

## **Cabinet – Meeting held on Monday, 19th March, 2018.**

**Present:-** Councillors Swindlehurst (Chair), Anderson, Carter, Mann, Nazir and Sadiq

**Also present under Rule 30:-** Councillors Smith and Strutton

**Apologies for Absence:-** Councillors Hussain and Pantelic

### **PART 1**

#### **101. Declarations of Interest**

Agenda item 6 (Minute 106) – Response to Heathrow Airport Consultation Document: Councillor Swindlehurst declared that he represented the Council on the Heathrow Community Engagement Board.

#### **102. Minutes of the Meeting held on 5th February 2018**

**Resolved –** That the minutes of the meeting of the Cabinet held on 5<sup>th</sup> February 2018 be approved as a correct record.

#### **103. Performance & Projects Report: Q3 2017-18**

The Service Lead, Strategy & Performance and the Programme Management Lead summarised a report that set out the latest performance information, including the Corporate Balanced Scorecard indicators, and the progress of the Council's key projects.

A majority of performance indicators were reported to be on track. The prevalence of children with 'excess weight' at the end of primary school remained 'red' rated and the indicator on bus punctuality had deteriorated and was now also rated 'red'. It was suggested that it was likely a more rounded journey time indicator would be used in future to better reflect the impact of the actions for which the Council was responsible. The Cabinet agreed that a new indicator would need to ensure that bus punctuality continued to be properly monitored. The actions being taken to address the congestion that was considered largely responsible for the reduction in bus punctuality were noted. Members recognised that both of the 'red' rated indicators required changes to behaviour that could only be achieved with long term programmes and action. It was noted that a Strategic Leisure Board had been launched to focus on maximising the use of the new and refurbished facilities which it was expected would contribute to reducing obesity and improving health and wellbeing. The Lead Member for Corporate Finance & Housing highlighted the improvement since the previous quarter in the number of affordable homes delivered and this was welcomed by the Cabinet.

It was reported that the six 'Gold' projects were largely on track and the risks and issues were noted, particularly on the School Places Programme and the

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Adult Social Care Reform Programme. Significant progress had been made on the Direct Services Organisation delivering environmental services and the Repairs, Maintenance and Investment contract for housing both of which went live during the reporting period.

At the conclusion of the discussion, the report was noted.

**Resolved –** That the Council's current performance as measured by the indicators within the balanced scorecard and update on Gold projects and performance be noted.

### **104. Community Investment Fund 2017/18 Update and 2018/19 Budget**

The Director of Finance & Resources introduced a report that updated the Cabinet on the Community Investment Fund projects in 2017/18 and proposals on how the scheme would operate in 2018/19.

A total of £0.71m of the £1.05m had been allocated on a range of initiatives across the borough that had been proposed by ward members. These included green gyms, parking and highway improvements and local environmental projects. The unused allocation at year end, currently £0.34m, would be utilised by the Cabinet to fund any additional Council-wide improvements. The Leader proposed, and the Cabinet agreed, that the majority of the remaining fund be allocated to improvements to the main shopping areas in Slough (High Street, Farnham Road and Langley).

The Council had already agreed a capital budget of £1.05m and £0.42m of revenue in 2018/19. Each councillor would have £20,000 capital funding and £5,000 revenue next year with £0.21m capital and £0.21m revenue to be allocated by the Cabinet. There would be three funding rounds and new guidance and procedures were proposed for the use of funds. The Cabinet welcomed the proposed measures to improve the process and agreed the specific criteria as at Appendix B to the report.

At the conclusion of the discussion, the Cabinet noted the update on the projects funded in 2017/18; agreed the approach to use any unallocated funding from the current year; and approved the guidance and procedure for the operation of the fund in 2018/19.

#### **Resolved –**

- (a) That the expenditure made to date from the Community Investment Fund 2017/18 be noted;
- (b) That any unused funding from 2017/18 be rolled-forward into 2018/19 and allocated on the basis of Cabinet requests in line with the scheme including projects to improve the primary shopping areas of the High Street (£150k), Farnham Road (£60k) and Langley (£60k);

- (c) That the Community Investment Fund 2018/19 allocations and methodology be agreed.

**105. Statutory Equalities Report (including Gender Pay Gap Report)**

The Director of Finance & Resources introduced the 2018 Equality and Diversity Report, which set out the progress the Council was making towards its agreed equalities objectives, and the Gender Pay Gap for 2017/18.

It was a statutory requirement for the Council to publish a report annually on its compliance with the Public Sector Equality Duty. The Council remained committed to equality and diversity both in terms of employment and services and the report generally showed that the Council's workforce was broadly representative of the local population. More work was needed, for example, to improve ethnic minority and female representation at the most senior salary levels.

The Council had a median and mean gender pay gap of 12.5% which was consistent with many public sector organisations and below the national average gender pay gap of 18.4%. There were underlying reasons for the pay gap and a robust and transparent pay policy was in place. A range of initiatives which support equalities, such as flexible working, were also available and an action plan would be developed to tackle the remaining barriers that existed. Members commended the progress being made to promote an open and diverse recruitment process and suggested some further areas to be considered in the action plan such as the relatively low proportion of male applicants to vacancies.

The Cabinet noted the report and agreed to consider the Action Plan in the summer.

**Resolved –**

- (a) That progress against the following agreed equality objectives as detailed in the 2018 Report be noted:
- (i) To have a representative and inclusive workforce
  - (ii) To reduce inequalities in service access and outcomes
  - (iii) To improve equality of opportunity through fair and evidence-based decision-making
  - (iv) To help foster good community relations and community cohesion
- (b) That the independently audited results of the gender pay gap for Slough Borough Council employees be noted in full compliance with the statutory duty for public authorities employing more than 250 staff to publish this by 30 March 2018.
- (c) That the Cabinet receive a further report on the action plan at the meeting in June or July 2018.

## **106. Response to Heathrow Airport Consultation Document**

The Planning Policy Lead Officer introduced a report that sought approval for the Council's proposed response to the public consultation exercise for the expansion of Heathrow Airport with a third runway and associated development. The 10-week consultation, which would close on 28<sup>th</sup> March, was being carried out by Heathrow Airport on its emerging proposals for what the expanded airport and necessary new infrastructure could look like. There would then be a second consultation prior to submission for planning approval through the Development Consent Order (DCO) process.

The Officer provided a detailed overview of the key aspects of the Heathrow Airport options and proposals, and the draft response of the Council as set out in Appendix A to the report. The response highlighted concerns about the lack of coherent strategy in the way the consultation presented the options and only some of options were included as part of the consultation. The emerging proposals had implications that raised specific concerns for Slough including the location of the runway and proposal that it be raised by 3 to 5 metres and the loss of properties resulting from the diversion of the M25. The Council had agreed to support expansion in principle and a series of planning principles had been developed to secure the necessary mitigation. These included a 'Green Envelope' to protect Colnbrook and Poyle villages, replace the Grundons energy from waste plant, promote public transport, improve air quality and provide noise insulation. Elements of the proposed consultation, including a major new road through the Colnbrook and Poyle area, were in conflict with some of these principles and the draft response strongly reflected these concerns.

The Cabinet restated that it was supportive of expansion in principle but was critical of some of the options and proposals in the current consultation. The 'right' type of expansion would provide an opportunity to develop a better Heathrow and address many of the long standing problems associated with the airport. Several Members expressed frustration that the consultation failed to deal with many of the Council's stated issues and created some major additional concerns. The strong position taken in the Council's draft response was therefore supported, particularly in relation to the specific issues affecting residents and businesses in Colnbrook with Poyle. The Leader commented that he had already raised a number of these points directly with Heathrow Airport and would continue to do so to secure the best possible outcome for Slough as the options were refined through the consultation process. It was proposed and agreed that a cover sheet be added to the response to summarise the headlines of the Council's overall position.

Speaking under Rule 30, Councillor Smith made a detailed statement outlining the concerns of residents in his ward and commented that such negative impacts were always likely to arise from expansion. He expressed support for the strong position taken in the draft response, and made a number of specific points about the proximity of taxiways to residential

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properties and Pippins Primary School, the loss of amenity space, intrusion into the 'Green Envelope' around Colnbrook with Poyle, both the short and long term road transport problems and the possibility of a rail freight terminal.

The Cabinet noted Councillor Smith's remarks, which were broadly in line with the proposed response, and particularly discussed the problem of increase HGV movements during the construction period. It was agreed that active measures should be taken to minimise such disruption and this should be made clear in the response.

At the conclusion of the discussion, the Cabinet agreed that the draft response reflected the key concerns Members had about some of the options proposed in Heathrow Airport's consultation. It was therefore agreed to submit the response, including some amendments to reflect the Cabinet discussion, and it was emphasised that the Cabinet continue to make strong representations to secure the best outcome and mitigating measures for the borough.

### **Resolved –**

- (a) That the responses to the questions raised in the Airport Expansion Consultation Document, as set out in Appendix 1 to the report be agreed, subject to the amendments agreed at the meeting and any final revisions.
- (b) That the Cabinet continue to make strong representations on the key points raised in the response to Heathrow Airport and any other relevant bodies.

## **107. Discretionary Housing Payments 2018/19**

The Director of Finance & Resources introduced a report that sought approval for the policy for Discretionary Housing Payments (DHP) for the 2018/19 financial year.

Payments were awarded by the Council to provide further financial assistance outside of Housing Benefit and Universal Credit to help eligible people meet their housing costs. In recent years the Government had increased its grants to the Council to fund the payments following welfare changes, however, the grant for 2018/19 was £649,394 which was £111,177 lower than for 2017/18. The Council proposed to continue to maintain spend within the grant allocation to avoid putting any further pressure on the revenue budget.

The Cabinet had some concerns that the roll out of Universal Credit in Slough could lead to an increase in demand for DHP and agreed that it was important that the Council was able to respond if necessary. The Director responded that demand would be closely monitored and a report would come back to Cabinet if it was considered that a proposal for further resources was required.

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**Resolved** – That the policy for Discretionary Housing Payments as set out in Appendix A to the report be approved.

### **108. Update on 50 and 52 Stoke Road - Conservative Group Motion on 30th January 2018**

The Service Lead, Strategic Housing Services introduced a report that updated the Cabinet on progress in relation to the Motion agreed by Council on 30<sup>th</sup> January 2018 that requested that:

- The Council enter into negotiations with London & Quadrant Housing Association (L&Q) to explore the opportunity of L&Q redeveloping part of the site at 50 and 52 Stoke Road to provide some additional specialist supported, half way house type accommodation for vulnerable people in Slough; and
- To rename the resultant complex of buildings and facilities the Darren Morris Centre, in memory of the late Councillor Morris.

Officers had met L&Q to discuss the actions agreed in the Council Motion and they had indicated they intended to move to a pre-application stage for planning permission for a 102 unit scheme which would include affordable housing provision likely to assist vulnerable households. L&Q was working towards a planning compliant scheme, however, there was an existing covenant which required the land to be used "...as a residential foyer comprising of 64 bedsits." L&Q had therefore requested that the Council lift the covenant in order to progress the redevelopment. They had also indicated that they were amenable to naming the redevelopment, or part of it, after the late Councillor Morris.

The Cabinet welcome the possibility of recognising Councillor Morris in the name of the future development. In relation to the covenant, Members were willing in principle to remove it but decided that it would be premature to formally agree to lift the restriction until more detail on the redevelopment was known. It was agreed that it would be more appropriate to give delegated authority to do so if a planning compliant scheme came forward that would make a positive contribution to the Council's housing strategy, including satisfactory provision of affordable housing.

Speaking under Rule 30, Councillors Smith and Strutton also welcomed the indication that the naming of the building may recognise the late Councillor Morris' significant contribution to housing issues in Slough and requested that this matter be pursued as the proposed development progressed. They also commented on the importance of ensuring the development helped achieve the objectives set out in the Motion to support vulnerable households in Slough.

At the conclusion of the discussion, the Cabinet noted the update on discussions with L&Q and agreed to give delegated authority to lift or amend the covenant if a scheme came forward that met the Council's housing policy

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objectives. It was further requested that Members be updated of progress on a cross-party basis.

### **Resolved –**

- (a) That London & Quadrant's response to the points raised in the Motion be noted.
- (b) That delegated authority be given to the Director of Place & Development (or successor), following consultation with the Lead Member for Corporate Finance & Housing, to lift or amend the covenant, which governed the site, if a policy compliant scheme was proposed that contributed to the delivery of the Council's Housing Strategy.

## **109. Schools Funding Formula Update**

The Lead Member for Children & Education introduced a report that notified the Cabinet of the decision taken by the Director of Children, Learning & Skills under delegated authority in relation to changes to the schools funding formula.

There was a two year transition process leading towards the implementation of the 'hard' National Funding Formula (NFF) in April 2020. The Cabinet had considered a report on the matter on 20<sup>th</sup> November 2017 and had given delegated authority to the Director due to tight timescales involved. Further consultation with schools had taken place and the Schools' Forum had considered a report at its meeting on 17<sup>th</sup> January 2018 with three options:

1. Retain the status quo.
2. Move half-way towards the NFF.
3. Implement the NFF in full from 2018-19.

Responses from schools indicated that 78% favoured Option 2 which would provide a more gradual introduction in any significant changes to the budgets for individual schools. This recommendation was put to and agreed by the Forum on 17<sup>th</sup> January and the Director had then made the decision under delegated authority. It had been a requirement that Cabinet be informed of any decision taken under delegated authority and the report was therefore noted.

**Resolved –** That the decision of 8th February 2018 on the schools funding formula taken by the Director of Children, Learning & Skills under delegated authority granted by the Cabinet on 20th November 2017 be noted.

**110. Contract in Excess of £250,000 - School Transport**

The Lead Member for Children & Education introduced a report that sought Cabinet approval to commence tendering for new home to school transport contracts.

The school transport budget was £1,872,000 and the contracts provided transport for children with Special Education Needs. Existing contracts would end in July 2018 and no further extensions were permitted. It was proposed that retendering begin in April 2018 and be three year contracts with a possibility for a two year extension.

The Cabinet discussed the importance of ensuring that the contracts contributed to the Council's commitment and policies to improve air quality. It was therefore proposed and agreed to request that the tender specification include a requirement that providers comply with the Euro 6 emissions standards and had a 10% electric fleet. Members were advised that whilst there was a strong commitment in the tender specification to promote clean air, the inclusion of these provisions could be more expensive and rule out some existing providers. The Cabinet agreed that tendering could commence, with the inclusion of the air quality standards requested, and that a further report would need to be considered if required.

**Resolved –** That the commencement of tendering for the home to school transport contracts be approved, subject to the tender specification including a requirement for providers to meet the Council's standards for cleaner air including Euro 6 emissions standards compliance and 10% electric fleet.

**111. Shared Legal Services with London Borough Harrow**

The Director of Finance & Resources introduced a report that set out proposals for the integration of Slough Borough Council's Legal Services with HB Public Law (HBPL), the shared legal service hosted by the London Borough of Harrow.

The Council had been working with HBPL on an informal basis since March 2017 to support the small legal team employed by the Council. There was a lack of 'critical mass' in the in house team, recruitment difficulties and an increasingly complex demand arising from multi-agency partnerships and new commercial arrangements. RSM Risk Assurance Services LLP had been asked to conduct a Legal Services Review and their report was provided at Appendix A to the report. The Appendix contained exempt information and was in Part II of the agenda, however, the Cabinet agreed to note the RSM report and consider the matter during Part I without disclosing any of the exempt information.

It was noted that HBPL provided legal services to Harrow, Barnet, Hounslow, Buckinghamshire, Aylesbury Vale and the London Waste Authority. The shared service would therefore provide the Council with much greater access



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to a wider pool of specialist resources. The benefits were expected to be improved efficiency, financial savings, improved resilience and better career prospects for the staff who would transfer to HBPL.

The Cabinet discussed some of the operational arrangements and benefits of the shared service. It was noted that there would be increased access to the 170 specialist lawyers at HB Public Law which the Council currently had to outsource at significant expense. There would continue to be an on site legal presence at the Council's offices.

Speaking under Rule 30, Councillor Strutton recognised the work HBPL had been doing for Slough in the past year and sought assurance that some previously reported issues relating to conflicts of interest had been considered. The Leader stated that a thorough process had been undertaken and that he had been satisfied that there were no conflicts of interest. In response to a question, it was confirmed that Members would be welcome to visit HBPL if requested.

At the conclusion of the discussion, the Cabinet agreed the recommendations to enter into shared service arrangements.

### **Resolved –**

- (a) That delivery of the Council's Legal Services through HB Public Law for a period to be set out in an Inter-Authority agreement be agreed.
- (b) That the delegation be agreed to the London Borough of Harrow of the discharge of the Council's function in respect of the delivery of legal services in accordance with s101 and s113 of the Local Government Act 1972 and the Local Government (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- (c) That the Head of Legal, London Borough of Harrow be authorised to institute, defend or participate in any legal proceedings and sign documents on behalf of the Council.
- (d) That authority be delegated to the Director of Finance Resources, following consultation with the Cabinet Member for Transformation and Performance, to execute an Inter Authority Agreement with London Borough of Harrow and take any other necessary actions to give effect to the proposals for a new shared Legal service detailed in the report.
- (e) That the Part II Appendix, Legal Services Review 2017/18, conducted by RSM Risk Assurance Services LLP be noted.

## **112. References from Overview & Scrutiny**

There were no references from the Overview & Scrutiny Committee or scrutiny panels.

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### **113. Notification of Forthcoming Decisions**

The Cabinet considered and endorsed the Notification of Key Decisions published on 15<sup>th</sup> February 2018 which set out the decisions expected to be taken by the Cabinet over the next three months.

**Resolved –** That the published Notification of Decisions be endorsed.

Chair

(Note: The Meeting opened at 6.34 pm and closed at 8.31 pm)