

Date of despatch: Wednesday, 10 May 2023

**To the Members of Slough Borough Council**

Dear Councillor,

You are summoned to attend the Annual Meeting of the Council of this Borough which will be held in the Council Chamber - Observatory House, 25 Windsor Road, SL1 2EL on **Thursday, 18th May, 2023 at 7.00 pm**, when the business in the Agenda below is proposed to be transacted.

Yours faithfully



**STEPHEN BROWN**  
Chief Executive

**PRAYERS**

**AGENDA**

**Apologies for Absence**

	<b><u>PAGE</u></b>
1. To Elect the Mayor for the 2023/24 Municipal Year	-
2. To Elect the Deputy Mayor for the 2023/24 Municipal Year	-
3. Return of Councillors Elected on 4th May 2023	1 - 6
4. Declarations of Interest	-
<i>All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i>	
5. To approve as a correct record the Minutes of the Council held on 28th March 2023	7 - 12
6. To receive the Mayor's Communications.	-
7. Election of Leader of the Council	13 - 14

**Officer Reports**

8.	Review of the Council's Constitution	15 - 142
9.	James Elliman's Trust	143 - 146
10.	Appointment of Cabinet, Committees and Other Bodies and their Chairs and Allocation of Political Group Officer Support	147 - 150
11.	Appointments to Outside Bodies 2023/24	151 - 160

**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. For those hard of hearing an Induction Loop System is available in the Council Chamber.

**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 at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.

**Slough Borough Council**

<b>Report To:</b>	Council
<b>Date:</b>	18 <sup>th</sup> May 2023
<b>Subject:</b>	Return of Councillors Elected on 4 <sup>th</sup> May 2023
<b>Returning Officer:</b>	Chief Executive – Stephen Brown
<b>Contact Officer:</b>	Monitoring Officer – Stephen Taylor
<b>Ward(s):</b>	All
<b>Exempt:</b>	No
<b>Appendices:</b>	None

**1. Summary and Recommendations**

- 1.1 To report the return of Councillors elected on 4<sup>th</sup> May 2023. It is a standing item of business at each Annual Meeting of Council following an election to receive a report detailing the return of councillors elected.
- 1.2 The report also provides Members with an update on position regarding voter identification at polling stations, which was introduced from May 2023 as a requirement of the Elections Act 2022.

**Recommendations:**

Council is recommended to:

- (i) Note and welcome the return of Councillors elected to Slough Borough Council on 4<sup>th</sup> May 2023, as set out in paragraph 2.3 of the report.
- (ii) Thank retiring members for their public service.

**2. Report****Introductory paragraph**

- 2.1 The Council agreed on 18<sup>th</sup> January 2022 to move to whole Council elections from 2023 and requested the Local Government Boundary Commission for England (LGBCE) to conduct an electoral review for the purpose of designing a pattern of wards consistent with the move to whole Council elections. The Council made two submissions to LGBCE during the consultation phases that proposed a pattern of 21 wards each with 2 councillors.
- 2.2 The LGBCE completed their review in November 2022 and their final recommendations substantially adopted the Council's proposals. The new pattern of wards became law when the Slough (Electoral Changes) Order 2023 was made on 22<sup>nd</sup> February 2023, to come into effect from the elections on 4<sup>th</sup> May 2023.

2.3 The following Members were elected to the 21 new wards as follows:

<b>NAME</b>	<b>WARD</b>	<b>TURNOUT</b>
Fiza Ahmed Matloob Maroof Bibi Mohammad	Baylis & Salt Hill	35.42%
Robert Anderson Pavitar Kaur Mann	Britwell	26.10%
Zafar Satti Rifaqat Zarait	Chalvey	32.92%
Ishrat Shah Robert Stedmond	Cippenham Green	36.47%
Nadeem Khawar Dilbagh Singh Parmar	Cippenham Manor	29.52%
Bally Gill Frank Mark O'Kelly	Cippenham Village	30.58%
Puja Bedi Dexter Jerome Smith	Colnbrook & Poyle	30.09%
Amjad Abbasi Asim Naveed	Elliman	29.66%
Sabia Akram Waqas Sabah	Farnham	23.87%
Paul James Kelly Anna Sylwia Wright	Haymill	29.00%
Zaffar Iqbal Ajaib Christine Hulme	Herschel Park	23.66%
Mark Instone Naveeda Qaseem	Langley Foxborough	29.95%
Waljinder Singh Chahal Chandra Sekhar Muvvala	Langley Marish	40.48%
Neel Rana Mabu Khan Shaik	Langley Meads	31.06%
Adil Iftakhar Gurcharan Singh Manku	Langley St Mary's	38.12%
Mohammed Nazir Jamila Sabah	Manor Park & Stoke	32.34%

Martin Carter Siobhan Fiona Dauti	Northborough & Lynch Hill	25.89%
Ejaz Ahmed Dhruv Singh Tomar	Slough Central	28.24%
Balwinder Dhillon Subhash Chandar Mohindra	Upton	38.96%
Haqeeq Ashraf Dar Andrea Escott	Upton Lea	36.19%
Iftakhar Ahmed Harjinder Singh Gahir	Wexham Court	38.71%

- 2.4 Following a series of pilots in England in the 2018 local elections, Parliament approved the Elections Act 2022 that stipulated that from May 2023 electors were required to show photographic identification before being issued with a ballot paper in polling stations. Voter ID applies to future Parliamentary, local, Police & Crime Commissioner elections and any referendums.
- 2.5 Eligible photo ID included UK and Commonwealth passports, driving licenses, many concessionary travel cards and Proof of Age Standards Scheme (PASS) card. People without existing acceptable forms of voter ID could apply to the Council for a free Voter Authority Certificate (VAC) to show in the polling station.
- 2.6 The Council undertook a significant amount of communications activity in the run up to the elections to raise awareness of the new voter ID requirements. This included:
- A four-week advertising campaign in digital advertising boards including the A4 Bath Road between Uxbridge Road and Wexham Road.
  - A four-week online advertising campaign on the Slough Express website, social media feeds and within the newspaper.
  - A series of Facebook, Instagram and Twitter advertisements starting from February 2023 which reached tens of thousands of residents.
  - A range of printed materials such as leaflets and posters were also produced (in a variety of languages) and distributed through places of worship and community groups.
- 2.7 The new Voter Authority Certificates that were produced for electors who were unable to provide voter ID at polling stations was 82. The authority did not have any anonymous electors included in this figure.
- 2.8 Voter ID information was publicised across the country by the Electoral Commission and information was made available for electors to look at the requirements for voting at a polling station. Slough communications team provided extensive advertising on Voter ID leading up to the election on 4 May 2023. Digital electronic boards and local newspapers, Facebook and social media were several of the channels used to help increase electors awareness of the requirements.

2.9 Some data about voter ID in Slough Borough Council's election follows. This data is provisional as it has yet to be fully verified by the elections team. The final submission to the Electoral Commission may differ slightly.

2.10 Total voter turnout was 32,664 which was 32.4% of the electorate. 22,727 people cast a ballot paper in a polling station in the Borough Council election, and a further 9,937 voted by post. All IDs presented at the polling stations were checked, but we didn't in every case record what type of ID was used.

2.11 In summary, there were:

- 57 uses of a Voter Authority Certificate (0.3%).
- 13,668 uses of a Drivers Licence (60.1%).
- 3,747 uses of a passport (16.5%).
- 1,680 uses of a transport pass (7.4%).
- 777 uses of another form of ID (3.4%).

2.12 On that basis, Voter IDs were recorded for a total of 19,929 voters.

2.13 Although this is still being verified, the current position is that:

- 69 people were initially turned away for not having acceptable ID; and
- 422 people were initially turned away for producing no ID.

2.14 Of the 491 initially turned away, 326 are known to have returned with acceptable ID and been issued a ballot paper. At this stage, it is understood that 165 people did not return and vote after being turned away which amounts to 0.72% of the people who came to a polling station.

2.15 The following figures show turnout for this year's election as compared to previous elections in the borough. The figures are not exactly comparable due to the various different combinations of elections being run each year, and other factors.

<b>Year</b>	<b>Elections</b>	<b>Overall turnout</b>
2014	European Parliament and all Members of Slough Borough Council	33.1%
2019	General Election	59.0%
2020	None	-
2021	Police and Crime Commissioner, One Third of Slough Borough Councillors, by-election for Wexham Court Parish Council	30.7%
2022	One third of Slough Borough Councillors	32.5%
2023	All members of Slough Borough Council, Britwell Parish Council, Colnbrook with Poyle Parish Council and Wexham Court Parish Council	32.4%

### **Option considered**

2.16 No alternative options are proposed as the report is to note.

### **3. Implications of the Recommendation**

#### *3.1 Financial implications*

3.1.1 There are no direct financial implications arising from this report which is for Members to note.

#### *3.2 Legal implications*

3.2.1 The election took place in accordance with the relevant statutory provisions.

#### *3.3 Risk management implications*

3.3.1 There are no risk management implications arising from this report.

#### *3.4 Environmental implications*

3.4.1 There are no environmental implications arising from this report.

#### *3.5 Equality implications*

3.5.1 There are no equality implications arising from the report.

### **4. Background Papers**

None.

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## MINUTES OF COUNCIL PROCEEDINGS

At a Meeting of the Council for the Borough of Slough held at the Council Chamber - Observatory House, 25 Windsor Road, SL1 2EL on Tuesday, 28th March, 2023 at 7pm

**Present:-** The Worshipful the Mayor (Councillor Dilbagh Parmar), in the chair; Councillors Ajaib, Akbar, Akram, Ali (until 8.32pm), Anderson, Bains, Basra, M. Bedi, P. Bedi, Brooker, Carter, Cheema, Dar, Gahir, Gill, Grewal, Hulme, Kaur, Kelly, M. Malik, S. Malik (until 7.30pm), Mann, Matloob, Mohammad, Muvvala, Nazir, Pantelic, S. Parmar, Qaseem, Sabah, Sandhu, Smith, Strutton, Swindlehurst and Wright

**Apologies for Absence:-** Councillors Begum, J. Davis and R. Davis.

### 65. Declarations of Interest

None declared.

### 66. To approve as a correct record the Minutes of the Council held on 26th January 2023 and 9th March 2023

**Resolved** – That the minutes of the meetings held on 26<sup>th</sup> January 2023 and 9<sup>th</sup> March 2023 be approved as a correct record.

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

The Mayor stated that it had been a busy and fulfilling year attending community events, including having had the privilege of meeting His Royal Highness the Prince of Wales in Slough and attending the loyal address to His Majesty the King earlier in the month.

The Mayor thanked outgoing councillors and those not standing and wished them all the best in their future endeavours. In particular, thanks were given to Councillor Swindlehurst and Councillor Pantelic for proposing and seconding his mayoral nomination.

Thanks and appreciation were given to Democratic Services and Facilities for all their support and assistance to the Mayoral Office.

The Mayor also placed on record thanks to his wife and family for their support during his mayoral term.

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

Five elector questions had been received. Three electors were present and asked a supplementary question. A written reply to the electors would be sent after the meeting.

*(The meeting adjourned at 7.30pm to allow those members observing Ramadan to break their fast. The meeting re-convened at 7.55pm)*

**69. Recommendation of the Overview and Scrutiny Committee from its meeting held on 22nd March 2023**

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

“That the Annual Scrutiny Report 2022/23 as attached at Appendix A be endorsed.”

The recommendation was put to the vote and carried with 33 votes for and 2 abstentions.

**Resolved** - That the Annual Scrutiny Report 2022/23 as attached at Appendix A be endorsed.

**70. Members Allowance Scheme - Recommendations of the Independent Remuneration Panel**

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

- (a) “Endorse the Independent Remuneration Panel appointments made under existing delegated authority by the Monitoring Officer on 7 March 2023;
- (b) That the Independent Remuneration Panel’s recommendations as set out in Appendix A to the report be agreed;
- (c) That the agreed recommendations be implemented from the date of the Council’s AGM in May 2023, with the exception of any recommendations relating to the index-linking of members’ basic allowance which should be implemented from 1 April 2023 to ensure there is no break in the council’s scheme.”

The recommendations were put to the vote and carried with 29 votes for, 2 against and 4 abstentions.

**Resolved –**

- (a) That the Independent Remuneration Panel appointments made under existing delegated authority by the Monitoring Officer on 7 March 2023 be endorsed;
- (b) That the Independent Remuneration Panel’s recommendations as set out in Appendix A to the report be agreed;
- (c) That the agreed recommendations be implemented from the date of the Council’s AGM in May 2023, with the exception of any recommendations relating to the index-linking of members’ basic allowance which should be implemented from 1 April 2023 to ensure there is no break in the council’s scheme.

**71. Calendar of Meetings 2023/2024**

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

- (a) "That the Calendar of Meetings for the period May 2023 to May 2024, as set out in Appendix A of this report, be approved.
- (b) That the Democratic Services and Scrutiny Manager be authorised to make amendments to the Calendar throughout the year, including from those resulting from any constitutional changes that may be agreed, in accordance with the provisions of the Constitution."

The recommendations were put to the vote and carried with 32 votes for and 2 abstentions.

**Resolved -**

- (a) That the Calendar of Meetings for the period May 2023 to May 2024, as set out in Appendix A to the report, be approved.
- (b) That the Democratic Services and Scrutiny Manager be authorised to make amendments to the Calendar throughout the year, including from those resulting from any constitutional changes that may be agreed, in accordance with the provisions of the Constitution.

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

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

"Anti-social behaviour is a scourge on too many residents' lives across the country and in parts of our town. Anti-social behaviour and environmental crime have negative impacts on an area and on perceptions about the safety of residential communities- this Council therefore reaffirms its commitment to working with local residents and partner organisations to help ensure Slough's neighbourhoods are strong, healthy and attractive places to live.

As part of its wider recovery work and community engagement, Slough Borough Council therefore resolves to:

- Work with and support victims of anti-social behaviour and environmental crime
- Strengthen partnerships between the police, the council and residents' groups and involve local people in designing solutions for their area
- Work to respond better and more quickly to anti-social behaviour complaints
- Work to keep public spaces clean and litter free, and to carry out core maintenance and repairs when required

## **Council - 28.03.23**

- Act promptly to clear dumped rubbish from public space and local parks
- Work with Neighbourhood Watch to grow the number of active local Neighbourhood Watch groups across the borough; and with residents and the police to establish Neighbourhood Action Groups for a joined-up approach in tackling ASB and local environmental problems where they impact our communities.”

The motion was put to the vote and carried with 30 votes for and 2 abstentions.

### **Resolved -**

Anti-social behaviour is a scourge on too many residents' lives across the country and in parts of our town. Anti-social behaviour and environmental crime have negative impacts on an area and on perceptions about the safety of residential communities- this Council therefore reaffirms its commitment to working with local residents and partner organisations to help ensure Slough's neighbourhoods are strong, healthy and attractive places to live.

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- Work to respond better and more quickly to anti-social behaviour complaints
- Work to keep public spaces clean and litter free, and to carry out core maintenance and repairs when required
- Act promptly to clear dumped rubbish from public space and local parks
- Work with Neighbourhood Watch to grow the number of active local Neighbourhood Watch groups across the borough; and with residents and the police to establish Neighbourhood Action Groups for a joined-up approach in tackling ASB and local environmental problems where they impact our communities.

### **73. To note Questions from Members under Procedure Rule 10**

Two Member questions had been received within the relevant time period. The questions and replies were noted.

**74. Vote of Thanks to the Retiring Mayor**

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

**75. Vote of thanks to the Retiring Deputy Mayor**

Councillor Akram moved and Councillor Gahir 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 to the Deputy Mayor.

Chair

(Note: The Meeting opened at 7pm and closed at 9pm)

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## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council                      **DATE:** 18 May 2023

**CONTACT OFFICER:** Kunwar Khan  
**(For all enquiries)** Democratic Services and Scrutiny Manager

**WARD(S):** All

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

#### **ELECTION OF LEADER OF THE COUNCIL**

1 **Purpose of Report**

To elect the Leader of the Council in accordance with the requirements of the Constitution following the 4 May 2023 local elections.

2. **Recommendations**

The Council is asked to elect a Leader of the Council for a four-year term, expiring on the day of the post-election annual meeting which follows his / her election as Leader, unless the term ceases earlier in accordance with Article 7 of the Constitution.

3. **Slough Joint Wellbeing 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 Localism Act 2011 requires local authorities which operate Executive arrangements to include provision for the election of a Leader, including where there is a vacancy in the office. Arrangements may include provision with respect to the term of office of the Leader.

Article 7 (The Executive) of the Council's Constitution confirms that the decision to elect the Leader is a matter for full Council.

(b) **Financial Implications**

None.

5. **Supporting Information**

5.1 In accordance with Article 7 of the Constitution it is proposed that the term of office as Leader be aligned to the elected Leader's term of office as a Member.

5.2 The recommendation to full Council is therefore to elect Leader of the Council for a term of four years. There is provision in Article 7 for the Leader's term to be less than this in specific circumstances.

6. **Appendices**

None.

7. **Background Papers**

The Council's constitution.



**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council  
**DATE:** 18 May 2023

**CONTACT OFFICER:** Stephen Taylor, Monitoring Officer  
**(For all Enquiries)** Sarah Wilson, Head of Legal

**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 continuing to improve its governance processes to ensure lawful, fair and transparent decision making.

The report seeks approval for amendments to the constitution as part of its annual review. The changes are mainly housekeeping to reflect changes in legislation, avoid duplication or contradictions between different sections of the constitution and to reflect the new 4 year election cycle. In addition, the Council's overview and scrutiny arrangements were reviewed by members following a report by the Centre for Governance and Scrutiny (CfGS). The recommendations of CfGS included formation of a single committee focused on corporate improvement and these recommendations were broadly supported and included in this review.

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

Council is recommended to:

1. Consider and adopt the amendments set out in the appendices namely:
  - a. The Articles – changes to the Introduction and Articles 2, 4, 5, 6, 7, 8, 9A, 11, 12, 14, 15 and 17.
  - b. Responsibility for Functions – Parts 3.2, 3.4, 3.6, 3.7, 3.8.
  - c. Procedure Rules – Parts 4.2, 4.5, 4.7.
2. Note the intention to review those parts of the Constitution highlighted in Appendix 1 later in 2023, following consideration by the member working group on the constitution.
3. Agree that the amendments to the Constitution will come into effect on the day following the Council meeting.

**3. Council priorities**

The Constitution is central to ensuring accountability in the delivery of all priority outcomes set out in the Council's recovery plan and the emerging corporate plan. Having an up to date and accurate constitution is critical to improving the Council's governance processes and will allow existing and new officers, elected members and the public to understand how decisions are made.

#### 4. Other Implications

##### (a) Financial

There are no financial implications of the proposed action.

##### (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 executive decision making arrangements, officer scheme of delegation and financial and contract procedure rules have been subject to review and amendment in the last two years. In addition the Council adopted the model code of conduct for members in 2021 and has updated its policy statement on corporate governance and whistleblowing code. However, it is clear that some parts of the constitution have not been formally reviewed for some years and this has resulted in some parts having been superseded by changes in law. In addition it is important that the constitutional rules are clearly drafted and consistently interpreted. Some elements of the constitution have been added over time, are contradictory with other elements or do not appear in the most appropriate section. The re-drafted sections should provide clarity and consistency.

##### (c) 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.

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

The Council'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

The annual review has focused on those elements of the constitution that have not been reviewed in the last two years, as well as updating the overview and scrutiny

arrangements to respond to the external review of scrutiny and statutory direction to improve the scrutiny function.

The Council operates a Leader and Cabinet model of governance, which means that many policy decisions are a matter for Cabinet to determine. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the functions which cannot be the responsibility of the executive. These functions are either reserved to full council or delegated to a committee, sub-committee or single officer. Certain matters, including the policy framework and budget, are reserved to full council. The policy framework is set out in legislation and has changed over time and in addition there are some policies such as the council tax support scheme, that must be approved by full council in accordance with specific legislation. These legislative requirements are complex and ensuring the constitution is kept up to date will avoid the wrong decision-making body approving a policy or budgetary matter.

Changes have been made to the chief officer employment rules to reflect the complex and changing legislation, particularly in relation to dismissal procedures for the three statutory governance officers. The Council has fully complied with these legislative requirements, however the rules in the constitution had not been updated to clearly reflect the different roles of the committees and panels required.

The constitution contains a new section permitting the Monitoring Officer to make housekeeping changes which will be reported to Full Council at the next available meeting and requiring that the constitution is formally reviewed at least annually. This is good practice and should ensure that the constitution stays up to date and that senior officers are asked about improvements and amendments on a more regular basis.

#### *(d) Equalities Implications*

Having a clear, up to date constitution will assist the Council to make fair and lawful decisions. Whilst the amendments do not specifically relate to the Equality Act duties, the changes do ensure an appropriate level of transparency, including for officer level decisions. Amendments to the Standing Advisory Council for Religious Education, Corporate Parenting Panel and Overview and Scrutiny Committee ensure that these panels continue to operate within the law and best practice and where possible representatives from different faiths are permitted a voice on panels.

## 5. **Supporting Information**

### **The Articles**

The changes to the articles are “housekeeping” type changes. The detail of each change is set out in Appendix 1 and each section of the articles is appended to show the changes.

### **Part 3 – Responsibility for Functions**

This part sets out which member body is responsible for each function of the Council as well as a scheme of delegation for officer decision-making. Most of the changes are “housekeeping” type changes, although the corporate parenting panel changes are more substantial to reflect the results of an external review, best practice and the views of the new statutory director of children’s services.

#### **Part 4 – Procedure Rules**

This part sets out how formal meetings are to be run, elected member and public rights in these meetings and rights to access information. Most of the changes are “housekeeping” type changes, but the overview and scrutiny procedure rules have been subject to significant changes to reflect the move to a single committee system and use of task and finish groups.

#### **Part 5 - The Ethical Framework**

This part is not subject to any changes at this time. Appendix 1 confirms the status of each section and the plans for future review.

### **6 Comments of Other Committees**

A working group of members did review the proposed changes to the overview and scrutiny arrangements and the amendments reflect their views. It was not practicable for the Member Working Group on the Constitution to be consulted on the proposed changes due to the time needed to conduct the review and the timing of the election. As the proposed changes are either housekeeping or relate to Overview and Scrutiny, it was not thought necessary to delay the submission of this report on that account.

It is intended to convene a meeting of the member working group on the constitution when proposing future changes.

### **6. Conclusion**

Approval of the constitution is a matter for Full Council. The majority of changes are as a result of changes in legislation and the Monitoring Officer and Head of Legal have worked together to review each section to ensure compliance with the law and good governance.

### **8. Appendices Attached**

- '1' - Constitution status update
- '2' - The Articles
- '3' - Part 3 – Responsibility for Functions
- '4' - Part 4 – Procedure Rules

### **9. Background Papers**

None.

## Constitution – Status Update

Part	Summary of main amendment made	Status
Part 1 - Introduction	<p>Para 4 – amended to reflect new election cycle and ward boundaries.</p> <p>Para 5 – amended to confirm MO is responsible for training members, as opposed to A&amp;CG Committee.</p> <p>Para – amended to reflect single O&amp;S Committee.</p> <p>Para 10 – removed reference to CAB as there are other sources of legal support and advice.</p> <p>Para 11 – removed examples as local authority is not service providers for many school matters.</p>	Housekeeping changes made. To be approved at Council in May 2023.
<b>Part 2 - Articles</b>		
Article 1 – The Constitution	<p>No change required.</p> <p>Confirms this document is the definitive set of rules on how council decisions are made.</p>	Up to date.
Article 2 – Members of the Council	<p>Para 2 – updated to reflect change to election cycle.</p> <p>Para 3 – members’ attendance – removed reference to maternity, parental leave, as this should be dealt with as a dispensation if the intention is to remove requirement for attendance in 6 months.</p>	Housekeeping changes made. To be approved at Council in May 2023.
Article 3 – Citizens and the Council	No change required.	No changes required.
Article 4 – The Full Council	<p>Sets out the policy framework (ie. Decisions that must be made by full council). This generally comes from statute (SI 2000/2853). Amended to reflect legislative changes.</p> <p><b>Policy Framework:</b></p> <ul style="list-style-type: none"> <li>• Children and Young People’s Plan</li> <li>• Crime and Disorder Reduction Strategy, known as the Community Safety Plan</li> <li>• Plans and strategies which together form the Local Plan</li> <li>• Local Transport Plan</li> <li>• Youth Justice Plan</li> </ul>	Housekeeping changes made to reflect current legislation.

	<ul style="list-style-type: none"> <li>• Gabling Act 2005: Statement of Principles</li> </ul> <p>Further plans which legislation requires are approved at full council, including:</p> <ul style="list-style-type: none"> <li>• Licensing statement of policy under Licensing Act 2003 (this is non-executive function, but it does require full council approval).</li> <li>• Council Tax Support Scheme.</li> </ul> <p>Further plans which the Council deems should be determined by full Council, including</p> <ul style="list-style-type: none"> <li>• Corporate plan</li> </ul> <p>Removed reference to Joint Wellbeing Strategy, as this is a matter for the Health and Wellbeing Board, which is a statutory joint committee.</p> <p><b>Budgetary framework:</b></p> <ul style="list-style-type: none"> <li>• Treasury management plan/strategy</li> <li>• Capital strategy</li> <li>• Any strategy setting out control of the authority’s borrowing, including determining the authority’s minimum revenue provision</li> <li>• MTFS</li> </ul>	
Article 5 – Chairing the Council	Amended heading to The Mayor as wider than just chairing the council.	Housekeeping changes. To be approved at Council in May 2023.
Article 6 – Overview and Scrutiny	Amendments to reflect new structure.	Amendments to structure of scrutiny to reflect review and ensure work links to corporate improvement. To be approved at Council in May 2023.
Article 7 – The Executive	Minor amendment to remove reference to election at annual council, as council can resolve to elect a new leader at any council meeting.	Minor housekeeping change. To be approved at Council in May 2023.

Article 8 – Regulatory and other committees	Removed reference to paragraphs in O&S applying to all other committees and cabinet, due to O&S rules having been amended.	Housekeeping changes. To be approved at Council in May 2023.
Article 9 – Audit and Corporate Governance Committee	No changes required.	Amended in 2021 – no further changes required.
Article 9A – Standards Committee	Minor amendments.	Added in 2021. Minor housekeeping changes. To be approved at Council in May 2023.
Article 10 - Champions	No changes required.	No changes at this time.
Article 11 – Joint Arrangements	Remove reference to wellbeing powers as general power of competence is wider than this and there are other powers to support joint arrangements.	Housekeeping changes to reflect law. To be approved at Council in May 2023.
Article 12 – Officer roles and statutory chief officer functions	Re-drafted to reflect current chief officer structure. Tracked changes not showing, but changes are to the chief officer table.	Changes approved by May 2021 Council. The new changes are just housekeeping to reflect the current structure. To be approved at Council in May 2023.
Article 13 – Decision-making		Amended in 2021 and 2022 – no further changes required.
Article 14 – Finance, Contracts and Legal Matters	Minor changes to add in Monitoring Officer for institution of legal proceedings, authentication of documents and affixing common seal.	Changes made in November 2021. Minor housekeeping changes. To be approved at Council in May 2023.
Article 15 – Review and Revision of the Constitution	Minor change to permit housekeeping changes to be made by MO and reported to Council and to require annual review of Constitution.	Housekeeping changes. To be approved at Council in May 2023.
Article 16 – Suspension Interpretation and Publication of the Constitution	No changes required.	No changes required.
Article 17 – Petitions Scheme	Removed data protection act requirements as not compliance with law. Replace with reference to published privacy notices. Remove reference to publishing material in pre-election period, as this should be considered having regard to relevant Code.	Housekeeping changes to reflect law. To be approved at Council in May 2023.

Sch 1 – Description of executive arrangements	To review whether required.	Bring to July council is changes or removal recommended.
Part 3 – Responsibility for Functions		
3.1 Responsibility for Functions and Scheme of Delegation	To review whether changes required.	To be brought to July council.
3.2 Committee Structure	To be amended by Democratic Services once structure and sub-committees confirmed.	
3.3 Responsibility for Local Choice Functions	Reviewed and amended in 2021/22.	No changes required.
3.4 Responsibility for Council Functions	<p>Council functions - Re-drafting of council functions to reflect current legislation, the articles of the constitution and new approved financial procedure rules.</p> <p>Planning Committee – minor changes to reflect executive/non-executive split in functions.</p> <p>A further review of terms of reference for planning committee is being undertaken to ensure the reserved functions are clear and at appropriate level – this will be brought back to a future council meeting following consideration by member working group on the constitution.</p> <p>Licensing Committee – redrafted to refer to broad functions and power to determine functions that do not sit with another committee. instead of seeking to list all types of decision.</p> <p>Employment and Appeals Committee associated committees – removed appeal functions from Employment and Appeals Committee as no longer compliant with law or Council policy – the Appeals sub-committee has no functions and therefore should be removed from committee structure. Clarified</p>	<p>Housekeeping changes to comply with law and other parts of the constitution and ensure a committee has responsibility for general functions not covered elsewhere. To be approved at Council in May 2023.</p> <p>A review of terms of reference for planning committee is to be undertaken and brought back to a future council meeting.</p>



	<p>functions of each of the “staffing” committees to comply with statutory governance officer and chief officer employment rules. Appointments Committee is a full committee and not a sub-committee of Employment Committee.</p>	
3.5 Responsibility for Executive Functions	Amended in 2021 and 2022.	No change required.
3.6 Scheme of Delegation to Officers	<p>Housekeeping changes to reflect change of structure and linking to other parts of the constitution.</p> <p>Moved significant officer decision-making rules from Access to Information Rules and amended the requirements and list to reflect the Openness of Local Government Bodies Regulations 2014.</p> <p>Updated proper officer and statutory officer list.</p>	Housekeeping changes to reflect law on significant officer decisions. To be approved at Council in May 2023.
3.7 Cabinet Portfolios	To be amended once new structure of cabinet confirmed.	May – remove names of cabinet members. July – new cabinet portfolios.
3.8 Appeals Panels and Other Bodies	<p>Significant re-drafting to comply with legislative requirements and Government guidance. Removal of panels that are no longer required or permissible by law.</p> <p>SACRE – amended to comply with legislative requirements on membership and voting and to reference correct legislation.</p> <p>Corporate parenting panel – redrafted to reflect corporate parenting principles in Children and Social Work Act 2017 and to pick up on learning from the corporate parenting panel review. This includes ensuring the panel is more open and transparent even when meetings are not held in public.</p> <p>Local Access Forum – further consideration to be given to whether this can be a joint committee across Berkshire. This will be reported back to a future Council meeting if a change is to be proposed.</p>	<p>Housekeeping changes to reflect law, guidance and review of corporate parenting panel. To be approved at Council in May 2023.</p> <p>To report to July progress in relation to options for cross Berkshire committee.</p>
<b>Part 4 – Procedure Rules</b>		
4.1 Council Procedure Rules	To be reviewed for July 2023.	Any housekeeping changes to be

		recommended to July council.
4.2 Access to Information Procedure Rules	Housekeeping changes to reflect changes in law and principal office and to reflect that certain rules apply to officer and single member decisions. Distinguished between key decisions made by officers and significant officer decisions. Significant officer decision rules moved to Officer Scheme of Delegation.	Housekeeping changes to reflect law and other parts of the constitution. To be approved at Council in May 2023.
4.3 Budget and Policy Framework Procedure Rules	Not reviewed – to be subject to review in 2023 to ensure consistency with Financial Procedure Rules, following consultation with new s.151 Officer.	Any changes to be recommended to July council.
4.4 Executive Procedure Rules	Amended in 2022.	No changes required.
4.5 Overview and Scrutiny Procedure Rules	Amendments made to reflect new scrutiny structure	Changes made following review by legal, scrutiny officer and member working group. To be approved at Council in May 2023.
4.6 Financial Procedure Rules	Amended in 2022	No changes required
4.6a Contract Procedure Rules	Amended in 2021 and 2022	No changes required
4.7 Officer Employment Procedure Rules	Significant re-drafting to reflect legislative requirements.	Housekeeping to reflect change in law and clarifying role of each committee for different types of chief officer. To be approved at Council in May 2023.
<b>Part 5 – Ethical Framework</b>		
5.1 Code of Conduct for Members	Model Code adopted in 2021	No changes required.
5.2 Code of Conduct for Clls Officers to Planning Licensing	To be reviewed with Planning Committee ToR once new planning committee chair appointed.	To be reviewed in 2023
5.3 Local code of conduct for employees	To be reviewed in 2023 – no particular issues, but would be good to review and consider best practice elsewhere.	To be reviewed in 2023
5.4 Member officer relations code	To be reviewed in 2023 – no particular issues, but would be good to review and consider best practice elsewhere.	To be reviewed in 2023

5.5 Whistleblowing code	Reviewed and amended in 2022	No changes required.
5.6 Monitoring Officer Protocol	To be reviewed in 2023	To be reviewed in 2023
5.7 Anti Fraud Corruption Strategy and Policy	To be reviewed in 2023 due to new head of service being in post.	To be reviewed in 2023
5.7.1 Anti Fraud Response Plan	To be reviewed in 2023 but likely to be removed from constitution as this should be an operational plan.	To be reviewed in 2023
5.7.3 Donation and sponsorship acceptance policy	To be reviewed in 2023 due to new s.151 officer and new head of internal audit being in post.	To be reviewed in 2023
5.8 Joint protocol of external auditors views.	To be reviewed in 2023 due to new s.151 officer and new head of internal audit being in post.	To be reviewed in 2023
5.9 Policy Statement on Corporate Governance	Reviewed and amended in 2021 to reflect CIPFA/SOLACE guidance. To be further reviewed as part of annual governance statement process.	To be reviewed in 2023
5.10 Guidance on housing and council tax benefits work	To be reviewed in 2023 to consider whether this needs to remain in constitution.	To be reviewed in 2023

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## The Council's Constitution

- 1 Slough Borough Council has agreed a new constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.
- 2 The Constitution is divided into 17 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

## What's in the Constitution?

- 3 Article 1 of the Constitution commits the Council to provide clear leadership within the local community through involving others in a transparent and accountable process of effective decision-making which will support improvements in the delivery of services. Articles 2 - 17 explain the rights of citizens and how the key parts of the Council operate. These are:
  - Members of the Council (Article 2)
  - Citizens and the Council (Article 3)
  - The Council meeting (Article 4)
  - Chairing the Council (Article 5)
  - Overview and Scrutiny (Article 6)
  - The Executive (Article 7)
  - Regulatory and other committees (Article 8)
  - Audit and Corporate Governance Committee (Article 9)
  - Champions (Article 10)
  - Joint arrangements (Article 11)
  - Officer Roles and Statutory Officer Functions (Article 12)
  - Decision making (Article 13)
  - Finance, contracts and legal matters (Article 14)
  - Review and revision of the Constitution (Article 15)
  - Suspension, interpretation and publication of the Constitution (Article 16)
  - Petitions Scheme (Article 17)

## How the Council operates

- 4 The Council is composed of 42 Members. With effect from May 2023, there are 2145 Wards in Slough. All wards 13 Wards have two three members representing them. These members are elected in thirds for a period of four years. No elections are held in the fourth year. One Ward (Colnbrook with Poyle) has two Members representing it. Members in this Ward are elected in consecutive years to serve for a period of four years. There are no elections in this Ward for the following two years. One Ward (Foxborough) has one Member representing it. The Member in this Ward serves for 4 years. Members are democratically accountable to residents of their ward. The overriding duty of Members is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

- 5 Each Member must give a written undertaking that he will observe the Council's code of conduct for the time being. The Monitoring Officer is responsible for training members in relation to Audit and Corporate Governance Committee trains and advises them on the code of conduct.
- 6 Meetings of the Council shall be open to the pPublic save where exclusion of the public is required or permitted. Here Members decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council, the Overview and Scrutiny Committee responsible for holding the Executive publicly accountable, the Regulatory Committees which deal with non-executive functions and other committees~~the Audit and Corporate Governance Committee~~. The Leader appoints the Deputy Leader and Executive members who together comprise the Cabinet.

### How Decisions are Made

- 7 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader elected by the Council and no more than nine members appointed by the Leader. When key decisions are to be made or discussed, these will be published in the Executive's forward plan in so far as they can be anticipated. Meetings of the Executive will be held in public. The public will be excluded where confidential information is to be discussed and may be excluded by the resolution of the Executive where exempt information is to be discussed. The public may also be excluded to maintain orderly conduct or prevent misbehaviour. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

### Overview and Scrutiny

- 8 There is one Overview and Scrutiny Committee ~~and 3 Scrutiny Panels~~ which supports the work of the Executive and the Council as a whole. It~~They~~ allows citizens to have a greater say in Council matters by holding public investigations into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee ~~and its panels~~ also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

### The Council's Staff

- 9 The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the

law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

### Citizens' Rights

- 10 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. ~~The local Citizens' Advice Bureau can advise on individuals' legal rights.~~
- 11 Where members of the public use specific Council services, ~~for example as a parent of a school pupil or as a Council tenant,~~ they may have additional rights. These are not covered in this Constitution.
- 12 Citizens have the right to:
- vote at local elections if they are registered;
  - contact their local Member about any matters of concern to them;
  - view ~~obtain~~ a copy of the Constitution on the Council's website;
  - attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
  - petition to request a referendum on a mayoral form of Executive;
  - participate in the meetings of the Council and contribute to overview and scrutiny investigations according to the Council's scheme;
  - find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
  - attend meetings of the Executive where key decisions are being discussed or decided;
  - see reports and background papers, and any record of decisions made by the Council and Executive;
  - complain to the Council about any aspect of the services provided by the Council. A leaflet will be provided on request;
  - complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
  - complain to the Monitoring Officer if they have evidence which they think shows that a Member has not followed the Council's Code of Conduct; and
  - inspect the Council's accounts and make their views known to the external auditor.
- 13 The Council welcomes participation by its citizens in its work.

## ARTICLE 2 – MEMBERS OF THE COUNCIL

### 1 Composition and Eligibility

- (a) **Composition.** The Council will comprise 42 Councillors, otherwise called Members, to be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission.
- (b) **Eligibility.** Only qualifying commonwealth citizens, citizens of the Republic of Ireland or relevant citizens of the European Union who have attained the age of eighteen years and who are registered voters of the Borough or who have occupied property or worked there for the whole of the preceding 12 months or lived there during those 12 months will be eligible to hold the office of Member .

### 2 Election and Terms of Members

**Election and Terms.** Members are elected ~~every by thirds in three out of four~~ years. Elections are held on the first Thursday in May ~~every four years~~. The terms of office of Members will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 3 Roles and functions of all Members

- (a) **Key Roles.** All Members will:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
  - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (iv) balance different interests identified within the ward and represent the ward as a whole;
  - (v) be involved in decision-making;
  - (vi) be available to represent the Council on other bodies; and
  - (vii) maintain the highest standards of conduct and ethics.
- (b) **Rights and Duties**
- (i) Members will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law and the Protocol on Member/Officer relations in Part 5 of this Constitution.



- (ii) Members will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Member or officer entitled to know it.
- (iii) For these purposes “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.
- (iv) Members should ~~will not fail to~~ attend any meeting of the Council ~~where possible without a valid reason. Absence during a period when a Member is exercising an entitlement to maternity leave, paternity leave, joint parental leave or adoption leave in accordance with a policy approved by the Council for such purposes shall be deemed to be absent for a valid reason during such period.~~

#### 4 **Conduct**

Members will at all times observe the Local Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution and Members serving on the Planning and Licensing Committees will at all times observe the Code of Conduct for Councillor and Officers in relation to Planning and Licensing matters in part 5.2 of this Constitution.

#### 5 **Allowances**

Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

## ARTICLE 4 – THE FULL COUNCIL

Council sets the budgetary and policy framework

(a) **Policy Framework:** The policy framework means the following plans and strategies:

- ~~Slough Joint Wellbeing Strategy~~
- Crime and Disorder ~~R~~reduction Strategy, also known as Community Safety Plan
- ~~• Licensing Authority Policy Statement~~
- Development Plan documents (plans and strategies which together form the Local Plan)
- Local Transport Plan
- ~~• Development Plan Documents~~
- Youth Justice Plan
- Children and Young People's Plan
- Gambling Act 2005: Statement of Principles
- ~~• Plans comprising the Housing Investment Programme & Strategy~~
- ~~• 5 Year Plan~~
- ~~Food Law Enforcement Service Plan~~

In addition legislation requires that the following are approved by Full Council:

- Licensing statement of policy under the Licensing Act 2003
- Council Tax Support Scheme

The Council has also determined that the following policies and strategies should be determined by Full Council:

- Corporate Plan

(b) **Budget:** The budget includes:

- the allocation of financial resources to different services and projects
- proposed contingency funds
- ~~• the Council tax base~~
- setting the Council tax and decisions relating to the control of the Council's borrowing requirement
- ~~• the control of its capital expenditure and the setting of virement limits~~
- treasury management strategy
- ~~• capital strategy~~
- ~~• any strategy setting out control of the authority's borrowing, including determining the authority's minimum revenue provision~~
- the Medium Term Financial Strategy

### Functions of the full Council

The full list of functions which are reserved to Council is set out in the Delegation Scheme (Part 3)

### Council Meetings

There are three types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings;
- c) extraordinary meetings.

Meetings will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

### **Responsibility for Functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

**ARTICLE 5 – ~~CHAIRING THE COUNCIL~~THE MAYOR**

**~~Chairing the Council Meeting~~**

The Mayor will be elected by the Council annually and will have the following responsibilities:

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community;
3. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and at which Members are able to hold the Executive to account;
4. To promote public involvement in the Council's activities;
5. To act in a neutral manner on matters that affect the Council;
6. To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

**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
<p><del>Corporate Improvement Overview</del> <del>and</del> Scrutiny Committee</p>	<ul style="list-style-type: none"> <li>• All Overview and Scrutiny functions on behalf of the Council <u>including statutory duties relating to Health, Crime and Disorder.</u></li> <li>• The co-ordination of the Overview and Scrutiny work plan including the allocation of issues to <u>Task and Finish Groups</u><del>Scrutiny Panels</del>.</li> </ul> <p><del>Consideration of the details of the Executive’s Forward Plan.</del></p>
<p><del>Panels:</del></p> <ul style="list-style-type: none"> <li>• <del>People</del></li> <li>• <del>Customer &amp; Community</del></li> <li>• <del>Place</del></li> </ul>	<p><del>Each Scrutiny Panel shall be responsible for:</del></p> <ul style="list-style-type: none"> <li>• <del>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.</del></li> <li>• <del>Matters within its area of responsibility which have been :</del> <ul style="list-style-type: none"> <li>➤ <del>Referred to it by the Council or Overview and Scrutiny Committee</del></li> <li>➤ <del>Referred to it by the Overview and Scrutiny Committee on receipt of a member call in</del></li> <li>➤ <del>Agreed by the Panel for inclusion in its agenda plan or work programme.</del></li> </ul> </li> </ul> <p><del>Each Panel shall make recommendations or reports to the Overview and Scrutiny Committee, Cabinet, other Committee or Council as appropriate.</del></p>

**General Role**

2 Within its terms of reference, the ~~Corporate Improvement 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 when it has formal business to conduct, unless \_\_\_ confidential or exempt 43 information is being considered.

### **Specific Functions**

54 **Policy Development and Review** - The ~~Corporate Improvement 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~~

56 **Scrutiny Functions** – The ~~Corporate Improvement Overview and~~ Scrutiny Committee shall:

- (i) review and scrutinise the decisions made by, and the performance of, the Executive, certain 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~~ decision-makers 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).

**67 Improvement Functions - The Corporate Improvement Scrutiny Committee shall:**

- (i) Monitoring and driving improvement against any Directions by the Secretary of State and other external or internal inspections, reviews, performance information at their own discretion.-
- (ii) Monitoring and driving progress of major corporate improvement initiatives.
- (iii) Scrutinising and inputting into contribute to the council's budget-setting cycle and monitoring the council's financial recovery progress
- (iv) Scrutinising proposals for, and delivery of, major savings initiatives, including their impact on partners and residents

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

**Proceedings of Corporate Improvement Overview and Scrutiny Committee**

**78** 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 Group Manager for Governance.**~~

**840 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.



**ARTICLE 7 – THE EXECUTIVE****Role**

- 1 The Leader and Cabinet will carry out all of the Authority’s functions which are not the responsibility of any other part of the Authority whether by law or under this Constitution.

**Form and Composition**

- 2 The Executive will be known as the Cabinet and will consist of the Leader and at least two but not more than nine Members appointed to the Cabinet by the Leader.
- 3 The Cabinet cannot include the Mayor or Deputy Mayor.
- 4 Cabinet Members will be known as Lead Members.
- 5 Cabinet Members may not be Members of the Overview and Scrutiny Committee or any of its sub-committees or panels.

**Leader**

- 6 The Council will appoint the Leader of the Council. The Leader will determine the size and membership of the Cabinet, will appoint Members to the Cabinet and appoint one of those Members as the Deputy Leader. The Leader will determine the allocation of responsibilities for each Lead Member.
- 7 The Leader will hold office for a term of four years starting on the day of his or her election as Leader, unless his or her term of office as a Councillor is shorter, in which case his or her term of office as Leader will be the same as his or her term of office as a Councillor. If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such a vacancy.
- 8 The Leader’s term of office will cease:
- (a) if he/she resigns from the office; or
  - (b) if he/she is no longer a Member (following an election in which the Leader loses his seat, his or her term will continue until the council meeting following the election); or
  - (c) by resolution of the Council, following which the Council will elect a replacement Leader at the same or subsequent Council meeting;
  - ~~(d) The Council elects a new Leader at its Annual Council meeting;~~
  - (e)(d) he/she is suspended from being a councillor (although he/she may be re-appointed at the end of the period of suspension) or otherwise disqualified by law.

**Other Cabinet Members (Lead Members)**

- 9 Lead Members shall hold office until:
- (a) they resign from office; or
  - (b) they are no longer Members; or
  - (c) they are suspended from being a councillor (although they may be re-appointed at the end of the period of suspension) or otherwise disqualified by law
  - (d) they are removed from office by the Leader of the Council

**Deputy Leader**

- 10 The Leader will appoint the Deputy Leader at the first meeting of Cabinet held after his/her election as Leader. The Deputy Leader will hold office until the end of the Leader's term of office, or until:
- (a) he/she resigns from office, or
  - (b) he/she is removed from office by the Leader
  - (c) he/she is no longer a Councillor
  - (d) he/she is otherwise disqualified by law.

- 10.1 The Deputy Leader will act in place of the Leader if the Leader is unable to act

**Proceedings of the Cabinet**

- 11 Proceedings of the Cabinet shall take place in accordance with the Executive procedure rules set out in Part 4 of this Constitution.

**Responsibility for Functions**

- 12 Part 3 of this Constitution sets out where responsibility lies for the exercise of particular executive functions.

**ARTICLE 8 – REGULATORY AND OTHER COMMITTEES**

**Regulatory and Other Committees**

The Council will appoint the Committees set out in the left-hand column of the table, being table 2, entitled Responsibility for Council Functions contained in Part 3 of this Constitution, to discharge the functions set out in column 3 of that table.

~~Paragraphs 2.5 to 2.9 inclusive in Part 4.5 of this Constitution (Overview and Scrutiny Procedure Rules) shall apply to all Committees, Panels, Working Parties and the Cabinet.~~

## **ARTICLE 9A – STANDARDS COMMITTEE**

The Council will appoint a Standards Committee which will assist the Council to meet its duty under section 27 of the Localism Act 2011 to maintain high standards of conduct by members and co-opted members.

### **1. Statement of Purpose**

The purpose of this Committee is to promote and maintain the highest ethical standards.

### **2. Terms of Reference**

The core functions of the Committee are:

- (a) To promote and maintain high standards of conduct by Members (and this term includes co-opted Members)
- (b) To assist Members to observe the Council's Ethical Framework including the Code of Conduct
- (c) To advise the Council on the adoption or revision of the Council's Ethical Framework including the Code of Conduct
- (d) To monitor the operation of the Council's Ethical Framework including the Code of Conduct
- (e) To advise, train or arrange to train Members on matters relating to the Council's Ethical Framework including the Code of Conduct
- (f) To determine written complaints made against a Member (including a Parish Council Member) alleging a breach of the Code of Conduct and taking any action that is deemed appropriate and permitted under the Localism Act 2011 and Regulations thereunder
- (g) To exercise any of (a) to (f) above in relation to Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
- (h) To keep under review and make recommendations to Council on the Whistleblowing Policy and Procedure.
- (i) To decide any requests from a Member or Officer for indemnity as set out in the Council's adopted policy.
- (j) To receive bi-annual reports from the Monitoring Officer on Member Conduct Complaints received since the date of the previous Ordinary Committee meeting.
- (k) To receive an annual statistical report from the Monitoring Officer on declarations of interest.

### **3. Determination of Member Conduct Complaints**

When a meeting is convened to determine allegations that a Member (Subject Member) has breached the Code of Conduct, the Committee may make one of the following findings:

- (a) That the Subject Member has not breached the Code of Conduct;
- (b) That the Subject Member has failed to comply with the Code of Conduct but that no action need be taken in respect of the matters considered at the hearing; or

- (c) That the Subject Member has failed to comply with the Code of Conduct and that one or more of the following sanctions should be imposed:
- (i) Censure of the Subject Member
  - (ii) Restriction for a period not exceeding six months of the Subject Member's access to the Council's premises or the Council's resources PROVIDED THAT those restrictions are a reasonable and proportionate response to the breach and do not unduly restrict the person's ability to perform the functions of a Member.
  - (iii) That the Subject Member submits a written apology in a form specified by the Committee.
  - (iv) That the Subject Member undertakes such training as the Committee directs.
  - (v) That the Subject Member participates in such conciliation as the Committee directs.

#### 4. Membership

The Committee will comprise:

- Seven councillors, no more than one of whom should be a member of the Executive; and none of whom should be a member of the Audit and Corporate Governance Committee.
- One Parish Council Member from each of the three Parish Councils within the Borough, who will be non-voting members on the Committee and entitled to speak only on matters that relate to parish councils.
- One independent person whose views must be sought and taken into account by the Committee when determining a complaint against a Member and before determining the appropriate sanction to impose upon a Subject Member.

The Chair of the Committee will be an elected Member of the Council.

#### 5. Working Arrangements

Ordinary Meetings of the Committee will take place at least twice per year and the committee will consider an annual report on declarations of interest; and gifts and hospitality made by all Councillors, co-opted Members and Senior Officers of the Council, with summary reports on compliance by officers at other tiers of the organisation.

Extraordinary Meetings will be convened whenever necessary to allow the Committee to determine allegations that a Member has breached the Code of Conduct.

For Ordinary Meetings the quorum of the Committee shall be a minimum of three elected Members of the Council. For Extraordinary Meetings the quorum of the Committee shall be a minimum of three elected Members of the Council .

**ARTICLE 11 – JOINT ARRANGEMENTS****~~Arrangements to Promote Wellbeing\*~~**

~~1 The Council or the Executive, in order to promote the economic, social or environmental wellbeing of its area may:~~

- ~~(a) enter into arrangements or agreements with any person or body;~~
- ~~(b) co-operate with or facilitate or co-ordinate the activities of any personal body; and~~
- ~~(c) exercise on behalf of that person or body any functions of that person or body.~~

**Joint Arrangements**

- 2
- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions, which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with the other local Authorities.
  - (b) The Executive may establish joint arrangements with one or more local Authorities to exercise functions, which are executive functions. Such arrangements may involve the appointment of joint committees with these other local Authorities.
  - (c) Except as set out below, the Executive may only appoint executive Members to a joint committee and those Members need not reflect the political composition of the Local Authority as a whole.
  - (d) The Executive may appoint Members to a joint committee from outside of the Executive in the following circumstances:

The joint committee has functions for only part of the area of the Authority, and that area is smaller than two fifths of the Authority by area or population. In such cases, the Executive may appoint to the joint committee any person who is a Member for a Ward, which is wholly or partly contained within the area.

The political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegations in Part 3 of this Constitution.

### Access to Information

- 3 (a) The access to information rules in Part 4 of this Constitution apply.
- (b) If all the Members of a joint committee are Members of the Executive in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains Members who are not on the Executive of any participating Authority then the access to information rules in part V A of the Local Government Act 1972 will apply.

### Delegation to and from Other Local Authorities

- 4 (a) The Council may delegate functions to another Local Authority or, in certain circumstances the Executive of another Local Authority.
- (b) The Executive may delegate executive functions to another Local Authority or the Executive of another Local Authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another Local Authority shall be reserved to the Council meeting.

### Contracting Out

- 5 The Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

~~\*Wellbeing means — the health of the community in economic, social and environmental terms~~

**ARTICLE 12 – OFFICER ROLES AND STATUTORY CHIEF OFFICER FUNCTIONS****1 Chief Officers**

Post
Head of Paid Service (and Chief Executive)
Executive Director of Finance and Commercial
Executive Director of Housing, Planning and Property
Executive Director of People (Adults)
Executive Director of People (Children)
Executive Director of Place and Communities
Executive Director of Strategy and Improvement
Monitoring Officer

**Statutory Chief Officers**

The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Monitoring Officer	Monitoring Officer
Executive Director of Finance and Commercial	Chief Finance Officer – S151 Officer
Executive Director of People – Children	Director of Children’s Services
Executive 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: 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.

### 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.	Section 114 Local Government Finance Act (LGFA)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 LGFA 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 LGFA 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 LGFA 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 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
6. 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**

<p>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).</p>	<p>Section.6 and Schedule 1 of the Local Authority Social Services Act 1970</p>
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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 Slough	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.



## **ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **Financial management**

- 1 The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

### **Contracts**

- 2 Every contract made by the Council will comply with the financial rules set out in Part 4 of this Constitution.

### **Legal proceedings**

- 3 The Monitoring Officer and the London Borough of Harrow Head of Legal Practice are each authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

### **Authentication of documents**

- 4 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or the London Borough of Harrow Head of Legal Practice or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

### **Common Seal of the Council**

- 5 The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer or a person authorised by him/her~~Service Lead Governance~~. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, which in the opinion of the Monitoring Officer or an officer authorised by him/her, should be sealed. ~~Service Lead Governance should be sealed. The affixing of the Common Seal will be attested by the Service Lead – Resources or some other person authorised by him/her.~~

## ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

### Duty to monitor and review the Constitution

- 1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### Protocol for monitoring and review of Constitution by Monitoring Officer

- 2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

observe meetings of different parts of the Member and officer structure;

undertake an audit trail of a sample of decisions;

record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and

compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### Approval

- 3 Changes to the Constitution will only be approved by the Council after consideration of the proposal by the Monitoring Officer.

### Housekeeping changes

- 4 The Monitoring Officer is authorised to make housekeeping changes to the Constitution where it is not practical to wait until the next meeting of Council to seek authorisation for changes. All changes to the Constitution will be reported to a subsequent Council meeting and there will be an annual review of the Constitution reported to Council.

## ARTICLE 17 - PETITIONS SCHEME

The Council welcomes petitions and recognises that they are one way in which people can let the Council know of their concerns. This Scheme, made under Section 11 (1) of the Local Democracy, Economic Development and Construction Act 2009, is intended to establish a clear process for how petitions submitted to the Council will be dealt with.

### A. INTRODUCTION

- 1 The Scheme was approved by the Council.
- 2 The Scheme covers:
  - What constitutes a petition
  - how people who live, work or study in the Authority's area can organise or sign a petition and secure a statutory response
  - how specific responses can be triggered by achieving prescribed levels of Signatory support
  - *who* will do *what* and to what performance standards
  - how petition organisers can seek a review of the Council's response
  - how the Council will monitor the effectiveness of this Scheme.
- 3 The officer responsible for this Petitions Scheme, and its operation is the Democratic Services Lead whose contact details are as follows: Democratic Services, Observatory House, 25 Windsor Road, Slough SL1 2EL email [democracy@slough.gov.uk](mailto:democracy@slough.gov.uk)

### B. WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION

- 4 Something will be treated as a petition if it is identified as being a petition, or if it seems to the Council, that it is intended to be a petition.
- 5 A valid Petition must:
  - Be initiated by a Petition Organiser whose contact and address details have been supplied to the Council. The Council will not be able to deal with a petition if the Organiser cannot be identified.
  - Relate to the Council's functions or to the economic, social or environmental well-being of the area to which any of the Council's partner authorities could contribute'.
  - Contain a clear and concise statement covering the subject of the petition and should state what action the petitioners wish the Council to take.
  - Include the name, address and signature of any person (including those under the age of 18) supporting the petition.
  - Not be vexatious or abusive.
  - Not be related to matters excluded from the Scheme. These include any matter relating to individual planning or licensing decisions, for which other established processes exist. See paragraph 13 below.
  - Obtain a minimum of 10 valid signatories including verifiable address details that they live (home address), work (business address), or study (place of study address) in the Council area. Where it cannot be verified that a signatory lives, works or studies in the Slough Borough Council area, the entry will not be

- counted towards the total number of signatures
- Not be a duplicate or near-duplicate of a similar petition received or submitted under 6 months ago.

Where a petition is deemed invalid and cannot be accepted, the petition organiser will be informed and provided with the reasons why.

6 Petitions may be submitted to the Authority in the following ways:

- On paper
- Electronically, through the Council's own ePetition facility \*
- Electronically by e-mail.

EPetitions submitted through the Council's ePetition website must state the starting and closing date of the petition and that individuals are not permitted to also sign a paper version of the same petition (if any). A paper petition can be run at the same time as an on-line petition but signatories are not permitted to also sign the ePetition (if any). The Council reserves the right to discount a signature which appears on both a paper and an ePetition. The organiser can send the paper petition to the Council at the same time as the closing date for the on-line petition so that the total number of signatures can be counted.

The name of the petition signatory will be displayed on the Council's ePetition website and in a public record of a paper petition. Signatures, email and postal addresses will not be disclosed and are used by the Council only to validate signatures.

### C. DATA PROTECTION ~~ACT REQUIREMENTS~~

~~The Council will use data contained in a submitted petition in accordance with its published privacy notices. Any submitted petition will be The Fair Processing Notice is required by the Data Protection Act legislation. An example of the notice required under the Data Protection Act to be used on each petition is below~~

~~"The personal details you have provided within this petition will only be used in connection with the administration of the petition and will only be shared between the petition organiser and Slough Borough Council. Your personal information will not be used for any other purpose other than mentioned. It will be held and stored securely and will be securely destroyed in line with legislative requirements. As with all council held information, petition information will be subject to the provisions of the Freedom of Information Act legislation and may be disclosed to the public if requested. For further information regarding the Data Protection or Freedom of Information Acts, please contact the Council's Information Officer by email to: [foi@slough.gov.uk](mailto:foi@slough.gov.uk)~~

~~In the six weeks before an election local authorities cannot publish any material which may support any political party or a point of view which may be associated with any political party.~~

### WHAT WILL THE COUNCIL DO WHEN IT RECEIVES A PETITION

7 The Council will normally acknowledge Petitions that meet the criteria shown in

Paragraph 5 of this Scheme within **10 working days of receipt**.

- 8 The acknowledgement will indicate how the Council proposes to handle the issue, the name of the officer dealing with the petition and, where appropriate, outline what it may be possible for the Authority to do in response. If the Council is able to do what the petition asks for the Petition Organiser will be informed and the petition closed. If the petition has enough signatures to trigger a Council debate or a senior officer giving evidence the acknowledgement will confirm this along with the meeting date and time.

Petition	Signatory Threshold	Action Required
Any Petition above a set threshold will trigger a debate of full Council	1500	Debate at Council meeting
Any Petition above a set threshold which will call a senior council officer <u>or lead member</u> to give evidence at a public meeting	750	<u>Lead Member or</u> Senior Officer to attend Overview & Scrutiny Committee to give evidence
'Standard' Petition Any other petition requesting action or response by the Council	10	Acknowledge and respond in accordance with scheme

- 9 It may be inappropriate for the Council to deal with certain petitions during periods when they are subject to restrictions immediately before elections or referendums. In these circumstances the Petition Organiser will be informed of the date when the petition will be considered or when material relating to it will be published on the Council's Website.
- 10 To ensure the Council understands the level of local support for a Petition, it reserves the right to seek to verify each signature appended to a Petition. This can be significant when establishing whether a Petition has obtained the requisite number of signatures to trigger specific processes.
- 11 For any Petition relating specifically to a Council Ward or Wards, the relevant Elected Members will be formally notified and asked for comments.
- 12 The petition will be published on the Council website, except in cases where it would be inappropriate, for example if the petition was considered to be potentially libellous or unlawful. Whenever possible all correspondence relating to the petition (with personal details removed) will be published on the website.
- 13 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor) or on a matter where there is already an existing right of appeal such as council tax banding and non-domestic rates other procedures apply. Further information on these procedures and how you can express your views is set out in the Council's Procedure Rules (No. 11).

**D. RESPONDING TO PETITIONS**

- 14 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
- 15 If your petition is about something over which the council has no direct control (for example the local railway or hospital) the Council will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), the Petition Organiser will be advised of the reasons.
- 16 If your petition is about something that a different council is responsible for the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event the petition organiser will always be notified of the action that has been taken.
- 17 Under normal circumstances, the Council will expect to provide the Petition organiser with a response detailing which of the actions specified above or other initiatives it intends within 28 days of receipt.

**E. COUNCIL DEBATE – 1500 SIGNATURES**

- 18 If a Petition has, or acquires 1500 valid signatures the issue will be debated at a full Council meeting (i.e. a Meeting to which all elected members are invited). The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the next available meeting.
- 19 The Statutory Scrutiny Officer~~Head of Democratic Services~~, in consultation with the Chief Executive and/or relevant Director will prepare a report detailing the subject of the petition and what action the council and/or partners is being asked to take.
- 20 At such a meeting, the Petition Organiser or someone nominated on his or her behalf will have the right to speak about the petition, normally for up to five minutes; reasonable advance notice will be provided to ensure that any preparation can be undertaken in time.

- 21 The petition will then be discussed by elected members at the meeting for a maximum of 15 minutes. The Mayor has discretion to extend this time taking account of the degree of public interest in the issue, the level of support given to the Petition and the number of elected members wishing to express their views on the subject.
- 22 The Council accepts that it will not normally be sufficient for such a meeting merely to 'take note' of the Petition and that there should be a decision taken as to what other steps (including but not restricted to the actions specified in Paragraph 4) should also be taken as a response.
- 23 Where the issue is one on which the Council's Executive (Cabinet) is required to make the final decision the Council will decide whether to make recommendations to inform that decision.
- 24 The Petition Organiser will normally be notified of the decision taken at the Council meeting within 5 working days of the meeting.

**F. OFFICER EVIDENCE – 750 SIGNATURES**

- 25 Petitions may request that a Lead Member or Senior Council Officer be required to appear and give evidence on an issue for which he or she is responsible as part of their job. If such a Petition has, or acquires 750 valid signatures, the relevant senior officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee, though the Council reserves the right to substitute a more appropriate officer for the name referred to in the Petition.
- 26 Officers who may be called to give evidence in this way as a result of a Petition are the Chief Executive and Directors or their nominees. ~~The Overview and Scrutiny Committee may also decide to call the relevant Commissioner to attend the meeting.~~
- 27 If in the opinion of the Council, an issue raised in a petition seeking to call a Senior Officer to account would be better considered through the attendance of relevant Senior Officers from a Partner Authority, the Council may, at its discretion request that such an individual be invited to give evidence to the Overview and Scrutiny Committee,
- 28 The Petition Organiser will be given reasonable notice of the meeting, and will be able to address the Committee for up to 5 minutes. There is no right to question the officer directly – this would be at the discretion of the Chair. Although able to attend, will not normally be able to participate in the meeting. The meeting Chairperson will normally be prepared to consider suggested lines of questioning from the Petition Organiser or Signatories and these would need to be notified to the Head of Democratic Services up to three working days before the meeting.
- 29 The Statutory Scrutiny Officer~~Head of Democratic Services~~, in consultation with the Chief Executive and/or relevant Director will prepare a report detailing the subject of the petition. Following the meeting the Committee will prepare a report and/or make recommendations. These will be sent to the Authority Chief Executive and to the Leader of the Council, and a copy sent to the Petition Organiser. Unless the issue raises matters of confidentiality, the Council will normally publish this document on the Council's website.

**G. FORMAL RESPONSE**

- 30 At the end of the process of considering a Petition, the relevant Director (or nominated officer) will write to the Petition Organiser with a formal response. This communication will normally outline the steps taken by the Council to consider the issue and will refer to the involvement (where applicable) of the Authority's elected members.
- 31 This Formal Response will be despatched within one month of receipt or submission of a Petition if possible but no later than ~~nt~~ 90 days, and a copy will be published on the Council's website and included in the monthly Significant Decision schedule to Members.

**H. REVIEWING THE RESULTS**

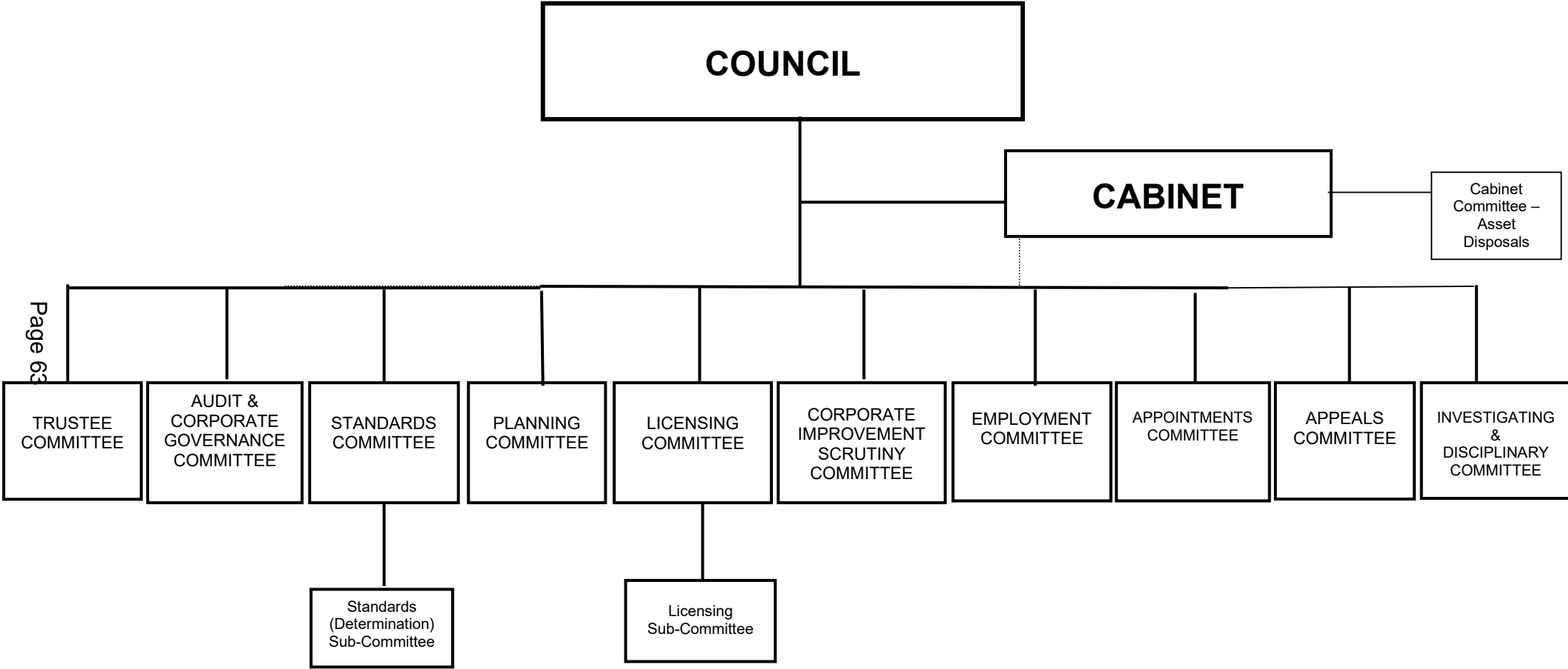
- 32 If a Petition Organiser is not satisfied with the Council's response to the Petition, he or she may request a Review. Such a request should be made in writing within 28 days of the despatch of the Formal Response to the Petition Organiser and should give a short explanation of the reasons why the Council's response is not considered to be adequate.
- 33 Upon receipt of such a Request the ~~Statutory Scrutiny Officer~~~~Head of Democratic Services~~ will identify a Reviewing Officer from among Senior Officers at the Council. This Officer will be given wide scope to reconsider whether the Authority should, in all the circumstances take additional steps to respond to the Petition. This will normally include reference to the Overview & Scrutiny Committee which will itself consider the adequacy of the initial response.
- 34 On some occasions, such as where the initial response took the form of the Overview & Scrutiny Committee's taking evidence from a Senior Officer it may be inappropriate for the same Committee to review the issue. The ~~Statutory Scrutiny Officer~~~~Head of Democratic Services~~ will ensure that a suitable alternative process is followed to engage elected members in reviewing the petition.
- 35 At the end of the process of reviewing the Petition the Council's Chief Executive will formally write to the Petition Organiser to inform him or her of the results of the Review. This communication will normally outline the process followed to establish whether the initial response had been adequate and outline any additional steps taken by the Council as part of the Review. It will also refer to the involvement (where applicable) of the Authority's elected members. The letter will also identify the Reviewing Officer who handled the issue and highlight his or her involvement where appropriate. This Review Response will normally be despatched within 28 days of receipt or the request for Review and a copy will be published both on the Council website.

**I. REPORTING**

- 36 The Council will prepare an Annual Summary detailing all petitions submitted under this Scheme, the signatures each attracted, and the Council's response to each. This Report will be presented to the Overview & Scrutiny Committee each year and published on the Council's website. A list of petitions submitted under the Scheme will also be included in the Members' Weekly bulletin.



# Part 3.2 Committee Structure



Page 63

Note – the Council also appoints to a number of panels and other bodies such as SACRE, Corporate Parenting Panel etc.

## Part 3.4 Responsibility for Council Functions

TABLE 2

Body Responsible	Functions	Delegation of Functions
Council	1. The functions specified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)- Schedule 2 (Local Choice Functions) to be the responsibility of the Council are set out in Table 1	<u>Delegated in accordance with Officer Scheme of Delegation.</u>
	2. Approval of and any amendment to the Constitution or any part thereof.	Not Delegated
	<del>3. Suspension of any of the Rules of the Constitution.</del>	<del>Not Delegated</del>
	<u>3. Appointment of the Mayor</u>	<u>Not Delegated</u>
	4. Approval of the Policy <del>and Financial</del> Framework <u>and Budget</u> of the Council and any amendment to the framework strategies or plans therein.	Not Delegated
	5. The approval <u>of any application to the</u> <del>or adoption of applications to the</del> Secretary of State <u>in respect of any consent under s.32 of s.43 of the Housing Act 1985.</u> <del>for approval of a programme of disposal of properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.</del>	Not Delegated
	<u>6. Matters incapable of being delegated by law.</u>	Not Delegated
	<del>6.7. Making, amending, revoking, re-enacting or enforcing byelaw. (e.g. objection to or support of a Government Bill, Statutory Orders, The making of by-laws, appropriation and or disposal of allotment and public open space land etc.).</del>	<u>Not Delegated</u>
	<del>7. Consideration and approval of recommendations from the Cabinet for revenue and capital supplementary estimates.</del>	Not Delegated
	<u>8. Confirming the appointment and dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer.</u>	Not Delegated
<del>8. Consideration and approval of recommendations from the Cabinet for revenue budget virement between approved budget heads of expenditure in excess of £500,000 in any one case or in</del>	Not Delegated	

APPENDIX 3 - PART 3: RESPONSIBILITY FOR FUNCTIONS

	<p><del>aggregate in any year or approval of allocation of funds from reserves or from windfall receipts.</del></p> <p><u>9. Deciding on composition of committees of the Council and making appointments to them.</u></p> <p><u>9-10. Approving the Scheme for Members' Allowances.</u></p> <p><u>11. Matters relating to electoral or electoral boundary reforms and to local referendums.</u></p> <p><u>10-12. Decisions to contract out and revoke contracting out of functions pursuant to an order under s.70 of the Deregulation and Contracting Out Act 1994 where the function is not an executive function.</u></p>	<p><u>Not Delegated</u></p> <p>Not Delegated</p> <p><u>Not Delegated</u></p>
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APPENDIX 3 - PART 3: RESPONSIBILITY FOR FUNCTIONS

Body Responsible	Functions	Delegation of Functions
	<p><del>11. Proposals for the reorganisation of, or transfer between, statutory bodies.</del></p> <p><del>12-13. To consider and determine any matters of the Audit &amp; Corporate Governance Committee which have not been delegated.</del></p> <p><del>14. Approval of the Scheme of Members' Allowances.</del></p> <p><del>15. Confirmation of the appointment, responsibilities and terms and conditions of the Council Chief Executive and Directors.</del></p> <p>14. Receiving reports from the Council's Head of Paid Service, Monitoring Officer or Section 151 Officer in pursuance of their statutory responsibilities or on matters which they consider should be referred to the full Council's for consideration.</p> <p><del>16. Functions relating to name and status of areas and individuals, including changing name of the borough, a parish, conferring title of honorary alderman and freeman.</del></p> <p><del>17-15. To authorise payments or other benefits under Section 92, Local Government Act 2000 (maladministration).</del></p> <p><del>19. Make arrangements for the discharge of functions by a Committee or Officer.</del></p> <p><del>20. To make appointments of Committees under Section 102, Local Government Act 1972.</del></p>	<p>Not Delegated</p> <p><del>Not Delegated</del></p> <p><del>Not Delegated</del></p> <p><del>Confirmation of appointment of Directors can be delegated to Employment Committee by the Council.</del></p> <p>Not Delegated</p> <p><del>Not Delegated</del></p> <p><del>Directors provided within delegated budget.</del></p> <p><del>Not Delegated</del></p> <p><del>Not Delegated</del></p>
<p>Planning Committee (9 Members of the Authority) No Executive Member other than Lead Member for Neighbourhoods and Renewal</p>	<p>1 To exercise the powers and duties of the Council under the provisions of Parts III and IV of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990, except the making of Revocation, Modification and Discontinuance Orders and Agreements relating to development or the use of land (Sections 97, 99, 102 and 106 of the Town and Country Planning Act 1990) where any payment by the Council is involved.</p>	<p>1-710 (inclusive) Most Operational aspects fall to be dealt with by Officers under the Scheme of Delegation.</p>

APPENDIX 3 - PART 3: RESPONSIBILITY FOR FUNCTIONS

Not Mayor	2 To exercise the provisions of the Building Act 1984 and supporting Building Regulations with regard to the regulation of buildings, and to deal with plans and drawings submitted in connection therewith.	
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Body Responsible	Functions	Delegation of Functions
	<p>3 To authorise the issue and service of Stop Notices to support Enforcement Notice proceedings.</p> <p>4 To consider “special urgency” applications which require a reply within 14 days, and to take appropriate action arising from planning applications submitted by government departments under Department of the Environment Circular 18/84 (Crown Land and Crown Development).</p> <p>5 To consider published planning policy guidance (PPG’s) and circulars/white papers etc for adoption subject to any issue of local policy being referred to the Council for determination.</p> <p><del>6 To consider the local statutory development plan and non-statutory planning policy guidance for information.</del></p> <p><del>7 To receive petitions in accordance with the Council Procedure Rules.</del></p> <p><del>8 To agree consultation responses on Technical Planning Policy Issues.</del></p> <p><del>9 Approval of Technical Non-Statutory Planning Guidance (e.g. development control guidelines).</del></p> <p><u>106</u> Confirmation of orders under Sections 198 and 201 of the Town and Country Planning Act 1990 for the preservation of trees in the Borough, where objections have been received.</p> <p><u>117</u> To exercise the functions contained within Part 8 of the Anti Social Behaviour Act 2003 relating to High Hedges.</p>	

APPENDIX 3 - PART 3: RESPONSIBILITY FOR FUNCTIONS

<p>Licensing Committee (11 Members of the Authority) No Executive Member other than the Lead Member(s) with responsibility for Licensing functions. Not the Mayor</p>	<ol style="list-style-type: none"> <li>1. <u>To consider all matters which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council or reserved to Council.</u></li> <li>2. <u>To carry out functions in relation to health and safety, except where this relates to the Council in its capacity as employer.</u></li> <li>3. <u>To determine all functions not reserved to Full Council in connection with:</u> <ul style="list-style-type: none"> <li>• <u>Private hire and hackney carriages, including where individuals have been convicted of offences, there is other cause for concern about suitability or officers consider it appropriate to refer the matter to the committee.</u></li> <li>• <u>Setting conditions, fares and fees and charges for private hire and hackney carriage licensing.</u></li> <li>• <u>Licensing Act 2003.</u></li> <li>• <u>Gambling Act 2005.</u></li> <li>• <u>Food safety and control</u></li> <li>• <u>Animal health, welfare, safety and control</u></li> <li>• <u>Other licensing and registration functions including caravan site licences, markets and street trading, scrap yards, sports grounds, special treatments and sex establishments.</u></li> </ul> </li> <li>4. <u>To approve policy and fees and charges for the above functions where these are not executive functions or reserved to Council.</u></li> </ol> <ol style="list-style-type: none"> <li>1. <del>To determine annually the number and allocation of Hackney Carriages.</del></li> <li>2. <del>Within the Policy Framework agreed by the Council to determine operational guidelines on Taxi Licensing.</del></li> </ol>	<p><del>4-Functions can be delegated in accordance with agreed policy. 11 (inclusive)</del></p> <p><u>A Licensing Hearing Sub Committee will be appointed to hear licensing applications referred to Committee.</u></p> <p><del>Most Operational aspects fall to be dealt with by Officers under the Scheme of Delegation.</del></p>
<p><b>Body Responsible</b></p>	<p><b>Functions</b></p>	<p><b>Delegation of Functions</b></p>

	<p><del>3. To consider and determine applications for licences for Private Hire Vehicles, operators and drivers and Hackney Carriage drivers where (1) the individuals involved have been convicted of traffic or other offences (2) Where the CRB checks on an individual gives cause for concern with regard to their suitability as a fit and proper person to hold such a license (3) in any other special circumstances where the Officers consider it appropriate to refer the matter to the Committee.</del></p> <p><del>4. To exercise the functions of the Licensing Act 2003.</del></p> <p><del>5. To exercise the functions of the Gambling Act 2005.</del></p> <p><del>To determine conditions of licences; set fares and charges; and to determine the extent of delegation to Officers regarding the issue or suspension of licences under Part II of the Local Government (Miscellaneous Provisions) Act 1976 relating to Hackney Carriages and Private Hire Vehicles and to authorise enforcement action.</del></p> <p><del>7. To hear and determine any appeal against a decision of the Director for Adults and Communities taken under delegated powers to refuse an application for approval of premises or to revoke any approval previously granted under the Marriage Act 1994.</del></p> <p><del>To consider and determine applications for the exhibition of films which have not been allocated a film category by the British Board of Film Classification.</del></p> <p><del>To determine such other licensing appeals or other licensing matters referred by the Officers from time to time including but not restricted to:</del></p> <p><del>Private Places of Entertainment Public Entertainment Sex Establishments Street Trading.</del></p>	<p><del>A Licensing Hearing Sub Committee will be appointed to hear licensing applications referred to Committee.</del></p>
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Body Responsible	Functions	Delegation of Functions
	<p><del>10. To consider any issues of major new policy with regard to licensing matters and to make recommendations thereon to the Council.</del></p> <p><del>Health and Safety at Work Regulatory Matters.</del></p> <p><del>Regulatory functions in respect of control of pollution (air, water and land); statutory nuisances and other environmental protection functions.</del></p> <p><del>13. To receive petitions in accordance with the Council Procedure Rules.</del></p>	
<p>Employment <del>Committee and Appeals Committee</del> (9 -Members of the Authority)</p> <p><del>Must include at least one Member of the Executive. Not the Mayor</del></p>	<p><del>4. To be responsible for all the functions relating to the Council’s responsibilities as an employer and for Local Government Pensions.</del></p> <p><del>1. To determine (or make recommendation to the Council in regard to the appointment of the Head of the Paid Service) matters relating to the appointment, conditions of service and discipline of Chief Officers and Deputy Chief Officers in accordance with the Council’s Officer Employment Procedure Rules, with the exception of those functions that are the responsibility of the Investigating and Disciplinary Committee (for statutory governance officers), the Appointments Committee or the Appeals Committee.</del></p> <p><del>2. To make recommendations to Full Council on roles over £100,000 and pay policy.-</del></p>	<p>Staffing matters generally are dealt with by Officers under the Scheme of Delegation</p>
	<p>3. To consider and agree reports on major changes in Human Resource Management and to monitor performance in the following areas:</p> <ul style="list-style-type: none"> <li>• HR Policies and Practices</li> <li>• Equal Opportunities and Diversity in Employment</li> <li>• Workforce Planning and Monitoring</li> <li>• Learning and Development</li> <li>• Communication and Consultation</li> <li>• Employee Well Being</li> <li>• Risk, Health and Safety Management</li> </ul>	<p><del>An Appeals Sub-Committee will be appointed to hear appeals under 4.</del></p>



APPENDIX 3 - PART 3: RESPONSIBILITY FOR FUNCTIONS

Body Responsible	Functions	Delegation of Functions
	<p><del>4. To consider and determine appeals:</del></p> <ul style="list-style-type: none"> <li><del>• Against refusal by the Local Education Authority of applications for Home to School transport which do not fall within the LEA's policy for provision of such transport.</del></li> <li><del>• Complaints about the School Curriculum and collective worship.</del></li> <li><del>• Requests for the allocation of accommodation outside the Council's approved policies on referral by the Officers or by three Members of the Council.</del></li> <li><del>• Appeals under the Statutory Provisions relating to nurseries, playgroups, child minders and Residential Homes.</del></li> <li><del>• Against refusal by the Authority of application for Local Council Tax Discount.</del></li> <li><del>• In accordance with Section 17(3) of the Health &amp; Social Services and Social Security Adjudication Act 1983.</del></li> </ul>	
<p><u>Appointments Committee</u></p> <p><u>Must include at least one member of the Cabinet</u></p>	<p><u>An Appointments Committee will be convened to make decisions (chief officers with exception of statutory governance officers) and recommendations to Council (Head of Paid Service, Chief Finance Officer/s.151 officer, Monitoring Officer) on appointment of chief officers.</u></p>	<p><u>Temporary arrangements may be determined by chief executive in accordance with Part 4.7 Officer Employment Procedure Rules.</u></p>
<p>Investigating and Disciplinary Committee IDC (5 Members of the Authority)</p> <p>Only one member of the Cabinet (not the Leader or Cabinet Member with responsibility for Human Resources or Finance)</p>	<p>To act in accordance with the Disciplinary Procedure for the Statutory Governance Officers and the Council's Officer Employment Procedure Rules.</p>	<p><u>In urgent circumstances short term suspension decisions can be made as set out in Part 3.6 Officer Scheme of Delegation and Part 4.7 Officer Employment Procedure Rules.</u></p>

<p><u>Appeals Committee</u></p> <p><u>(5 Members of the Authority)</u></p> <p><u>Only one member of the Cabinet (not the Leader or Cabinet Member with responsibility for Human Resources or Finance)</u></p> <p><u>Not a member of the IDC</u></p>	<p><u>To act in accordance with the Disciplinary Procedure for the Statutory Governance Officers and in accordance with the Council's Officer Employment Procedure Rules and HR policies.</u></p>	
<p>Trustee Committee</p> <p>7 members nominated by the Council chosen having regard to skills or interest in Property, Finance, Charity Law, Compliance or sector expertise e.g. education, health, recreation.</p>	<p>Act as corporate trustee in respect of all assets held by the Council as charitable trustee</p> <p>Make decisions in respect of those assets in the best interests of the relevant charity</p> <p>Ensure strict compliance with the relevant Trust document.</p> <p>Act in the best interests of the Charity when making decisions in respect of that charity</p> <p>Exercise reasonable skill and care when acting on behalf of the Council in discharging its duties as corporate trustee.</p> <p>Ensure that professional advice is sought when necessary and as appropriate with regard to buying and selling charity land</p> <p>Ensure Adherence to statutory accounting and reporting requirements.</p>	

APPENDIX 3 - PART 3: RESPONSIBILITY FOR FUNCTIONS

Body Responsible	Functions	Delegation of Functions
<p><del>Appeals Committee</del></p> <p><del>(5 Members of the Authority)</del></p> <p><del>Only one member of the Cabinet (not the Leader or Cabinet Member with responsibility for Human Resources or Finance)</del></p> <p><del>Not a member of the IDC</del></p>	<p><del>To act in accordance with the Disciplinary Procedure for the Statutory Governance Officers and the Council's Officer Employment Procedure Rules.</del></p>	

## **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 of Finance and Commercial

Executive Director of Housing, Planning and Property

Executive Director of People (Adults)

Executive Director of People (Children)

Executive Director of Place and Communities

Executive Director of Strategy and Improvement

Monitoring Officer

## 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. In the absence of the proper officer function being listed, it is deemed to be exercisable by the chief officer with responsibility for the function.

**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 an 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 or use the Leader's Action procedure as set out in Part 4.4 – Executive Procedure Rules
- whether it is appropriate to refer the matter to a member meeting following the action
- compliance with the significant officer decision procedure set out below.

#### **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.

## **1.6 Significant Officer Decisions**

For certain significant officer decisions, to ensure transparency, a written record will be made and published on the Council's website. Officers are responsible for preparing the written record as soon as reasonably practicable after any significant officer decision. The record will include the decision, date it was made, reasons for the decision, details of any alternative options considered and rejected and where a specific delegation has been given, the names of any member of the relevant committee/cabinet who has declared a conflict of interest. Decisions that are deemed to be key decisions as defined in Article 13 are reserved to Cabinet and should only be made by an officer if the urgency procedures have been followed.

1. Tenders/Contracts over £50,000 or 'politically sensitive' excluding individual social services care packages and school placements.
2. Write-off of individual debts between £5,000 and £15,000.
3. Decisions arising from external report on significant Health and Safety at Work Act risk.
4. Compulsory Purchase Orders if under delegated authority.
5. Other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.
6. Appointments to casual vacancies on committees, sub-committees, Panels, and outside bodies
7. Decisions that grant a permission or licence or otherwise affect the rights of an individual and are not otherwise publicly recorded in accordance with other statutory requirements.
7. Specific decisions that have been delegated to a particular officer by resolution at a Cabinet meeting to be taken following consultation with the relevant Cabinet Member or be resolution of a committee or sub-committee of the Council.



**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) - this list is not exhaustive and the proper officer functions not specifically referred to will be designated to the chief officer managing the relevant service.**

<b>Post</b>	<b>Designation</b>	<b>Function</b>
Chief Executive	Electoral Registration Officer and other proper officer election functions	Section 8 - Representation of the People Act 1983 Section 82 – 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
Head of Governance and Scrutiny	Scrutiny Officer	Section 31 – Local Democracy, Economic Development and Construction Act 2009
Head of Virtual School, Slough Children First Ltd.	Virtual School Head	Section 22 Children Act 1989
ICT and Digital Service Manager	Data Protection Officer	GDPR
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 and associated legislation
Monitoring Officer	RIPA Responsible Officer for register of authorisations	Section 28 and 29 of the Regulation of Investigatory Powers Act 2000

**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 4.7 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 relevant member panel.

**Executive Director – Finance and Commercial**

Functions in relation to:

Finance  
 Audit, risk and anti-fraud  
 Revenue and benefits  
 Procurement and commercial services

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 4.7 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 relevant member panel.

**Executive Director – Housing, Planning and Property**

Functions in relation to:

Housing needs  
 Tenant and leaseholder services  
 Housing allocations and social lettings  
 Planning services  
 Property asset management  
 Regeneration development and delivery

**Executive Director – People (Adults)**

Functions in relation to:

Adult social care operations  
 Adult social care commissioning  
 Mental health  
 Public health

**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 and Communities**

Functions in relation to:

Cemeteries and crematoriums  
 Community safety  
 Transport and highway planning  
 Regulatory services  
 Community services, including registrars, leisure and libraries

**Executive Director of Strategy and Improvement**

Functions in relation to:

Human Resources  
 Communications  
 Data and insight  
 Business support  
 Customer services  
 Information governance  
 ICT  
 Programme management and transformation

**Monitoring Officer**

Functions in relation to:

Democratic governance  
 Scrutiny  
 Elections and electoral registration

Legal services
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<p>Following consultation with the Leader and Leader of the Opposition and the Chief Finance 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 4.7 of the constitution.</p>
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<p>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 relevant member panel.</p>
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**CABINET PORTFOLIOS**

APPENDIX 3 - PART 3 - RESPONSIBILITY FOR FUNCTIONS			
Leader - Council Recovery, Forward Strategy & Economic Development	Deputy Leader - Housing & Planning	Customer Services, Procurement & Performance	Leisure, Culture & Community Empowerment
<ul style="list-style-type: none"> <li>• Council Forward Strategies</li> <li>• Council Communications</li> <li>• Legal, Democratic &amp; Member Services</li> <li>• Council Constitution, Policy &amp; Scrutiny Support</li> <li>• Local Government Relationships</li> <li>• SBC Forward Plans (incl. Strategic Recovery/Improvement Plan)</li> <li>• Economic Development &amp; Inward Investment</li> <li>• (Including relationship with Thames Valley Berkshire LEP)</li> </ul>	<ul style="list-style-type: none"> <li>• Homelessness Prevention &amp; Rough Sleeping</li> <li>• Social &amp; Affordable Housing Supply</li> <li>• SBC Housing Companies (operational/housing matters)</li> <li>• Housing Repairs Services &amp; Estate Management</li> <li>• Private Sector Housing Regulation/standards</li> <li>• Council-Managed Neighbourhood Shopping Parades</li> <li>• Town Centre Management and ‘Meanwhile’ Uses</li> <li>• Regional &amp; Sub-Regional Plans</li> <li>• Planning &amp; Development Management</li> <li>• Slough Local Plan Preparation &amp; Place Strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Human Resources</li> <li>• Organisational Development</li> <li>• Performance Management &amp; Reporting</li> <li>• Resident &amp; Customer Services</li> <li>• SBC Service recovery</li> <li>• Development of Digital Services &amp; Digital Inclusion</li> <li>• IT &amp; e-government</li> <li>• Procurement</li> </ul>	<ul style="list-style-type: none"> <li>• Leisure &amp; Sports Facilities, Sports Development</li> <li>• Community Centres, Halls &amp; Facilities (operations)</li> <li>• Community Cohesion &amp; Faith Partnerships</li> <li>• Community Events &amp; Engagement</li> <li>• Arts &amp; Cultural Strategies</li> <li>• Equalities</li> <li>• Partnerships with the Voluntary, Community/Charitable Sector &amp; Social Enterprises</li> </ul>
Financial Oversight & Council Assets	Public Protection, Regulation & Enforcement	Children’s Services, Lifelong Learning & Skills	Transport & The Local Environment
<ul style="list-style-type: none"> <li>• Budget Strategy &amp; Financial Planning</li> <li>• Financial Governance &amp; Oversight</li> <li>• Financial Recovery Planning</li> <li>• Fraud Prevention &amp; Counter-Fraud Activity</li> <li>• Corporate Landlord Function</li> <li>• Capital Programme</li> <li>• Council Asset Planning &amp; Asset Disposals</li> <li>• Commercial Companies and SBC Investments</li> <li>• Corporate Accounts (Including SBC Companies)</li> <li>• Audit (including Relationship with External Auditors)</li> </ul>	<ul style="list-style-type: none"> <li>• Consumer Protection, Trading Standards &amp; Food Safety</li> <li>• Enforcement Services</li> <li>• Overall Responsibility for Licensing Services</li> <li>• Coroner, Crematorium &amp; Registrar</li> <li>• Building Control/Building Regulations</li> <li>• Emergency Planning</li> <li>• ASB, Community Safety, Crime Reduction, Prevent</li> <li>• Relationship with the Police</li> <li>• Fire Safety and relationship with the Fire Service</li> </ul>	<ul style="list-style-type: none"> <li>• Education &amp; School Improvement</li> <li>• Early Years &amp; SEND services</li> <li>• School Admissions. School Places &amp; Pupil Attendance</li> <li>• Corporate Parenting, Foster Care, Adoption</li> <li>• Youth Engagement</li> <li>• Children’s Centres, Nurseries, Play Strategy</li> <li>• Children &amp; Young People’s Safeguarding</li> <li>• Early Intervention</li> <li>• Unaccompanied Asylum Seekers</li> <li>• Slough Children’s Company (Slough Children First)</li> <li>• Library Service, Careers Services and Lifelong Learning Skills Training and Apprenticeships</li> </ul>	<ul style="list-style-type: none"> <li>• Public Transport &amp; Active Travel</li> <li>• Council Fleet Management &amp; Future Transport Planning</li> <li>• Taxi &amp; Minicab Licensing</li> <li>• Cycling &amp; Walking Strategies &amp; Plans</li> <li>• Relationships with Bus &amp; Rail Operators</li> <li>• Surface Access to Heathrow Airport</li> <li>• Highway Maintenance/Street-works &amp; Street-lighting</li> <li>• Parks, Open Spaces &amp; Allotments</li> <li>• Grounds Maintenance &amp; Public Realm Standards</li> <li>• Air Quality, Climate Change &amp; Flood Prevention</li> <li>• Waste Management/Refuse Collection/Recycling</li> <li>• Energy Efficiency &amp; Decarbonisation</li> </ul>
Social Care and Public Health			
<ul style="list-style-type: none"> <li>• Adult Social &amp; Community Care</li> <li>• Older People’s Services</li> <li>• Adult Safeguarding</li> <li>• Disabilities &amp; Careline</li> <li>• Mental Health</li> <li>• Substance Misuse Services</li> <li>• Prevention &amp; Public Health</li> <li>• Health &amp; Wellbeing Partnerships</li> <li>• Relationships with NHS &amp; Ambulance Services</li> </ul>			

Page 87

## Part 3.8 Appeals Panels and Other Bodies

### INDEX

1. Slough Standing Advisory Council on Religious Education (SACRE)
2. Corporate Parenting Panel
- ~~3. School Admission and Exclusion Appeals Panels~~
4. Slough Local Access Forum (LAF)
- ~~5. Social Services Complaints Review Panel~~

# **1. SLOUGH STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE)**

**1.0** The SACRE is established in accordance with the Education Act 1996. Section 11 of the Education Reform Act 1988 (as amended by Section 255 of the Education Act 1993) by Slough Borough Council acting as Local Education Authority.

## **2.0 Membership**

**2.1** The Members of the SACRE shall be appointed by the Authority so that they shall represent the following groups. The Council shall take all reasonable steps to assure itself that an individual appointed to represent any religion, denomination or association is representative of the same.

Committee 1 – Christian denominations (except the Church of England) and other religions (12)

- The Free Churches (1)
- The Black Free Churches (1)
- The Roman Catholic Church (1)
- Hinduism (1)
- Islam (4)
- Judaism (1)
- Sikhism (2)
- Baha'is (1)

Committee 2 – The Church of England (4)

Committee 3 – Teachers -(representing Primary, Secondary and Special Schools –(6)

Committee 4 – The Authority (5)

**2.2** Committee 4 shall be subject to the proportionality requirements of the Local Government and Housing Act 1989.

**2.3** No Member appointed to the Cabinet shall be appointed to the SACRE.

The SACRE shall be appointed by the Council.

**2.4** Members of the SACRE shall serve from the date of their appointment for a term of three years or until their successors are appointed by the Council Authority. They shall be eligible for reappointment after each term for a further term by consultation, if necessary, with the group which they represent. This shall also apply to any co-opted members who may be appointed. The Council may remove any individual if, in its opinion, the individual ceases to be representative of the religion, denomination or association which they were appointed to represent or where appointed to Committee 4, a member of the Council.

2.5 Where a nominated representative fails to attend three consecutive meetings of the SACRE and fails to give their apologies s/he, shall cease to be a member of the SACRE and the nominating body shall be invited to nominate another representative provided that:

- (a) the Clerk to the SACRE has advised the member in writing of the provision of this clause following the second missed meeting and at least a 10 working days before the third meeting.
- (b) SACRE does not decide to disapply this rule for reasons of extenuating circumstances.

### 3.0 Terms of Reference

~~3.1~~ In accordance with Section ~~390 and 391 of the Education Act 1996 41 of the Education Reform Act 1988 (as amended by Section 255 of the Education Act 1993)~~ to advise the Council on

~~(a)~~ such matters connected with religious worship in community or foundation schools which do not have a religious character and the religious education to be given in accordance with an agreed or other syllabus as the authority may refer to it or as it may see fit.

To advise, in particular, on methods of teaching, the choice of materials and the provision of training for teachers.

~~3.2~~ On application made by a Head Teacher of any community or foundation Slough school not designated as having a religious character, after consultation with the governing body to consider whether it is appropriate for the requirement for Christian collective worship to apply in the case of that school, or in the case of any class or description of pupils at that school. ~~The SACRE shall arrive at its decision and communicate it to the Head Teacher in accordance with the provisions of Section 12 of the Education Reform Act 1988. SACRE shall give the Head Teacher written notification of its decision.~~

~~3.33.2~~ The representative groups on the SACRE other than that representing the authority may at any time require a review of any agreed syllabus for the time being adopted by the authority.

~~3.43.3~~ The SACRE shall each year ~~publish a report on its proceedings and those of its representative groups, the report to specify any matters on which the SACRE has given advice to the authority and the reasons for offering that advice.~~

~~The SACRE shall take any action assigned to it by the authority in relation to the consideration and disposal of any complaint concerning worship or religious education in compliance with Section 23 of the Education Reform Act 1988.~~

~~3.53.4~~ On any question to be decided by SACRE, each of the four committee groups set out above are entitled to one single vote.

## 2 Corporate Parenting Panel

~~Slough Borough Council – Terms of Reference 2020/21.~~

## Purpose of the Corporate Parenting Panel

- 1.1 The Corporate Parenting Panel assists the Council to fulfil its legal obligations and responsibilities towards looked after children and care experienced young people children leaving care, under the Children Act 1989 and associated legislation and Children (Leaving Care) Act 2000, including the corporate parenting principles set out. The role of local authorities and the seven key Corporate Parenting Principles are set out in section 1 of the Children and Social Work Act 2017.
- 1.2 The Corporate Parenting Panel (the 'Panel') is a collaborative forum. It is not a decision-making body of private meeting of Slough Borough Council. Its role is to (SBC), and advise the Lead Member for Children's Services and other elected member bodies on how to ~~acts strategically to ensure that all councillors demonstrate their commitment to~~ deliver better outcomes for children and young people in care and care experienced young people care leavers.
- 1.3 In particular this includes ensuring the Council and its relevant partners comply with the corporate parenting principles:
- ~~High quality care, nurturing supportive and meaningful relationships that encourage their growth of self-esteem, confidence and resilience; enabling young people to cope with change and difficult times~~
  - ~~The highest standard of education which is consistent with the needs and abilities of the child~~
  - ~~Opportunities and encouragement for self-development and keeping fit and healthy~~
  - ~~Encouragement to take up hobbies, acquiring life skills and being a good citizen~~
  - ~~Opportunities for education, employment and training, including open days and work placements and apprenticeships~~
  - ~~Assistance with the transition from care to looking after themselves, including the provision of suitable accommodation~~
  - to act in the best interests, and promote the physical and mental health and wellbeing, of those children and young people;
  - to encourage those children and young people to express their views, wishes and feelings;
  - to take into account the views, wishes and feelings of those children and young people;
  - to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
  - to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
  - for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
  - to prepare those children and young people for adulthood and independent living.

## 2. Responsibilities of the Corporate Parenting Panel

## 2.1 The Panel should:

- Champion and provide clear strategic and political direction in relation to corporate parenting
- ~~Ensure the needs of children and young people in care and their carers are prioritised and these are reflected in the pledge to Slough's children in care~~
- Support the development of a corporate parenting strategy and to monitor and review its implementation.
- Focus on improving outcomes for looked after children and care experienced young people.
- ~~Use the LGA's "10 questions to ask if you're scrutinising services for looked after children" to assess the effectiveness of the services provided to children and young people in care and care leavers~~
- To consider recommendations from internal and external inspections and reviews.
- To hear the voice of looked after children and care experienced young people, including involving them in meetings.
- ~~Receive regular reports on the level, range and quality of services provided to children and young people in care and care leavers, and identify areas for improvement~~
- ~~Receive regular reports of key performance and quality indicators (as set out in the corporate parenting scorecard) relating to in care, and identify areas for improvement~~
- ~~Engage with and support the work of the various Reach Out! (Children in Care Council) groups~~
- ~~Engage with and support the work of Reach Out And Review (ROAR)~~
- To monitor the education needs of care experienced children, promoting positive engagement of education partners in corporate parenting.
- To ensure the Council actively promotes opportunities for children looked after and care experienced young people across the whole Council
- To ensure that the voice and opinions of as wide a range of care experienced children and young people, including those with disabilities, are heard and that their views are used to co-produce services, shape policy and monitor performance.
- To advise the Lead Member for Children's Services, Cabinet and other relevant member bodies on issues relating to corporate parenting.
- To advise the Slough Children First board and other partners on issues relating to corporate parenting.
- To report annually to the Council on the work of the Panel.
- ~~Take account of the views of children, young people and their carers and involve them in the assessment and development of services~~
- ~~Champion the provision of dedicated, specialist council-based work placements and apprenticeships for young people in care~~
- ~~Promote achievement and acknowledge the aspirations of children and young people in care by supporting celebration events and activity days~~

- ~~• Meet with Ofsted inspectors (where appropriate) for their input into inspections~~
- ~~• Encourage members to participate in the Slough Fostering Panel~~
- ~~• Agree an annual work plan for the Panel, based on the Corporate Parenting Strategy priorities/pledge to looked after children~~
- ~~• Review membership of the Panel and the impact that it has had on the experiences and progress of children in care and care leavers~~
- ~~• Report formally on an annual basis to the council's Education and Children's Services Scrutiny Panel and cabinet/council where appropriate.~~

### **3.0 Membership**

3.1 Membership will be reviewed annually as follows:

- (a) For the council by the relevant political groups, at the commencement of each municipal year.

~~3.2 In order to avoid any potential conflicts of interests, the Chair of the Education and Children's Services Scrutiny Panel and the council's representatives on the SCST Board shall be prohibited from sitting on the Panel as members.~~

~~3.33.2~~ All seven elected member appointments to the Panel by the Council will be made on a politically proportionate basis.

### **3.43.3 Attendance at meetings**

~~Looked after children and care experienced young people and carers will be invited to attend meetings on a topic by topic basis and provided with opportunities to facilitate their involvement, including informal meetings to allow views to be sought and represented to the panel by members. In addition the Panel members are expected to attend events to meet relevant children and young people and people associated with corporate parenting responsibilities. Representatives of Children Looked After and Care Leavers will be invited to attend at the start of each meeting to present their Hot Topics or any matters the Panel seeks their views on.~~

### **Chairing the Panel**

~~3.53.4~~ The Panel shall elect a chair at its first meeting each municipal year.  
~~be chaired by the council's Cabinet Member for Children and Schools.~~

~~3.6~~ The Vice Chair shall be confirmed at the commencement of the municipal year Lead Member for Children's Services shall be entitled to attend the panel as a participating observer.

~~3.7~~  
~~Non-Councillor members~~

~~3.83.5~~ Non-voting members are required to attend all meetings, or to nominate a substitute in the event of their absence.

~~3.93.6~~ The ~~co-opted non-Councillor~~ members of the Panel shall be as follows:

- The council's Executive Director of People - Children, Learning and Skills
  - ~~Chief Executive, Slough Children First CST (if different to the Executive Director)~~
  - ~~At least one Non-Executive Director of SCST~~
  - ~~Head of Children Looked After Service – SCST~~
  - ~~Head of Care Leavers Service – SCST~~
  - ~~Director of Education~~
  - Foster carer
  - ~~Reach Out! Group representative~~
  - The council's Service lead for strategic housing services
  - Thames Valley Police representative (will attend when necessary)
  - Designated Nurse for Children in Care (~~East Berkshire Clinical Commissioning Group (CCG)~~)
  - Virtual School Headteacher – SCST
  - The council's ~~s~~Service lead for Communities and Leisure
- ~~\* The Looked After Children's Nurse is not a permanent member of the Panel but will be invited to attend meetings as and when appropriate.~~

The panel can elect to invite representatives of the children in care council, care experienced children and carers and other relevant representatives on a topic by topic basis or for the whole of a municipal year. Consideration should be given to a representative for specific groups of children and young people, for instance unaccompanied asylum-seeking children and children with disabilities.

#### 4.0 Operation of the Panel

##### Meetings

- 4.1 The Panel will meet a minimum of four times a year.
- 4.2 Each meeting of the Panel will be based on one or more of the key corporate parenting principles set out in the Children and Social Work Act 2017. themes within the Corporate Parenting Strategy (based on the Pledge), as agreed at the first meeting of each municipal year (see appendices 1 and 2).

##### ~~Administration~~

~~The agenda for each meeting shall be agreed by the council's Director of Children, Learning and Skills as part of the Panel's ongoing Forward Work Plan for the municipal year.~~

- ~~4.4 Administrative support will be provided by the council's Democratic Services team, who will arrange the meetings of the Panel; maintain the Forward Work plan and publish its agendas. The agreed agenda will be despatched by Democratic Services, at least five working days in advance of the meeting.~~
- ~~4.5 An officer from the council's Democratic Services team will be responsible for the minutes of the meeting and their subsequent~~



~~circulation.~~

~~4.64.3 Where possible the meetings should be available to view by the public, even if public attendance is not possible. Due to the nature of some of the work of the panel, some meetings are not held in public, however in these situation agenda papers and minutes should be made public where these do not disclose confidential information. The annual report must be published. Attendance at meetings and access to the minutes will be restricted to members of the Panel, as set out above.~~

~~4.7 Requests from non-members to view the minutes will be considered, based on the request fulfilling a valid 'need-to-know' requirement.~~

~~Accountability/Governance~~

~~4.8 The Panel will provide a child friendly response to the list of hot topics identified by Reach Out and Review members and discussed at their meetings. This summary will be provided within 14 working days of the meeting taking place.~~

~~4.94.4 The Panel will provide an annual report to the Council and has the right to report to Cabinet or other elected member forums such as overview and scrutiny. Education and Children's Services Scrutiny Panel setting out work to deliver the Corporate Parenting Strategy. This report will be presented by the Chair of the Panel.~~

~~Review~~

~~4.10 These terms of reference will be reviewed annually by the council's Director of Children, Learning and Skills and the Cabinet Member for Children and Schools.~~

~~4.11 Any revisions must be endorsed by the Panel and the Member Panel on the Constitution before being approved by full council.~~

### Appendix 1: Slough Corporate Parenting Strategy 2018 – 2020 (as of September 2018)

#### Priorities

Slough's Corporate Parenting Strategy 2018—2020 includes six priorities, which are based on Our Pledge: our promises to our looked after children (see Appendix 2)

Our children looked after and care leavers will be:

- 1) Supported by strong and effective corporate parenting
- 2) Enabled to reach their educational attainment
- 3) Encouraged to keep safe
- 4) Encouraged to develop positive relationships
- 5) Respected and engaged in planning for their future, and supported as they move into adulthood
- 6) Supported to have good health and wellbeing

### Appendix 2: Our Pledge: our promises to our looked after children in Slough (as of October 2018)

We will make sure that social workers take the time to get to know and understand you. We will make sure that social workers are friendlier and listen to you more.

We will help you to have the same social worker for a long time.

We will make sure that foster carers treat you the same as their own children, so there is no favouritism and give you the care and love that you need.

We will make sure you have access to and are provided with the right advice and support to ensure you are physically and emotionally healthy.

We will help you have a healthy diet (one of your 5 a day) and make sure you have opportunities to take part in activities that will keep you healthy.

We will help you to stay where you are living in that is what you want.

We will help you to get the best educational outcomes and have a computer to help support you with your education.

We will make sure you have the opportunity to take part in activities and hobbies.

We will help you to keep in touch with your friends and receive the right information about staying over at your friend's house.

We will help you to be involved in the decisions that are made about you and any decisions and plans that are made about your future.

We will help you to be involved in choosing your placement and to know more about where you are moving to, including being able to visit any new carers before you move.

We will ensure you receive the best advice and support about applying for college and university, applying for a job and for your future career.

We will help and support you to learn about budgeting, how to cook, clean and other independent living skills.

We will support you to find a place to live, that is safe and secure and is suitable for your needs. We will ensure we plan ahead to make sure that, together, we find the right place for you, when you move on from care.

We want to support you to have contact with your family and friends. If this is not possible we will tell you why.

~~We will offer you the support of an advocate or independent visitor if you feel that you are not being supported. Sometimes you may find it difficult to say what you want and you may want some support to put your views forward.  
We will listen if you have a complaint or would like to praise someone.  
We will make sure you can speak to someone who you trust about anything you are worried about, even at evenings and weekends.  
If we make a promise to you we will keep it.~~

### ~~3. SCHOOL ADMISSION AND EXCLUSION APPEALS PANELS~~

~~1.0 The Panels are established under the Education Act 1996 to give parents or guardians the right to appeal respectively against the decision of the Local Education Authority to refuse admission of a child to their preferred school or to permanently exclude a child from a school within the LEA's area.~~

#### ~~2.0 Membership~~

~~2.1 A pool of independent lay and teacher members is established to hear these appeals.~~

#### ~~3.0 Terms of Reference~~

~~3.1 As set out in the Education Act 1996 (Schedules 33 and 16 respectively).~~

## **4. SLOUGH LOCAL ACCESS FORUM (LAF)**

**1.0** The LAF is a statutory advisory forum set up in accordance with s.94 of the Countryside and Rights of Way Act 2000. It provides advice and guidance to the Borough Council, and any body exercising functions under Part 1 of the Countryside and Rights of Way Act 2000 and other prescribed bodies as to the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed by legislation. ~~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.~~

#### **2.0 Membership of the LAF**

**2.1** The LAF consists of no fewer than 10 and no more than 22 members. Where membership is not more than 16 members, no more than 2 may be members of the Council. Where membership is at least 17 members, no more than 3 may be members of the Council.

**2.2** The members of LAF must be persons who appear to the Council to be representative of users of local rights of way or rights of public in relation to access land, owners and occupiers of access land or land over which local rights of way subsist or any other interests especially relevant to the Council's area. A reasonable balance between the number of members who represent the interests of users of rights of way and those who represent owners or occupiers of land~~owners~~ will be maintained.

- 2.3 ~~Before appointing any members, the Council must advertise the vacancy in such local or regional newspapers as appropriate and on its website and consult such persons as they consider appropriate. This requirement does not apply to members of the Council appointed to the LAF. Members will act in the best interests of the people of Slough, and not through individual interest agendas.~~
- 2.4 A Chairperson and Vice-chairperson will be elected by the LAF from amongst those people appointed to be members. Their terms of office will be decided by the LAF, with a limit provided by the length of time that they were appointed to serve as members.
- ~~2.5 LAF members will be appointed by an appointments panel convened by the Borough Council. The panel will assess if candidates have sufficient experience of countryside access issues within Slough to be able to make an informed and constructive contribution to improving access provision.~~
- 2.6 Membership of the LAF will be regularly reviewed by the ~~Borough~~ Council, with formal reviews every 3 years. Each appointment of a member shall be for a period of 1 to 3 years, with the option of renewal on expiry in each case subject to compliance with regulations.
- 2.7 Members of the LAF must declare any direct or indirect interest in any matter being considered and must disclose the nature of the interest to the meeting.

### **3.0 Role and responsibilities of the LAF**

- 3.1 To advise relevant organisations, ~~especially the Borough Council,~~ on the improvement of public access to land in the area for the purposes of open-air recreation and enjoyment. In particular, to ~~have regard to ensure that such advice:~~

- ~~(a) the needs of land management,~~
- ~~(b) the desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area, and~~
- ~~(c) guidance given from time to time by the Secretary of State~~
  - ~~sets public rights of way and access to open countryside in a broad context, integrating provision for all forms of open-air recreation, transport, tourism, health and public information;~~
  - ~~considers provision for all users, and reflects the needs of local people;~~
  - ~~addresses the co-ordinated use of resources to deliver integrated recreational and access provision and management~~
  - ~~has regard to the needs of land management, the conservation of flora, fauna and geological and physiographical features, and government advice.~~

~~Specifically, the LAF will:~~

- ~~3.2 Work to improve the public rights of way network by:~~

- ~~commenting on proposals to change the network, where appropriate;~~

- ~~• commenting on the extent to which the network meets the present and likely future needs of the public;~~
- ~~• assisting with the production of the Borough's Rights of Way Improvement Plan;~~
- ~~• evaluating the results of public consultation on the draft Plan and any significant issues arising from it;~~
- ~~• commenting on any action plans that follow from the Improvement Plan and assisting with their implementation.~~

~~3.3 Assist with the implementation, management and review of the statutory right of open access to the countryside by providing advice to the Borough Council and the Countryside Agency.~~

~~3.4 Comment on national and local consultation documents relating to public rights of way or access to open countryside.~~

~~3.5 Provide input into relevant strategies and plans being developed by the Borough Council, such as the Community Strategy, Local Transport Plan, Local Plan, Walking Strategy, Cycling Strategy etc.~~

~~3.6 Liaise with neighbouring LAFs, and groups and agencies with an interest in access to land within the Borough, on matters of shared interest.~~

~~— The LAF will work to:~~

~~3.7 Develop a constructive and inclusive approach to the improvement of recreational access for the residents of and visitors to Slough.~~

~~3.8 Respect local circumstances and different interests while operating within national guidance.~~

~~3.9 Engage in constructive debate and seek consensus wherever possible; where this is not possible, make clear the nature of differing views and suggest how they might be resolved.~~

3.10 Seek specialist advice where needed and appropriate. The LAF must prepare an annual report on the discharge of its functions, which should be published by the Council on its website.

3.11 LAF meetings are open to the public, subject to powers of exclusion to prevent or suppress disorderly conduct or other misbehaviour, and advertised in advance.

3.12 Agendas and papers for the meetings will be available to the public at least 3 clear days before each meeting, except that when the meeting is convened at shorter notice, the agenda and papers will be open for inspection from the time that the meeting is convened.

## ~~5. SOCIAL SERVICES COMPLAINTS REVIEW PANEL~~

~~1.0 The Panel is required under the provisions of the NHS and Community Care Act 1990 and Children Act 1989.~~

**2.0 Membership**

~~2.1 The Panel comprises three people – two independent persons (one of whom chairs the Panel) and one Member of the Council.~~

~~2.2 The Council appoints named deputies for the Council Member on the Panel.~~

**3.0 Terms of Reference**

~~3.1 To consider and make recommendations to the Director of Social Services in accordance with the provisions of National Health Service and Community Care Act 1990 and Children Act 1989 in respect of representations and complaints about the discharge or failure to discharge any Social Services function.~~

## Part 4.2 Access to Information Procedure Rules

### 1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committee/Panels, the Audit and Corporate Governance Committee, Regulatory Committees, public meetings of the Executive (together called meetings).

### 2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law, in particular the public may have additional rights of access to information under the Freedom of Information Act 2000 and/or ~~data protection legislation~~ ~~the Data Protection Act 1998~~.

### 3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

### 4. NOTICE OF MEETING

The Council will give at least five clear working days notice of any meeting by posting details of the meeting at ~~Observatory House, Windsor Road, Slough~~ ~~St Martins Place, 51 Bath Road, Slough SL1 3UF~~ [the designated office] and on its website at Slough.gov.uk unless the meeting is called at shorter notice in accordance with the Provisions of the Local Government Act 1972.

### 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at ~~Observatory House~~ ~~St Martins Place~~ and on its website at least five clear working days before the meeting (Subject to 4 above). If an item is added to the agenda later or a meeting is convened at short notice, the ~~reports and revised~~ agenda (including revised agenda) will be open to inspection from the time the item was added to the agenda or meeting convened. Where reports are prepared after the summons has been sent out the Head of Democratic Services shall make each such report available to the public as soon as the report is completed and sent to Members.

### 6. SUPPLY OF COPIES

At the meeting – The Council will make available to the public present at a meeting a reasonable number of copies of the agenda and of reports for the meeting (save during any part of the meeting to which the public are excluded).

The Council will supply copies / make available on its website the following:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Head of Democratic Services thinks fit, copies of any other documents supplied to Members in connection with an item

to any person on payment of a reasonable charge for postage and any other costs.

## 7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive, excluding any part of the minutes of proceedings which disclose exempt or confidential information; (see rules 10.3 and 10.4 below).
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## 8. BACKGROUND PAPERS

### 8.1 List of background papers

The author of any report will set out in the report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10 below) and in respect of executive reports, the advice of a political advisor. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 background papers will be published on the Council's website and available for inspection at the Council offices.



## 8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## 9. SUMMARY OF PUBLIC'S RIGHTS

A copy of these Rules containing a written summary of the public's rights to attend meetings and to inspect and copy documents are incorporated into the Council's Constitution which is publicly available on the Council's website. must be kept at and available to the public during normal office hours at St Martin's Place, 51 Bath Road, Slough SL1 3UF.

## 10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

### 10.1 Confidential information – requirement to exclude public

The public must by law be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### 10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### 10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### 10.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any condition):

Category	Condition
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual.	

Category	Condition
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<p>Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under -</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985;</li> <li>(b) the Friendly Societies Act 1974;</li> <li>(c) the Friendly Societies Act 1992;</li> <li>(d) the Industrial and Provident Societies Acts 1965 to 1978;</li> <li>(e) the Building Societies Act 1986; or</li> <li>(f) the Charities Act 1993</li> </ul>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes -	
	<ul style="list-style-type: none"> <li>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>(b) to make an order or direction under any enactment.</li> </ul>
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information which

- (a) falls within any of paragraphs 1 to 7 above; and

- (b) is not prevented from being exempt by virtue of the qualification to paragraph 3 or the above paragraph (proposed development for which the local planning authority may grant itself planning permission),

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Authority must release the information unless *“in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”*.

The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

- There is a distinction between the public interest and what merely interests the public.
- Does it further the understanding of and participation in the public debate of issues of the day?
- Does it promote accountability and transparency by public authorities for decisions taken by them or in the spending of public money?
- Does it allow individuals and companies to understand decision made by public authorities affecting their lives?
- Does it bring to light information affecting public health and public safety?

## 11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

11.1 If the Head of Democratic Services thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” and the Agenda shall indicate the category of information likely to be disclosed.

11.2 The relevant body is requested in the agenda to confirm the action set out in 11.1 by resolution. Arrangements will be made to recall the press and public immediately should the motion not be passed.

## 12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 – 24 apply to the Executive. If the Executive, its Committees or single member or its Committees meet to take a key Decision then it must also comply with Rules 1 – 11 unless Rule 15 (General Exception) or Rule 16

(Special Urgency) apply. A key Decision is as defined in Article 134 of this Constitution.

### 13. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (General Exception) and Rule 16 (Special Urgency), a Key Decision may not be taken unless:

- (a) a Notice of Key Decision (called here a Notification of Decisions) has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the Notification of Decisions; and
- (c) where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

### 14. **NOTICE OF DECISIONS**

#### 14.1 **Notification of Decisions**

The Council will publish a Notification of Key Decisions and other decisions to be taken by the Cabinet over the next three months on a monthly basis. The Notification of Decisions will also contain Notice that a decision is likely to be taken in the confidential part of the meeting and the reason why.

#### 14.2 **Contents of the Notification of Decisions**

The Notification of Decisions will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Executive, a Committee of the Executive, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) which body will take the decision and that body's membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- (e) the address from which, subject to any prohibition or restrictions on their disclosure, copies of, or extracts from any document listed is available;
- (f) that other documents relevant to those matters may be submitted;

- (g) the procedure for requesting details of those documents (if any) as they become available.
- (h) An indication if the decision (or part of it) is likely to be taken in the confidential part of the meeting and the reasons why.

Exempt information need not be included and confidential information cannot be included.

## 15. GENERAL EXCEPTION

If a Notice of Key Decision has not been published in the Notification of Decisions), then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- (b) the Head of Democratic Services has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter about which the decision is to be made;
- (c) the Head of Democratic Services has made copies of that notice available to the public at the offices of the Council and at Slough.gov.uk; and
- (d) at least 5 clear working days have elapsed since the Head of Democratic Services has complied with (a) and (b).

As soon as reasonably practicable after the Head of Democratic Services has complied with Rule 15 he must make available at [Observatory HouseSMP](#) and publish on Slough.gov.uk the reasons why compliance with Rule 14 is impractical.

## 16. SPECIAL URGENCY

16.1 If by virtue of the date by which a key decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the Chair of the body making the decision, obtains the agreement of the Chair of [thea](#) Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of Overview and Scrutiny Committee or he/she is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

16.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 he must make available at [Observatory HouseSt Martins-Place](#) and publish on Slough.gov.uk a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred.

## 17. REPORT TO COUNCIL

17.1 When [thea](#) Overview and Scrutiny Committee/[Panels](#) can require a report

If Overview and Scrutiny Committee/~~Panels~~ think that a key decision has been taken which was not:

- (a) The subject of a Notice of Key Decision; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the Chair of the Overview and Scrutiny Committee, or the Mayor/Deputy Mayor under Rule 16;

The Committee/~~Panel~~ may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. ~~The power to require a report rests with the Committee, but is also delegated to the Head of Democratic Services, who shall require such a report on behalf of the Committee when so requested in writing by the Chair or any 5 Members of the Committee. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.~~

## 17.2 Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

## 17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## 18. RECORD OF EXECUTIVE DECISIONS

- 18.1 After any meeting of the Cabinet the Head of Democratic Services will produce a written record of every decision taken at that meeting as soon as practicable.

As soon as reasonably practicable after any key significant decision made by an officer a written record of the decision will be produced.

The record will include:

- (a) a record of the decision and the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision making body at the meeting at which the decision was made or

in the case of a decision made by an individual at the time when he/she made the decision;

- (d) a record of any conflict of interest in relation to the matter decided which is declared by any Member of the decision making body which made the decision or in the case of an officer decision any conflict of interest declared by any executive Member consulted; and
- (e) in respect of any declared conflict of interest a note of any dispensation granted by the Council's Monitoring Officer.

18.2 The statement required by 18.1 above shall be prepared by:-

- (i) in the case of decisions made by the Executive (or a Committee of the Executive), the Head of Democratic Services (or his/her representative) present at the meeting;
- (ii) in the case of a key significant decision made by an officer, the officer making the decision.

~~A schedule of significant decisions taken by officers will be circulated to all Members on a monthly basis. Details of the Schedule of Significant Officer Decisions is set out at Appendix 1 to these Rules.~~

18.3 A record of significant officer decisions will be published on a monthly basis. The definition of a significant officer decision is contained in Part 3.6 Scheme of Delegation to Officers.

## 19. MEETINGS OF THE CABINET TO BE HELD IN PUBLIC

19.1 Meetings of the Cabinet and its committees will be held in public, unless it is likely that exempt or confidential information would be disclosed or whenever a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting. ~~(see Council Procedure Rule 24).~~ The public may only be excluded for the part or parts of the meeting during which it is likely that exempt or confidential information would be disclosed. If a meeting moves into Part 211 session any member of the public or press present will be asked to leave.

## 20. NOTICE OF PRIVATE MEETINGS OF THE EXECUTIVE [MEETINGS THAT ARE LIKELY TO CONSIDER CONFIDENTIAL/EXEMPT BUSINESS]

20.1 At least 28 clear days before a private meeting, the Cabinet must:-

- make available at the offices of the Council a notice of its intention to hold the meeting in private (a "Notice of Private Meeting"); and
- publish that notice on the Council's website.

20.2 At least five clear days before a private meeting, the Cabinet must:-

- make available at the offices of the Council a further notice of its intention to hold the meeting in private; and

- publish that notice on the Council's website.

20.3 A notice under paragraph 20.2 must include:-

- a statement of the reasons for the meeting to be held in private;
- details of any representations received by the decision-making body about why the meeting should be open to the public; and
- a statement of its response to any such representations.

20.4 Where the date by which a meeting must be held makes compliance with this Rule impractical, the meeting may only be held in private where the decision-making body has obtained agreement from:-

- the Chair of the Overview and Scrutiny Committee; or
- or if the Chair of the relevant overview and scrutiny committee is unable to act/absent, the Mayor; or
- where there is no chair of either the relevant overview and scrutiny committee and the Mayor is unable to act/absent, the Deputy Mayor,
- that the meeting is urgent and cannot reasonably be deferred.

20.5 As soon as reasonably practicable after the decision-making body has obtained agreement under paragraph 20.4 ~~to~~ to hold a private meeting, it must:-

- make available at the office of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- publish that notice on the Council's website.

## 21. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

### 21.1 Notice and Attendance

- All members of the Cabinet will be served notice of all meetings of the Cabinet that are likely to consider confidential/ exempt information.
- All members of the Cabinet are entitled to attend meetings of the Cabinet that are likely to consider confidential/exempt information.

### 21.2 Officer Involvement

The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet.

## 22. INSPECTION OF DOCUMENTS AFTER EXECUTIVE DECISIONS



- 22.1 A copy of any report or part report considered by the Executive, when making a decision, will be open to inspection by the public for 6 years from the date the decision was made. Documents containing confidential or exempt information or the advice of a political adviser need not be disclosed. If a document is not disclosed because it contains exempt information, the Head of Democratic Services will prepare a statement. The statement will describe the category of exempt information. The statement will be open to inspection for 6 years from the date of the meeting.

## 23. OVERVIEW AND SCRUTINY COMMITTEE/~~PANELS~~ ACCESS TO DOCUMENTS

### 23.1 Rights to Copies

Subject to Rule 23.2 below, the Overview and Scrutiny Committee and Panels will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to any business transacted at a public meeting of the executive or committee of the executive, a decision taken by an individual member and any decision made by an officer in accordance with executive arrangements.

### 23.2 Limit on Rights

A Overview and Scrutiny Committee/~~Panel~~ will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

Where the Executive determines that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document, it must provide a written statement of the decision to the Committee.

## 24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

### 24.1 Material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business previously transacted at a meeting unless either (a), (b) or (c) below applies:-

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5, 7 of the categories of exempt information; or
- (b) in the case of information falling within paragraph 3 Members have a right to inspect any document unless the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract;

(c) it contains the advice of a political adviser.

#### **24.2 Material relating to key decisions**

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive which relates to any key decision unless paragraph 24.1 (a) or (b) above applies.

#### **24.3 Nature of rights**

These rights of a Member are additional to any other right he/she may have.

### **25. JOINT COMMITTEES**

These Rules apply to the Council's Joint Committees as follows:

- 25.1 If all the members of a joint committee are members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.
- 25.2 If the joint committee contains members who are not on the Cabinet of any participating authorities then the access to information rules in Part VA of the Local Government Act 1972, as applicable to meetings of the full Council and its committees will apply.

**APPENDIX 1**

**SCHEDULE OF 'SIGNIFICANT' OFFICER DECISIONS – To be circulated monthly to all Members and published on the website**

- ~~1. Tenders/Contracts over £50,000 or 'sensitive' excluding individual social services care packages and school placements.~~
- ~~2. Exemptions to Competitive Tendering.~~
- ~~3. Redundancies/Early Retirements above 5 in Service area\*~~
- ~~4. Decision to commence formal organisational restructuring/consultation.~~
- ~~5. Consultation responses other than technical responses where officers asked for Member views.~~
- ~~6. Write-off of individual debts between £5,000 and £15,000.~~
- ~~7. Decisions arising from external report on significant Health and Safety at Work Act risk.~~
- ~~8. Compulsory Purchase Orders.~~
- ~~9. Action with regard to Petitions in accordance with the Council's Petition Scheme.~~
- ~~10. Any exceptions made to the Council's agreed tender procedure as set out in Financial Procedure Rules.~~
- ~~11. Consultancies over £5,000 (excluding cover for established posts) or any consultancy/employment offered to former Senior Officers of the Council of 3<sup>rd</sup> tier and above.~~
- ~~12. Other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.~~
- ~~13. Appointments to casual vacancies on committees, sub-committees, Panels, Working Parties and outside bodies.~~
- ~~14. Specific decisions that have been delegated to a particular officer by resolution at a Cabinet meeting to be taken following consultation with the relevant Commissioner.~~

~~\*Decisions taken on the Redundancy/Early Retirement of a senior level officer to be reported to Group Leaders, Cabinet and Employment and Appeals Committee.~~

## Part 4.5 Overview and Scrutiny Procedure Rules

### 1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES?

1.1 The Council will have a ~~Corporate Improvement n Overview and~~ Scrutiny Committee ~~and the three standing Scrutiny Panels~~ with functions as set set-out in Article 6.

### 2. MEMBERSHIP

2.1 All Councillors except members of the Cabinet, the Mayor and Deputy Mayor of the Council shall be eligible for appointment as members of the ~~Corporate Improvement Overview and~~ Scrutiny Committee. ~~or standing Scrutiny Panels. However, no Member may be involved in scrutinising a decision in which he has been directly involved.~~

~~2.2 The Committee and each Scrutiny Panel shall consist of 9 Members of the Council. Membership is subject to the proportionality requirements of the Local Government and Housing Act 1989, unless the Council resolves to waive those requirements with no Member voting against.~~

~~2.23 The Overview and Scrutiny Committee shall be appointed at Annual Council.~~

~~2.4 The Overview and Scrutiny Committee shall appoint the Scrutiny Panels' membership at its first meeting of the municipal year.~~

~~2.5 Where a Member has been absent (even if apologies are given) from a particular Overview and Scrutiny Committee/Panel for two consecutive meetings, that Member will be sent a letter (copied to the Member's Group Leader, if the Member is part of a Group) warning of the impending notification to their Group Leader (if the Member is part of a Group), should they miss a third consecutive meeting.~~

~~2.6 Should that Member then miss a third consecutive meeting of that Committee/Panel, their Group Leader (if the Member is part of a Group) shall be informed accordingly.~~

~~2.7 If apologies are given for the third meeting, Members of the Committee/Panel will have discretion to waive the notification to the Group Leader (if the Member is part of a Group) if they consider that there are exceptional reasons that need to be taken into account.~~

~~2.8 Late arrival or early departure by a member will not be treated as absence if notice has been given to the Chair with a valid reason.~~

~~2.9 Rules 2.5 to 2.8 inclusive above shall not apply in any circumstances where a Member is exercising an entitlement to maternity leave, paternity leave, joint parental leave or adoption leave in accordance with a policy approved by the Council for such purposes.~~

### 3. CO-OPTEEES AND PARTICIPATING OBSERVERS

3.1 The ~~Overview and Scrutiny~~ Committee ~~and Scrutiny Panels~~ shall be entitled to appoint a maximum of six people as non-voting co-optees either as standing members of the Committee/~~Panel~~ or on a time limited basis. Voting co-optees may only be appointed

to the ~~Committee ECS Scrutiny Panel~~ to meet statutory requirements (see section 4 below).

3.2 Co-optees, and their appointment terms, shall be decided by majority vote of the Committee/~~Panel~~, with the decision taken having consideration for the positive input an individual or organisation may make to the scrutiny process~~s.s.~~

3.3 The Committee Chair may invite such participating observers as may be appropriate to support the delivery of Committee priorities on a meeting-by-meeting basis, for example to assist with expert questioning on a particular topic area for a particular agenda item. Participating observers will not have voting rights and the length of their appointment will be agreed at the time of appointment. Such arrangements will be reviewed on a regular basis.

~~3.3 The Overview and Scrutiny Committee shall be advised of any co-optee appointments made the Scrutiny Panels.~~

#### 4. **EDUCATION CO-OPTEEES**

4.1 The ~~Committee Education and Children's Services Scrutiny Panel~~ shall include in its membership the following voting co-optees:

- 1 Church of England diocese representative (where there is at least one maintained Church of England school in the Borough);
- 1 Roman Catholic diocese representative (where there is at least one maintained Roman Catholic Church school in the Borough); ~~and~~
- ~~3~~ parent governor representatives;
- Up to 1 representative of other faiths, where the council maintains a school of that faith

4.2 These co-optees will only be able to vote on education matters, and invited for those items, though they may stay in the meeting and speak on other matters at the discretion of the Chair.

4.3 The ~~Committee Education and Children's Services Scrutiny Panel~~ shall also include in its membership the following non-voting ~~teacher~~ co-optees:

- 1 Head Teacher representative
- 1 Primary School Teacher representative
- 1 Secondary School Teacher representative
- Up to 1 representative of other faiths, where the council maintains a school of that faith.

4.4 The Headteacher representative shall be nominated by the Slough Head Teachers<sup>1</sup> at their relevant termly meeting.

4.5 The Teacher representatives shall be nominated by the teaching unions.

4.6 Any faith representative shall be nominated by the appropriate faith body falling wholly or partly in the Borough.

- 4.76 The parent governor representatives shall be elected from amongst parent governors in a process carried out by Slough Borough Council in accordance with procedures which shall be shared with all parent governors at the outset of such an exercise.
- 4.87 At least one parent governor representative must be from a primary school and at least one should be from a secondary school.
- 4.98 These non-voting ~~teacher~~ co-optees will be invited for education items, although they may stay in the meeting and speak on other matters at the discretion of the Chair.

## 5. **TASK AND FINISH GROUPS PROTOCOL**

- 5.1 The Committee ~~and Panels combined~~ may, at any one time, ~~commission~~ appoint up to ~~three simultaneous~~ ~~four~~ Task and Finish Groups to carry out detailed examination of particular topics for reporting back to the ~~Committee~~. The Terms of Reference, ~~chairmanship~~ and membership for such Groups shall be agreed by the ~~appointing~~ Committee/~~Panel~~, and may only be amended by that Committee/~~Panel~~, although the detail of the scope of the review can be determined by the Task and Finish Group, subject to this being consistent with the Terms of Reference.
- 5.2 Membership of a Task and Finish Group may vary but must include between ~~three~~ ~~and seven~~ Members ~~and, and may will be drawn from all~~ include any Overview and Scrutiny Councillors ~~Committee members of the Council (including co-opted members of the Corporate Improvement Scrutiny Committee), with at least two being elected members from the Committee.~~ There is no requirement for political proportionality although cross-party representation is desirable, and wherever possible reflect the composition of the Council.
- 5.3 Membership of a Task and Finish Group may also include individuals such as officers, members of the public or expert advisors, co-optees with specific knowledge of the topic to be examined. The members of the ~~Committee~~ Task and Finish Group will be responsible for agreeing the final report and presenting this back to the Committee for debate and approval of any recommendations. Co-optees will not have voting rights.
- 5.4 Forthcoming Task and Finish Groups on the Committee's work programme will be publicised to all members in advance to ensure that there will be enough councillors willing to serve on each Task and Finish Group.
- 5.4 The Corporate Improvement Scrutiny Committee will elect five of its members to be included in the 'Task and Finish Group chairs pool'. Membership of the pool should be politically proportionate as far as is reasonably practicable, but the pool is not subject to proportionality rules and does not count as a committee for the purpose of calculating proportionality. The Corporate Improvement Scrutiny Committee will appoint Task and Finish group chairs from within this pool as and when Task and Finish Groups are set up.
- 5.5 All Task and Finish Groups shall have a standard maximum duration of 4 months at which point they must bring a final report to the next scheduled Committee meeting based on their progress up to that point, or forfeit the right to report to the committee. The Chair of the Corporate Improvement Scrutiny Committee, in consultation with the Statutory Scrutiny Officer, may agree an extension to this timeline by delaying the commencement of other scheduled Task and Finish Groups.

## 5.7 Task and finish Groups should operate in accordance with the following principles of best practice:

- Wherever possible Task and Finish Groups should be led and comprised of the most appropriate and interested members for that topic – volunteers should be highly valued and any expectations of proportionality or rotation of Task and Finish Group chairs should be applied flexibly where it helps to accommodate this.
- Task and Finish Group members should feel like they are driving the whole process from scope to recommendations. Members are encouraged to produce drafts of reports and recommendations themselves.
- External input and evidence into the work of the Task and Finish Group should always be sought.
- A lead officer will be appointed by the authority to support the Task and Finish Group, supported in turn by the Scrutiny Officer.
- Engagement with the relevant cabinet portfolio holder(s) about recommendations and the evidence for them should be early and open, in order to allow them to formulate an evidence-based response to recommendations in a timely manner.
- Recommendations should be tracked and progress reported to Members periodically.

## 6. OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE

### 6.1 The Overview and Scrutiny Committee's terms of reference are:

- 1) To be responsible for all Overview and Scrutiny functions on behalf of the Council.
- 2) To make recommendations/reports to the Council or the Cabinet on any plans, policies or decisions of the Cabinet.
- 3) Without prejudice to these functions, in particular to:
  - a. Consider the budget plans, proposed policy and performance plan framework and other plans of the Cabinet and make reports/recommendations including suggested amendments to these proposed plans to the Cabinet or Council as appropriate
  - b. Scrutinise implementation of the Slough Joint Wellbeing Strategy and Corporate Plan.
  - c. Within agreed programmes, to consider and investigate broad policy issues and submit reports/recommendations to the Cabinet or Council as appropriate.
  - d. Provide advice to the Cabinet or Council (as appropriate) on major issues before final decisions are made.
  - e. Review decisions taken by the Cabinet or Officers and how they are implementing Council policy, and make reports/recommendations to the Cabinet or Council as appropriate.

- ~~f. To initiate reviews of other executive functions or matters affecting the Authority's area or inhabitants, subject to the Cabinet being informed, and to identify matters for recommendation to the Cabinet (or Council where relevant) for more comprehensive review or action.~~
- ~~g. Consider and monitor the action proposed by the Cabinet on statutory inspection reports e.g. OfSTED, Care Quality Commission, Audit Commission).~~
- ~~h. To propose debate at full Council on matters of importance to the borough or on particular matters before a decision is taken by the Cabinet.~~
- ~~4) To scrutinise or review and make recommendations/reports to the Council in respect of the discharge of any functions which are not the responsibility of the Cabinet.~~
- ~~5) To delegate scrutiny of specific topics to the relevant Standing Panel where it falls within the remit of that Panel and the Committee feels this to be the most appropriate arrangement for scrutiny. Whilst the Committee may delegate items, it retains the rights in such instances to review and amend recommendations made by the Panel.~~

## ~~7. TERMS OF REFERENCE OF SCRUTINY PANELS~~

~~7.1 Each Scrutiny Panel shall be responsible for scrutiny of the functions falling within the scope of the Cabinet Portfolios allocated to them, and any non-executive functions or matters associated with those Portfolios; including those:~~

- ~~• Referred to it by the Council or Overview and Scrutiny Committee~~
- ~~• Referred to it as a result of a Member call-in~~
- ~~• Agreed by the Panel for inclusion in its Work Programme.~~

~~7.2 Each Panel may make recommendations/reports to the Overview and Scrutiny Committee, Cabinet, other Committee or Council as appropriate. The Health Scrutiny Panel may also make recommendations directly to the appropriate bodies relating to health care provision in the borough (as set out in legislation).~~

~~7.3 The Scrutiny Office shall hold copies of the following documents:~~

- ~~• Protocol for the Corporate Planning Framework and Service Reviews~~
- ~~• Health Scrutiny Guidance~~
- ~~• Joint East Berkshire Health Overview and Scrutiny Committee Terms of Reference~~

## ~~8.6. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE AND SCRUTINY PANELS~~

~~8.6.1 The Council may determine a cycle of meetings for the Overview and Scrutiny Committee and Scrutiny Panels, with the Committee and each Panel meeting a minimum of four times per municipal year. The Chair, or in their absence the Vice-Chair, may change the date or cancel meetings, or call additional and/or extraordinary~~



meetings as they consider necessary to deal with the Committee/Panel's work programme.

~~68.2~~ A meeting of the ~~Overview and Scrutiny~~ Committee ~~and any of the Scrutiny Panels~~ may be called by its Chair (or in his/her absence, the Vice-Chair) or by the Head of Democratic Services, if he/she considers it necessary or appropriate, for example where senior officers or members of the Committee have requested an additional meeting. ~~Three elected Members on a particular Scrutiny Committee/Panel may also collectively request an additional meeting to be called.~~

~~68.3~~ Meetings of the ~~Overview and Scrutiny~~ Committee ~~and Scrutiny Panels~~ will be held in public and are subject to the Access to Information Rules~~statutory access to information provisions~~.

~~68.4~~ Members of the Committee may be invited to informal meetings by The Scrutiny Chairs and Vice Chairs Group ~~may be called by the Scrutiny Officer or, Head of Democratic Services or by two Scrutiny Chairs/Vice Chairs~~ to discuss issues relating to the functioning of Scrutiny and work programming.

## 9.7. QUORUM

~~79.1~~ The quorum for the ~~Overview and Scrutiny~~ Committee ~~and Scrutiny Panels~~ shall be 4~~3~~ voting, elected Members.

~~9.2~~ ~~The quorum for a Task and Finish Group shall be 2 voting, elected Members.~~

## ~~10.8. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE MEETINGS? COMMITTEE CHAIR~~

~~810.1~~ The Chair and Vice Chair of the ~~Overview and Scrutiny~~ Committee shall be appointed by Council.

~~10.2~~ ~~There shall be a Chair and a Vice-Chair for each Scrutiny Panel, who shall each be appointed by the Panel at its first meeting of the municipal year.~~

~~10.3~~ ~~The Chairs of the Panels shall be offered to a member of the Administration. The Vice Chairs of the Panels shall be offered to a member of the Opposition. The Committee/Panels may appoint any of its voting members as Chair or Vice Chair if the offer is not accepted.~~

## 11.9. WORK PROGRAMME

9.111.1 The ~~Overview and Scrutiny~~ Committee ~~and each of the Scrutiny Panels~~ will set its own work programme, and in the course of deciding which items to prioritise doing so shall consider the following key principles/criteria, in order of importance:

- Does it fulfil a statutory requirement eg scrutiny of health systems?.
- Will it directly assist in the council's improvement and recovery under the terms of any national government intervention and associated directions.?
- Topics A scrutiny process will add evidenced value to the issue Is Scrutiny able to which add value to this issue?.
- It Does it reflect public interest.?

- ~~It is~~ is it a corporate priority (ie linked to the Corporate Plan).
- ~~and support the corporate priorities.~~ It does not duplicate work of other member bodies or work being undertaken by officers or external bodies. Would it be duplicating work carried out elsewhere?
- The impact of scrutiny involvement is capable of being measurable. Would Scrutiny's impact be measurable?

9.2 The committee will have a rolling programme of task and finish groups scheduled as part of –its work programme, so as to minimise downtime between Task and Finish Groups.

- ~~Topics arising from public consultations, suggestions made by Councillors (across the political spectrum), the Cabinet Forward Plan, corporate performance monitoring reports and service delivery plans and in particular focused on corporate improvement.~~
- ~~Topics covering different types of work: policy review, review of external organisations (specifically health-related), performance review and reviews of decisions taken.~~
- ~~The manageability of the Committee/Panel workloads for officers supporting their work.~~
- ~~The need to avoid duplication between the Committee and Standing Panels.~~

## 12.10. AGENDAS – REQUEST FOR ITEMS

~~102.1 The work programme is to be agreed reviewed at the end of the municipal year (approximately March annually) and will be reviewed and updated periodically throughout the year. –Any member of the Overview and Scrutiny Committee or Scrutiny Panel shall be entitled to submit a request to the Scrutiny Officer Chair that they/he/she wishes an item relevant to the functions of that Committee/Panel to be included on its work programme. This request should include sufficient information to enable the Scrutiny Officer to advise about the nature and purpose of the item, with regard to the criteria set out above, and to have a discussion with the Chair of the Committee and wider membership. Members may be required to complete a form in order to assist them in this. –A form is available from the Scrutiny Office setting out the information required for such requests.~~

~~12.2 On receipt of such a request the Chair and Vice Chair of the relevant Committee/Panel, in consultation with the Scrutiny Officer, Head of Democratic Services and relevant Strategic Director, shall consider whether it is an appropriate matter to be consider, and if it is will ensure that it is added to an agenda, on the Committee/Panel's work programme.~~

~~12.3 The Overview and Scrutiny Committee and Scrutiny Panels shall also respond, as soon as their work programme permits, to requests from the Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the Committee/Panel shall report their findings and any recommendations back to the Cabinet and/or Council.~~

~~10.22.4~~ In finalising agendas for individual meetings of the ~~Overview and Scrutiny Committee/Scrutiny Panels~~, the Scrutiny Officer shall liaise with the Chair of ~~the Committee/Panel's proposed agenda, before confirming with the Strategic Directors and Head of Democratic Services.~~

### ~~13.11. RIGHTS OF THE OVERVIEW AND SCRUTINY COMMITTEE MEMBERS AND SCRUTINY PANEL MEMBERS TO DOCUMENTS~~

~~113.1~~ In addition to their rights as Councillors, Members of the ~~Overview and Scrutiny Committee and the Scrutiny Panels~~ have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

~~13.2~~ ~~Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee or Scrutiny Panels, as appropriate, depending on the particular matter under consideration.~~

~~13.3~~ ~~In addition to the Overview and Scrutiny Committee/Scrutiny Panel's rights to access documents, Members of the Cabinet/officers exercising delegated authority shall have the right to submit a report on any matter for which they are responsible and which is being considered by the Overview and Scrutiny Committee/Scrutiny Panel, and this must be taken into consideration when reaching any conclusion on the matter.~~

~~13.4~~ ~~Officers shall ensure that all relevant information is provided to the Committee/Panel in a timely manner so that full and proper consideration can be given to the matter(s) before it.~~

### ~~14.12. MEMBERS AND OFFICERS GIVING ACCOUNT~~

~~124.1~~ The ~~Overview and Scrutiny Committee or Scrutiny Panel~~ may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy; and/or
- their performance

and it is the duty of those persons to attend if so required.

~~124.2~~ Where any member or officer is required to attend the ~~Overview and Scrutiny Committee or any of the Scrutiny Panels~~ under this provision, the Scrutiny Officer (under instruction from the Chair) shall inform them giving at least 7 working days notice of the meeting at which he or she is required to attend (unless agreed otherwise). Any notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.

~~124.3~~ Where the account to be given to the ~~Overview and Scrutiny Committee or Scrutiny Panel~~ will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

~~124.4~~ Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the ~~Overview and Scrutiny Committee or Scrutiny Panel~~ shall in consultation with the member or officer arrange an alternative date for attendance.

~~14.5~~ That the relevant Director(s) and/or Service Lead (s) be allocated a ten minute slot at the beginning of each meeting to answer specific queries or questions being raised by members of the committee/ Panel that relate to pertinent, topical issues affecting their directorate, the panel and the local area. Questions should be submitted to the relevant Democratic Services Officer at least 24 hours in advance of the meeting.

#### ~~15-13.~~ **ATTENDANCE BY OTHERS**

~~135.1~~ The ~~Overview and Scrutiny Committee or Scrutiny Panels~~ may invite people ~~other than those people referred to in section 14 above~~ to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and ~~representatives from members and officers in~~ other parts of the public sector and shall invite such people to attend. ~~Representatives from Council companies and key contractors may be invited to attend and address or answer questions. Depending on the terms of the contract, the Council may be able to require attendance, but consideration should be given to whether any part of the meeting should be held in private if matters of commercial confidence are to be discussed.~~

#### ~~16-14.~~ **CALL-IN – CABINET DECISIONS**

~~146.1~~ As part of reviewing or scrutinising decisions made in connection with the discharge of executive functions, ~~t~~The ~~Overview and Scrutiny~~ Committee has the power to call in a decision where it has not yet been implemented. This permits the Committee to recommend that the decision be reconsidered or for it to be reviewed by Full Council.: ~~any decision made by the Cabinet, but not yet implemented.~~ This is a power which should only be used for key strategic decisions. in exceptional circumstances and cannot be used in respect of day-to-day management and operational decisions.

~~146.2~~ It is important that the call-in process is not abused, nor causes unreasonable delay; the main tool of ~~the Committee~~~~Overview and Scrutiny~~ is to improve delivery of policies and services through pre-decision scrutiny~~detailed Reviews~~, rather than call-ins.

~~146.3~~ A decision can be called-in when Members:

- Believe it may be contrary to the normal requirements for decision making.
- Believe it may be contrary to the Council's agreed policy framework and/or budget.
- Need further information from the decision-taker to explain why it was taken.

~~146.4~~ Exceptions to call-in are as follows:

- that no decision considered and determined by the Committee within the preceding 6 months shall be subject to call-in;
- that call-in can be invoked in respect of any one decision only once;
- where the decision is taken by the Cabinet as urgent and in accordance with urgency procedures, this will only be subject to post-implementation scrutiny.

~~14.5~~ Every Cabinet decision which is subject to call-in cannot be implemented until the end of the call-in period or the conclusion of any call-in process, whichever is later. The

call-in period lasts for 5 working days after the publication of the decision. Notice of the decision shall be published within 2 working days of being made, and copies of the decisions will be sent to all [Committee Overview and Scrutiny](#) Members.

- ~~14.66.5~~ The notice of decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is called in under the provisions set out below.
- ~~146.76~~ Within the call-in period a collective of three elected Members of the Authority may sign a notice requesting that the decision is called in and submit the notice to the Statutory Scrutiny Officer and Head of Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 12 of this Constitution. Requests may also be submitted by email, and in this case, only one Member need submit the actual form, but individual emails in support of the request must be submitted by the other two members specified on the form before the end of the call-in period. A form setting out the information required when submitting a call-in is available from the Scrutiny Office.
- ~~146.87~~ On receipt of the notice of call-in the Statutory Scrutiny Officer will, as soon as possible, ~~notify and seek the views of the Chair and seek the views of the Chair Monitoring Officer~~ or in their absence, ~~their deputies, Vice-Chair of the Overview and Scrutiny Committee~~ as to the reasonableness of the request, ~~and pass the matter to the Council's Monitoring Officer. The Monitoring Officer will assess the validity of the call-in, in consultation with the Committee Chair. If the Monitoring Officer is minded to reject the call-in, reasons will be given. n considering whether the request is reasonable, the Chair (or Vice Chair in the Chair's absence) will consider whether a case has been made for calling in the decision.~~
- ~~146.98~~ ~~If it is considered that the request is unreasonable the call-in will be rejected.~~ The Statutory Scrutiny Officer will submit a report to the next available meeting of the ~~Overview and Scrutiny~~ Committee giving details of the request and ~~Monitoring Officer's Chair's/Vice-Chair's~~ reasons for refusing it.
- ~~146.109~~ If it is considered that the request for call-in is ~~valid~~~~reasonable~~, the Statutory Scrutiny Officer will ~~convene a meeting of the Committee, unless there is a normal meeting within a reasonable period. Committee members and the relevant lead member/senior officer are expected to make themselves available at short notice to attend the meeting and provide additional information. add the call-in to the agenda for the next Overview and Scrutiny Committee, after consulting the Chair of the Committee. The call-in must be considered and resolved by the Overview and Scrutiny Committee within one month of the Notice of Decision being published. The Overview and Scrutiny Committee may call a joint committee meeting with any of the Scrutiny Panels should the call-in relate to a specific area of responsibility for a particular Panel.~~

#### **17.15. CALL-IN – OFFICER SIGNIFICANT/KEY DECISIONS**

- ~~157.1~~ The ~~Overview and Scrutiny~~ Committee has the power to call-in ~~significant~~/key decisions made under delegated authority by officers. The purpose is to consider whether to recommend that a decision be reviewed by the Cabinet. This is a power which should only be used in exceptional circumstances ~~and cannot be used in respect of day-to-day management and operational decisions.~~

~~157.2 If a key decision is made by an officer, it will be recorded in a similar format to the cabinet template and details of the decision will be published and included on the A schedule of significant decisions taken by officers will be circulated to all Members on a monthly basis. Details of the Schedule of Significant Officer Decisions can be found in Part 4.2 Access to Information Procedure Rules (para 18.2) of this Constitution.~~

~~17.3 The schedule will bear the date on which it is published and will specify when the decision came into force, and was implemented, and may be called in within 5 working days of publication of the decision under the provisions set out below. Implementation of a significant decision by an officer is not be halted by a call-in and the decision is subject to post-decision scrutiny.~~

~~157.34~~ Within the call-in period a collective of three elected Members of the Authority may sign a notice requesting that the decision is called in and submit the notice to the Statutory Scrutiny Officer and Head of Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 12 of this Constitution. Requests may also be submitted by email, and in this case, only one Member need submit the actual form, but individual emails in support of the request must be submitted by the other two members specified on the form before the end of the call-in period. A form setting out the information required when submitting a call-in is available from the Scrutiny Office.

~~157.45~~ The notice of call-in shall be dealt with ~~the~~ as with a call-in of a Cabinet decision.

#### ~~18.16. CALL-IN – ACTIONS THE COMMITTEE OVERVIEW AND SCRUTINY CAN TAKE~~

~~168.1~~ Where the ~~Overview and Scrutiny~~ Committee considers a call-in request, the format of the meeting will be as follows:-

- after the Chair opens the meeting the members who asked for the decision to be called-in will be asked to explain their reasons for the request and what they feel should be reviewed;
- ~~on matters of relevance to a particular electoral ward, ward members who are not signatories to a call in may have the opportunity to make comments on the call in at the meeting, such speeches not to exceed five minutes each. Ward members will take no further part in the discussion or vote. Ward members must register their request to speak by contacting the Scrutiny Officer by 12 noon on the day prior to the relevant meeting;~~
- the relevant portfolio holder (or holders if more than one is relevant) will then be invited to make any comments;
- the relevant Director or his/her representative will advise the Committee on the background and context of the decision and its importance to achieving Service priorities;
- Committee members will ask questions of members and officers in attendance (note: the call-in proposers would not be able to take part in the Committee's deliberations of the call-in);
- the portfolio holder(s) will be invited to make any final comments on the matter.

~~168.2~~ The ~~Overview and Scrutiny~~ Committee, after considering the evidence presented to the meeting, will make one of the following decisions:

- Agree to take no further action on the decision request (reason for that decision to be recorded in the minutes and Members are advised).
- Refer the decision back to the decision-maker for re-consideration, or to Cabinet Decide that the Cabinet should consider (for (in the case of an officer decision) an officer decision) or reconsider the decision, making any recommendations in relation to the decision. Make alternative recommendations to the Cabinet or Council (if applicable).
- Refer the matter to Full Council to scrutinise the decision.
- ~~Make representations/views known to the Cabinet or Council (if applicable) in respect of decision taken and implemented within Cabinet or Officer delegated powers.~~
- The Committee can make wider recommendations to Cabinet, including lessons learned as part of a recommendation to Cabinet, whilst also agreeing that no further action is required in relation to the specific decision.

#### **49-17. RESPONSE/ACTION THAT CAN BE TAKEN BY CABINET OR OTHER APPROPRIATE COMMITTEE ON RECEIPT OF VIEWS OF THE OVERVIEW AND SCRUTINY COMMITTEE/PANEL**

179.1 On receipt of a call-in report from the Committee, The Cabinet/the officer can:

- Make the original decision without any changes~~Reconsider the decision and endorse the original decision.~~
- Reconsider the decision and reach a different decision – reasons must be given for reaching a different decision and it must be supported by evidence.
- For an officer, refer the matter to Cabinet for a decision.
- In addition to the above options, Cabinet can decide that it wishes to receive a further report on any wider learning points resulting from the Committee's recommendations, for instances a review of policy.

17.2 On receipt of a report from Committee for other matters, Cabinet can:

- ~~Note and agree with the recommendations of the Committee (including agreeing to some but not all recommendations). Agree with and implement the Overview and Scrutiny Committee's alternative recommendations (if implementation of a decision has been delayed).~~
- Endorse its original decision in its entirety or partially amend it and implement it forthwith (if the matter is within the Policy and Financial Framework).
- ~~Refer the matter to Council for determination (if not a solely executive matter).~~
- Request officers to undertake further work in response to recommendations.
- Refer the matter to Full Council or a committee for action.

• \_\_\_\_\_

~~20. Note and not accept the recommendations, giving reasons back to the Committee. Forward comments on the views received to the Council where the matter is one outside the Policy and Financial Framework or reserved to the Council under the Constitution.~~

~~•~~

- ~~• Agree/amend/take no action on the Overview and Scrutiny Committee's/Panel's recommendations on a review initiated by that Committee/Panel.~~
- ~~• Agree action to be taken with regard to an officer delegated decision.~~

## ~~21. EXCEPTIONS~~

~~20.1 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:~~

- ~~• that no decision considered and determined by the Overview and Scrutiny Committee or Scrutiny Panel within the preceding 6 months shall be subject to call-in;~~
- ~~• that call-in can be invoked in respect of any one decision only once;~~
- ~~• that call-in will not apply to day-to-day management and operational decisions taken by Officers; and~~
- ~~• where the decision is taken by the Cabinet as urgent, this will only be subject to post-decision scrutiny.~~

## ~~22.18. URGENCY~~

~~1824.1 A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.~~

~~1824.2 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call-in.~~

## ~~23. POLICY REVIEW AND DEVELOPMENT~~

~~22.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.~~

~~22.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Committee or Scrutiny Panels may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.~~

~~22.3 The Overview and Scrutiny Committee and Scrutiny Panels may hold enquiries and investigate the available options for future direction in policy development. They may go on-site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.~~



## 24. ~~REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE AND SCRUTINY PANELS~~

~~23.1 The Overview and Scrutiny Committee and Scrutiny Panels may submit formal reports to the Cabinet or the Council detailing the findings of its investigations into any matter.~~

~~23.2 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee or Scrutiny Panel will prepare a formal report and submit it to the Head of Democratic Services for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework) and having regard to the allocation of responsibilities for functions between the Council and the Executive as set out in Part 3 of this Constitution..~~

~~23.3 If the Overview and Scrutiny Committee or Scrutiny Panel cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.~~

~~23.4 The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee or Scrutiny Panel within one month of it being submitted to the Head of Democratic Services.~~

## 25.19. ~~CONSIDERATION OF OVERVIEW AND SCRUTINY REPORTS BY THE CABINET~~

~~1924.1 The agenda for Cabinet meetings shall include a standing item entitled 'References from Overview and Scrutiny'. The reports of the Overview and Scrutiny Committee and Scrutiny Panels referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Cabinet within two months, the Cabinet will give an explanation of the reasons to the Chair of the relevant Overview and Scrutiny Committee or Scrutiny Panel as soon as practicable.~~

~~1924.2 The Overview and Scrutiny Committee and the Scrutiny Panels will have access to the Cabinet's forward plan Notification of Decisions and decision notices timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, it will be able to respond in the course of the Cabinet's consultation process in relation to any key decision.~~

## 26. ~~THE PARTY WHIP~~

~~25.1 If a member of the Overview and Scrutiny Committee or Scrutiny Panels is subject to a party whip in respect of an issue to be considered by it, that member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.~~

## 27. ~~MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY COMMITTEE~~

~~26.1 Where a matter for consideration by the Overview and Scrutiny Committee or one of the Scrutiny Panels also falls within the remit of one or more other committee/panels, the decision as to which committee/panel will consider it will be resolved by the respective Chairs.~~

207.1 The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council, via the Scrutiny process.

207.2 Any Member may request that an item is placed on the agenda of the ~~Overview and Scrutiny~~ Committee for consideration. The Member making that request does not have to be a member of the ~~Overview and Scrutiny~~ Committee ~~or any of the Scrutiny Panels~~.

207.3 The Call for Action should be an option of “last resort”. In considering whether to refer to a matter in accordance with these provisions, Members must have regard to relevant guidance issued by the Secretary of State. A Call for Action will only be included on the ~~Overview and Scrutiny~~ Committee agenda if the Chair, in consultation with the Monitoring Officer, is satisfied that:

- the Member has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners;
- the issue of concern is a matter in respect of which the Council has a statutory power or duty and is not precluded by adopted Council policy or legislation; and
- the issue of concern has a demonstrable impact on a part or the whole of the Member’s electoral ward.

and accordingly information to support the above matters should accompany the Call for Action request.

207.4 A Call for Action cannot, in any event, relate to:

- a planning decision;
- a licensing decision;
- any matter concerning an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the ~~Overview and Scrutiny~~ Committee; or
- any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.

207.5 If the Chair rejects the Call for Action the Member who made the request shall be provided with reasons for the decision.

207.6 A valid Call for Action will be considered at the next ordinary meeting of the ~~Overview and Scrutiny~~ Committee or at a special meeting of the Committee within 14 days of validation whichever is the sooner. ~~The Committee may either decide to consider the matter itself or refer it to the appropriate Scrutiny Panel.~~

207.7 The subject matter of the Call for Action will be the subject of a report from the relevant Director, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by

another public body or partner, an appropriate representative shall be invited to the ~~Overview and Scrutiny Committee or Scrutiny Panel~~ meeting to provide that information, make representations and answer questions.

~~207.8~~ The Call for Action will be considered by the ~~Overview and Scrutiny Committee or Scrutiny Panel~~ in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules of the Constitution.

~~207.9~~ The Member who referred the matter under sub-paragraph ~~207.2~~ above may address the ~~Overview and Scrutiny Committee or Scrutiny Panel~~ in respect of the Call for Action for up to 10 minutes.

~~207.10~~ The ~~Overview and Scrutiny Committee or Scrutiny Panel~~ may also consider representations from any residents of the electoral ward affected by the Call for Action, subject to the discretion of the Chair.

~~207.11~~ If the Call for Action concerns issues that fall within the remit of the Cabinet, the relevant Cabinet Portfolio Member shall also attend the ~~Overview and Scrutiny Committee or Scrutiny Panel~~ to answer questions and make any representations.

### **29-21. REPORTS AND RECOMMENDATIONS ON CALLS FOR ACTION**

~~218.1~~ Where the ~~Overview and Scrutiny Committee or any of the Scrutiny Panels~~ makes a report or recommendations to the Council or the Cabinet as a result of a reference under paragraph ~~203.1~~ above, the ~~Overview and Scrutiny Committee or Scrutiny Panels~~ may publish the report, subject to the provisions of Part 5 of the Local Government Act 2000 ("the 2000 Act") in relation to confidential or exempt information.

~~218.2~~ The ~~Overview and Scrutiny Committee or Scrutiny Panel~~ will, by notice in writing to the Head of Democratic Services, require the Council or Cabinet:

- to consider the report or recommendations;
- to respond to the ~~Overview and Scrutiny Committee or Scrutiny Panel~~ indicating what, if any action the Council or Cabinet proposes to take;
- if the ~~Overview and Scrutiny Committee or Scrutiny Panel~~ has published the report or recommendations, to publish the response, subject to the provisions of Part 5 of the 2000 Act relating to confidential or exempt information;
- if the ~~Overview and Scrutiny Committee or Scrutiny Panel~~ provided a copy of its report or recommendations to the Member who referred the matter to the Board, to provide that Member with a copy of the response, subject to the provisions of Part 5 of the 2000 Act in relation to confidential or exempt information;

and to do so within two months of the date when the Council or Cabinet received the report or recommendations or (if later) the date when the Head of Democratic Services received the notice.

### **30-22. SCRUTINY OF CRIME AND DISORDER MATTERS**

~~229.1~~ The ~~Committee Neighbourhood and Community Services Scrutiny Panel~~ is designated as the Council's Crime and Disorder Committee (in accordance with section 19 of the Police and Justice Act 2006) with responsibility for scrutinising crime and disorder and community safety matters.

- 229.2 Any Member of the Council may give notice to the Scrutiny Officer that he/she wishes an item which he/she considers to be a crime and disorder matter to be included on the agenda for discussion at the [CommitteeNeighbourhood and Community Services Scrutiny Panel](#).
- 229.3 The procedure for dealing with such requests shall be the same as those for any request for an item to be added to the [CommitteePanel](#)'s work programme, ~~detailed in paragraph 12.1.~~
- 229.4 ~~The Call for Action and Call-in rules apply to crime and disorder matters in the same way as for other matters. Sub-paragraphs 29.2 to 29.3 above shall apply to the consideration of a crime and disorder matter by the Neighbourhood and Community Services Scrutiny Panel as they apply to the consideration of a Call for Action by the Overview and Scrutiny Committee or relevant Scrutiny Panel.~~
- ~~29.5 If the Neighbourhood and Community Services Scrutiny Panel decides not to make a report or recommendation to the Council in relation to the crime and disorder matter, it must notify the Member who referred the matter of its decision and the reasons for it.~~
- 229.6 Where the Panel makes a report or recommendations to the Council it must:
- provide a copy of the report or recommendations to the Member who referred the matter to the Committee and
  - provide a copy of the report or recommendations to such of:
    - (a) the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998); and
    - (b) the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998);
 as it thinks appropriate.
- 229.7 Where the [CommitteePanel](#) makes a report or recommendations to the Council or provides a copy of a report or recommendations ~~under sub-paragraph 29.6 above~~, the [CommitteePanel](#) must notify the Council, body or person to whom it makes or provides a copy of the report or recommendations that the Council, body or person must:
- consider the report or recommendations;
  - respond to the [CommitteePanel](#) indicating what (if any) action it proposes to take;
  - have regard to the report or recommendations in exercising its functions.
- 229.8 For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations, 2009, the [CommitteePanel](#) will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than once in every 12 month period.
- 229.9 Where the [CommitteePanel](#) makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of

the Police and Justice Act, 2006, the ~~Committee Panel~~ shall review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.

# Request for Single Agenda Item

Name:

Date:

Scrutiny Committee/Panel this request relates to:

Title of Item:

Purpose/Aim of Item:

## Submit

Please submit your request to the Statutory Scrutiny Officer, ([Dean.Tyler@slough.gov.uk](mailto:Dean.Tyler@slough.gov.uk))

## Queries

Please direct any queries to the Scrutiny Officer, Thomas Overend  
([Thomas.Overend@slough.gov.uk](mailto:Thomas.Overend@slough.gov.uk); tel: 01753 875657)

## Guidance

Please note that the Overview and Scrutiny Process cannot help in the following areas:

Individual complaints about specific issues

Financial probity of the Council (this is the responsibility of the Audit & Corporate Governance Committee)

Conduct or behaviour of councillors (this is the responsibility of the Audit & Corporate Governance Committee).

# Call-in Request

Name:

Date:

Decision taken by — Cabinet

Delegated decision by —

Date of decision:

Title of agenda item/report:

Reasons for Call-in:

Proposed alternative course of action (optional):

Proposed documentation and/or witnesses for the call-in (optional)

Signed: — Councillor

Signed: — Councillor

Signed: — Councillor

## Submit

Please submit your request to the Statutory Scrutiny Officer, ([Dean.Tyler@slough.gov.uk](mailto:Dean.Tyler@slough.gov.uk)).

Any queries should be directed to the Scrutiny Officer, Thomas Overend  
([Thomas.Overend@slough.gov.uk](mailto:Thomas.Overend@slough.gov.uk); tel: 01753 875657).

# Request for Scrutiny Review

Name:

Date:

Scrutiny Committee/Panel this request relates to:

Title of Review:

Purpose/Aim of Review:

## Submit

Please submit your request to the Statutory Scrutiny Officer, Dean Tyler, Service Lead Strategy & Performance ([Dean.Tyler@slough.gov.uk](mailto:Dean.Tyler@slough.gov.uk)).

Any queries should be directed to the Scrutiny Officer, Thomas Overend ([Thomas.Overend@slough.gov.uk](mailto:Thomas.Overend@slough.gov.uk); tel: 01753 875657).



## **Part 4.7 Officer Employment Procedure Rules**

### **1. Definitions**

1.1 In these Rules, the following definitions apply:

"the 1989 Act" means the Local Government and Housing Act 1989

"the 2000 Act" means the Local Government Act 2000

"Chief Finance Officer" means the officer having responsibility, for the purposes of—  
(a) section 151 of the Local Government Act 1972 (financial administration).

"Chief Officer" means:

a) the Head of Paid Service;

b) the Chief Finance Officer;

c) the Monitoring Officer;

d) a Statutory Chief Officer;

e) a Non-Statutory Chief Officer

"Deputy Chief Officer" has the same meaning as in s.2(8) of the 1989 Act

"Head of Paid Service" ("HOPS") means the officer designated under Section 4 (1) of the 1989 Act (designation and reports of Head of Paid Service)

"member of staff" means a person appointed to or holding a paid office or employment under the authority

"Monitoring Officer" ("MO") means the officer designated under section 5(1) of the 1989 Act (designation and reports of monitoring officer)

"Proper Officer" means the Head of Democratic Services.

"Statutory Chief Officer" has the same meaning as in section 2(6) of the Local Government and Housing Act 1989

"Non-statutory Chief Officer" has the same meaning as in section 2(7) the Local Government and Housing Act 1989

## **24. Recruitment and Appointment**

### **(a) Declarations**

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing member or officer of the Council; or of the partner of such persons, or are otherwise known to them in any capacity. Anyone who fails to do this may be disqualified or, if

appointed, liable to summary dismissal on the grounds of gross misconduct.

- (ii) No candidate so related to a member or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

### **(b) Seeking Support for Appointment**

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any members for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No member will seek support for any person for any appointment with the Council. Members should not provide references in support of applications for employment by the Council.

### **(c) Selection and Appointment Process**

- (i) Any member or officer who may be involved in the selection or appointment process shall immediately declare any relationship to a candidate as soon as it becomes known to them and shall not take part in the selection/appointment process of any candidates for the post to which the candidate to whom they are related has applied.

## **32. Recruitment Chief Officers including the Head of Paid Service**

32.1. Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
  - (i) the duties of the officer concerned; ~~and~~
  - (ii) any qualifications or qualities to be sought in the person to be appointed; ~~and-~~
  - (iii) ~~(iii)~~ The terms and conditions within which any appointment may be made.

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the appropriate media in order to bring it to the attention of persons who are qualified to apply or it: and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

### 3.2 Following the process in paragraph 2.1, the Council shall:

- (a) Interview all qualified applicants for the post, or select a short list of such qualified applicants and interview those included on the short list.

(a)(b) Where no qualified person has applied, make further arrangements for advertisement.

The Head of Paid Service is authorised to make interim arrangements for filling chief officer posts from among existing officers pending permanent recruitment, however the appointment notification process must be followed before an offer can be made.- It is not expected that such interim arrangements be in place for more than 6 months.

### **43. Appointment of Head of Paid Service, Monitoring Officer and Chief Finance Officer**

43.1 Full Council will approve the appointment of the Head of Paid Service, Monitoring Officer and Chief Finance Officer following the recommendation of such appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.

43.2 Full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

### **54. Appointment of Chief Officers**

54.1 A committee or sub-committee of the Council will appoint chief officers with the exception of those covered by paragraph 3.1. That committee or sub-committee must include at least one member of the Cabinet.

54.2 An offer of employment as a chief officer ~~e~~ shall only be made where no well-founded objection from any member of the Cabinet has been received.

### **65. Other Appointments**

#### **Deputy Chief Officer and Officers below Deputy Chief Officer**

65.1 The appointment of Deputy Chief Officer and officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee and may not be made by councillors. All such appointments will be carried out in accordance with the Council's human resources policies and procedures.

6.2 For appointments of Deputy Chief Officers, the appointment notification requirements set out below must be followed and an offer can only be made where no well-founded objection from any member of the Cabinet has been received.

#### **Assistants to Political Groups**

65.2 In accordance with section 9 of the 1989 Act Local Government and Housing Act 1989 a political assistant may be appointed to a post which:

- is made for the purpose of providing assistance to Council members of a political group in their role as members of the authority;
- is made at or below the maximum salary prescribed in the relevant regulations in force at that time;
- is or a term fixed by reference to the relevant regulations in force at the time;
- is allocated to a political party that qualifies for such a post.

65.3 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group. Not more than one post will be allocated to any one political group.

## **76. Appointment Notification and Offer Requirements**

76.1 In ~~this paragraph~~ ~~paragraph 7 below~~ “appointor” means, in relation to the appointment of a person as an officer of the ~~Council~~ ~~authority~~, the ~~Council~~ ~~authority~~, or where a committee, sub-committee ~~or officer~~ is discharging the function of appointment on behalf of the ~~Council~~ ~~authority~~, that committee, or sub-committee ~~or officer~~ as the case may be.

~~6.2 In paragraph 7 below “proper officer” means the Head of Democratic Services.~~

## **7. Appointments – offers**

7.24 An offer of an appointment as a ~~C~~ ~~hief~~ ~~O~~ ~~fficer~~ ~~or~~ ~~Deputy Chief Officer~~ must not be made by the appointor until-

(a) the appointor has notified the ~~P~~ ~~roper~~ ~~O~~ ~~fficer~~ of the name of the person to whom the appointer wishes to make the offer of appointment and any other particular which the appointor considers are relevant to the appointment.

(b) the ~~P~~ ~~roper~~ ~~O~~ ~~fficer~~ has notified every member of the Cabinet of:

- the name of the person to whom the appointer wishes to make the offer;
- any other particulars relevant to the appointment which the appointer has notified to the ~~P~~ ~~roper~~ ~~O~~ ~~fficer~~; and
- the period of 3 working days within which any objection to the making of the offer is to be made by ~~any member of the Cabinet~~ ~~the Leader of the Council~~ ~~on behalf of the Cabinet~~ to the ~~P~~ ~~roper~~ ~~O~~ ~~fficer~~: and

(c) Either-

- the ~~each member of the Cabinet~~ ~~has~~ ~~Leader of the Council~~ ~~has~~, within the period specified in 7.24(b) above, notified the appointor that ~~neither~~ s/he ~~or any other member of the Cabinet~~ has ~~no~~ ~~any~~ objection to the making of the offer;
- the ~~P~~ ~~roper~~ ~~O~~ ~~fficer~~ has notified the appointor that no objection was received by him within that period from ~~any member of the Cabinet~~ ~~the Leader~~; ~~or~~
- ~~the appointor has determined that any objection received from any member of the Cabinet within the period is not material or is not well-founded.~~

~~(d) Or-~~

~~• the appointor is satisfied that any objection received from the Leader within the specified period is not material or is not well founded.~~

## 8. Disciplinary action

### Head of Paid Service, Monitoring Officer and Chief Finance Officer (“the statutory governance officers”)

8.1 Any disciplinary action taken against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (“the statutory governance officers”) will be in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended and the authority’s disciplinary procedure for the statutory governance officers.

8.2 The dismissal of a statutory governance officer may only be confirmed where no well-founded objection has been made any member of the Cabinet.

8.3 The dismissal of a statutory governance officer requires the approval of full Council before a notice of dismissal can be given.

8.4 Consideration of disciplinary action which could result in dismissal or any disciplinary action short of dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer will be the responsibility of the Investigations and Disciplinary Committee (IDC) set up for this purpose. The IDC shall include at least one Member of the Executive when consideration is being given to dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.

8.5 The IDC is responsible for determining whether there is a case that requires further investigation. If it determines that there is, an Independent Investigator should be formally appointed from the list maintained by the National Joint Secretaries.

8.6 The IDC will consider the report of the Independent Investigator, give the employee an opportunity to state his/her case and question any witnesses, where relevant, before making a decision. The IDC may:

- Take no further action.
- Recommend informal resolution or other appropriate procedures.
- Refer back to the Independent Investigator for further investigation and report.
- Take disciplinary action against the employee short of dismissal.
- Propose dismissal of the employee to the Council.

#### Action short of dismissal

8.7 Where the IDC recommends an action short of dismissal, the action shall be taken by the Committee itself. If the employee wishes to exercise their right of appeal, they will present this to the Appeals Committee, whose role it is to hear appeals against action taken short of dismissal. Its power is to confirm the action, impose no sanction or impose a lesser sanction.

#### Dismissal

8.6 Where the IDC recommends dismissal, the dismissal notification procedure will be followed, providing members of the Cabinet an opportunity to object. The IDC is responsible for determining whether any objection is both material and well-founded.

8.7 If the IDC has determined there are no material and well-founded objections, the matter will be referred to the Independent Panel who will prepare an independent report and recommendations to Full Council for consideration and final determination of Full Council. The Independent Panel will review the decision and prepare a report for Council.

8.7 Before the taking of a vote at the relevant Council meeting on whether or not to approve such a dismissal, Full Council must take into account, in particular:

- a) any advice, views or recommendations of the Independent Panel;
- b) the conclusions of any investigation into the proposed dismissal; and
- c) any representations from the employee.

8.8 Where the IDC has made a proposal to dismiss a statutory officer, a hearing by the Council will fulfil the appeal function. The decision of the Council will be final.

### **Suspension pending decision**

8.9 Suspension: The Head of Paid Service, Chief Finance Officer or Monitoring Officer may be suspended by resolution of the IDC on normal pay while a disciplinary investigation and disciplinary proceedings are conducted into alleged misconduct or gross incapability.

8.10 Urgent suspension: As set out in Part 3.6, the statutory governance officers have distinct and limited powers to temporarily suspend the Head of Paid Service, Chief Finance Officer or Monitoring Officer for up to ten days pending the Appointments and Disciplinary Committee being convened to consider suspension.

### **Other Chief Officers**

8.114 A committee or sub-committee of the Council will discharge the function of dismissal of the other chief officers (i.e. excluding the statutory governance officers). That committee or sub-committee must include at least one member of the Cabinet.

8.125 Any disciplinary action taken against the other chief officers shall be in accordance with the authority's disciplinary procedure for these officers.

8.136 The dismissal of the other chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.

### **Officers below Chief Officer level**

8. ~~147~~ Disciplinary action in relation to officers below chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee and may not be made by councillors. Such disciplinary action will be carried out in accordance with the Council's human resources policies and procedures. ~~9.~~

**9. Dismissal Notification Requirements or/Proper Officer**

9.1 In paragraph 10 below "dismissor" means, in relation to the dismissal of a person as an officer of the authority, the authority, or where a committee, sub-committee is discharging the function of dismissal on behalf of the authority, that committee, or sub-committee as the case may be.

~~9.2 In paragraph 10 below "proper officer" means the Head of Democratic Services.~~

**10. Dismissal – Notices**

10.1 A notice of dismissal of the statutory governance officers or the other chief officers must not be given by the dismissor until-

(a) the dismissor has notified the Pproper Officer of the name of the person who the dismissor wishes to dismiss and any other particular which the dismissor considers are relevant to the dismissal.

(b) the Pproper Officer has notified every member of the Cabinet of:

- the name of the person who the dismissor wishes to dismiss;
- any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
- the period of 3 working days within which any objection to the dismissal is to be made by any member the Leader of the Council ~~on behalf of the Cabinet~~ to the Pproper Officer: and

(c) Either-

- all members of the Leader of the Council haves, within the period specified in 10.1(b) above notified the dismissor that ~~neither~~ s/he ~~or any other member of the Cabinet~~ has noany objection to the dismissal;
- the Pproper Officer has notified the dismissor that no objection was received by him within that period ~~from the Leader~~;

(d) Or-

- the dismissor is satisfied that any objection received from a member of the Cabinet~~the Leader~~ within the specified period is not material or is not well founded.

10.2 Where the dismissor is satisfied that a material objection has been raised under this procedure, the Appointments and Disciplinary Committee will be reconvened to consider the objection and satisfy itself as to whether any of the objections are both material and well-founded.

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<b>Report To:</b>	Council
<b>Date:</b>	18 <sup>th</sup> May 2023
<b>Subject:</b>	James Elliman's Trust
<b>Chief Officer:</b>	Stephen Taylor – Monitoring Officer
<b>Contact Officer:</b>	Stephen Dorrian – HB Law
<b>Ward(s):</b>	All
<b>Exempt:</b>	No
<b>Appendices:</b>	None

## 1. Summary and Recommendations

- 1.1 This report seeks the Council’s resolution to agree to act as corporate trustee of the James Elliman's Trust, and to agree to amend the terms of reference of the Trustee Committee to include the James Elliman's Trust within the list of charities administered by the Trustee Committee.

### Recommendations:

Council is recommended to:

- (a) Agree to act as corporate trustee of the charity known as the James Elliman's Trust in place of the current named individuals trustees.
- (b) Appoint the Trustee Committee to discharge its responsibilities as corporate trustee of the James Elliman's Trust.
- (c) Subject to agreeing to (a) and (b) above, note that officers will amend the terms of reference of the Trustee Committee to include the James Elliman's Trust within the list of charities administered by that Committee, and update the register of trustees at the Charity Commission to record that Slough Borough Council is the sole corporate trustee of the charity

### Reason: For recommendations

To bring the James Elliman’s Trust within the remit of the Trustee Committee.

### Commissioner Review

The report has been reviewed by the Commissioner.

## 2. Report

### Introductory paragraph

- 2.1 The Council administers and manages a number of charitable trusts as corporate trustee, and has delegated its corporate trustee duties to the Trustee Committee.

- 2.2 Due to an oversight when setting up the Trustee Committee, the James Elliman's Trust was not included as one of the trusts for which the Council is responsible for under the Trustee Committee Terms of Reference.
- 2.3 Individual Councillors currently act as trustees of the James Elliman's Trust, but the Trustee Committee meeting on 8 February 2023 asked officers to take action to bring the James Elliman's Trust within the remit of the Trustee Committee.
- 2.4 Council is therefore required to agree to act as corporate trustee of the James Elliman's Trust and to agree to discharge its responsibilities through the Trustee Committee, so that officers can take the necessary action to put this in place.

### Options considered

- *Not to ask Council to act as corporate trustee of the James Elliman's Trust and for the named individual trustees to continue to act as trustees*

Officers have rejected this option because the Trustee Committee has asked officers to bring the James Elliman's Trust within the remit of the Trustee Committee. The Trustee Committee was the vehicle set up by the Council to govern all Council Trusts but the James Elliman's Trust was excluded from the arrangements in 2020 due to an oversight. The individual trustees (mainly the members of the Trustee Committee) therefore agreed to act as James Elliman Trustees in the meantime until the transition to the Council as corporate trustee could be completed. Therefore this report is seeking to remedy that oversight.

### Background

At its meeting on 8 February 2023, the Trustee Committee asked officers to explore how to bring the James Elliman's Trust within the remit of the Trustee Committee.

The Council acts as corporate trustee in relation to the following charities, and has appointed the Trustee Committee to discharge its responsibilities as corporate trustee:

- The War Memorial Garden at Slough – Charity No. 1010350
- The Salt Hill Playing Fields – Charity No. 215385
- Langley War Memorial Fields – Charity No. 1055955
- Chalvey Millennium Green Trust – Charity No. 1073976

The James Elliman's Trust (Charity number: 300325) is registered at the Charity Commission to make grants to individuals and organisations for the provision, or in assisting in the provision, of facilities for the inhabitants of Slough for recreation or other leisure-time occupation, in the interests of social welfare with the object of improving the conditions of life for the said inhabitants.

It does not appear to have awarded any grants or had any expenditure for at least the last five financial years, although it's income is minimal, £458 pa in the last two financial years.

The charity was first registered at the Charity Commission on 22 August 1962, de-registered briefly in September 2011, and then re-registered on 26 October 2011.

The charity does not own and/or lease land or property.

Trustees are the people responsible for controlling the work, management and administration of the charity on behalf of its beneficiaries.

Trustees are appointed for a term of four years by the Council. There are currently seven named registered trustees.

<b>Name</b>	<b>Role</b>	<b>Date of appointment</b>
Nicholas Pontone	Trustee	19 May 2022
Cllr Preston Brooker	Trustee	19 May 2022
Cllr Joginder Bal	Trustee	20 May 2021
Cllr Waqas Sabah	Trustee	20 May 2021
Cllr James Swindlehurst	Trustee	20 May 2021
Cllr Fiza Matloob	Trustee	20 May 2021
Cllr Satpal S Parmar	Trustee	19 May 2015

However, this record of trustees at the Charity Commission is not up to date. Annual cabinet on 19 May 2022 agreed the appointment of Cllrs Bal, Sabah, Swindlehurst, Matloob, and Parmar to the James Elliman's Trust.

Council is asked to agree to rectify the omission to include the James Elliman's Trust as one of the trusts for which the Council acts as corporate trustee through the Trustee Committee, by agreeing to act as corporate trustee and including the James Elliman's Trust under the remit of the Trustee Committee.

### **3. Implications of the Recommendation**

#### **3.1.1 *Financial Implications***

There are no direct financial implications arising from this proposal.

#### **3.2 *Legal implications***

3.2.1 Trustees are the people responsible for controlling the work, management and administration of the charity on behalf of its beneficiaries. As corporate trustee the Council is responsible for discharging the Council's duties and responsibilities as corporate trustee. The Council has decided to delegate these duties to the Trustee Committee. The Trustee Committee's primary duties are to promote the objects of the various trusts administered by that Committee.

3.2.2 The Council acts as the corporate trustee in relation to the other council charities set out above. However, rather than requiring all decisions to be reached by full Council, the Council has appointed the Trustee Committee to committee to discharge its responsibilities as corporate trustee.

3.2.3 As corporate trustee of the James Elliman's Trust, the Council will become responsible for administering and managing the Trust, though the Trustee Committee.

3.2.4 There are certain legal requirements to update the Charity Commission's register of charities which will be followed up.

### 3.3 *Risk management implications*

3.3.1 There are no risks identified from the recommendations in this report

### 3.4 *Environmental implications*

3.4.1 None arising directly from this report

### 3.5 *Equality implications*

3.5.1 None arising directly from this report

### 3.6 *Procurement implications*

3.6.1 None

### 3.7 *Workforce implications*

3.7.1 None

### 3.8 *Property implications*

3.8.1 None

## 4. **Background Papers**

None

**Slough Borough Council**

**REPORT TO:** Annual Council                      **DATE:** 18 May 2023

**CONTACT OFFICER:** Stephen Taylor – Monitoring Officer  
(For all enquiries)

**WARD(S):** All

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

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

1 **Purpose of Report**

To appoint members to the committees and other specified bodies of the Council as set out in the Constitution, in line with the rules of political proportionality, including any adjustments to the sizes of committees as necessary to assist with the application of proportionality.

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

To allocate 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 and other bodies be appointed, that their sizes be adjusted as necessary to facilitate proportionality, and seats thereon allocated to political groups in accordance with the rules of proportionality where applicable, all as per **Appendix 1** (to follow).
- (b) That appointments be made to 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 Lead Members (the Cabinet) and their portfolios be received as per **Appendix 2**. (to follow).
- (e) That Political Group Officer support to Political Groups is agreed for the 2023/24 municipal year.
- (f) To approve the timetable of ordinary meetings of the Council for 2023/2024 as set out in the report.

## Commissioners Review

*The Commissioners have reviewed this report and may choose to make comments once the nominations from groups have been received for committees and outside bodies.*

### 3. **Strategic 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). The proposals have no workforce implications and any financial implications have been reflected within the approved budget.

The rules for the allocation of seats are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 (the 1989 Act) and the Local Government Committee and Political Group Regulations 1990. The Council has an obligation to ensure compliance with the legislative requirements for political proportionality in relation to the allocation of seats and the nominations to them where members are organised into different political groups. Should the Council wish to not apply the political proportionality requirement, then it may only do so in accordance with section 17 of the 1989 Act and provided that no member of the Council votes against.

#### (b) Financial Implications

The Scheme of Members Allowances allocates Special Responsibility Allowances and these are included in the Council's budget.

### 5. **Supporting Information**

- 5.1 It is a requirement to appoint to the 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 formal 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 (i) and (ii) above , the number of seats on the ordinary committees which are allocated to each political group bears the same proportion to the total of all the seats on all the committees of the Council as is borne by the number of members of that group to the membership of the authority

(iv) Without being inconsistent with (i) to (iii) above, , that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the Council.

The political proportionality rules also apply to those outside bodies dealing with local government matters to which the Council appoints three or more representatives.

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 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 legal requirements or constraints on e.g. whether Cabinet Members can or must be appointed to certain committees. The proposals in **Appendix 2** (to follow) will take account of these requirements.

5.5 In some cases, it can be appropriate to adjust the size of one or more committees to better serve the achievement of proportionality overall. This has been taken into account and any proposed changes to the size of the committees are included in the appendix.

5.6 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**

5.7 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 have not yet all been received at the time of writing. However as of the election in May 2023 the Conservative Group secured 21 seats (50%) Labour Group secured 18 seats (43%) and the Liberal Democrats Group 3 seats (7%). As the Liberal Democrat political group does not have at least 10% of the membership, it is not entitled to any political group officer support.

5.8 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 support provided to political groups based on the Groups' Memoranda once received.

## **Dates of Council Meetings – 2023/24**

5.9 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 taking place at 7.00pm) for 2023/24 were previously agreed at the Council meeting on 28<sup>th</sup> March 2023 and are as follows:

- 27<sup>th</sup> July 2023
- 28<sup>th</sup> September 2023
- 30<sup>th</sup> November 2023
- 25<sup>th</sup> January 2024
- 7<sup>th</sup> March 2024 (Budget)
- 25<sup>th</sup> April 2024
- 16<sup>th</sup> May 2024 (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:** 18<sup>th</sup> May 2023**CONTACT OFFICER:** Kunwar Khan, Democratic Services and Scrutiny  
Manager**WARD(S):** All**PART I**  
**FOR DECISION****APPOINTMENTS TO OUTSIDE BODIES 2023/24****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 2023/24.

**Commissioners Review**

The Commissioners have reviewed this report and may choose to make comments once the nominations from groups have been received for committees and outside bodies.

**3. Strategic 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 may provide 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. Any potential or perceived conflicts of interest should be avoided.

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

## 4.2 Financial

The Council may provide 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 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.

5.5 In nominating Members to serve on outside bodies, Groups must take account of:

- Any potential or perceived conflicts of interest relating to either that Members register of interests or any other position they may hold on the Council such as a Lead Member or chair of a committee.
- The skills, knowledge and expertise of Members they are nominating to outside bodies to ensure the Council's representatives can fully contribute and ensure the relationship between the authority and outside bodies is effective.

**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.

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**OUTSIDE BODIES**  
**APPOINTMENTS TO OUTSIDE BODIES / PARTNERSHIPS 2023 / 2024**

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

	<b>Outside Body</b>	<b>Total Reps (Member/Officer)</b>	<b>Purpose of Outside Body</b>	<b>Whether a Statutory (S), Best Practice (BP) or Other (O) Appointment &amp; Meeting Arrangements</b>	<b>Representative(s) appointed 2022/2023 or other period as stated</b>	<b>Status (Director / Trustee / Councillor)</b>	<b>Nominations required 2023/24</b>
1.	Berkshire Healthcare NHS Foundation Trust – Council of Governors	1 Member (preferably Lead Member for Social Care & Public Health)	Provision of Mental Health services to the Slough area	BP	Councillor Pantelic	Governor Observer	1
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 has been devolved to the BLTB which is a voluntary partnership between Local Enterprise Partnerships and the LA, Slough BC is the Accountable Body that provides Section 151 Officer, legal and secretariat support to the LTB. The main purpose of BLTB is to prioritise infrastructure schemes to receive the funding allocated.	S Three times a year	Councillor Nazir  (Deputy, Councillor Swindlehurst)	Councillor	1  Plus 1 Deputy
3.	Development Initiative for Slough Housing Ltd	3 Members	DISH was established in the late 1980s in response to the Government’s requirement that more homes for rent be built by bodies other than local councils, with rents at economic levels.	O	Councillors Swindlehurst, Carter and Mann	Director	3
4.	Royal Berkshire Fire Authority  *Allowance payable 2022/23 was £2,596.66 per annum	3 Members (normally allocated on a politically proportionate basis)	To provide a fire service for Berkshire	S 4 times a year Rotates 6.30 p.m.	Councillors Dar, S Malik, Smith	Members	3

	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 2022/2023 or other period as stated	Status (Director / Trustee / Councillor)	Nominations required 2023/24
5.	Safer Slough Partnership	1 Member (usually the Lead Member with portfolio responsibility)	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 Bains	Member	1
6.	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 Akram  (Councillor S Parmar – Deputy)	Member	1  Plus 1 deputy
Page 156	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 Akram  (Councillor S Parmar – Deputy)	Trustee	1  Plus 1 deputy
8.	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.	Councillor Hulme	Member	1

	<b>Outside Body</b>	<b>Total Reps (Member/Officer)</b>	<b>Purpose of Outside Body</b>	<b>Whether a Statutory (S), Best Practice (BP) or Other (O) Appointment &amp; Meeting Arrangements</b>	<b>Representative(s) appointed 2022/2023 or other period as stated</b>	<b>Status (Director / Trustee / Councillor)</b>	<b>Nominations required 2023/24</b>
9.	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 2022/23 or other period as stated	Status of Appointment (Director / Trustee / Councillor)	Nominations required 2023/24
1.	Heathrow Community Engagement Board (or successor body)	1 (Member or Officer) (Suggested Lead member with portfolio responsibility plus deputy)	The Board was an advisory body constituted by Heathrow Airport Limited in accordance with Section 35 of the Civil Aviation Act 1982 as a means of consultation with regard to the management of administration of the airport. It is currently undergoing a review and any appointment is subject to that review.	O Quarterly	Councillor Nazir	Councillor/ Member	1 (plus deputy)
Page 158	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 Nazir	Councillor	1
3.	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 & Brooker	Councillor	2
4.	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 S Parmar	Councillor	1



5.	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 Ajaib and Gahir)	Councillors	2 Plus 2 deputies
6.	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 Gill	Trustee	2
7.	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
8	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
9.	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 J Davis - Deputy)	Councillor	1 Member plus deputy
10.	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 Akram, Gahir, Swindlehurst	Councillor	3 Members

