finalised with its appointed auditors and the 2017-18 audit and the audit opinion was withdrawn from the accounts published on Companies House. The statutory audit process is a key source of assurance over the company's financial affairs. Council officers have indicated that the audit was not concluded as there was a risk of late filing of accounts with companies house following issues with the audit, however it remains unclear why the 2017-18 audit was not fully completed. New auditors were appointed in 2018-19.

There are two appointed company directors of James Elliman Homes Limited, both of which are also officers of Slough Borough Council and so presents a risk of conflict. It is difficult for the Council to challenge the commercial operations of the company and ensure that this operates in the best interests for the Council when its officers fulfil a dual role and are an integral part of the company's decision making and operations.

In addition, as highlighted earlier in this report, a £7.573 million over accrual of anticipated profits from its interests in Slough Urban Renewal, highlighting poor controls over the routine review of financial interests arising from the Council's group relationships and lack of review and understanding of the full extent of financial risks and rewards to the Council.

In conclusion, these findings highlight significant weaknesses in the Council's financial governance, monitoring and control arrangements in relation to its group entities.

Our statutory recommendation in relation to these matters is set out on page 9 of this report.

Recommendations made under section 24 schedule 7 of the Local Audit and Accountability Act 2014

Area	Recommendation	Management Response/ Responsible Officer/ Due Date
Finance capacity and skills	<p>The Council should put in place robust arrangements for the production of the 2019-20 and 2020-21 financial statements and going forward, which meet statutory requirements and international financial reporting standards. In order to achieve this the Council should:</p> <ul style="list-style-type: none"> • ensure sufficient resources and specialist skills are available to support the accounts production • Ensure the finance team has the skills and capacity to enable effective financial management arrangements and support the production of technically sound financial statements, • Ensure finance officers are provided with additional training, to ensure all staff involved in the accounts production process have the necessary technical knowledge of the CIPFA Code • introduce appropriate project management skills to oversee the timely production of the financial statements and supporting working papers 	<p>The Council has already identified the necessary additional core resources and specialist skills it needs to lead the accounts process going forward and to ensure robust financial management. They commence with the Council in May 2021. Part of the work of this core team will be to train the Council's own staff to ensure that they have the necessary skills to carry out their work. Gaps in the Council's own team skills and capacity will be addressed in the short term by the appointment of interim staff to provide additional capacity. Longer term the Council will be reviewing its permanent finance team to ensure the Council has higher quality resources and appropriate capacity. There will be a focus on training and development for all staff, new and currently employed covering professional and technical, project management, business planning, leadership and management development among other matters.</p> <p>The responsible officer for this work is the S151 officer.</p> <p>The necessary additional core resources and specialist skills have been identified and secured and the necessary training and development is being designed. Training and development has already commenced on an individual basis and the programme will roll out across the whole team from June 2021. Additional interim resources will be brought in as and when necessary to provide additional capacity.</p> <p>The review of the permanent finance structure and the core leadership and technical resources will be undertaken in the Autumn of 2021.</p>

Recommendations made under section 24 schedule 7 of the Local Audit and Accountability Act 2014

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Area	Recommendation	Management Response/ Responsible Officer/ Due Date
Preparation of the financial statements	<p>The Council should develop a comprehensive project plan for the preparation of the accounts which ensures that:</p> <ul style="list-style-type: none"> the entries in the accounts are supported by good quality working papers which are available at the start of the audit the financial statements and working papers have been subject to robust quality assurance prior to approval by the S151 officer there is clear ownership and accountability for tasks across service areas to support the timely production of the financial statements. 	<p>The Council now has the necessary leadership and technical support, project and programme management skills to produce high quality accounts and will be introducing:</p> <ul style="list-style-type: none"> a comprehensive accounts plan which will be linked to the auditors required by client schedule. This plan will include a comprehensive training plan, a communications plan and a resource plan a three stage quality assurance process will be implemented covering financial standards papers and accounts templates and covering 1) preparation, 2) technical review and 3) sign off review a whole team approach will be instigated through the involvement of the whole finance service to bring greater resilience and resource to this key requirement. improved communication through the project plan which will include regular and early communication to all stakeholders. comprehensive training and development for finance and other staff which will include how to prepare, and also regular reviews of, working papers that include evidence of the transactions in the ledger, an enhanced checklist of requirements, quality assurance review, links between the working papers and clear mapping to the ledger. <p>The responsible officer for this work is the S151 officer.</p> <p>The date for the production of the 2019/20 and beyond accounts cannot be established until the Council has completed a detailed review of all working papers, ledger balances etc that underpin the 2019/20 accounts. This will take upto a year and will be of the highest quality and pace. Thereafter much faster quality closure of accounts will be undertaken.</p>

Recommendations made under section 24 schedule 7 of the Local Audit and Accountability Act 2014

Area	Recommendation	Management Response/ Responsible Officer/ Due Date
Levels of useable reserves	<p>The Council should take urgent action to address its low levels of unearmarked and earmarked revenue reserves through:</p> <ul style="list-style-type: none"> • developing a clear, sustainable medium term financial plan to significantly replenish reserves to a level that enable it to respond to any significant unexpected events or manage its position effectively where its savings programmes are not fully achieved. • Reviewing its medium term savings plans to ensure that clear proposals are developed to achieve savings requirements in line with the revised MTFP and reserves strategy • Ensuring agreed savings are owned across the Council by officers and lead members to ensure clear ownership and accountability for delivery • Ensuring it puts in place a clear and transparent savings monitoring and reporting process, in order to ensure that council departments are held to account for delivery of required savings 	<p>The Council has begun and agreed at officer level, a robust process for continued review of its base budgets including savings proposals, pressures, mitigations, monitoring etc. This will all lead into an improved MTFS that will contain full detailed savings proposals backed up by appropriate plans and working papers. All savings will be allocated to a named department, officer and Member and all will be subject to continuous review by the finance service reporting into the Executive Board, Strategic Finance Board and Members.</p> <p>As a consequence of this work and as part of the budget process a risk analysis will be completed to inform by how much the reserves should be built up over the coming 5 years. This will lead to an increase in the savings target to finance the necessary increase in reserves which will be formalised as noted during the budget process.</p> <p>The responsible officer for this work is the S151 officer.</p> <p>The work will be complete in sufficient time to inform a fully engaged Scrutiny, stakeholder and Lead Members process during 2021-22 for the 2022-23 budget process.</p>

Recommendations made under section 24 schedule 7 of the Local Audit and Accountability Act 2014

Area	Recommendation	Management Response/ Responsible Officer/ Due Date
Financial governance. Monitoring and controls relating to Group entities	<p>The Council should review and implement effective financial governance and monitoring arrangements for its group relationships to mitigate exposure to additional financial risk.</p> <ul style="list-style-type: none"> As a commercial entity subject to separate legal, tax and accounting considerations, there should be clear separation financial transactions of Slough Council and James Elliman Homes, in a separate financial ledger, with clear and distinct financial controls and monitoring in place for both the Council and the company. The Council should review its overall approach to using council officers on the boards of its group companies and other similar organisations. This should be informed by a full understanding of the role of and legal requirements for company board members. When allocating roles on Council-owned organisations to individual officers, the Council should ensure that the scope for conflicts of interest is minimised, with a clear divide between those in such roles and those responsible for holding them to account or overseeing them. The Council should ensure it is actively and routinely monitoring the financial performance of its group entities to consider and protect any unintended financial exposure on the Council's financial position 	<p>The Council has begun reviews of its management of third party organisations and will be implementing a series of changes which will include among other matters appointing appropriate Senior Responsible Officers to ensure that companies meet their objectives, put in place new arrangements for holding companies to account, reviewing how the companies meet the Council's objectives, a review of the work undertaken by the companies, developing a clear approach to testing value for money etc. This will include a clear separation of all financial transactions, a review of Council officers on all boards, a review of all financial performance information and actions for all boards and identification of any risks the Council is facing.</p> <p>The responsible officer for this work is the S151 officer.</p> <p>The work will be completed during 2021-22.</p>

