

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Overview & Scrutiny Committee      **DATE:** 16 September 2021

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(01753) 87120

**WARD(S):** All

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

#### **PETITION – “RESIGNATION OR VOTE OF NO CONFIDENCE”**

##### **1      Purpose of Report**

To advise the Overview & Scrutiny Committee of a Petition titled “Resignation or Vote of No Confidence” that has been received under the Council’s Petitions Scheme. The Petition contains 1,112 signatures, all of which were submitted online via the e-petition facility on the Council’s website:

*“We the undersigned petition the council to demand our councillors discuss and request the following at Full Council on 22nd July 2021 in response to the Section 114 issued: - Resignation of CEO Josie Wragg with immediate effect - Resignation and withdrawal from Cabinet of Leader Cllr James Swindlehurst with immediate effect - If resignations not forthcoming, we want a vote of no confidence in both to be initiated.*

*The CEO and Leader have been in charge and allowed the finances to get so bad that a Section 114 is now necessary. We believe they are responsible and should be held to account. We do not have confidence in them to correct the situation.*

*We want an inquiry to know how and why Slough is in this financial mess.*

*We want to know what will be done to ensure it doesn't happen again.*

*We want the public to be notified of the result on the inquiry and given access in full to the report.”*

##### **2.      Recommendation**

The Committee is requested to resolve that the formal response to the petition as set out in paragraphs 5.4 to 5.8 of the report be agreed.

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

Governance is a cross cutting issue which support all Joint Wellbeing Strategy and Five Year Plan outcomes.

#### 4. **Other Implications**

##### (a) Financial

There are no direct financial implications arising from the recommendation in section 2 of this report. The wider financial issues are set out in detail in the Section 114 notice and reports to Council on 22<sup>nd</sup> July 2021.

##### (b) Risk Management

The financial risks relating the Section 114 notice are detailed in the reports to Council on 22<sup>nd</sup> July 2021. In relation to the petition itself, there are reputational and governance risks if the petition is not processed in according with the Council's Petitions Scheme, set out in Article 17 of the Constitution.

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

There are no Human Rights Act Implications associated with the recommendations of this report.

This report complies with the SBC Constitutional requirement that a petition received with between 750 and 1,499 signatures be considered by the Overview & Scrutiny Committee.

##### (d) Equalities Impact Assessment

There is no identified need for an Equalities Impact Assessment in the issues directly related to this report.

#### 5. **Supporting Information**

5.1 Under the Council's published Petitions Scheme a Petition that contains between 750 and 1,499 signatures is discussed in a public meeting of the Overview & Scrutiny Committee.

5.2 The following e-petition was live on the Council website from 5<sup>th</sup> July 2021 to 22<sup>nd</sup> July 2021. The petition received 1,112 online signatures during this period. The specific wording of the petition was as follows:

*"We the undersigned petition the council to demand our councillors discuss and request the following at Full Council on 22nd July 2021 in response to the Section 114 issued: - Resignation of CEO Josie Wragg with immediate effect - Resignation and withdrawal from Cabinet of Leader Cllr James Swindlehurst with immediate effect - If resignations not forthcoming, we want a vote of no confidence in both to be initiated.*

*The CEO and Leader have been in charge and allowed the finances to get so bad that a Section 114 is now necessary. We believe they are responsible and should be held to account. We do not have confidence in them to correct the situation.*

*We want an inquiry to know how and why Slough is in this financial mess.*

*We want to know what will be done to ensure it doesn't happen again.*

*We want the public to be notified of the result on the inquiry and given access in full to the report.”*

5.3 The timeline for matters relating to the petition were as follows:

- Monday 5<sup>th</sup> July – the e-petition submitted to the Council goes “live” on the Council website. The Leader of the Council and Chief Executive were notified of the petition on this date.
- Friday 9<sup>th</sup> July – deadline for motions to full Council.
- Wednesday 14<sup>th</sup> July – Council agenda published, including detailed papers relating to the Section 114 notice and a motion to remove the Leader of the Council.
- Thursday 22<sup>nd</sup> July – Petition closed. Full Council meeting held.

### **Proposed Response to Petition**

5.4 The matters raised in the petition related specifically to the Council meeting held on 22<sup>nd</sup> July 2021 and the actions requested are considered to have been completed through the proper procedures set out in the Council’s Constitution.

5.5 The petition requested that a “vote of no confidence” in the Leader of the Council be held at that meeting if a resignation had not been submitted. Following the submission of the petition, a motion to this effect was submitted by 6 councillors, debated and voted on in the Council meeting on 22<sup>nd</sup> July. The motion to remove the Leader of the Council (see Appendix A) was not carried. There were 6 votes in favour of the motion to remove the Leader, 31 votes against and 2 abstentions.

5.6 The other requests made in the petition were also complied with at the Council meeting on 22<sup>nd</sup> July 2021 which included:

- A detailed Section 114 report from the Section 151 Officer setting out the severity of the financial situation facing the Council and the proposed actions to address the position.
- The Chief Executive’s response to the Section 114 report which included proposals to control in-year spending and set the budget for 2022/23 and beyond, which would include a strong role for Member scrutiny and public consultation.
- A report on further statutory recommendations from the Council’s external auditors, Grant Thornton, and the management response.
- Several questions from electors on the financial position put directly to the Leader of the Council.
- A motion on ‘financial recovery’ relating to the management and leadership of the Council.

5.7 The Council meeting was held in public, live streamed and the recording published immediately after the meeting. The Council suspended various procedure rules during the meeting to ensure that all matters could be considered in public during Part I of the meeting to ensure maximum transparency.

5.8 All documents relating to the meeting are published on the Council website ([Agenda for Council on Thursday, 22nd July, 2021, 7.00 pm \(slough.gov.uk\)](https://www.slough.gov.uk/Agenda-for-Council-on-Thursday-22nd-July-2021-7.00-pm)) and the

recording is also available ([Council - Slough Borough Council - Civico](#)) which will show the matters contained in the petition were considered at the meeting.

## **Petitions Scheme**

- 5.9 The petition formally closed on 22<sup>nd</sup> July with 1,112 signatures. Despite the fact the requests made in the petition were dealt with at the Council meeting as set out above, it is still a requirement of the SBC Petitions Scheme that a formal response be sent. By virtue of the fact that there were 1,112 signatories the petition must be considered by the Overview & Scrutiny Committee at its next available meeting (16<sup>th</sup> September). The Petition Organiser has been invited to the meeting to speak on the Petition and the response will then be discussed by the Committee.
- 5.10 Following this discussion the Committee will need to decide how to formally respond to the Petition. For the reasons noted in this report, the Committee is asked to consider and agree the response set out in paragraphs 5.4 to 5.8 of the report.
- 5.11 For information, the Petitions Scheme indicates that the Council's response to a Petition will depend on what a petition asks for and how many people have signed it but may include one or more of the following;
- Taking the action requested in the Petition
  - considering the Petition at a Council Meeting
  - Holding an Inquiry
  - Commissioning relevant research
  - Organising a public meeting
  - Mounting a wider public consultation
  - Meeting with the Petition Organiser or representatives of signatories
  - Providing a written response outlining the Council's views on the subject
  - Referring the issue to the Council's Overview & Scrutiny Committee **OR**
  - Referring the issue to the relevant Committee/Cabinet
  - Consulting statutory partners and local service providers
  - Instigating discussions with the voluntary and community sectors
  - Making representations to Commercial or other Interests

## **6. Conclusion**

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

## **7. Appendices Attached**

'A' Motion to Council, 22<sup>nd</sup> July 2021.

## **8. Background Papers**

Petition

**MOTION TO REMOVE THE LEADER OF THE COUNCIL, 22<sup>ND</sup> JULY 2021**

**MOTION FOR 22<sup>ND</sup> JULY 2021 MEETING OF SLOUGH BOROUGH COUNCIL-**

“This Council has lost confidence in the current Leader of the Council, Councillor James Swindlehurst; and we the undersigned hereby call for a vote to be taken to remove Councillor James Swindlehurst as Leader of the Council, under Council Procedure Rule 14.1 ( C ). The motion relates to actions taken and the conduct of the Leader in his role in public office.

Since his election as Leader of the Council, Councillor Swindlehurst has overseen a culture of financial mismanagement which has culminated in Slough Borough Council issuing a Section 114 notice. The lack of transparency and internal scrutiny has seen Slough Borough Council come in breach of its statutory requirements in relation to the calculation of the Minimum Revenue Position (MRP). It is symptomatic of an administration led by Councillor Swindlehurst which has seen borrowing quadruple to £760 million and a projected deficit of £159 million by 2025.

Councillor Swindlehurst has shown himself incapable of accepting internal scrutiny, and of implementing a policy of fiscal prudence. This Council therefore has no confidence in Councillor Swindlehurst’s ability to take the Council forward as Leader, and to implement the necessary changes to put the Council in a financially sustainable position. **This Council therefore resolves to remove him from his position as Leader of the Council.”**

[Motion submitted under Procedure Rule 14.1 (C) signed by Councillors Bedi, Kelly, Muvvala, Smith, Strutton and Wright.)

**Vote on the Motion at Council, 22<sup>nd</sup> July 2021**

There voted for the motion:

Councillors Bedi, Kelly, Muvvala, Smith, Strutton and Wright..... 6

There voted against the motion:

Councillors Ajaib, Akram, Ali, Anderson, Bains, Bal, Basra, Brooker, Carter, A.Cheema, H.Cheema, Dar, J.Davis, R.Davis, Dhaliwal, Gahir, Grewal, Hulme, Kaur, Malik, Mann, Matloob, Minhas, Mohammad, Pantelic, S.Parmar, Qaseem, Sabah, Sandhu, Sharif and Swindlehurst.....31

There abstained from voting on the motion:

Councillor D Parmar and The Worshipful the Mayor, Councillor Nazir .....2

**Resolved – That the motion not be carried.**