

Date of issue: Monday, 16 July 2018

<b>MEETING</b>	<b>AUDIT AND CORPORATE GOVERNANCE COMMITTEE</b>
<b>DATE AND TIME:</b>	WEDNESDAY, 18TH JULY, 2018 AT 6.30 PM
<b>VENUE:</b>	VENUS SUITE 3, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	SHABANA KAUSER 01753 787503

### **SUPPLEMENTARY PAPERS**

The following Papers have been added to the agenda for the above meeting:-

\* Item 10 the appendix was not available for publication with the rest of the agenda.

#### **PART 1**

<b><u>AGENDA ITEM</u></b>	<b><u>REPORT TITLE</u></b>	<b><u>PAGE</u></b>	<b><u>WARD</u></b>
10.	Revision of the Constitution – Appendix A	1 - 374	All

This page is intentionally left blank

# CONSTITUTION

## Slough Borough Council

### JULY 2018

Contact:  
Catherine Meek  
Tel: 01753 875011  
Email: [Catherine.meek@slough.gov.uk](mailto:Catherine.meek@slough.gov.uk)

	<b><u>Pages</u></b>
1. Part 1 - Summary and Explanation	1 - 4
2. Part 2 - Articles of the Constitution	5 - 60
3. Part 3 - Responsibility for Functions	61 - 108
4. Part 4 - Procedure Rules	109 - 230
5. Part 5 - Ethical Framework	231 - 358
6. Part 6 - Members' Allowances Scheme	359 - 370
7. Part 7 - Management Structure	371 - 372



This page is intentionally left blank

## **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 – 18 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. There are 15 Wards in Slough. 13 Wards have 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 ~~Members have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties~~Each Member must give a written undertaking that he will observe the Council's code of conduct for the time being. The Audit and Corporate Governance Committee trains and advises them on the code of conduct.
- 6 ~~All Members meet together as the Council. Meetings of the Council are normally open to the public~~Meetings of the Council shall be open to the Public 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 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 a cabinet of between two and nine Members appointed by the Leader~~The Executive is made up of the Leader elected by the Council and no more more than nine members appointed by the Leader. ~~When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed~~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 support the work of the Executive and the Council as a whole. They allow 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 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;
  - obtain a copy of the Constitution;
  - 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 1 – THE CONSTITUTION

### 1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### 2 The Constitution

This Constitution, and all its appendices, is the Constitution of Slough Borough Council.

### 3 Purpose of the Constitution

The purpose of the Constitution is to serve as the definitive set of rules and procedures to be complied with in connection with the workings of the Council in order -to:

- 1 enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 2 support the active involvement of citizens in the process of Local Authority decision-making;
- 3 help Members represent their constituents more effectively;
- 4 enable decisions to be taken efficiently and effectively;
- 5 create a powerful and effective means of holding decision-makers to public account;
- 6 ensure that no one will review or scrutinise a decision in which they were directly involved;
- 7 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 8 provide a means of improving the delivery of services to the community.

### 4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

This page is intentionally left blank

## 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 ~~and approved by the Secretary of State.~~
- (b) **Eligibility.** ~~Only registered voters of the Borough or those occupying property or working there will be eligible to hold the office of Member~~ 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 by thirds in three out of four years. Elections are held on the first Thursday in May. 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.

#### 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.

This page is intentionally left blank

## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

- (a) **Voting and Petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
  - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) attend meetings of the executive and executive committees when key decisions are being considered;
  - (iii) find out from the Notice of decisions (forward plan) what key decisions will be taken by or on behalf of the executive and when;
  - (iv) see reports and background papers, and any records of decisions made by the Council and the Executive;
  - (v) see reports and background papers, and any records of key decisions made on behalf the Executive; and
  - (vi) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to:
  - (a) Present petitions to the Council.
  - (b) Ask a written question at the Council in accordance with the agreed procedures.
  - (c) Ask a supplementary question at the meeting provided it is relevant to the original question.
  - (d) Contribute to the work of Overview and Scrutiny by providing written or verbal submission either voluntarily or on request.
- (d) **Complaints.** Citizens have the right to complain to:
  - (i) the Council itself under its complaints scheme;
  - (ii) the Ombudsman after using the Council's own complaints scheme;
  - (iii) the Monitoring Officer about a breach of the Member's Code of Conduct.

### 2 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to Members or officers and must not wilfully harm things owned by the council, Members or officers.

This page is intentionally left blank



## ARTICLE 4 – THE FULL COUNCIL

### Meanings

- (a) **Policy Framework:** The policy framework means the following plans and strategies:
- Slough Joint Wellbeing Strategy
  - Crime and Disorder reduction Strategy
  - Licensing Authority Policy Statement
  - 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
- (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.

### 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.

This page is intentionally left blank

## **ARTICLE 5 – CHAIRING THE COUNCIL**

### **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.

This page is intentionally left blank

## ARTICLE 6 – OVERVIEW AND SCRUTINY

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

Committee/Sub Committee	Scope
Overview and Scrutiny Committee	<ul style="list-style-type: none"> <li>• All Overview and Scrutiny functions on behalf of the Council.</li> <li>• The co-ordination of the Overview and Scrutiny work plan including the allocation of issues to Scrutiny Panels.</li> <li>• Consideration of the details of the Executive’s Forward Plan.</li> </ul>
Panels: <ul style="list-style-type: none"> <li>• Health</li> <li>• Education &amp; Children’s Services</li> <li>• Neighbourhood and Community Services</li> </ul>	Each Scrutiny Panel shall be responsible for: <ul style="list-style-type: none"> <li>• 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.</li> <li>• Matters within its area of responsibility which have been :               <ul style="list-style-type: none"> <li>• Referred to it by the Council or Overview and Scrutiny Committee</li> <li>• Referred to it by the Overview and Scrutiny Committee on receipt of a member call in</li> <li>• Agreed by the Panel for inclusion in its agenda plan or work programme.</li> </ul> </li> </ul> Each Panel shall make recommendations or reports to the Overview and Scrutiny Committee, Cabinet, other Committee or Council as appropriate.

### General Role

- 2 Within its terms of reference, the Overview and Scrutiny Committee will:
- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;

- (ii) make reports and/or recommendations to the full Council and/or the Executive and/or any other Committee in connection with the discharge of any functions;
  - (iii) consider any matter affecting the Borough or its inhabitants; and
  - (iv) review decisions made but not yet implemented by the Executive and any other Committee, where these have been called-in.
- 3 The Committee (and its Panels) will meet in public unless confidential or exempt information is being considered.

### **Specific Functions**

- 4 **Policy Development and Review** - The Overview and Scrutiny Committee may:
- (i) Assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
  - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
  - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - (iv) question Members of the Executive, other Committees and Directors about their views on issues and proposals affecting the area; and
  - (v) liaise with other external organisations operating in the area whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- 5 **Audit Functions** - The Overview and Scrutiny Committee shall receive, on an exception basis, information from the Audit and Corporate Governance Committee through the Performance Report. In particular the following information will be provided:
- Reports on abnormal issues arising from audit recommendations including poor performance by directorates in implementing agreed recommendations within planned timescales.
  - Special audit investigation reports.
  - Head of Internal Audit & Risk Management's annual report.
  - External Audit Management Letters and other reports
- 6 **Scrutiny Functions** – The Overview and Scrutiny Committee shall:
- (i) review and scrutinise the decisions made by and performance of the Executive, Committees and Council Officers both in relation to individual decisions and over time;

- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets, data quality and/or particular service areas;
- (iii) question Members of the Executive, Committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance; and
- (vi) question and gather evidence from any person (with their consent).

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

#### **Proceedings of Overview and Scrutiny Committee**

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

#### **Statutory Scrutiny Officer**

9 **In accordance with the provisions of Section 9FB of the Local Government Act 2000 ~~31 of the Local Democracy, Economic Development and Construction Act 2009~~ the Council's Statutory Scrutiny Officer is the ~~Assistant Director of Strategy and Engagement~~ Service Lead Strategy & Performance.**

10 **The Statutory Scrutiny Officer will**

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

This page is intentionally left blank



## 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 Cabinet will consist of the Leader who will be appointed by the Council together with the Deputy Leader and at least one but not more than eight, 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 ~~Commissioners~~ Lead Members.

### Leader

- 5 The Leader will be a Member elected to the position of Leader by the Annual meeting of the Council, or a subsequent Council meeting if the Annual Meeting fails to elect the Leader or if he or she resigns from office or is removed from office by resolution of the Council or if he or she is no longer a Member or he or she is otherwise disqualified by law.
- 6 ~~The Leader will hold office for a period of up to four years from the date of appointment by the Council or for such lesser period of time as the Leader holds office as a Councillor. The Leader's term of office will extend to the annual meeting of Council immediately following his or her retirement or failure to get re-elected and at that meeting another leader will be appointed by the Council and the former Leader's term of office ends~~ The Leader will hold office for a term of four years starting on the day of his or her election as Leader at the annual meeting, 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 for a term of four years starting on the day of his or her election as a Councillor, unless his or her term of office as a Councillor is shorter, in which case the term of office as Leader will be the same as his or her term of office as a Councillor, subject to paragraph 7 of this Article. Where the Leader is replaced during his or her term of office, then the new Leader is elected at the meeting where the former leader is removed from office or at a subsequent meeting.
- 7 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; or
  - (c) by resolution of the Council;

(d) he/she is otherwise disqualified by law.

**Other Cabinet Members (~~Commissioners~~Lead Members)**

8 At the first meeting of Cabinet each year following the Council's Annual Meeting or at any other time if the Leader is elected at a meeting other than the Annual Meeting, the Leader will, for that Municipal Year:

- (a) Determine the number of Councillors that he/she will appoint to the Cabinet as ~~Commissioners~~Lead Members and the portfolios they will hold,
- (b) Appoint Councillors to the ~~Commissioner~~Lead Member portfolios.

- 9 Commissioners shall hold office until:
- (a) they resign from office; or
  - (b) they are no longer Members; or
  - (c) until the commencement of the next annual meeting of the Council
  - (d) they are removed from office by the Leader of the Council
  - (e) he/she is otherwise disqualified by law.

### **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 officer 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
- 10.2 If for any reason both the Leader and the Deputy Leader are unable to act or if both offices are vacant, the remaining Commissioners will, until the Council has elected a new Leader either
- (a) provide collective executive leadership of the Council or
  - (b) arrange for one of their number to act in place of the Leader.

### **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 The Head of Democratic Services will maintain a list in Part 3 of this Constitution setting out where responsibility lies for the exercise of particular executive functions.

This page is intentionally left blank

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

This page is intentionally left blank

## **ARTICLE 9 – AUDIT AND CORPORATE GOVERNANCE COMMITTEE**

The Council will appoint an Audit and Corporate Governance Committee

### 1. Statement of Purpose

The purpose of this Committee is to

- promote and maintain high standards of conduct by Members
- provide independent assurance of the adequacy of the risk management framework and the associated control environment
- independently scrutinise the authority's financial and non-financial performance, to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process
- approve the financial statements
- approve the Annual Governance Statement.

### Terms of Reference

#### 2. Within the Terms of Reference of the Committee it will be

- the member forum for external audit matters, approving the financial statements on behalf of the full Council
- the member forum for ethical framework matters
- the member forum for internal audit matters
- a key element of the internal control framework for the Council and take responsibility for the approval of the Annual Governance Statement on behalf of the full Council
- be the member forum for risk management matters
- be the member forum for corporate governance matters.

### Membership

#### 3 The Committee is subject to the provisions of the Local Government Access to Information Act 1985.

#### 4 The Committee will comprise\*:

Seven councillors (politically balanced) (not the Leader, Mayor and Deputy Mayor, Chairs and Vice Chairs of Planning and Licensing Committee and Group Leaders\*)

Up to four co-opted (non-voting) independent members from outside the Council with suitable experience

The Council's Independent Person (as an observer).

\* executive members limited to one

\* one Member from each of the three Parish Councils in the Borough to be invited to attend and speak at the Committee if it is considering a report relating to material changes to the Code of Conduct

In order to promote the independence of the Committee there should be limited cross membership between Overview and Scrutiny Committee and the Audit and Corporate Governance Committee limited to a maximum of 2 members. Also Cabinet membership of the Committee is limited to one member.

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

### Working Arrangements

- 5 That Committee will meet four or more times per year.
- 6 The quorum of the Committee shall be a minimum of three voting members of the committee.
- 7 The Committee will be subject to the statutory access to information provisions. The press and public may be excluded and papers withheld from access only if they meet statutory definitions of exempt or confidential information.
- 8 All Members of the Council and members of the press and public can attend the Committee when it is discussing business in Part I of the agenda. When the Committee is discussing exempt or confidential information (Part II) only Members of the Committee and Members of the Council (with the consent of the Committee given by majority resolution) can attend.
- 9 The Committee will appoint a Standards and Determination Sub Committee to
  - determine complaints following an investigation; and
  - give detailed consideration to revisions to the Code of Conduct as necessary for recommendation to the Committee.
- 10 The Committee and its Sub Committee may require Members of the Council and Officers of the Authority to attend before it to answer questions.
- 11 The Committee and its Sub Committee may require the production of any document or record in the possession of the Council to be submitted to it, unless to do so would involve a breach of data protection or other statutory provisions.
- 12 The Committee may require the Monitoring Officer or his/her nominee to investigate on its behalf allegations of impropriety referred to the Committee.

### Specific Functions

The Committee's specific functions shall include but not be limited to

- 13 External Audit
  - To consider the external audit report to those charged with governance on issues arising from the audit of the accounts, and ensure that appropriate action is taken in relation to the issues raised
  - To consider the external auditor's annual letter and ensure that appropriate action is taken in relation to the issues raised
  - To consider and comment on any plans of the external auditors
  - To comment on the scope and depth of the external audit work and to ensure it gives value for money
  - To consider any other reports by the external auditors



- To liaise with the appointed body over the appointment of the Council's external auditor.

#### 14 Internal Audit

- To consider the Chief Internal Auditor's annual audit opinion and the level of assurance given over the Councils corporate governance, risk management and control arrangements
- To consider regular reports, including statistics, abstracts and performance of the work of internal audit as presented by the Chief Internal Auditor
- To consider and approve the annual Internal Audit plan ensuring that there is sufficient and appropriate coverage
- To consider reports from Internal Audit on agreed recommendations not implemented in accordance within the agreed timescale
- To contribute to the annual audit plan
- To comment on the scope and depth of the internal audit work and to ensure it gives value for money
- To consider any other reports the Chief Internal Auditor may make to the Committee.

#### 15 Internal Control

- To approve the adoption of the Annual Governance Statement to the Council
- To ensure that an appropriate action is taken with respect the issues raised in the Annual Governance Statement.

#### 16 Risk Management

- To approve the risk management strategy and review the effectiveness of risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements and seek assurances that action is being taken on risk related issues
- To ensure that assurance statements, including the Annual Governance Statement properly reflect the risk environment
- To review the Council's risk register.

#### 17 Governance

- To consider the arrangements for corporate governance and to make appropriate recommendations to ensure corporate governance meets appropriate standards
- To consider the Council's compliance with its own and other published standards and controls
- To review any issues of governance referred to the Committee by internal or external audit
- To take ownership of the Protocol on referring Matters to the External Auditor
- To review the Anti-Fraud and Corruption policy.

## Standards and Ethical Framework

- (a) To promote and maintain high standards of conduct by Members, (i.e. Elected and Co-opted).
- (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 of (a) to (f) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
- (h) To keep under review and make recommendations to the Council on the Whistle-Blowing Policy and Procedure.
- (i) To put in place and keep under review arrangements for monitoring Members' performance.
- (j) To receive and consider reports on individual Members' performance.
- (k) To decide any requests from a Member or Officer for indemnity as set out in the Council's adopted Policy on Terms of Indemnity.

## 18 Other

- (a) To liaise with the Overview and Scrutiny Committee to ensure that the work of the two committees is complementary.
- (b) To promote effective relationships between external audit, internal audit, inspection agencies and other relevant bodies to ensure that the value of the audit and inspection processes are enhanced and actively promoted.
- (c) To consider financial and non-financial performance issues to the extent that this impacts upon financial management and governance.
- (d) The Committee shall, in conjunction with the Monitoring Officer and ~~Chief Finance Officer~~ Director of Finance & Resources, produce an Annual Review of work completed and proposed and report on an exception basis through the Performance Report for Cabinet.

19 The terms of reference of the Committee shall be reviewed annually.

## Determination Sub-Committee

### 1. Terms of Reference

The Sub-Committee is established to

- determine complaints following an investigation.
- give detailed consideration to revisions to the Code of Conduct as necessary for recommendation to the Committee.

### 2. Following a hearing the Sub-Committee will make one of the following findings:

- (a) That the Member who was the subject of the hearing had not failed to comply with the Code of Conduct of the relevant Authority concerned;
- (b) That the Member who was the subject of the hearing had failed to comply with the Code of Conduct of the relevant Authority concerned, but that no action needs to be taken in respect of the matters which were considered at the hearing; or
- (c) That the Member who was the subject of the hearing had failed to comply with the Code of Conduct of the relevant Authority concerned and that a sanction should be imposed.

### 3. If the Sub-Committee makes a finding under paragraph 2(c) in respect of a person who is no longer a Member of any authority that the Committee has responsibility for it shall censure that person.

### 4. If the Sub-Committee makes a finding under paragraph 2(c) in respect of a person who is a serving Member of any authority that the Committee has responsibility for, it shall impose any of, or a combination of, the following sanctions:

- (a) censure of that Member
- (b) restriction for a period not exceeding six months of that Member's access to the premises of the relevant Authority or the resources of the relevant Authority provided that those restrictions:
  - i. are reasonable and proportionate to the nature of the breach;
  - ii. do not unduly restrict the person's ability to perform the functions of a Member.
- (c) that the Member submits a written apology in a form specified by the Sub-Committee;
- (d) that the Member undertakes such training as the Sub-Committee specifies;
- (e) that the Member participate in such conciliation as the Sub-Committee specifies.

## 5. Appointment and Composition of the Sub-Committee

- (a) The Sub Committee will be convened as necessary from the membership of the Audit and Corporate Governance Committee. The Sub-Committee will therefore not have a fixed membership.
- (b) The Sub-Committee shall comprise five Members, of whom a maximum of three shall be elected members **drawn on a politically proportionate basis, wherever possible. If an opposition Member is not available, the three Members will be appointed from the same political party.** No more than two should be Co-Opted Independent Members of the Audit and Corporate Governance Committee.
- (c) The Sub-Committee shall elect a Chair at each hearing/meeting. The Chair will be an elected Councillor.
- (d) The appointment and composition of the Sub-Committee shall increase to include a Parish Member (observer) of the Audit and Corporate Governance Committee where the Sub-Committee is considering a report or recommendations that relate to a Parish Council Member.

## 6 Quorum

The quorum for a meeting of the Sub-Committee shall be three Members, two of whom must be elected Members and at least one Independent Member. When considering a matter relating to the conduct of a Member as Parish Councillor at least one Parish Council representative shall also be present.

## 7 Frequency of Meetings

The Sub-Committee shall meet as and when required to enable it to undertake its functions.

## ARTICLE 10 – CHAMPIONS

### 1 Appointment of Champions

At its discretion the Council may from time to time designate Champions from amongst Councillors.

### 2 Term of Office

Councillors who are designated as Champions shall hold office until:

- (a) they resign from office;
- ~~(b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);~~
- (b) they are no longer Councillors; or
- (c) until the commencement of the next Annual Meeting of the Council except that the Council may remove from office at its discretion.

### 3 Role and Functions

To act as a positive focus for the local community at elected member level in respect of the relevant section of the community or range of activities designated by the Council so as to ensure that full consideration is given to the impact of Council activities and decisions upon the section of the community or range of activities.

### 4 Key Tasks

- (a) To make contact with local organisations concerned with the designated section of the community or range of activities and to establish effective and regular consultation arrangements with those organisations.
- (b) To represent the views of such organisations to the Council, Cabinet, Overview and Scrutiny and other Committees and to officers on all relevant aspects of the Council's activities.
- (c) To act as an advocate on behalf of the relevant section of the community or range of activities within the Council as an organisation and to the wider community.
- (d) To become familiar with the needs and priorities of the relevant section of the community or range of activities concerned and to weigh up interests expressed in order to provide sound advice on the implications of alternative courses of action.
- (e) To feedback decisions of the Borough Council and to explain the Council's position on specific issues of concern to relevant organisations and to individuals involved.
- (f) To publish an annual report on work undertaken over each year for consideration by the Council.

This page is intentionally left blank

## 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 OFFICER FUNCTIONS

### 1 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Executive and Directors.** The Council will engage persons for the following posts:

Post	Functions and areas of responsibility
Head of Paid Service (and Chief Executive)	<ul style="list-style-type: none"> <li>• Overall corporate management and operational responsibility (including overall management responsibility for all officers).</li> <li>• Provision of professional advice to all parties in the decision making process.</li> <li>• Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</li> <li>• Representing the Council on partnership and external bodies (as required by statute or the Council).</li> <li>• 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 the performance of their duties in accordance with the requirements of the Code of Conduct for Employees.</li> <li>• Strategy and Engagement</li> <li>• <u>Environmental Services</u></li> <li>• <del>Organisational Development and Human Resources (inc. Health and Safety and trade unions)</del></li> <li>• <u>to serve as the Returning Officer and Acting Returning Officer for local and parliamentary elections</u></li> </ul>
Director of Children, Learning and Skills	<ul style="list-style-type: none"> <li>• <del>School effectiveness</del><u>Learning, Schools and education provision 0-25</u></li> <li>• <u>Early Years and Development</u><del>Commissioning and Performance</del></li> <li>• <u>Access and Inclusion</u><del>Client monitoring and accountability role to Slough Children's Trust</del></li> <li>• <u>Children's Commissioning, Partnerships and Performance</u><del>Children centres and Early years provision</del></li> <li>• <u>SEND – Special Educational Needs and Disabilities</u><del>Children's Public health services</del></li> <li>• <u>Local Safeguarding Children's Board</u></li> </ul>

<p>Director of <u>Adult Social Care</u> <u>Adults and Communities</u></p>	<ul style="list-style-type: none"> <li>• <u>Public Health</u>Effective integration between all services within the Directorate between support and frontline services</li> <li>• <u>Adult Social Care Operations</u>To deliver an effective integration of services with key partners, specifically the NHS, including shared and pooled budgets and ICT</li> <li>• <u>Adults and Communities Commissioning</u> Strategic planning for all services within the Directorate</li> <li>• <u>Regulatory Services</u>Overall planning and management of resources for the above services</li> <li>• <u>Communities &amp; Leisure</u></li> </ul>
<p>Strategic Director of <u>Regeneration, Housing &amp; Resources</u></p>	<p>Housing and Environment</p> <ul style="list-style-type: none"> <li>• <u>Finance and Audit</u></li> <li>• <u>Estates and Regeneration</u></li> </ul>
<p>Strategic Director of <u>Finance &amp; Resources</u> <u>Customer and Community Services</u></p>	<ul style="list-style-type: none"> <li>• <u>Finance</u> <u>Commercial Services and Procurement</u></li> <li>• <u>Customer and Communications</u> <u>Customer Services and ICT</u></li> <li>• <u>People (OD/HR)</u> <u>Corporate Health &amp; Safety</u> <u>Equalities</u> <u>Enforcement and Regulation</u></li> <li>• <u>Digital &amp; Strategic IT</u> <u>Community and Skills</u></li> <li>• <u>Strategy &amp; Performance</u> <u>Legal Services</u></li> <li>• <u>Governance</u> <u>Building Control and Planning</u></li> </ul>
<p>AD &amp; Consultant <u>Public Health</u> <u>Director of Regeneration</u></p>	<p>TBC</p> <ul style="list-style-type: none"> <li>• <u>Regeneration Development (Asset Management &amp; Economic Development)</u></li> <li>• <u>Regeneration Delivery (Property Services)</u></li> <li>• <u>Planning &amp; Transport (Planning, Building Control, Local Land Charges, Environmental Quality, Highways &amp; Transport, Planning &amp; Building Control Business Support</u></li> <li>• <u>Emergency Planning</u></li> <li>• <u>Strategic Housing Services</u></li> <li>• <u>Neighbourhood Services</u></li> <li>• <u>Building Management</u></li> </ul>

(c) **Statutory Officers**

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
<u>Service Lead Governance</u>	Monitoring Officer
<u>Assistant Director (Finance and</u>	Chief Finance Officer – S151

<del>Audit</del> <u>Director for Finance &amp; Resources</u>	Officer
Director of Children's, Learning and Skills	Director of Children's Services
Director of Adult <u>and Communities Social Care</u>	Director of Adult Social Services
<del>Scrutiny Officer</del> <u>Service Lead Strategy &amp; Performance</u>	Scrutiny Officer
<del>AD and Consultant Public Health Service Lead Public Health</del>	Director of Public Health

Such posts will have the functions described below.

- (d) **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

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **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.
- (c) **Role as Returning Officer.** The Head of Paid Service will act as the Acting Returning Officer and Returning Officer in parliamentary and local elections respectively.

## 3 Functions of the Monitoring Officer

- (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) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and ~~Assistant Director (Finance and Audit),~~ Chief Finance Officer – S151 Officer the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Audit and Corporate Governance Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Corporate Governance Committee.
- (d) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters and carry out any other actions as directed by the Audit and Corporate Governance Committee.
- (e) **Access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (f) **Advising whether executive decisions are within the budget and policy framework.** The Chief Executive in consultation with the Monitoring Officer and ~~Assistant Director (Finance and Audit)~~ Chief Finance Officer – S151 Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members.

- (h) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer – S151 Officer or the Head of Paid Service.

4 **Functions of ~~Assistant Director, Finance and Audit~~ Chief Finance Officer (S151 Officer)**

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the ~~Assistant Director (Finance and Audit) Chief Finance Officer – S151 Officer~~ will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The ~~Assistant Director (Finance and Audit) Chief Finance Officer – S151 Officer~~ will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The ~~Assistant Director (Finance and Audit) Chief Finance Officer – S151 Officer~~ will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The ~~Assistant Director (Finance and Audit) Chief Finance Officer – S151 Officer~~ will provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and budget and policy framework issues to all Members and the elected Mayor and will support and advice Members and officers in their respective roles.
- (e) **Giving financial information.** The ~~Assistant Director (Finance and Audit) Chief Finance Officer – S151 Officer~~ will provide financial information to the media, Members of the public and the community.

5. **Functions of the Director of Children's, ~~Learning and Skills~~ Services**

- a) **Local education authority**  
The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority in their capacity as a local education authority
- b) **Social Services (relating to children)**  
The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority, which are social services functions so far as those functions relate to children.
- c) **Looked after children**  
The Director of Children's Services will have responsibility for functions in relation to children looked after by the authority under section 23C to 24D of the Children Act 1989.
- d) **Improving well-being**  
The Director of Children's Services will have responsibility for making arrangements with a view to improving the well-being of children in the authority's area.
- e) **Safeguarding and Welfare**

The Director of Children's Services will have responsibility for safeguarding and promoting the welfare of children.

f) **Establishing Information Databases**

The Director of Children's Services will establish and maintain information databases in relation to the well-being and safeguarding of children.

g) **Preparation and Publication Children's and young people's plan**

The Director of Children's Services will prepare and publish a Children's and young people's plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons.

h) **Functions on behalf of an NHS Body**

The Director of Children's Services will have responsibility for function under section 31 of the Health Act 1988 on behalf of an NHS body so far as those relate to children.

i) **Any other function**

The Director of Children's Services will have responsibility any additional functions, as the authority considers appropriate.

## 6 Functions of the Director of Adult Social Services

### Discharge of Functions by the Council

The Director of Adult Social Services will have responsibility for all ~~functions~~-social services functions (other than those for which the Director of Children's Services is responsible) in accordance with Section 6 of the Local Authority Social Services Act 1970 (as amended) by the Children Act 2004.

## 7 Functions of the Scrutiny Officer

### Promotion of Overview and Scrutiny

(a) The Scrutiny Officer will promote the role of the Overview and Scrutiny Committee and its sub-committees.

### Support to the Overview and Scrutiny Committee

(b) The Scrutiny Officer will provide support to the Overview and Scrutiny committee and sub-committees and their members.

### Support and guidance to Members and officers

(c) The Scrutiny Officer will provide support and guidance to Members and officers in relation to the functions of the Overview and Scrutiny Committee and its sub-committees.

## 8 Duty to provide sufficient resources to the Monitoring Officer and ~~Assistant Director (Finance and Audit) Chief Finance Officer – S151 Officer~~

The Council will provide the Monitoring Officer and the ~~Assistant Director (Finance and Audit) Chief Finance Officer – S151 Officer~~ with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## 9 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 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 13 – DECISION MAKING**

### **Responsibility for decision making**

- 1 The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### **Principles of decision making**

- 2 All decisions of the Council will be made and recorded in accordance with the terms of this Constitution.
- 3 Whichever body or individual is responsible for making a decision, the decision should be made, as far as possible, in accordance with the following principles:
  - (a) there should be a presumption in favour of decision-making being open and transparent, with Members of the public being afforded effective access to relevant information and the processes by which decisions are taken;
  - (b) due consultation should take place with those likely to be affected by a decision. So far as practicable, decision-making should be planned in advance and the public given due notification of forthcoming decisions;
  - (c) where a decision is likely to have wide-ranging or significant impact on the community, additional time and emphasis should be given to consultation and Members of the public actively encouraged to contribute their views;
  - (d) decisions must be made with regard to all relevant considerations and ignoring all irrelevant matters;
  - (e) decisions should be made having regard to any approved policies or procedures of the Council;
  - (f) decisions should be made having regard to appropriate professional advice obtained from suitably-qualified officers;
  - (g) the action required by a decision must be proportionate to the desired outcome;
  - (h) decisions must be made in accordance with any relevant statutory requirements and with respect for human rights.

### **Types of decision**

- 4 The following types of decision exist:
  - (a) **Decisions reserved to full Council**

Decisions relating to the functions listed in Article 4 will be made by the full Council and not delegated.

(b) **Key decisions**

A 'key decision' is an Executive decision which is likely either:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards within the Borough.

The Council has decided that any expenditure or savings of £250,000 or more shall be significant for the purposes of a key decision.

A decision taker may only make a key decision in accordance with the requirements of the Executive and Access to Information Procedure Rules set out in this Constitution.

**Decision making by the Council**

- 5 Subject to Paragraph 9 below, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

**Decision making by the Executive**

- 6 Subject to Paragraph 9, the Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

**Decision making by Overview and Scrutiny Committee**

- 7 The Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

**Decision making by other Committees and Sub-Committees established by the Council**

- 8 Subject to Paragraph 9 below, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

**Decision making by Officers**

- 9 Where a function has been delegated to an officer the decision may be taken by such delegated officer(s) in accordance with the Scheme of Delegation to Officers.

**Decision making by Council bodies acting as tribunals**

- 10 The Council, a Member or an officer acting as a tribunal or in a quasi judicial manner of determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## 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 ~~Head of Legal Services- London Borough of Harrow~~ Head of Legal Practice is 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 ~~Head of Legal Services- 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 ~~Head of Legal Services~~ 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 ~~Head of Legal Services- Service Lead Governance~~ should be sealed. The affixing of the Common Seal will be attested by the Head of Legal Services or some other person authorised by him/her.

This page is intentionally left blank

## **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.

This page is intentionally left blank

## **ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

### **Suspension of the Constitution**

- 1 **Limit to suspension.** The Articles of this Constitution may not be suspended. The Procedure Rules specified in Part 4 of the Constitution may be suspended only to the extent permitted within those Rules and the law.
- 2 **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Members is present. The extent and duration of suspension will be proportionate to the result to be achieved; taking account of the purposes of the Constitution set out in Article 1.

### **Interpretation**

- 3 The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### **Publication**

- 4 The Monitoring Officer will ensure that a copy of the Constitution is placed on the Council's website and that copies of the Constitution are available for inspection at the Council's Offices and Customer Service Centre and that copies are available to members of the public on payment of a reasonable fee.

This page is intentionally left blank



## 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 Head of Democratic Services whose contact details are as follows: Democratic Services, St Martins Place, 51 Bath Road, Slough SL1 3UF email [Catherine.meek@slough.gov.uk](mailto:Catherine.meek@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 Councils 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 Councils 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 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 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.

<b>Petition</b>	<b>Signatory Threshold</b>	<b>Action Required</b>
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 to give evidence at a public meeting	750	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 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 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 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 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 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 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 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 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.

## **SCHEDULE 1: DESCRIPTION OF EXECUTIVE ARRANGEMENTS**

The following part of this Constitution constitutes the executive arrangements:

Article 6 (Overview and Scrutiny) and the Overview and Scrutiny Procedure Rules;

Article 7 (The Executive) and the Executive Procedure Rules;

Article 11 (Joint arrangements) ;

Article 13 (Decision making) and the Access to Information Procedure Rules;

Part 3 (Responsibility for Functions).

This page is intentionally left blank



## Part 3.1 Responsibility for Functions and Scheme of Delegation

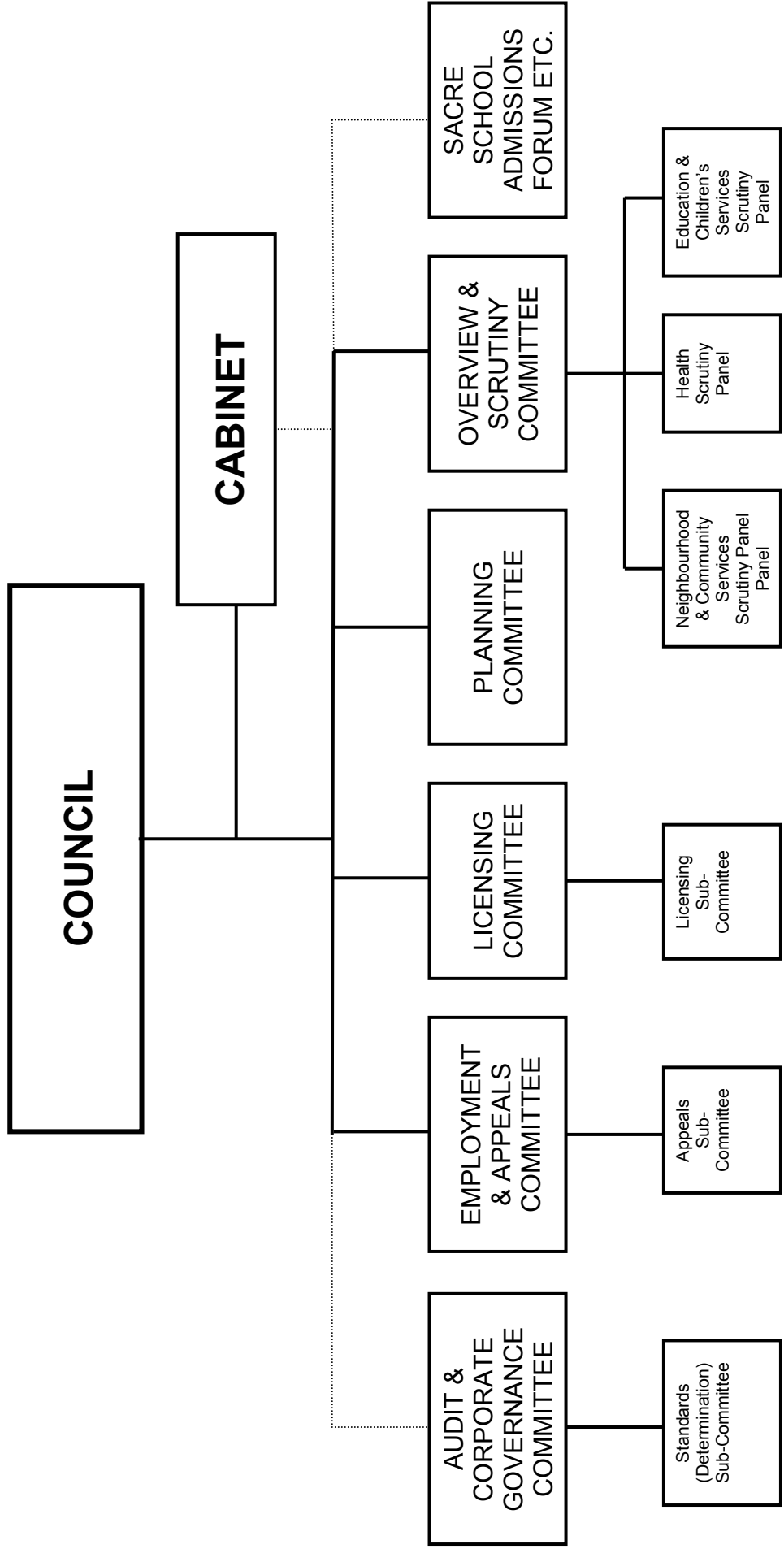
1. This Section of the Constitution summarises which part of the new decision making process is responsible for which functions. Further details are set out in the Scheme of Officer Delegation.
2. The aim is to show which functions are the responsibility of the Council and its various Committees and which are the responsibility of the Cabinet. This section also clarifies which functions are the responsibility of the Cabinet to the extent specified in Tables 1 or 3.
3. The information is set out in a tabular form as follows:
  - Table 1 – Responsibility for Local Choice Functions.
  - Table 2 – Responsibility for Council Functions.
  - Table 3 – Responsibility for Executive functions discharged through the Cabinet.
4. Unless prohibited by law Council and Executive functions can be delegated to a Committee, Joint Committee, an Individual ~~Commissioner~~ Lead Member (executive functions only) or an Officer.
5. The Authority's Scheme of Delegation to Officers and Proper Officer Appointments is set out at Appendix 1 to Part 3 of the Constitution.
6. Members appointed to any of the quasi-legal bodies listed below must attend the compulsory training sessions provided, before they can participate in any hearing, inquiry or decision which will affect the rights of any individual. The quasi-legal bodies are:-

Standards (Determination) Sub-Committee  
Planning Committee  
Licensing Committee  
Licensing Sub-Committees  
Employment and Appeals Committee  
Appeals Sub-Committee.

This page is intentionally left blank

**NOTE: STRUCTURE CHART TO BE CHANGED TO INCLUDE TRUSTEE COMMITTEE OF THE COUNCIL**

**Part 3.2 Committee Structure**



**Part 3.2 – Committee Structure**

**Council – May 2017**



## Part 3.3 Responsibility for “Local Choice” Functions

TABLE 1:

Function	Responsible Body	Delegation of Functions
1. All functions under Local Acts (not specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	Cabinet	Operational decisions are delegated to Officers in accordance with the Scheme of Delegation.
2. Determination of an appeal against any decision made by or on behalf of the authority.	Council	2-6 (inclusive) The Council appoints Appeal Panels for various appeals (See attached schedule)
3. The appointment of review boards <del>under regulations under sub-section (4) of Section 34 of the Social Security Act 1998 (a).</del>	Council	General arrangements for dealing with appeals are delegated to officers in accordance with the Scheme of Delegation.
4. Arrangements for Appeals Against Exclusion of Pupils.	Council	
5. Arrangements for Admission Appeals.	Council	Operational decisions are delegated to Officers in accordance with the Scheme of Delegation.
6. Arrangements for appeals by Governing Bodies Under <del>Section 87 of the 1998 Act.</del> <u>Section 94 OF The School Standards and Framework Act 1998.</u>	Council	
7. Arrangements for enabling questions to be put at the Council meeting on Police Authority functions.	Council	Not delegated.
8. Appointments to the Police Authority.	Council	Not delegated.
9. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities. (secondments)	Council	Not delegated.

Function	Responsible Body	Delegation of Functions
10. Any function relating to contaminated land.	Council	10-18 (inclusive) Operational decisions are delegated to Officers in accordance with the Scheme of Delegation.
11. The discharge of any function relating to the control of pollution or the management of air quality.	Council	
12. Service of an Abatement Notice in respect of a Statutory Nuisance.	Council	
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authorities area.	Council	
14. The inspection of the Council's area to detect any statutory nuisance.	Council	
15. The investigation of any complaint as to the existence of a statutory nuisance.	Council	
16. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	Council	
17. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council	
18. The making of agreements for the Execution of Highways Works.	Council	
19. Appointments/revocation of appointments to external offices/bodies.	Council	
20. Preparation, submission and modification of the Local Area Agreements	Cabinet	

## Part 3.4 Responsibility for Council Functions

TABLE 2

Body Responsible	Functions	Delegation of Functions
Council	<ol style="list-style-type: none"> <li data-bbox="400 367 1193 539">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</li> <li data-bbox="400 577 1193 651">2. Approval of and any amendment to the Constitution or any part thereof.</li> <li data-bbox="400 689 1193 763">3. Suspension of any of the Rules of the Constitution.</li> <li data-bbox="400 801 1193 909">4. Approval of the Policy and Financial Framework of the Council and any amendment to the framework strategies or plans therein.</li> <li data-bbox="400 947 1193 1234">5. The approval or adoption of applications to the Secretary of State 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.</li> <li data-bbox="400 1272 1193 1458">6. Matters incapable of being delegated by law (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.).</li> <li data-bbox="400 1496 1193 1603">7. Consideration and approval of recommendations from the Cabinet for revenue and capital supplementary estimates.</li> <li data-bbox="400 1641 1193 1861">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 aggregate in any year or approval of allocation of funds from reserves or from windfall receipts.</li> <li data-bbox="400 1899 1193 1973">9. Matters relating to electoral or electoral boundary reforms and to local referendums.</li> </ol>	<p data-bbox="1198 367 1461 562"></p> <p data-bbox="1198 577 1461 651">Not Delegated</p> <p data-bbox="1198 689 1461 763">Not Delegated</p> <p data-bbox="1198 801 1461 909">Not Delegated</p> <p data-bbox="1198 947 1461 1234">Not Delegated</p> <p data-bbox="1198 1272 1461 1458">Not Delegated</p> <p data-bbox="1198 1496 1461 1603">Not Delegated</p> <p data-bbox="1198 1641 1461 1861">Not Delegated</p> <p data-bbox="1198 1899 1461 1973">Not Delegated</p>

Body Responsible	Functions	Delegation of Functions
	<p>10. Proposals for the reorganisation of, or transfer between, statutory bodies.</p> <p>11. To consider and determine any matters of the Audit &amp; Corporate Governance Committee which have not been delegated.</p> <p>12. Approval of the Scheme of Members' Allowances.</p> <p>13. Confirmation of the appointment, responsibilities and terms and conditions of the Council Chief Executive and Directors.</p> <p>14. 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>15. To authorise payments or other benefits under Section 92, Local Government Act 2000 (maladministration).</p> <p>16. Make arrangements for the discharge of functions by a Committee or Officer.</p> <p>17. To make appointments of Committees under Section 102, Local Government Act 1972.</p>	<p>Not Delegated</p> <p>Not Delegated</p> <p>Not Delegated</p> <p>Confirmation of appointment of Directors can be delegated to Employment Committee by the Council.</p> <p>Not Delegated</p> <p>Directors provided within delegated budget.</p> <p>Not Delegated</p> <p>Not Delegated</p>
<p>Planning Committee (9 Members of the Authority) No Executive Member other than Commissioner for Neighbourhoods and Renewal</p> <p>Not Mayor</p>	<p>1 To exercise the powers and duties of the Council under the provisions of Parts III, <u>and</u> IV <u>and</u> V 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>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.</p>	<p>1-10 (inclusive) Most Operational aspects fall to be dealt with by Officers under the Scheme of Delegation.</p>



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>6 To consider the local statutory development plan and non-statutory planning policy guidance for information.</p> <p>7 To receive petitions in accordance with the Council Procedure Rules.</p> <p>8 To agree consultation responses on Technical Planning Policy Issues.</p> <p>9 Approval of Technical Non-Statutory Planning Guidance (e.g. development control guidelines).</p> <p>10 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>11 To exercise the functions contained within Part 8 of the Anti Social Behaviour Act 2003 relating to High Hedges.</p>	
<p>Licensing Committee (11 Members of the Authority) No Executive Member other than the Commissioner with responsibility for Licensing functions or Mayor</p>	<p>1. To determine annually the number and allocation of Hackney Carriages.</p> <p>2. Within the Policy Framework agreed by the Council to determine operational guidelines on Taxi Licensing.</p>	<p>1-11 (inclusive) Most Operational aspects fall to be dealt with by Officers under the Scheme of Delegation.</p>

Body Responsible	Functions	Delegation of Functions
	<ol style="list-style-type: none"> <li>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.</li> <li>4. To exercise the functions of the Licensing Act 2003.</li> <li>5. To exercise the functions of the Gambling Act 2005.</li> <li>6. 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.</li> <li>7. To hear and determine any appeal against a decision of the <del>Strategic Director of Green and Built Environment</del> <u>Director for Adults and Communities</u> taken under delegated powers to refuse an application for approval of premises or to revoke any approval previously granted under the Marriage Act 1994.</li> <li>8. 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.</li> <li>9. To determine such other licensing appeals or other licensing matters referred by the Officers from time to time including but not restricted to: <ol style="list-style-type: none"> <li>(a) Private Places of Entertainment</li> <li>(b) Public Entertainment</li> <li>(c) Sex Establishments</li> <li>(d) Street Trading.</li> </ol> </li> </ol>	<p>A Licensing Hearing Sub Committee will be appointed to hear licensing applications referred to Committee.</p>

<b>Body Responsible</b>	<b>Functions</b>	<b>Delegation of Functions</b>
	<p>10. To consider any issues of major new policy with regard to licensing matters and to make recommendations thereon to the Council.</p> <p>11. Health and Safety at Work Regulatory Matters.</p> <p>12. Regulatory functions in respect of control of pollution (air, water and land); statutory nuisances and other environmental protection functions.</p> <p>13. To receive petitions in accordance with the Council Procedure Rules.</p>	
<p>Employment and Appeals Committee (9 Members of the Authority)</p> <p>Must include at least one Member of the Executive. Not the Mayor</p>	<p>1. To be responsible for all the functions relating to the Council's responsibilities as an employer and for Local Government Pensions.</p> <p>2. 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.</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>An Appeals Sub-Committee will be appointed to hear appeals under 4.</p>

Body Responsible	Functions	Delegation of Functions
	<p>4. To consider and determine appeals:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Complaints about the School Curriculum and collective worship <del>in accordance with Section 23 of the Education Reform Act 1988.</del></li> <li>• Requests for the allocation of accommodation outside the Council's approved policies on referral by the Officers or by three Members of the Council.</li> <li>• Appeals under the Statutory Provisions relating to nurseries, playgroups, child minders and Residential Homes.</li> <li>• Against refusal by the Authority of application for Local Council Tax Discount.</li> <li>• In accordance with Section 17(3) of the Health &amp; Social Services and Social Security Adjudication Act 1983.</li> </ul>	
<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>Trustee Committee</u></p> <p><u>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.</u></p>	<p><u>Act as corporate trustee in respect of all assets held by the Council as charitable trustee</u></p> <p><u>Make decisions in respect of those assets in the best interests of the relevant charity</u></p> <p><u>Ensure strict compliance with the relevant Trust document.</u></p> <p><u>Act in the best interests of the Charity when making decisions in respect of that charity</u></p> <p><u>Exercise reasonable skill and care when acting on behalf of the Council in discharging its duties as corporate trustee.</u></p> <p><u>Ensure that professional advice is sought when necessary and as appropriate with regard to buying and selling charity land</u></p> <p><u>Ensure Adherence to statutory accounting and reporting requirements.</u></p>	
---	--	--

<b>Body Responsible</b>	<b>Functions</b>	<b>Delegation of Functions</b>
<p>Appeals Committee</p> <p>(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>Not a member of the IDC</p>	<p>To act in accordance with the Disciplinary Procedure for the Statutory Governance Officers and the Council's Officer Employment Procedure Rules.</p>	

## Part 3.5 Responsibility for Executive Functions

TABLE 3

Who is responsible	Functions	Onward limits on delegations
Executive (Cabinet)	<p>The Cabinet's role is to be responsible for:</p> <ol style="list-style-type: none"> <li>1. The conduct of Best Value Reviews.</li> <li>2. Functions undertaken under Local Acts (e.g. Berkshire Act 1986) not specified in Regulation 2 or Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).</li> <li>3. Effective political and community leadership.</li> <li>4. Annually recommending to the full Council a policy and financial framework and revenue and capital budgets.</li> <li>5. Leading the community planning process and the formulation and preparation of statutory plans and local strategies.</li> <li>6. Consulting within the Council and with other stakeholders, agencies and with business and the voluntary sectors to identify and address local needs.</li> <li>7. Leading preparation of the Performance Plan for recommendation to full Council, the implementation of the Plan and to carry out the duty of Best Value and continuous improvement.</li> <li>8. Executive decisions and effective implementation of Council policy and the setting and delivery of service standards in line with the approved Policy Framework and budget.</li> <li>9. Forming partnerships with other agencies and the business and voluntary/community sectors.</li> <li>10. In-year decisions on resources and priorities.</li> </ol>	<p>Functions championed by Commissioners with portfolio responsibilities attached.</p> <p>Functions delegated to Officers in accordance with the Scheme of Delegation.</p> <p>Functions carried out by whole Cabinet.</p> <p>Not Delegated</p> <p>Not Delegated</p> <p>Not Delegated</p> <p>Not Delegated</p> <p>Not Delegated</p>

Who is responsible	Functions	Onward limits on delegations
	11. Approval of transfer of funds (virement) between Departments or Services within approved budgets up to a maximum of £500,000 in any one case or in aggregate in any year or where additional savings are demanded across Departments or Services in order to create funds for reallocation.	Not Delegated
	12. Disposal, acquisition and/or appropriation of property for rationalisation of the Council's property portfolio or for facilitation of development initiatives within the approved policy and Financial framework and budgets.	Not Delegated
	13. Reorganisation of Council Departments or Services involving more than 20 redundancies or likely to give rise to operational disruption or interruption of services or involving a change from direct to indirect provision or vice-versa.	Not Delegated
	14. The Subject to any matter reserved to full Council, consideration and approval of responses to consultation papers having significant policy or financial implications for the Council or the Borough.	Not Delegated
	15. The awarding of grants (financial and in kind) within overall approved budgets and the policy framework.	Not Delegated
	16. The write-off of debts over £15,000.	Not Delegated
	17. Transport matters (including Traffic Regulation Orders and related management matters).	Operational Transport and Traffic matters are delegated to Officers in accordance with the Scheme of Delegation.
	18. Consulting with the Overview and Scrutiny Committee and Standing Committees, appropriate Officers and any other person or body necessary to ensure proposed decisions of the Executive are taken on a properly informed basis.	Not Delegated



Who is responsible	Functions	Onward limits on delegations
	19. Any other functions which are not specified under the law or in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) as Council or non-executive functions.	Not Delegated
	20. To delegate to a Committee or the Cabinet, Commissioner or an Officer any of the Cabinet's Executive functions.	Not Delegated

This page is intentionally left blank

## Proper Officer Functions

### Section 3:

The 'proper officers' appointed for the following purposes, under the powers of Section 270(3) of the Local Government Act 1972 are as follows:

No.	STATUTE AND FUNCTION	PROPER OFFICER
-----	----------------------	----------------

#### REPRESENTATION OF THE PEOPLE ACT 1983

PO1	Section 8 – The Registration Officer for the purpose of the registration of electors	<del>AD-PF</del> Chief Executive
PO2	Section 35 – The Returning Officer at an election of London Borough Councillors	<del>AD-PF</del> Chief Executive
PO3	Section 28 – Acting Returning Officer at an election of a Member of Parliament	<del>AD-PF</del> Chief Executive

#### LOCAL GOVERNMENT ACT 1972

PO4	Section 83 (1) – The officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office on the prescribed form	Chief Executive <del>or AD-PS</del>
PO5	Section 83 (3)(b) – The officer before whom a declaration of acceptance of office of Mayor or Deputy Mayor of Council may be made	Chief Executive
PO6	Section 84 – The officer to whom written notice of resignation of elected office shall be delivered	Chief Executive/RO
PO7	Section 86 - To declare any vacancy in any office under the Section	Chief Executive/RO
PO8	Section 88 (2) – The officer by whom a meeting of the Council for the election of the vacant office of Mayor may be convened	Chief Executive
PO9	Section 89 (1)(b) – The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough	Chief Executive/RO

No.	STATUTE AND FUNCTION	PROPER OFFICER
PO10	Section 99 + Schedule 12 - To give notice and send summonses in respect of any Council meeting	Chief Executive
PO11	Section 100 - To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	<a href="#"><u>HDS Head of Democratic Services</u></a>
PO12	Section 100B (2) – The officer authorised to exclude from committees, sub committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	<a href="#"><u>HDS Head of Democratic Services</u></a>
PO13	Section 100B (7)(c) – The officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration	<a href="#"><u>HDS Head of Democratic Services</u></a>
PO14	Section 100C (2) – The officer to prepare a written summary of proceedings of committees, sub-committees, Council or the Executive from which the public were excluded	<a href="#"><u>HDS/Statutory Scrutiny Officer Head of Democratic</u></a>
PO15	Section 100D (1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive	<a href="#"><u>HDS Head of Democratic Services</u></a>
PO16	Section 100D (5) – The Officer to determine which documents constitute background papers and Section 100H - ability to charge for the provision of such documents	<a href="#"><u>HDS Head of Democratic Services</u></a>
PO17	Section 100F (2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	<a href="#"><u>HDS Head of Democratic Services</u></a>
PO18	Section 100G - To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like	<a href="#"><u>HDS Head of Democratic Services</u></a>
PO19	Section 115 – The officer to whom money properly due from officers shall be paid	<a href="#"><u>Director for Finance and Resources A</u></a>
PO20	Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	<a href="#"><u>Director for Finance &amp; Resources A</u></a>
PO21	Section 151 (and section 114 of the Local Government Finance Act 1988) – The officer to be responsible for the proper administration of the Authority’s financial affairs (and to issue a report to Members if there is or is likely to be unlawful expenditure or an unbalanced budget)	<a href="#"><u>Director for Finance &amp; Resources A</u></a> <a href="#"><u>DFA</u></a>

No.	STATUTE AND FUNCTION	PROPER OFFICER
PO22	S.223 Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984	<u>London Borough of Harrow head of LegalHLS</u>
PO23	Section 225 (1) – The officer to receive and retain statutory documents on behalf of the Authority	<u>HLS Service Lead Governance</u>
PO24	Section 229 (5) – The officer to certify photographic copies of documents	<u>Service Lead GovernanceHLS</u>
PO25	Section 233 – The officer to receive documents required to be served on the Authority	<u>Service Lead GovernanceHLS</u>
PO26	Section 234 (1) & (2) – The officer to authenticate documents on behalf of the Authority	<u>Service Lead GovernanceHLS</u>
PO27	Section 238 – The officer to certify printed copies of bylaws	<u>Service Lead GovernanceHLS</u>
PO28	Section 248 – The officer responsible for the keeping of the roll of freemen	<u>Head of Democratic ServicesHDS</u>
PO29	Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	<u>Head of Democratic ServicesHDS</u>
PO30	Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	<u>Head of Democratic ServicesHDS</u>
PO31	Schedule 29 [paragraph 41] – The officer responsible for the exercise of functions under Section 9 (1) & (2), 13 (2) (h) and (3) (b) and 20 (b) of the Registration Services Act 1953 (Proper Officer)	<u>Director for Adults &amp; Communities SDGCS</u>

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PO32	Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings	<u>Head of Democratic ServicesHDS</u>
PO33	Section 16 - Notices requiring details of interest in land	Any <u>Director or Service Lead SD or</u>

No.	STATUTE AND FUNCTION	PROPER OFFICER
-----	----------------------	----------------

LOCAL GOVERNMENT AND HOUSING ACT 1989

PO34	Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 - provision of certificates as to whether a post is politically restricted	<u>Service Lead PeopleADPS</u>
PO35	Section 3A – The officer responsible for the grant and supervision of exemptions from political restrictions.	Chief Executive
PO36	Section 4 – The officer to be designated Head of Paid Service	Chief Executive
PO37	Section 5 – The officer to be designated Monitoring Officer	<u>Service Lead GovernanceA</u>
PO38	Sections 15 – 17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Chief Executive

LOCAL GOVERNMENT ACT 2000

PO39	The officer responsible for ensuring a proper record is made of Executive decisions and that the document comprising the Authority’s Forward Plan is published in accordance with the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000	<u>Head of Democratic ServicesHDS</u>
PO40	To ensure that copies of the constitution are available for inspection	<u>Head of Democratic ServicesHDS</u>
PO41	To make payments of relevant allowances in accordance with the Council’s Members allowances scheme	<u>Head of Democratic ServicesHDS</u>
PO42	To defray expenses of any Members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough	Chief Executive
PO43	The Officer designated as Scrutiny Officer as defined in Section 21 ZA Local Government Act 2000	<u>Service Lead Strategy &amp; PerformanceHead of Strategic Policy and</u>

No.	STATUTE AND FUNCTION	PROPER OFFICER
-----	----------------------	----------------

LAND CHARGES ACT 1975

PO44	Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	<u>Director For Regeneration SDGCS</u>
------	---	--

NATIONAL ASSISTANCE ACT 1948 AND NATIONAL ASSISTANCE (AMENDMENT) ACT 1951

PO45	Proper officer to seek an order for removal of persons into care	<u>Director for Adults &amp; Communiti</u>
------	--	--

REGISTRATION SERVICES ACT 1953

PO46	Proper officer for Births, Deaths and Marriages	<u>Director for Adults</u>
------	---	----------------------------

LOCAL GOVERNMENT ACT 2003

PO47	Requirement to report to Council annually on the robustness of estimates and financial reserves	<u>Director for Finance &amp; Resources</u>
------	---	---

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

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

	Legislation	Section or Regulations	Effect	
PO48	The Health Protection (Notification) Regulations 2010	Regulations 2, 3, 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.	<u>Service Lead Public HealthAs may be appointed from time to time by the SDGCS</u>
	Public Health (Control of Disease) Act 1984	Section 48 as amended by Health and Social Care Act 2008	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.	<u>Service Lead Public HealthAs may be appointed from time to time by the SDGCS</u>

No.	STATUTE AND FUNCTION	PROPER OFFICER
-----	----------------------	----------------

CIVIL EVIDENCE ACT 1995

PO49	To certify Council records for the purposes of admitting the document in evidence in civil proceedings.	<u>Service Lead Governance</u>
------	---	--------------------------------

CRIME AND DISORDER ACT 1998

PO50	Section 12 - to apply for the discharge or variation of a Child Safety Order	<u>Director for Children,</u>
PO51	Sections 17 and 37 to have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	<u>Director for Adults &amp; Communities &amp; Director for Children</u>

CRIMINAL JUSTICE AND POLICE ACT 2001

PO52	Delegated power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	The Chief Executive, <del>SDs</del> and ADs
------	---	---

LOCAL GOVERNMENT FINANCE ACT 1988

PO53	Section 116 - Notification to the Council's auditor of any meeting to be held under Section 15 of the 1988 Act (meeting to consider any report of the Chief Finance Office under Section 114)	<u>Director for Finance &amp; ResourcesA DFA</u>
PO54	Section 139A - Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required.	<u>Director for Finance &amp; Resources</u>
PO55	Section 114 – The Officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	<u>Director for Finance &amp; ResourcesA DFA</u>

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

PO56	Certification of relevant powers to enter into contracts	<u>Service</u>
------	--	----------------

LOCALISM ACT 2011

PO57	Section 81 - Responsibility for establishing and maintaining a register of Members and co-opted members interests, and ensure that it is available for inspection and published on the Council's website	<u>Service Lead Governance ADPS</u>
------	--	-------------------------------------



No.	STATUTE AND FUNCTION	PROPER OFFICER
PO58	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority	Chief Executive or his/her nominee

NATIONAL HEALTH SERVICE ACT 2006

PO59	Section 2B –exercise by the Authority of its duty to take steps as it considers appropriate for improving the health of people in its area	<del>Director of</del> <u>Service Lead</u> Public Health
PO60	Section 111- the exercise by the Authority of any functions prescribed by the Secretary of State in relation to dental public health	<u>Service Lead</u> <del>Director of</del> Public Health
PO61	Section 249 – the exercise by the Authority of its duty to cooperate with the prison service with a view to improving the exercise of their respective	<u>Service Lead</u> <del>Director of</del> Public Health
PO62	Schedule 1 – the exercise by the Authority of any of its functions as set out in Schedule 1	<u>Service Lead</u> <del>Director of</del> Public Health
PO63	Section 6C(1) – the exercise by the Authority of any of the Secretary of State’s public health functions, which it is required to carry out by regulations issued by the Secretary of State	<del>Director of</del> <u>Service Lead</u> Public Health
PO64	Section 7A – the exercise by the Authority of any of the Secretary of State’s public health functions, which are delegated to it by the Secretary of State	<del>Director</del> <u>Service Lead of</u> Public Health
PO65	Section 73A(1)(d) – the exercise by the Authority of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	<del>Director of</del> <u>Service Lead</u> Public Health
PO66	Section 73A(1)(e) – the exercise by the Authority of its functions under Section 325 Criminal Justice Act 2003 (cooperating with “responsible bodies” in relation to the assessment of risks posed by certain offenders)	<del>Director of</del> <u>Service Lead</u> Public Health
PO67	Section 73A(1)(f) – the exercise by the Authority of such other functions relating to public health as may be prescribed <sup>1</sup>	<del>Director of</del> <u>Service Lead</u> Public Health

This page is intentionally left blank

### 3.7 CABINET PORTFOLIOS

<b>CABINET PORTFOLIOS</b>		
<b>LEADER – REGENERATION FINANCE &amp; STRATEGY (CLLR. SWINDLEHURST MUNAWAR)</b>	<b>ENVIRONMENT &amp; LEISURE (CLLR. ANDERSON BAL)</b>	<b>REGULATION &amp; CONSUMER PROTECTION (CLLR. MANNARVIND DHALIWAL)</b>
<ul style="list-style-type: none"> <li>Financial Strategy &amp; Master Plan</li> <li>Forward Strategy &amp; 5 Year Plan</li> <li>Corporate Strategy &amp; Performance Management</li> <li>Asset Management/Corporate Landlord Function</li> <li>Audit</li> <li>Income Generation</li> <li>External Relations (Business)</li> <li>Communications</li> <li>Local Government Relationships</li> </ul>	<ul style="list-style-type: none"> <li>Leisure, Sports &amp; Community Facilities</li> <li>Parks &amp; Open Spaces</li> <li>Allotments</li> <li>Play Areas</li> <li>Grounds Maintenance</li> <li>Recycling and Refuse Collection</li> <li>Waste Management and Waste Disposal</li> <li>Flood Prevention (<i>strategy &amp; non-highway schemes</i>)</li> <li>Energy Efficiency</li> <li>The Environment, Air Quality &amp; Climate Change</li> </ul>	<ul style="list-style-type: none"> <li>Consumer Protection</li> <li>Enforcement Services</li> <li>Trading Standards</li> <li>Food Safety</li> <li>Licensing Services</li> <li>Community Safety</li> <li>Crime &amp; Anti Social Behaviour</li> <li>Relationships with Police &amp; Fire Services</li> <li>Emergency Planning</li> <li>Coroner</li> <li>Cemeteries, Crematorium &amp; Registrars Service</li> </ul>
<b>CHILDREN, EDUCATION &amp; FAMILIES (CLLR. SADIQBEDI)</b>	<b>DEPUTY LEADER - HEALTH &amp; SOCIAL CARE (CLLR. PANTELICHUSSAIN)</b>	<b>TRANSPORT &amp; HIGHWAYS (CLLR. CARTERMATLOOB)</b>
<ul style="list-style-type: none"> <li>Education &amp; SEN</li> <li>School Improvement</li> <li>School Places Planning</li> <li>Corporate Parenting</li> <li>Fostering Care &amp; Adoption</li> <li>Children's Centres</li> <li>Youth Offending</li> <li>Youth Services</li> <li>Lifelong Learning, Library Service, Skills Training</li> <li>Relationship with Slough Children's Services Trust</li> </ul>	<ul style="list-style-type: none"> <li>Social &amp; Community Care</li> <li>Older People's Services</li> <li>Careline</li> <li>Disabilities &amp; Mental Health</li> <li>Substance Misuse</li> <li>Prevention &amp; Public Health</li> <li>Relationships with NHS &amp; Ambulance Service</li> <li>Health/Wellbeing Strategy, Partnerships &amp; Plans</li> <li>Voluntary Sector Partnerships</li> <li>Equalities</li> <li>Social Inclusion &amp; Community Cohesion</li> </ul>	<ul style="list-style-type: none"> <li>Highways Maintenance</li> <li>Street Lighting</li> <li>Travel Plans</li> <li>Parking Facilities &amp; Regulation</li> <li>Traffic Management</li> <li>Council Fleet</li> <li>Public Transport</li> <li>Cycling &amp; Walking Strategies &amp; Plans</li> <li>Relationship with Bus &amp; Rail Providers</li> <li>Highway &amp; Transport Infrastructure Planning</li> <li>Waste Contract</li> </ul>
<b>DEPUTY LEADER DIGITAL TRANSFORMATION &amp; PERFORMANCE CUSTOMER CARE (CLLR. HUSSAINSHARIF)</b>	<b>CORPORATE FINANCE AND HOUSING (CLLR. NAZIR)</b>	<b>URBAN RENEWAL (CLLR. AJAIB)</b>
<ul style="list-style-type: none"> <li>E Government</li> <li>Digital Transformation</li> <li>Customer Services</li> <li>Benefits &amp; Council Tax</li> <li>Legal &amp; Democratic Services</li> <li>Relationship with Arvato</li> <li>Procurement</li> <li>Human Resources</li> <li>Internal (staff) Communications</li> <li>Organisational Transformation</li> <li>Resident Consultation/Involvement</li> </ul>	<ul style="list-style-type: none"> <li>Housing &amp; Tenant Services</li> <li>Housing Land Supply/Housing Supply</li> <li>Neighbourhood &amp; Estate Management</li> <li>Homelessness and Rough Sleeping</li> <li>Elliman and Herschel Homes</li> <li>Welfare Reform</li> <li>Private Rented Sector</li> </ul>	<ul style="list-style-type: none"> <li>Regeneration</li> <li>Asset Disposals</li> <li>Planning</li> <li>Strategic Planning &amp; Regional Spatial Planning</li> <li>Development Control</li> <li>Building Control</li> <li>Local Land Charges</li> <li>Relationship with Heathrow</li> <li>Inward Investment</li> <li>Apprenticeships</li> <li>Economic Development</li> </ul>

This page is intentionally left blank

# Part 3.6 Scheme of Delegation to Officers

## Contents

### Section 1. Guiding Principles

### Section 2. General Delegations which apply to all the Council

- 2a Finance Delegations
- 2b Procurement Delegations
- 2c Property Delegations
- 2d Human Resources Delegations
- 2e Other Delegations which apply to all the Council

### Section 3. Proper Officer Functions

### Section 4. Delegations to each Directorate

- 4a Chief Executive
  - 1. ~~Environmental Services~~ ~~Professional Services~~
  - 2. ~~Strategic Policy & Communications~~
- 4b ~~Resources, Regeneration & Housing~~ Finance & Resources
  - 1. Finance & Audit ~~Housing & Environment~~
  - 2. Customer & Communications ~~Assets Infrastructure Regeneration~~
  - 3. People (OD/HR, Corporate Health & Safety, Equalities) ~~Finance & Audit~~
  - 4. Digital & Strategic IT
  - 5. Strategy & Performance
  - 6. Governance
- 4c ~~Customer and Community Services~~ Regeneration
  - 1. ~~IT Strategy~~ Regeneration Development (Asset Management & Economic Development)
  - 2. Community & Skills Regeneration Delivery (Property Services)
  - 3. Commissioning & Procurement Planning & Transport (Planning, Building Control, Local Land Charges, Environmental Quality, Highways & Transport, Planning & Building Control Business Support)
  - 4. ~~Customer Services~~ Emergency Planning
  - 5. ~~Partnerships~~ Strategic Housing Services
  - 6. Neighbourhood Services
  - 7. Building Management
- 4d Wellbeing Adults & Communities

1. Adult Social Care Public Health
2. Children & Families Adult Social  
Care Operations
3. Public Health Adults &  
Communities Commissioning
4. Early Years, School Services and Special-  
Needs Regulatory Services
5. Communities & Leisure

4e Children, Learning & Skills

1. School Effectiveness
2. Early Years & Development
3. Access & Inclusion
4. Children's Commissioning, Partnerships &  
Performance
5. SEND – Special Educational Needs & Disabilities

## 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 ~~Strategic~~ Directors.

This Scheme of Delegation sets out who can carry out the functions: they do not explain how they are to be carried out. The Council has adopted procedures which set out the rules for this. Officers must be familiar with:

- Financial Procedure Rules (Part 4.6 of the Constitution)
- Contract Standing Orders and any Procurement guidelines issued by ~~Assistant Director~~ Service Lead responsible for Procurement
- the Key Decisions Protocol (and the Access to Information Rules in Part 4.2 of the Constitution)
- Human Resources guidance and procedures

All powers within the Scheme of Delegation are to be exercised within approved budgets and all staffing and recruitment delegations take effect subject to approved HR guidelines.

### 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 and Property Management functions which support the main work of the Council. For consistency across the Council the General Delegations are delegated to officers at similar levels of authority in the Council's structure – Levels 1 to 4 – as defined in paragraph 2. *Where there are local variations within Directorates these should be recorded within Directorates and approved centrally, in accordance with the 'Change Procedure' in paragraph 1.6.*

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

**Section 4** sets out the functions delegated to each Directorate. The way functions are delegated are specific to each service. In most cases delegations are to particular posts or groups of posts, rather than levels of posts. It is important that only officers with the correct technical and professional expertise exercise these very specific powers. [Add link]

### 1.3. Reserved Matters, deemed delegations and general authorities

The following sections apply to all parts of this Scheme of Officer Delegations, to any consequential delegations made under it and to any other schemes of delegation in force from time to time within the Council.

#### **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, or Part 3 of the Constitution (Responsibilities for Functions). 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 and the ~~Strategic~~ Directors for all purposes which fall within their directorate or budget area or such corporate areas of responsibility to which they may be nominated from time to time.
- The Chief Executive may exercise any delegated function in the absence of a relevant ~~Strategic~~ Director or nominate another ~~Strategic~~ Director to do so in the Chief Executive's absence.
- ~~Head of Legal Services~~ London Borough of Harrow Head of Legal shall have authority 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.

#### **Extent of Authority:**

- The Chief Executive is authorised to discharge any function or power falling within the Chief Executive's directorate. In addition the Chief Executive is authorised to discharge any function or power delegated to any officer in any other directorate in the absence of the relevant ~~Strategic~~ Director.
- Proper officers and statutory chief officers are deemed to have all the powers necessary to carry out the functions delegated to them.
- Any ~~Strategic~~ Director (or other Level 2 officer) may discharge any function or power falling within his or her directorate or budget area or such corporate areas of responsibility to which they may be nominated



from time to time.

- An ~~Service Lead Assistant Director~~ (or other Level 3 officer) may discharge any function or power falling within his or her ~~Division Service Area(s)~~ unless specifically restricted from so doing by this Scheme.
- A Service Area Head (or other Level 4 officer) may discharge any function or power falling within his or her Service Area, subject to any specific restriction in this Scheme
- A Section Head or Team Leader may discharge any function or power falling within his or her Section or Team, subject to any specific restriction.

#### 1.4. Urgency provisions

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 all Council side functions. 'Emergency' or 'Urgency' have the ordinary dictionary meaning of the words and may imply considerations of health and safety, legal and financial risk.
- In the absence of the Chief Executive the Strategic Director nominated to deputise will exercise emergency or urgency powers in the same way.
- Legal Powers. The ~~London Borough of Harrow Head of Legal Head of Legal Services~~ shall have authority to institute, defend, settle 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 the Head of Legal Services considers that such action is necessary to protect the Council's interests.

#### 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 it may be necessary for a decision to be taken by the Council so that a decision can be taken on any new delegations to officers. However, in the absence of such a decision the Chief Executive or ~~Strategic~~ Director with responsibility for the relevant service area shall be deemed to have delegated responsibility to discharge the function for the Authority.

**Meaning of officer:** subject to any specific restriction in writing, a reference to any officer within this Scheme will include persons 'acting up' into a post, or 'interim' post holders. Such 'acting up' or 'interim' arrangements must be in writing.

Subject to any specific restriction in writing, a reference to any officer within the Schemes will include a person who is deputising (whether on a full, part time or on an absence basis) for that post. Such deputising arrangements should be made in accordance with this Scheme of Delegation and should be authorised in writing unless they arise to meet an emergency, in which case they should be ratified at the earliest opportunity thereafter.

Subject to any specific restriction in writing, a function or power which may be discharged by any officer under the Schemes may also be discharged by a person holding a post which is a successor post to that of the original post under the Scheme, following any reorganisation, restructure, or similar process. However, the Schemes should be amended to reflect the existence of the successor post as soon as practicable.

#### **1.6. Maintenance, Review and Change to the Scheme of Delegations**

The Chief Executive and each ~~Strategic~~ Director will establish and maintain a scheme of delegation for his/her directorate or budget area which specifies the function; names the post which may carry out that delegated decision, and the limits, if any, on the delegation. The limits on the delegation will include the obligation to consult, record and/or refer back to the Chief Executive or Strategic Director in certain circumstances.

The Head of Democratic Services will specify the format for the scheme of delegation and will maintain the current version of the Council's scheme of officer delegations. A copy will be available on the Council's website.

The Chief Executive will have authority to amend and issue guidance on Directorate Schemes of Delegation.

All ~~Strategic~~ Directors will have a duty to establish, review and keep the schemes of delegation up to date. They will review arrangements to ensure knowledge of and compliance with, their Scheme of Delegations, annually, or other prescribed statement of internal control.

The Chief Executive and the Head of Democratic Services are authorised to approve changes to the Scheme of delegation. Requests for changes will be made in writing to the Head of Democratic Services in a format specified by him/her. Requests for changes to the general financial delegations will be referred to the ~~Assistant Director of Service Lead Finance & Audit~~ for approval. All changes must be approved in accordance with this process for any change to be effective.

## Section 2 - General Delegations

### 2a: Financial Delegations

These should be read in conjunction with the Council's Financial Procedure Rules which can be found at Part 4.6 of the Council's Constitution

<b>2a: Financial Delegations</b>					
<b>No.</b>	<b>Function</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
<b>A 1</b>	Ensuring compliance with Council	All	All		
<b>Budgets</b>					
<b>A 2</b>	Preparation for member approval of the annual Directorate Budget	√	No delegation		
<b>A 3</b>	Monthly performance reports	All	All		
<b>Virements and expenditure</b>					
<b>A4</b>	Virements up to £100,000	√	√	None	None
	Virements between £100,000 and £250,000	√ & s151 Officer	√ & s151 Officer	None	None
	Virements above £250,000 and below £500,000	Cabinet only	None	None	None
	Virements above £500,000	Council only <b>n.b.</b> proposed to delegate to Cabinet	None	None	None
<b>A 5</b>	Authorisation of Revenue payments <b>once</b> Council has approved the revenue budget	Over £500,000 with s151	Up to £500,000	Up to £250,000	Up to £50,000
<b>A 6</b>	Authorisation of Capital expenditure for individual schemes with Cabinet and Capital Strategy Board spending approval	Over £500,000 with s151	Up to £500,000	Up to £250,000	Up to £50,000
<b>A 7</b>	Revenue Funding / contributions to Capital Schemes when approved by Cabinet	Up to £100,000 with approval from s151 Officer	Up to £50,000 with approval from s151 officer	None	
<b>A.8</b>	Settling insurance claims	√	√	√	√
<b>Receivables</b>					
<b>A 9</b>	Raising Invoices (External and Internal)- within 14 days Raising Credit Notes	Over £500,000	Up to £500,000	Up to £250,000	Up to £50,000

No.	Function	Level 1	Level 2 (or finance lead)	Level 3	Level 4
A 10	Recommend Write Off debts to <del>SD, Finance and Resources</del> <u>Director for Finance &amp; Resources</u> (incl. stocks and stores). Any write offs over £15,000 to Cabinet	Up to £15k and approved by s151 officer	Up to £15k (and p.a.) and approved by s151 officer	Up to £1k with Level 2 approval	Up to £1k with Level 2 approval
<b>Assets</b>					
A 11	<b>Assets &amp; Stocks</b> Maintain register of assets over £2500	√	√	√	None
<b>Disposal</b>					
A 12	Non property disposals	£5k providing best value obtained	£5k providing best value obtained	Up to £5k (in discussion with s151 / <del>Lead officer for</del> <u>finance Service Lead Finance</u> )	
<b>Grant Claims, Bids and Awards</b>					
A 13	Signing Grant Agreements for Grants paid by the Council	Yes: but record Agreement in Grants Payable Register	None	None	
	Making claims for external funding including European bids	Subject to certification by s151 Officer	Subject to certification by s151 Officer	Subject to certification by s151 Officer	None
	Making grants to voluntary organizations in accordance with the Authority's policies and budget provision under any relevant local powers	√	√	None	None
	Making arrangements <del>under S 78 Charities Act 1993</del> to co-ordinate activities of the Council and any charity with similar and complementary purposes, etc	√	√	√	None
<b>Petty Cash</b>					
A 14	Petty Cash limit for single item	£250	£250	£250	£250

## 2b: Procurement Delegations

These should be read in conjunction with the Council's Contract Standing Orders and the Council's procurement guidance.

2b: Procurement Delegations					
No.	Function	Level 1	Level 2	Level 3	Level 4
B.1	Termination of Contract	√		None	
B.2	Management of Approved list of Contractors/vendor database/list of framework contractors and suppliers	√		None	
B.3	Purchasing from within a Framework Contract (Registered by Slough Borough Council) Procurement Centre)	√		£5,000	
B.4	Authorise Invoices (and debit notes) for previously approved expenditure, for Capital Projects	£500,000	£100,000	£20,000	£5,000
B.5	Issue procedural instructions on matters concerning contracts and procurements	√	√	Prepare draft only	Prepare draft only
B.6	Maintain list of suppliers for small work contracts/specialist works and advise on prospective suppliers and select list of tenders	√	√	√	√

<b>2c: Property Delegations</b>					
<b>No.</b>	<b>Function</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
<b>C.1</b>	Acquisition and disposal of leasehold interest in land and property relating to the Services of the Directorate, with Cabinet spending approval	Up to £250k in line with best value	Up to £250k in line with best value	None	None
<b>C.2</b>	To maintain the Directorate's service related land records and other Directorate service related property information and advise Property Services of Changes	√	√	√	√
<b>C.3</b>	To grant leases, tenancies or licences for the use of Directorate service related property that has previously been let or is not required for the council's own occupation	Terms of up to 7 years and rents or licence fees up to £100,000pa.	Terms of up to 7 years and rents or licence fees up to £100,000pa.	None	None
<b>C.4</b>	Approval of rent or fee reviews of leases, licences, tenancies or easements granted or held by the Directorate	Services up to £100,000	Services up to £100,000	None	None
<b>C.5</b>	To approve terms for sale of Directorate service related property that has been declared surplus to requirements or is subject to a compulsory purchase order, once disposal agreed	Up to £250k in line with best value	Up to £250k in line with best value	None	None
<b>C.6</b>	To approve terms for the purchase of Directorate service related property where a valid decision to acquire has been taken	None	None	None	None
<b>C.7</b>	To write off service related unpaid rents, licence fees or other charges where all reasonable attempts have been made at recovery				
<b>C.8</b>	To commission work relating to the acquisition management development or disposal of Directorate service related property from suitably qualified firms	Maximum fee of £100,000 (or £50,000 p.a.) per instruction	Maximum fee of £100,000 (or £50,000 p.a.) per instruction	None	None

No.	Function	Level 1	Level 2	Level 3	Level 4
C.9	To manage the Directorate's service related commercial property portfolio	to approve assignments and other applications on all Directorate service related owned property	to approve assignments and other applications on all Directorate service related owned property	None	None
C.10	To apply to the appropriate body for the appointment of an arbitrator independent expert or other adjudicator in the circumstances defined in a lease or other agreement	√	√	None	None
C.11	To authorise the service of statutory notices (e.g. under the landlord & Tenants Acts, etc.) When deemed prudent in the context of service related property management	None	None	√	√
C.12	Ensure Health and Safety issues are met	√	√	√	√
C.13	To act on Health and Safety issues raised by authorised officers in respect	√	√	Health and Safety Officers only	Health and Safety Officers only
C.14	Authority to agree terms and enter into agreements for any matter of a minor or urgent nature affecting Directorate service related land or property either owned or leased.	√	√	√	None
C.15	To undertake client functions under various contracts with third parties including those related to Directorate service related property management	√	√	√	None
C.16.	To approve Appeals for Rating reductions	√ With the agreement of the s151 officer	√ With the agreement of the s151 officer	Up to £10,000 with the agreement of the s151 officer	None

<b>2d Human Resources Delegations</b>					
	<b>Function</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
<b>D.1</b>	<b>Staff deployment, reorganisation and restructuring</b>				
<b>D.2</b>	Directorate re-organisation or restructuring, with the agreement of the Cabinet	√	√	Recommendations only	Recommendations only
<b>D.3</b>	In a transfer of undertaking situation, agreeing staff affected.	√	√	√	No delegation
<b>D.4</b>	Creation of new posts in accordance with procedures	√	√	Recommendations only	Recommendations only
<b>D.5</b>	Deletion of posts in accordance with procedures	√	√	Recommendations only	Recommendations only
<b>D.6</b>	Consultation and Agreements with Trade Unions including facilitation time	√	√	√	√
<b>D.7</b>	Approving assimilation of new employees into new posts as result of restructure	√	√	√	No delegation
<b>D.8</b>	Placing staff on the Council's Redeployment Register as a result of a reorganization or redundancy situation	√	√	√	No delegation
	<b>Recruitment and Retention</b>				
<b>D.9</b>	Advertising vacancies	√	√	√	√
<b>D.10</b>	Filling vacant posts using agreed corporate processes	√	√	√	√
<b>D.11</b>	Chairing and sitting on selection panels	√ Subject to corporate training requirements	√ subject to corporate training requirements	√ subject to corporate training requirements	√ subject to corporate training requirements
<b>D.12</b>	Agreeing shortlists	√	√	√	√
<b>D.13</b>	Approving offers of appointment subject to further HR checks (e.g. medical, DBS and references)	√	√	√	√



	Function	Level 1	Level 2	Level 3	Level 4
D.14	Exceptions to normal recruitment processes e.g. direct appointment to permanent or temporary posts without competition	√ only with the agreement of the <u>AD, Director for Finance &amp;</u>	√ only with the agreement of the <u>Service Lead for</u>	No delegation	No delegation
D.15	Recommending appointment above normal salary starting point	√	√	√	√
D.16	Probationary Appointments: approving permanent appointment, or	√	√	Not dismissal	None
D.17	Agree terms and conditions of permanent and agency staff subject to national and local agreements and statutory requirements	√	√	No delegation	No delegation
D.18	Agreeing secondments	√ Includes external secondment, placements and joint working	√ Includes external Secondment, placements and joint working	√ Internal secondments only	
D.19	Use of Agency Staff in accordance with procedures and Agency Contract	√	√	√	
D.20	Premature termination of agency / temporary staff position	√	√	√	
D.21	Giving and requesting references	√	√	May request references where individual has consented to	
D.22	Request DBS and other statutory checks for approved positions	√	√	√	
D.23	Agree relocation package subject to corporate policies and procedures	√	√	√	
D.24	Approval of shorter notice period	√	√	√	none
<b>Discipline, Conduct and Capability</b>					
D.25	Dismissal of staff as a result of gross misconduct or disciplinary or capability proceedings	In consultation with <u>Service Lead for</u>	In consultation with <u>Service Lead for</u>	In consultation with <u>Service Lead for People HR</u>	

	Function	Level 1	Level 2	Level 3	Level 4
D.26	Suspension of staff on grounds of misconduct grounds	√	√	√	
D.27	Determining grievances	√	√	Up to Stage 2	
D.28	Taking disciplinary action short of dismissal	√	√	√ Except cases involving gross misconduct	
D.29	Conduct and determination of appeals on disciplinary, conduct and capability matters, including appeals against probation decisions	√	√	√	√
D.30	Settlement of Legal/employment Tribunal claims in accordance with Council policy and procedures	√	√	No delegation	
D.31	Payroll changes	√	√	√	
<b>Authorised absence, sickness, leave and flexitime</b>					
D.32	Taking management action in relation to sickness absence	√	To Stage 2	To Stage 2	
D.33	Extension of Sick Pay	√ In consultation with <u>HRService</u>	√ In consultation with <u>Service Lead for PeopleHR</u>	√ In consultation with <u>Service Lead for PeopleHR</u>	
D.34	Approving overtime in accordance with Council's Scheme, approving timesheets and flexi cards.	√	√	√	
D.35	Approving annual Leave, Flexi leave, TOIL, time off for election related duties, payment in lieu of Public Holiday, special and unpaid leave (within agreed procedures), parental leave, time off for trade union duties (carry over leave under procedures only Level 1)	√	√	√	√
<b>Employee Benefits, Pensions</b>					
D.36	Approval of Honoraria/Acting Up Allowances and additional payments	√			
D.37	Approval for officers to have paid employment or consultancy outside the council	√	√	No delegation	No delegation

	Function	Level 1	Level 2	Level 3	Level 4
D.38	Approval of expenses e.g. mileage and petty cash claims	√	√ up to £100 per day	√ Up to 100 per day	
D.39	Other travel expenses	√	Up to £100 per day	Up to £100 per day	
D.40	Making discretionary payments for personal items lost or damaged not covered by the Council's insurance policies and excluding vehicles	√ Up to £500	Up to £500	Up to £100	
D.41	Subsistence, including overnight subsistence	√	Up to £250 per day	Up to £100 per day	
D.42	Ex-gratia payments	√	√	Up to £200	
D.43	Approval of eye test and absence for medical appointments	√	√	√	√
	<b>Staff Appraisal and Development</b>				
D.44	Staff appraisal, evaluation and supervision	√	√	√	√
D.45	Arbitrating on appraisal and evaluation disputes	√	√	No delegation	No delegation
D.46	Devising, maintaining and auditing staff development programme in accordance with any corporate requirements	√	√	√	√
D.47	Approving courses and training in accordance with corporate policies and procedures	√	√	Not day release	Not day release
D.48	Ensuring compliance with Race Relations Act, Sex Discrimination Act, Disability Discrimination Act, Equality Act and any Regulations there under	√	√	√	√
D.49	Monitoring for the purposes of Council's Equal Opportunities policy and as recommended by the CRE	√	√	√	√
	<b>Health and Safety and Risk</b>				
D.50	Health & Safety – Responsibility for compliance with all statutory and regulatory requirements	√	√	√	√

	<b>Function</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
<b>D.51</b>	Risk Assessments and Registration of Risk as required by the risk management policy: compliance with Annual Corporate Governance Assurance requirements	√	√	√	√
<b>D.52</b>	Maintaining safety codes of practice	√	√	√	√
<b>D.53</b>	Maintaining cautionary contacts list	√	√	√	No delegation to amend list, can recommend amendments to the list by Third Tier Officers
<b>D.54</b>	Banning public from premises or limiting conduct due to aggressive behaviour	√	√	√	In emergencies
<b>D.55</b>	Agreeing legal support (including payment of external lawyers fees etc.) to staff assaulted in the course of their duties	√	√	√	No delegation

## 2e Other delegations which apply to all the council

	Function	Level 1	Level 2	Level 3	Level 4
E1	<b>Legal and Statutory Powers</b>				
E2	Responding on the Council's behalf to proposed legislation except where specifically reserved to the Council, a committee or the Executive	√	√	√	No Delegation
E3	Instructing <del>the Head of Legal, the London Borough of Harrow Head of Legal, Service Lead People HR</del> and <del>Service Lead</del> Regulatory Services	√	√	√ unless specifically reserved to designated officers	√ unless specifically reserved to designated officers
E4	Authorising the <del>London Borough of Harrow Head of Legal Services</del> to issue and serve notices and requisitions	√	√	Requisitions only unless holding specific delegations	Requisitions only unless holding specific delegations
E5	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	√	√	√	No delegation except to <del>Head of Legal Services, London</del>
E6	Signing Statements of Truth, providing witness statements and statutory declarations in respect of matters within their own knowledge and giving evidence in person on behalf of the Authority	√	√	√	√
E7	Administering cautions in any criminal proceedings.	If PACE trained	If PACE trained	If PACE trained	If PACE trained
E8	Settling claims (other than Employment Tribunal claims and those covered by insurance)	Up to £300,000 with the approval of the <del>AD Finance and Audit Director of</del>	No delegation	No delegation	No delegation
E9	Authorising officers to use powers of entry and seizure where permitted in law.	√	√	No delegation	No delegation except for <del>HLSService Lead</del>

	Function	Level 1	Level 2	Level 3	Level 4
E10	Applying to register any Land Charge, search the Land Charges Register and pay any request fee.	√	√	√	√
E11	Subject to any reservations to Members, and to the authorisation of funding from the Strategic Director <del>for Regeneration, R, H &amp; R</del> , instructing the <del>London Borough of Harrow Head of Legal Head of Legal Services</del> to commence proceedings for the compulsory acquisition of interests in land, including the right to manage	√	√	No delegation	No delegation
	<b>Fees and charges</b>				
E12	Setting fees and charges for services within any overall strategy agreed by the Cabinet and in consultation with the lead commissioner and lead for finance: <ul style="list-style-type: none"> <li>• up to 3% plus inflation</li> <li>• that don't involve a change in policy</li> <li>• that don't have significant political implications</li> </ul>	√	√	√	No delegation
E13	Approving compensatory payments under section 92 Local Government Act 2000	√	Up to £1,000	If designated Stage 2 complaints officer may approve up to £250	If designated Stage 1 complaints officer up to £100
E14	<b>Complaints and Regulatory Procedures</b>				
E15	Acting as the Directorate Stage 2 Complaints Officer, within a scheme coordinated and monitored by the <del>Head of Business Analysis and Complaints</del>	√	√	√	No Delegation
E16	Acting as the Designated Stage 1 Complaints Officer	√	√	√	√
E17	Responding to requests for data or information under the Data Protection Act 1998 and the Freedom of Information Act 2000	√	√	√	√

	Function	Level 1	Level 2	Level 3	Level 4
<b>E18</b>	Discharging miscellaneous Local Government functions and powers such as accepting gifts on behalf of the Council, advertising Council services and promoting the area	√	√	√	√
<b>E19</b>	Making all applications (including review and cessation of use) regarding covert surveillance or use of a human intelligence source under the provisions of the Regulation of Investigatory Powers Act,2000 ('RIPA')	<u>In accordance with the Council's RIPA Policy</u> ✗	<u>In accordance with the Council's RIPA Policy</u> ✗	<u>In accordance with the Council's RIPA Policy</u> ✗	<u>In accordance with the Council's RIPA Policy</u> √
	<b>Delegation of function to Officers by the Council and the Executive</b>				
<b>E20</b>	The Council and the Executive delegate as follows:				
<b>E20/1</b>	Implement decisions of the Council, the Executive, the Council's Committees and Sub Committees in the discharge of the Council's functions within their area of responsibility, including policy, strategy, executive, regulatory and operational decisions	√	√	√	√
<b>E20/2</b>	Take all routine decisions including those of a professional, managerial, operational or regulatory nature in relation to the discharge of the Council's and the Executive's functions within their area of responsibility	√	√	√	√
<b>E20/3</b>	Take decisions in relation to the discharge of the Council's executive functions within their area of responsibility after consultation with the Leader of the Council appropriate executive member with portfolio	√	√	√	
<b>E20/4</b>	In relation to matters not falling within E20/1 to E20/4 above, submit a report and make recommendations as appropriate to the Council, the Executive, a committee or sub committee	√	√	√	√
<b>E20/5</b>	Take decisions in relation to the discharge of any of the Council's functions or the Executive functions in cases of emergency*	√			

\*For definition of 'Emergency' see section 1.4

This page is intentionally left blank



# Part 4.1 Council Procedure Rules

## CONTENTS

### Rule No.

- 1 Annual meeting of the Council
- 2 Ordinary meetings
- 3 Extraordinary meetings
- 4 Date, Time and Place of Meetings
- 5 Notice of and summons to meetings
- 6 Chair of meeting
- 7 Quorum
- 8 Duration of meeting
- 9 Questions by the public
- 10 Questions by members
- 11 Petitions - General
- 12 Complaints about Members or Officers' Conduct and/or Performance
- 13 Cabinet & Committee Recommendations/Minutes
- 14 Motions on notice
- 15 Motions without notice
- 16 Rules of debate
- 17 Previous decisions and motions
- 18 State of Borough debate
- 19 Voting
- 20 Minutes
- 21 Record of attendance
- 22 Exclusion of public
- 23 Members' conduct
- 24 Disturbance by public
- 25 Photographs or Recordings
- 26 Smoking Robes Food and Drink
- 27 Suspension and amendment of Council Procedure Rules
- 28 Appointment of Deputies
- 29 Council in Committee
- 30 Attendance of Non Members at Cabinet/Committees/Sub-Committees
- 31 Appointment of Panels/Working Parties
- 32 Application to Cabinet, Committees and Sub-Committees

## **1. ANNUAL MEETING OF THE COUNCIL**

### **1.1 Timing and business**

In a year when there is an ordinary election of Members, the annual meeting will take place within 21 days of the retirement of the outgoing Members. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Mayor of the Council is not present;
- (ii) elect the Mayor of the Council;
- (iii) elect the Deputy Mayor of the Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from Members;
- (vi) receive any announcements from the Mayor and/or Head of the Paid Service;
- (vii) elect the Leader of the Council (in the year in which this is required) ;
- (viii) Receive a report from the leader on appointment of the Deputy Leader and Commissioners and their portfolios;
- (ix) appoint at least one Overview and Scrutiny Committee, a Audit & Corporate Governance Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3, Table 1 of this Constitution;
- (x) approve a programme of ordinary meetings of the Council for the year; and
- (xi) consider any business set out in the notice convening the meeting.

Only the business specified in the Summons to the Annual meeting shall be transacted except in the case of business required by law to be done at the Annual Meeting

### **1.2 Appointment of Members to Committees and Outside Bodies**

At the annual meeting, the Council will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference of those committees;
- (iii) decide the allocation of seats and deputies (where appropriate) to political groups in accordance with the political balance rules;

- (iv) receive nominations of Members to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council.

### **Casual Vacancies on Committees**

- (vi) The ~~Assistant Director, Strategy and Engagement Service Lead Strategy & Performance~~, or in his/her absence the Head of Democratic Services, shall appoint to casual vacancies on Committees, Sub Committees, Panels, Outside Bodies and Working Parties as they arise on the nomination of the respective Group Leader and report this decision to Members as a significant decision.

### **1.3 Election of Committee Chairs**

- (i) The Council may appoint, from among the voting members a person to preside at meetings of a Committee (Chair) and a person to preside in the absence of the Chair (Vice-Chair).
- (ii) If any appointment possible under the previous paragraph is not made, the Committee at its first meeting after the annual meeting of the Council shall, from among the voting members, appoint a person to preside in the absence of the Chair.
- (iii) If the Chair and Vice Chair appointed under the previous paragraphs of this rule are absent, a meeting of a committee shall appoint from among its voting members present a person to preside at the meeting.

## **2. ORDINARY MEETINGS**

### **2.1 Order of Business**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) choose a person to preside if the Mayor and Deputy Mayor are not present (other than the any other member of the Executive) for the duration of the meeting (Local Government Act 1972, Schedule 12, Paragraph 5).;
- (ii) approve and sign the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor or the Head of Paid Service.
- (v) receive any petitions under Rule 11.
- (vi) answer any questions from Members of the Public under Rule 9.
- (vii) answer any questions on Police Authority functions asked under Rule 10.

- (viii) deal with any business from the last Council meeting;
- (ix) receive reports and recommendations from the Cabinet and the Council's Committees and receive questions and answers on any of those reports (subject to the normal rules of debate) under Rule 12;
- (x) receive reports and recommendations about and receive questions and answers (subject to the normal rules of debate) on the business of joint arrangements and external organisations under Rule 12;
- (xi) deal with any reports from officers of the Council specified in the Council summons.
- (xii) debate the state of the Borough under Rule 16;
- (xiii) consider motions in the order in which they have been received under Rule 13.
- (xiv) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny and Overview Committee/Sub-Committee for debate.
- (xv) answer any questions from Elected Members asked under Rule 10.
- (xvi) to authorise the sealing of documents as necessary.

Only the business specified in the summons of the meeting shall be transacted at an ordinary meeting of the Council.

## 2.2 Variations

- (a) No variations shall be made as regards (i) to (iv) above.
- (b) The Mayor may, with the consent of the Council, vary the order of business without discussion.

2.3 Any Member may request the Mayor to exercise the above discretion with the consent of the Council and shall have the right to explain for no more than one minute his/her reason for wishing to vary the order of business.

## 3. EXTRAORDINARY MEETINGS

### 3.1 Calling extraordinary meetings

Those listed below may request the Head of Democratic Services to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;

- (iii) The Chief Executive;
- (iv) the Monitoring Officer;
- (v) the Section 151 Officer makes a report under section 114 of the Local Government Finance Act 1988 or the Monitoring Officer makes a report under section 5 of the Local Government and Housing Act 1989, the Monitoring Officer shall call a meeting of the Council for the purpose of considering that report within the period specified by the relevant statute and
- (v) any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Only the business specified in the summons may be transacted at an extraordinary meeting of the Council.

### 3.2 **Business of an extraordinary meeting**

Business at Extraordinary meetings of the Council shall be restricted to:

- 3.2.1.1 the election of a person to preside if both Mayor and Deputy Mayor are absent (other than the any other member of the Executive) for the duration of the meeting (Local Government Act 1972, Schedule 12, Paragraph 5)
- 3.2.1.2 any item of business specified by the Council, Mayor or Monitoring Officer calling the meeting or specified in the requisition presented by at least five Members of Council;
- 3.2.1.3 any petitions relating to items of business on the agenda which the Mayor agrees to hear.

Any requisition shall specify the business to be transacted at the Extraordinary Meeting. The Agenda shall specify the business to be transacted at the Meeting and no other business shall be transacted at that Meeting.

Where the next meeting of the Council is an Extraordinary Meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972, the Minutes of the last meeting of the Council shall be put to the next ordinary meeting of the Council.

## 4. **DATE, TIME AND PLACE OF MEETINGS**

The Mayor, together with the Chief Executive may adjust the dates, place and time of Council meetings.

## 5. **NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting of the Council in accordance with the Access to Information Rules. At

least five clear days before a meeting, the Chief Executive will send a summons signed by him or her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. **CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chair of Committees and Sub-Committees. The Mayor's/Chair's decision on any matter relating to the meeting is final.

7. **QUORUM**

The quorum of a meeting shall be one quarter of the whole number of Members. During any meeting if the Mayor or Chair (as the case might be) counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor/Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. **DURATION OF MEETING**

- 8.1 If the Council has not completed its business by 10.30 p.m. the Mayor will stand up and move that the remainder of the business shall be dealt with under either Rule 8.2 or Rule 8.3. The motion shall be voted upon without debate.
- 8.2 That the Council resolve to continue past 10.30 p.m. to complete all or part of its business as specified by the Mayor. The business not dealt with under this Rule 8.2 shall be dealt with under Rule 8.3.
- 8.3 That the remaining business be completed in accordance with the following procedure:
- (i) recommendations of Committees/Cabinet shall be put to the meeting. If any are opposed the meeting shall stand adjourned to the following Thursday at 7.00 pm unless otherwise resolved;
  - (ii) any minutes of proceedings of committees not yet received shall be moved, seconded and received forthwith;
  - (iii) any motion of which notice was given under Rule 12 shall be formally moved and seconded and shall stand referred to the Cabinet or appropriate Committee without discussion for determination;
  - (iv) any questions and answers from Members submitted under Rule 10 shall be noted; and

- (v) other formal business, including authority to seal documents shall be dealt with prior to closure of the meeting.

## **9. QUESTIONS BY THE PUBLIC**

### **9.1 General**

At an ordinary meeting of the Council a registered elector/resident of the Borough (not being a Member of the Council) may ask the Leader, ~~Commissioners, Lead Members,~~ Chairs or Group Leaders questions relating to any Council Policy. The first five questions received will receive a verbal answer at the meeting, if the elector is present. A copy of the written response will be sent to the questioner the next working day following the Council meeting.

In the case of more than five questions being received for any one meeting, a written answer will be sent to the questioners on the next working day following the meeting, and the questions will also be tabled at that meeting.

### **9.2 Order of Questions**

Questions will be asked in the order they were received.

### **9.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing, facsimile or by electronic mail to the Head of Democratic Services no later than 10.00 am on the fourth working day before the day of the meeting. Each question must give the name and address of the questioner and must name the Member/Chair to whom it is to be put.

### **9.4 Number of Questions**

Members of the public are limited to one question each.

### **9.5 Scope of Questions**

The Head of Democratic Services will reject a question if it:

- is not about a matter of policy for which the local authority has a responsibility or which affects the Borough;
- concerns a matter which could be raised as casework or through the Council's complaints procedure or is specific to a particular individual or their property;
- is defamatory, frivolous or offensive;
- criticises or purports to criticise an employee/officer's competence and/or conduct and the employee/officer is identified by name, title or in any other way.

- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

#### 9.6 Record of Questions

The Head of Democratic Services will send a copy of the question to the Member/Chair to whom it is to be put. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

#### 9.7 Asking the Question at the Meeting

Each question shall be taken as read. If a questioner who has submitted a question is unable to be present a written reply will be sent to the questioner following the meeting. A Member to whom a question has been put may ask another Member to answer on his/her behalf.

#### 9.8 Supplemental Question

A questioner who has put a question in person may also put one supplementary question arising directly out of the original question or reply, without notice to the Member/Chair who has replied to his or her original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.5 above. –

#### 9.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member/Chair to whom it was to be put, will be dealt with by a written answer.

#### 9.10 Reference of Question to the Cabinet or a Committee

No discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee/Sub-Committee. Once seconded, such a motion will be voted on without discussion.

#### NOTE:

*That whilst encouraging open and free debate, the Council will not tolerate any person making defamatory remarks or other unfair and unjustified criticisms of Officers of the Council*

The Council has agreed that

- (a) The Head of Democratic Services be authorised to reject or require amendment, at his/her discretion, to written questions submitted to the Council or to any Committee or Sub-committee of the Council which



contain criticisms of Officers of the Council or that, in his/her view, make defamatory remarks about individual officer holders.

- (b) That any person whose question to a meeting is rejected under this provision or is required to amend their question by the Head of Democratic Services may appeal that decision to the Council's ~~Strategic Borough Secretary and Solicitor~~ Service Lead Governance.
- (c) That the Mayor/Chair of any meeting of the Council, its committees and its sub-committees will request any person present to desist from making any defamatory remarks or other unfair or unjustified criticisms of Officers and in the event of a person so instructed by the Mayor/Chair of the meeting failing to desist the Chair will instruct that person to remain silent on the matter under discussion only until such time as they indicate a willingness to comply.
- (d) That where an individual fails to comply with that instruction, the Mayor/Chair may warn the individual that any further interruption will result in their removal from the meeting whilst the matter in question is under consideration.
- (e) Where, in the reasonable opinion of the Mayor/Chair of any meeting of the Council, its Committees and its Sub-committees, defamatory remarks or other criticisms of Officers have been made by an individual present, the Mayor/Chair may require that individual to apologise for any offence their remarks may have caused before continuing to speak on the matter in question or, if they have been excluded from the meeting under these provisions, will require an apology for any offence their remarks may have caused before allowing re-admission to the meeting.

## 10. QUESTIONS BY MEMBERS

### 10.1 Council Matters

Subject to Rule 10.2, a Member of the Council may ask

- the Mayor;
- a ~~Commissioner~~ Lead Member;
- the Chair/Vice Chair of any Committee or Sub-Committee;

One question on any matter (a) which the Council has Statutory powers or duties or (b) which affects the Borough.

### 10.2 Notice of Questions

A Member may ask one question under Rule 10.1 if Notice in writing of the question has been given to the Head of Democratic Services in the time period between Cabinet meetings.

### 10.3 Scope of Questions

The Head of Democratic Services will reject a question if it:

- is not about a matter falling within Rule 10.1 above;
- concerns a matter which could be raised as casework or through the Council's complaints procedure or is specific to a particular individual or their property;
- is defamatory, frivolous or offensive;
- criticises or purports to criticise an employee/officer's competence and/or conduct and the employee/officer is identified by name, title or in any other way
- could be regarded as more than one question (ie: consists of multi parts)
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

10.4 Questions will be replied to by the relevant member within 10 working days of receipt.

10.5 All Questions that have been submitted and answered since the last Council meeting will be tabled at the next Council meeting by the Head of Democratic Services. The answers to those questions will also be tabled.

10.5 A Member can submit a supplementary question, in writing, within 10 working days of the receipt of the answer to the original question. The supplementary must relate to the original question and be submitted to the Commissioner/ Member in question who will reply, in writing, within ten working days of receipt of the supplementary question.

### 11. PETITIONS - GENERAL

11.1 All petitions received shall be dealt with in accordance with the Council's Petition Scheme which is set out as Article 18 to the Constitution.

11.2 Petitions relating to individual planning and licensing applications and other statutory petitions are not included in the Petitions Scheme and will be dealt with as set out below.

### PLANNING MATTERS

11.3 Petitions received in response to individual planning applications shall be dealt with by the ~~Head of Planning and Strategic Policy~~ Service Lead Planning & Transport /Head of Democratic Services as detailed in the Council's Scheme of Delegation to Officers or through the Public Participation Scheme. Any petition referring to a general planning matter will be dealt with in accordance with the Petitions Scheme.

## **LICENSING MATTERS**

- 11.4 Petitions received in response to individual licensing applications shall be dealt with by the ~~Licensing Manager~~Service Lead Regulatory Services /Head of Democratic Services and reported to the relevant Sub Committee when the application is considered. The Petition organiser shall be given the opportunity to address the Sub Committee. Any petition referring to a general licensing matter will be dealt with in accordance with the Petitions Scheme.

## **12 COMPLAINTS ABOUT MEMBERS OR OFFICERS' CONDUCT AND/OR PERFORMANCE**

- 12.1 The Council shall not discuss at any meeting (including an extraordinary meeting):-
- (a) any complaint about the conduct of a Member which is or may be the subject of an investigation unless and until the matter has been determined under the provisions of the Localism Act 2011 and regulations thereunder.
  - (b) Any complaint about the conduct or performance of an Officer which is or could be the subject of an investigation under the Council's relevant Disciplinary Policy and Procedure, Grievance Policy and Procedure, Capability Procedure or any other relevant employment procedure unless it is a requirement of any one of those procedures to report the matter to Council.

## **13. CONSIDERATION OF CABINET AND COMMITTEE RECOMMENDATIONS/ MINUTES**

### **13.1 Recommendations of the Cabinet and Committees**

The recommendations of the Cabinet and Committees held since the preceding meeting of the Council shall be submitted to the Council for decision.

Any Member wishing to move an amendment on a recommendation that is before the Council shall give written notice of such intention before 10.00 a.m. on the day before the Council meeting.

### **13.2 Recommendations as Motions**

For the purposes of Rule 16 (Rules of debate) each recommendation to the Council arising out of the Cabinet or a Committee's minutes shall be deemed to be a separate motion.

The Leader of the Council or the Chair of the Committee from which the recommendation has come (or in their absence any other Member) shall move the recommendation which shall be seconded by another Member.

Each recommendation is open to discussion in accordance with Rule 15.

### 13.3 **Withdrawal of Recommendations**

The Leader of the Council or the Chair of any Committee, (as the case may be), shall not seek leave to withdraw a recommendation to Council contained in his/her minutes.

## 14. **MOTIONS ON NOTICE**

### 14.1 **Notice**

- a. Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least two Members, must be delivered to the Head of Democratic Services not later than noon on the ninth working day before the date of the meeting. At any one Ordinary meeting:
  - Only one motion may be proposed by any Political Group,
  - Or, in the case of no group, an individual member,
  - And one cross-party motion proposed by any member (on a first come first served basis).

The wording of a motion can be submitted by email, and in this case, one member may submit the wording and another e mail in support of the motion must be received by the noon deadline. E mails must be from a source that validates the identity of the sender.

- b. Motion to remove the Leader of the Council
- c. A Motion to remove the Leader of the Council must be signed by at least five Members and be submitted in writing to the Head of Democratic Services not later than noon on the ninth working day before the date of the meeting. Any such Motion is in addition to Motions submitted under paragraph 14.1 above and must be confined to actions taken by/or the conduct of the Leader in his/her role as Leader. The Motion will be taken as the first item of business after Mayor's Communications and will be debated in accordance with normal debate procedure.

### 14.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice state, in writing, that he/she proposes to move it to a later meeting or withdraw it. Motions shall be formally moved by the Member who gave notice or, on the written request of this Member, by another Member on their behalf.

### 14.3 **Scope and wording of Motions**

- a. The wording of any Motion under this procedure Rule shall be confined to proposing action to be taken by or on behalf of the Council and shall not include explanatory or other text.
- b. Motions must be about matters for which the Council has a responsibility or which affect the Borough. Motions that relate to Executive Functions,

once determined by the Council, shall be referred to the Cabinet for consideration if action is required.

- c. The Head of Democratic Services, in consultation with the Mayor, may reject a Notice of motion if he/she considers that it:
- Is not about a matter for which the Council has a responsibility or which affects the Borough
  - Is defamatory, frivolous or offensive
  - Subject to Rule 18.2 is substantially the same as a motion or amendment which has been put to a meeting of the Council in the past six months
  - Requires the disclosure of confidential or exempt information, or
  - is the subject of a review by the Scrutiny and Overview Committee or a Scrutiny Sub-Committee which has been ongoing for less than six months.

#### **14.4 Challenge to Inclusion**

If any Member of the Council considers that any motion that appears on the summons for the Council Meeting should not have been included on the agenda he/she shall give written notice to the Head of Democratic Services before 10.00 a.m. on the day of the meeting. Such written notice will indicate the nature of the challenge.

A challenge lodged in accordance with this Rule will be dealt with as follows:

The Member submitting the challenge will speak to his/her challenge confining him/herself to the nature of the challenge for a period not exceeding two minutes.

- The Member who gave notice of the motion will reply to the challenge and will speak for no longer than two minutes.
- No other Member will be entitled to speak.
- The challenge will be put to the vote.
- If the challenge is upheld the motion will be treated as withdrawn.

#### **15. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice :

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the Council minutes;
- (c) to change the order of business in the agenda;

- (d) to refer something to an appropriate Committee/body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to request that the Mayor take action under Rule 23.3 to not hear further a Member or to exclude them from the meeting under Rule 23.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.
- (q) that a matter raised by a petitioner is referred to the Cabinet or appropriate Committee other Authority or Chief Officer.

#### Motion of No Confidence in the Mayor

A Motion of no Confidence in the Mayor can be moved at any time when a meeting of the Council is in progress. The Motion will be formally moved, seconded and put to the vote without debate.

#### **Moving and Seconding a Motion**

##### Motion to be moved and seconded

A motion for main debate of which notice has been given or a proposed amendment thereto of which notice has been given shall be moved and seconded by the Members who have given notice or, with the consent of the Council, by any other Councillor.

##### Right to speak – Secunder of Motion

No motion for main debate or motion for amendment shall be discussed unless it has been seconded, but any Councillor, when seconding a motion or amendment, if he or she then declares their intention to do so, may reserve their speech until a later period in the debate.

## **16. RULES OF DEBATE**

### **16.1 Addressing the Mayor**

A Member when speaking shall stand and address the Mayor. If more than one Member stands the Mayor shall indicate the order of speakers. Subject to Rules 16.12 (Points of Order) and 16.13 (Personal Explanation) below, all other Members shall remain seated whilst a Member is speaking.

### **16.2 No speeches until motion seconded**

No speeches may be made until the mover has moved a proposal and explained the purpose of it and the motion has been formally seconded (whether or not the seconder has spoken at that juncture).

### **16.3 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it and any proposed amendment to be written down and handed to him/her before it is discussed.

### **16.4 Seconder's speech**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

### **16.5 Content and length of speeches**

Speeches must be directed to the motion/amendment under discussion or to a personal explanation or point of order. No speech may exceed 3 minutes without the consent of the Mayor.

Members and officers at any meeting shall be addressed or referred to by their respective titles.

Except with the consent of the Council, voted upon without discussion, speeches shall not exceed 3 minutes.

### **16.6 When a Member may speak again**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;

- (b) to move a further amendment if a previous amendment is not carried or the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### 16.7 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to the Cabinet or an appropriate Committee/Body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.
  - (v) as long as the effect of (ii) to (iv) is not to negate the motion or introduce a new proposal on the same subject matter.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. If an amendment is not carried, other amendments to the original motion may be moved,
- (c) It will not be permitted to seek to re-instate part(s) of the motion which have already been rejected with words to the same or similar effect.

Once the seconder of the original motion has commenced his/her speech (if reserved) or the mover of the original motion has commenced his/her closing speech no further amendments can be moved.

- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved. After an amendment has been carried, the new substantive motion will be put to the vote. If an amendment to refer a matter under (i) above is carried the 'substantive motion' requires no further vote.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.





## 16.8 **Alteration of motion**

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting or any other signatories to the motion. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

## 16.9 **Withdrawal of motion**

A Member may withdraw a motion or amendment which he/she has moved with the consent of both the seconder and the meeting. The meeting's consent will be signified without discussion. No member may speak on the motion or amendment after the mover has asked permission to withdraw it unless permission is refused.

## 16.10 **Right of reply for the Proposer of the Motion only**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

At the end of a debate on an amendment to a motion, the order in which Members may speak is as follows:

- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The Leader/Chair will have the penultimate right of reply to the Motion.
- (d) The mover of the amendment has no right of reply to the debate on his or her amendment.

## 16.11 **Closure motions**

- (a) A Member who has not spoken in the debate, may move, without comment, the following motions at the end of a speech of another Member:

A Member may move, without comment, the following motions at the end of a speech of another Councillor:

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

- (b) If a motion to “proceed to next business” is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the procedural motion is carried the Council proceeds to next business without a vote on the original motion/amendment.
- (c) If a motion that the “question be now put” is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to “adjourn the debate” or to “adjourn the meeting” is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If the procedural motion is carried the Mayor will determine the date and time when the meeting/debate shall continue.

## **17. PREVIOUS DECISIONS AND MOTIONS – THE SIX MONTH RULE**

### **17.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of all Members of the Council.

### **17.2 Motion similar to one previously dealt with**

A motion or amendment in similar terms to one that has been voted upon at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of all Members of the Council. This includes amendments that have been voted upon during the meeting in question. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### **17.3 Points of order**

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the mayor on the matter will be final.

### **17.4 Personal explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member (made at the meeting) which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

## **18. STATE OF THE BOROUGH DEBATE**

### **18.1 Calling of debate**

The Leader will call a State of the Borough debate annually on a date and in a form to be agreed with the Mayor.

### **18.2 Form of debate**

The Leader will decide the form of the debate with the aim of enabling wide public involvement and publicity. This may include holding workshops and other events prior to or during the State of Borough debate.

### **18.3 Chairing of debate**

The debate will be chaired by the Mayor.

### **18.4 Results of debate**

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

## **19. VOTING**

### **19.1 Majority**

Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

### **19.2 Mayor's casting vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### **19.3 Show of hands**

Unless a recorded vote is requested under Rule 19.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

#### **19.4 Recorded vote**

If a Member present at the meeting requests it, before voting commences, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

#### **19.5 Right to require individual vote to be recorded**

Where any Member requests it, immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

In accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 there shall be a recorded vote on any decision relating to the budget or council tax at the Council's annual budget meeting.

#### **19.6 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### **20. MINUTES**

#### **20.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next ordinary meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only matter in relation to the minutes that can be discussed is their accuracy. Members should not vote on the accuracy of the minutes if they were not present at the meeting in question.

#### **20.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

#### **20.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

## **21. RECORD OF ATTENDANCE**

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **22. EXCLUSION OF PUBLIC**

### **22.1 General**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

### **22.2 Motions affecting Council employees**

Before any discussion on the appointment, promotion, suspension, dismissal, salary, conditions of service, or the conduct of a Council employee, the Mayor shall move and the Council shall resolve without discussion, a motion to exclude the Press and Public. During consideration of the matter the employee concerned if present shall immediately leave the meeting until the matter under consideration is settled.

## **23. MEMBERS' CONDUCT**

### **23.1 Standing to speak**

When a Member speaks at a Council meeting they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### **23.2 Mayor standing**

When the Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **23.3 Member not to be heard further**

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### **23.4 Member to leave the meeting**

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **23.5 General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

## **24. DISTURBANCE BY PUBLIC**

### **24.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

### **24.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

## **25. FILMING/RECORDINGS OF PROCEEDINGS**

25.1 Filming/Recording of meetings that are open to the public must comply with the Protocol for Filming/Recording of Council meetings (set out in annexe below).

25.2 The Mayor / Chair of the meeting has absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice or unduly disrupt proceedings at the meeting.

## **26. SMOKING, ROBES, FOOD & DRINK, ELECTRONIC BUSINESS DEVICES**

26.1 Smoking shall not be allowed at any meeting of the Council.

26.2 Council Robes may be worn by Members at the Annual Meeting of the Council and at other special civic occasions as the Mayor may request.

26.3 The consumption of food and drink (other than water, coffee, tea or soft drinks) will not be allowed at any Meeting of the Council.

26.4 Mobile telephones, with the exception of the Council's emergency phone, shall not be permitted at any meeting of the Council.

26.5 Electronic business devices, including laptop computers may be used in any meeting of the Council.

## **27. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **27.1 Suspension**

Any part of these Council Rules of Procedure except Rule 19.6 and 20.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension may be for the consideration of a particular item of business or for the duration of that meeting.

## 27.2 **Amendment**

Other than at the Annual Meeting of the Council, any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## 28. **APPOINTMENT OF DEPUTIES**

The Council shall at its Annual meeting agree to the appointment by the Employment and Appeals Committee to standing deputies on any of its Sub-Committees in accordance with the political balance rules and a standing Parish Council deputy to the Audit & Corporate Governance Committee.

## 29. **COUNCIL-IN-COMMITTEE**

The Mayor may at any time require the summoning of a meeting of Members of the Council to sit as a Council-in-Committee or Committee-of-the-Whole-Council. (N.B. Such a meeting has the status of a Committee only, and its proceedings require confirmation by the Council at a meeting duly summoned and held in accordance with the statutory provisions unless the Council has previously delegated powers to the meeting under the provisions of the Local Government Act 1972).

## 30. **ATTENDANCE OF NON-MEMBERS AT CABINET, COMMITTEES AND SUB-COMMITTEES**

- 30.1 Subject to Rule 30.2 and 30.3 below, any Member can attend meetings of the Cabinet, Committees and Sub-Committees as an observer and may speak if given permission by the Chair (which should be previously notified), such permission not to be unreasonably withheld. If permission is withheld, the Chair shall state the reason for this and this reason will be recorded in the minutes of the meeting. The consent of the Audit & Corporate Governance Committee (majority resolution) is required for a Member to attend as an observer in Part II of that Committee. The right to speak does not extend to the Standards Local Determination Sub Committee and Licensing Sub Committee when it is dealing with applications under the Licensing Act 2003 and in Planning Committee is confined to individuals raising material planning issues pertinent to the application being determined by the Committee (see Part 5, 5.2, 9.2 Public Participation Scheme).
- 30.2 A Member shall have the right to attend and speak at a meeting of the Cabinet /Committee/Panel or Working Party to which a motion proposed by him/her has been referred.
- 30.3 A Member shall have the right to attend and speak at the Cabinet, Committee or Sub-Committee on a matter which directly and specifically affects his/her Ward. (The right to speak does not extend to the Licensing Sub Committee when dealing with Licensing applications under the Licensing Act 2003).



- 30.4 The Cabinet and any Committee or Sub-Committee may allow representatives of employees to attend any of its meetings as observers. The Chair shall have discretion to invite employee representatives to speak.
- 30.5 The Cabinet and any Committee or Sub-Committee shall have discretion to specify a maximum number of employee representatives who may attend a meeting. The representatives within that maximum number shall be determined by the employees concerned or their representatives.

**31. PANELS AND WORKING PARTIES**

The Council may appoint such Panels and/or Working Parties as it wishes to deal with specific matters. Such bodies are non decision making, not subject to the Local Government Access to Information Act 1985 and should be politically proportionate. Subject to rule 30.2 above only those Members appointed shall be entitled to attend meetings of the Panel/Working Party. This Procedure Rule is not applicable to Overview and Scrutiny Panels as the arrangements for these are set out in Part 4 – Overview and Scrutiny Procedure Rules.

**32. APPLICATION TO CABINET COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to ordinary meetings of the full Council. All the Council Procedure Rules other than those determining business to be transacted apply to Extraordinary Council Meetings. Only Rules 11, 24, 25, 30 and 31 apply to meetings of the Cabinet. Only Rules 4-8, 10-11, 15-16, 18-20, 21-26 (but not Rule 23.1), 30 and 31 apply to meetings of Committees and Sub-Committees.

## **PROCEDURE FOR DEALING WITH ALL MOTIONS/RECOMMENDATIONS**

### **Motions**

- Mover of motion to speak and move his/her motion
- Secunder to speak (or can reserve the right to speak later)
- Any other Member who wishes to speak in the debate

*A member may move an amendment to the motion. If it is agreed, it then becomes the substantive motion before the Council*

### **Amendments**

- Mover of amendment to speak.
- Secunder of amendment to speak (or reserve the right).
- Any other member (except mover of original motion).
- Secunder of amendment (if not spoken already).
- Mover of the original motion.
- Go to the vote on the amendment.

*If the amendment is agreed it then becomes the substantive motion before the Council*

(Any further amendment(s) on the same item to be moved and dealt with as above).

- Further debate on the original motion (amended as appropriate).
- Secunder to speak if reserved the right.
- Leader or Chair penultimate speech (if not mover of motion).
- Mover of the motion to wind up the debate.
- Go to the vote.

**PROTOCOL FOR FILMING/RECORDING OF COUNCIL MEETINGS**

1. The Council supports the principle of transparency and allows the filming, recording and photographing at its meetings that are open to the public. It also welcomes the use of social networking websites, such as Twitter and Facebook, and micro-blogging to communicate and report on proceedings to the wider community.
2. To enable members of the public to be fully informed, anyone proposing to film, record or take photographs of a meeting is requested to advise Democratic Services before the start of the meeting.
3. The Mayor / Chair of the meeting has absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice or unduly disrupt proceedings at the meeting.
4. The circumstances in which termination or suspension might occur could include:
  - Public disturbance of the meeting.
  - When the press and public are excluded from the meeting due to the confidential or exempt nature of information to be discussed in Part II of an agenda.
  - Where it is considered that continued recording / photography / filming / webcasting might infringe the rights of any individual.
  - When the Chair considers that a defamatory statement has been made.
5. In allowing filming and recording, the Council asks those recording proceedings do not edit the film / record / photographs in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed / filmed / recorded, or misrepresent a Council discussion.
6. 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 Council may adopt operational arrangements to facilitate the effective transaction of business at a meeting by designating certain areas of a meeting room to be available for those who wish to record the meeting; and/or designating certain areas of the meeting room for any members of the public who do not wish to be filmed.
7. 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 Democratic Services prior to the meeting and agreement has been reached on how it can be done without disrupting the meeting.
8. The Council will advise the public that the meeting may be filmed, recorded or photographed via notices on the agenda for the meeting and in the meeting room.

Any person failing to comply with any element of this protocol may have permission to record future meetings withdrawn.

This page is intentionally left blank

## **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 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 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 St Martins Place at least five clear working days before the meeting (Subject to 4 above). If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. 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 of:

- (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 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 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 14 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 SMP 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 a 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 St 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 a 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 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 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.

## 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 11 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 20.4.4 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.

## **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.

## **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.

**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 4.3 Budget and Policy Framework Procedure Rules

### 1. The framework for Cabinet decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

### 2. Process for developing the framework

The process by which the Budget and Policy Framework shall be developed is:

#### **BUDGET AND POLICY FRAMEWORK PLANNING**

- (1) Before the end of June the Cabinet shall report on the revenue and capital budget outturn for the previous year and consider the impact of any over/underspend on the current financial year's budget.
- (2) By the end July the Cabinet will consider the latest financial planning assumptions for the next three financial years and the impact of this on the preparation of future revenue budgets
- (3) By 15<sup>th</sup> January the Council's Section 151 Officer shall agree the Collection Fund position for the end of the financial year.
- (4) By the end of January, the Cabinet shall approve, or delegate the approval of, the Council Taxbase estimates and the estimation of Business Rates income.
- (5) By the end of February, but before the full Council meeting, Cabinet shall
  - (a) Report on the impact of the provisional Local Government Finance settlement announced by the Government on the Council's agreed revenue budget strategy;
  - (b) Consider the impact on the Policy Framework incorporating the Wellbeing Strategy objectives, Council Plan and other strategic plans achievable within the proposed financial framework.
  - (c) Consider the resources available to finance capital projects for the next five years together with the Prudential Indicators ;
  - (d) approve the capital expenditure programme for the next five years;
  - (e) Consult with the Business community on the Council's budget proposals for the following year; and

- (6) (a) By 11<sup>th</sup> March each year the Cabinet shall recommend to the Council:
- (i) The revenue Budget and the level of Council Tax to be set for the following year.
  - (ii) The cash limits for Directorate.
  - (iii) The capital programme, borrowing limits and the Prudential Indicators for the following five years.
  - (iv) The Treasury Management Strategy for the year ahead
  - (v) The annual recommended rent rise for the Council's Housing stock
- (b) The Overview and Scrutiny Committee shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Cabinet. The Overview and Scrutiny Committee shall report to the Cabinet on the outcome of its deliberations.
- (c) Having considered the report of the Overview and Scrutiny Committee, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has considered and where appropriate taken into account any recommendations from the Overview and Scrutiny Committee.
- (d) The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from any Overview and Scrutiny Committee/Panel.
- (e) The Council's decision will be publicised and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- (f) If the Leader objects to the decision of the Council, he/she shall give written notice to the Head of Democratic Services to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Head of Democratic Services shall

convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

- (g) The Council meeting must take place within 7 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
  - (h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately.
  - (i) In approving the Budget and associated documents, the Council will also specify the extent of virement within the budget and degree of in year changes to the Policy Framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in year adjustments). Any other changes to the Budget and Policy Framework are reserved to the Council.
- (7) Any outsourced revenue contracts proposals in excess of £2m in value should include a separate report to Cabinet on the comparative cost of the contract versus existing expenditure

### **3. Decisions outside the Budget or Policy Framework**

- (a) Subject to the provisions of paragraph 5 (virement) the Cabinet, and any officers, discharging executive functions may only take decisions which are in line with the Budget and Policy Framework. If the Cabinet or an officer wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget approved by the full Council, then that decision may only be taken by the Council, unless the decision is urgent, see paragraph 4 below.
- (b) If the Cabinet, and any officers discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or Section 151 Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the Budget and Policy Framework) shall apply.

### **4. Urgent decisions outside the Budget or Policy Framework**

- (a) The Cabinet or officers or joint arrangements discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- i) if it is not practicable to convene a quorate meeting of the full Council; and
- ii) if the Chair of the Overview and Scrutiny Committee agrees that the decision is urgent.

The reasons why it is considered impracticable to convene a quorate meeting of full Council, and the Chair of the relevant Overview and Scrutiny Committee/Panel's consent to the decision being taken as a matter of urgency, must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee the consent of the Mayor, and in the absence of both, the Deputy Mayor, will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **5. Virement**

- (a) The Council shall have the following budget heads:  
General Fund (with sub heads for departmental structure, but excluding support service overhead allocations)  
Housing Revenue Account  
Collection Fund
- (b) Steps taken by the Cabinet, a Cabinet Committee, a Commissioner or officers, or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads as permitted under the Council's Financial Procedure Rules (Part 4.6) in this Constitution. Approval to any virement in excess of the limits specified across budget heads shall require the approval of the full Council.

## **6. In-year changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, or officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance.
- (c) in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

## **7. Call-in of decisions outside the Budget or Policy Framework**

- (a) Where an Overview and Scrutiny Committee/Panel is of the opinion that an executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer, Strategic Director, Regeneration, Housing and Resources and other appropriate officers.
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or the Section 151 officer's report shall be submitted to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Section 151 officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Section 151 officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within not less than 8 and not more than 15 working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 officer. The Council may either:
  - (i) endorse a decision or proposal of the executive decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Members, or:
  - (ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Members, or
  - (iii) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the executive decision maker to reconsider the matter in accordance with the advice of the officers.

This page is intentionally left blank

## Part 4.4 Executive Procedure Rules

### 1. HOW THE EXECUTIVE OPERATES

#### 1.1 Who may make Executive decisions?

The Executive will consist of the Leader elected by the Council, the Deputy Leader between one and eight other Members appointed by the Leader. The Executive is responsible for the discharge of executive functions as set out in this Constitution but, within the terms of the Constitution, the Leader may further provide for executive functions to be discharged by:

- (i) the executive as a whole (meeting as the Cabinet);
- (ii) The name of the Member nominated by him/her as Deputy Leader for appointment by the Cabinet;
- (iii) a committee of the executive;
- (iv) an officer;
- (v) joint arrangements approved by the Council; or
- (vi) another local authority with the approval of the Council.

#### 1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council the following information about executive functions in relation to the coming year:

- (i) the names, addresses and wards of the Members appointed by him/her to the executive ;
- (ii) the terms of reference and Constitution of the Cabinet;
- (iii) the terms of reference and constitution of such cabinet committees as the Leader appoints and the names of the Commissioners-Lead Members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those executive Members appointed to any joint committee for the coming year.

### **1.3 Sub-delegation of executive functions**

- (i) Where the Cabinet or a Committee of the Cabinet is responsible for an executive function, it may delegate further to joint arrangements or an officer.
- (ii) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **1.4 The Council's scheme of delegation and executive functions**

The Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

### **1.5 Conflicts of Interest**

- (i) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (ii) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (iii) If the exercise of an executive function has been delegated to an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

### **1.6 Meetings of the Executive**

The Cabinet will meet at least 10 times per year at times to be agreed by the Leader. The executive shall meet at the Council's main offices or another location to be agreed by the Leader.

### **1.7 Access to Meetings of the Executive**

Meetings of the Cabinet will be open to the public for consideration of key decisions, except where confidential or exempt information is being discussed.

The Cabinet may decide whether meetings relating to matters which are not key decisions will be held in public.

### **1.8 Quorum**

The quorum for the Cabinet shall be three.



## 1.9 How decisions are taken

- (i) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (ii) Where executive decisions are delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

## 2. HOW EXECUTIVE MEETINGS ARE CONDUCTED

### 2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, the Deputy Leader or a person appointed to do so by those present shall preside.

### 2.2 Who may attend?

Any Member of the Council may attend any public meeting of the Cabinet and may speak at the discretion of the Chair (previously notified). Members of the public may attend any Cabinet meeting held in public except when confidential or exempt information is being discussed.

### 2.3 Order of business

At each meeting of the Cabinet the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Cabinet (whether by Overview and Scrutiny Committee or one of its Panels or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from Overview and Scrutiny Committee or one of its Panels; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not open to the public in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

## 2.4 Consultation

All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committee/Panel, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## 2.5 Who can put items on the executive agenda?

- (i) The Leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The Head of Democratic Services will comply with the Leader's requests in this respect.
- (ii) Any ~~Commissioner-Lead Member~~ may require the Head of Democratic Services to make sure that an item is placed on the agenda of the next available meeting of the executive for consideration. If he/she receives such a request the Head of Democratic Services will comply.
- (iii) The Head of Democratic Services will make sure that an item is placed on the agenda of the next available meeting of the executive where the Overview and Scrutiny Committee or one of its Panels or the full Council have resolved that an item be considered by the executive.
- (iv) Any Member of the Council may ask the Leader to put an item on the agenda of an executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the executive. The notice of the meeting will give the name of the Member who asked for the item to be considered. This individual will be invited to attend the meeting for the consideration of that item, and to speak but not vote on that item.
- (iv) The Monitoring Officer and/or the ~~Director for Finance and Resources Strategic Director, Regeneration, Housing and Resources~~ may include an item for consideration on the agenda of an executive meeting and may require the Head of Democratic Services to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, ~~Strategic Director, Regeneration, Housing and Resources~~ Director for Finance and Resources and Monitoring Officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

# 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 an Overview and Scrutiny Committee and the three standing Scrutiny Panels 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 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.
- 2.3 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) ~~revocation of their membership of that Committee/Panel~~, should they miss a third consecutive meeting.
- 2.6 Should that Member then miss a third consecutive meeting of that Committee/Panel, ~~their membership will be revoked, and a replacement will be sought from the respective group~~ 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 ~~revocation of membership~~ 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.

## 3. CO-OPTEEES

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

- 1 Church of England diocese representative;
- 1 Roman Catholic diocese representative; and
- 3 parent governor representatives.

4.2 These co-optees will only be able to vote on education matters, though they may stay in the meeting and speak on other matters.

4.3 The 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

4.4 The Headteacher representative shall be nominated by the Slough Head Teachers' at their relevant termly meeting.

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

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

5.1 The Committee and Panels combined may, at any one time, appoint up to four Task and Finish Groups to carry out detailed examination of particular topics for report back to them. The Terms of Reference and membership for such Groups shall be agreed by the appointing Committee/Panel, and may only be amended by that Committee/Panel.

5.2 Membership of a Task and Finish Group may vary but must include between two and seven Members, and will be drawn from all Overview and Scrutiny Councillors, and wherever possible reflect the composition of the Council.

5.3 Membership of a Task and Finish Group may also include co-optees with specific knowledge of the topic to be examined. Co-optees will not have voting rights.

#### 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. **MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE AND SCRUTINY PANELS**

8.1 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.

8.2 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. Three elected Members on a particular Scrutiny Committee/Panel may also collectively request an additional meeting to be called.

8.3 Meetings of the Overview and Scrutiny Committee and Scrutiny Panels will be held in public and are subject to the statutory access to information provisions.

8.4 The Scrutiny Chairs and Vice Chairs Group may be called by the Scrutiny Officer, Head of Democratic Services or by two Scrutiny Chairs/Vice Chairs to discuss issues relating to the functioning of Scrutiny.

## 9. **QUORUM**

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

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

## 10. **WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE MEETINGS?**

10.1 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. **WORK PROGRAMME**

11.1 The Overview and Scrutiny Committee and each of the Scrutiny Panels will set its own work programme, and in doing so shall consider the following key principles:

- Topics which add value and support the corporate priorities.
- 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.
- 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. **AGENDAS – REQUEST FOR ITEMS**

12.1 Any member of the Overview and Scrutiny Committee or Scrutiny Panel shall be entitled to submit a request to the Scrutiny Officer that 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. 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 considered, 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.

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

## 13. **RIGHTS OF THE OVERVIEW AND SCRUTINY COMMITTEE AND SCRUTINY PANEL MEMBERS TO DOCUMENTS**

13.1 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. **MEMBERS AND OFFICERS GIVING ACCOUNT**

14.1 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.

14.2 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.

14.3 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.

14.4 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 ~~Strategic~~ Director(s) and/or ~~Assistant Director~~ 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. **ATTENDANCE BY OTHERS**

15.1 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 members and officers in other parts of the public sector and shall invite such people to attend.

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

16.1 The Overview and Scrutiny Committee has the power to call in any decision made by the Cabinet, but not yet implemented. 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.

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

16.3 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.

16.4 Every Cabinet decision which is subject to call-in cannot be implemented until the end of the call-in period. 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 Overview and Scrutiny Members.

16.5 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.

16.6 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.

16.7 On receipt of the notice of call-in the Statutory Scrutiny Officer will, as soon as possible, seek the views of the Chair or in their absence, the Vice-Chair of the Overview and Scrutiny Committee as to the reasonableness of the request. In 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.

16.8 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 Chair's/Vice-Chair's reasons for refusing it.

16.9 If it is considered that the request for call-in is reasonable, the Statutory Scrutiny Officer will 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. CALL-IN – OFFICER SIGNIFICANT/KEY DECISIONS**

17.1 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.

17.2 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 to be halted by a call-in and the decision is subject to post-decision scrutiny.

17.4 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.

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

#### **18. CALL-IN – ACTIONS OVERVIEW AND SCRUTINY CAN TAKE**

18.1 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 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.

18.2 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 request (reason for that decision to be recorded in the minutes and Members are advised).
- Make alternative recommendations to the Cabinet or Council (if applicable).
- Make representations/views known to the Cabinet or Council (if applicable) in respect of decision taken and implemented within Cabinet or Officer delegated powers.

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

19.1 The Cabinet can:

- 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).
- 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.

20. **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.

## 21. **URGENCY**

- 21.1 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.
- 21.2 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.

## 22. **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.

## 23. **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.

#### **24. CONSIDERATION OF OVERVIEW AND SCRUTINY REPORTS BY THE CABINET**

- 24.1 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.
- 24.2 The Overview and Scrutiny Committee and the Scrutiny Panels will have access to the Cabinet's Notification of Decisions and 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.

#### **25. 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.

#### **26. 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.

#### **27. COUNCILLOR CALL FOR ACTION**

- 27.1 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.
- 27.2 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.
- 27.3 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.

27.4 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.

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

27.6 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.

27.7 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.

27.8 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.

27.9 The Member who referred the matter under sub-paragraph 27.2 above may address the Overview and Scrutiny Committee or Scrutiny Panel in respect of the Call for Action for up to 10 minutes.

27.10 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.

27.11 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.

## **28. REPORTS AND RECOMMENDATIONS ON CALLS FOR ACTION**

28.1 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 23.1 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.

28.2 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.

## **29. SCRUTINY OF CRIME AND DISORDER MATTERS**

29.1 The 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.

29.2 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 Neighbourhood and Community Services Scrutiny Panel.

29.3 The procedure for dealing with such requests shall be the same as those for any request for an item to be added to the Panel's work programme, detailed in paragraph 12.1.

29.4 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.

29.6 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.

29.7 Where the Panel makes a report or recommendations to the Council or provides a copy of a report or recommendations under sub-paragraph 29.6 above, the Panel 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 Panel indicating what (if any) action it proposes to take;
- have regard to the report or recommendations in exercising its functions.

29.8 For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations, 2009, the Panel 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.

29.9 Where the Panel 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 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, Tracy Luck, Assistant Director, Strategy and Engagement ([Tracy.Luck@slough.gov.uk](mailto:Tracy.Luck@slough.gov.uk) [dean.tyler@slough.gov.uk](mailto:dean.tyler@slough.gov.uk))

## **Queries**

Please direct any queries to the Scrutiny Officer, David Gordon ([David.Gordon@slough.gov.uk](mailto:David.Gordon@slough.gov.uk); tel: 01753\_875-657875411)

## **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, Tracy Luck Tracy Luck, Assistant Director, Strategy and Engagement ([Tracy.Luck@slough.gov.uk](mailto:Tracy.Luck@slough.gov.uk)[dean.tyler@slough.gov.uk](mailto:dean.tyler@slough.gov.uk)).

Any queries should be directed to the Scrutiny Officer, David Gordon ([David.Gordon@slough.gov.uk](mailto:David.Gordon@slough.gov.uk); tel: 01753\_875-657875411).

# 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, ~~Tracy Luck Tracy Luck~~Dean Tyler, ~~Assistant Director, Strategy and Engagement Service Lead Strategy & Performance~~  
([dean.tylerTracy.Luck@slough.gov.uk](mailto:dean.tylerTracy.Luck@slough.gov.uk)).

Any queries should be directed to the Scrutiny Officer, David Gordon  
([David.Gordon@slough.gov.uk](mailto:David.Gordon@slough.gov.uk); tel: 01753 875 ~~411657~~).

This page is intentionally left blank

## Part 4.6 Financial Procedure Rules

### 1. INTRODUCTION

- 1.1 These Rules outline in broad terms the system of financial administration to operate within the Council at Directorate level. They are complementary to the relevant sections of the Constitution, which seek to prescribe a framework for the effective management of the Council's financial business and to ensure that public accountability and high standards of financial integrity are exercised in the use of public funds. These Financial Procedure Rules are controlled by the Cabinet and are subject to any overriding or general direction by the Council.
- 1.2 These Rules shall apply to any service carried out by or on behalf of the Council, except where expressly approved by the Council, in any delegation or agency scheme, agreement or other document made with any other authority, body or person.
- 1.3 The Section 151 Officer shall make recommendations to Cabinet to keep these Rules up to date and ensure that:
- (a) all Members and Officers are aware of their existence and understand that failure to comply with their requirements or with instructions issued under them will constitute misconduct;
  - (b) all details of amendments and instructions issued under these Rules are circulated promptly;
- 1.4 It shall be the duty of each ~~Strategic~~ Director to ensure that these Rules together with any other instructions issued by the Section 151 Officer are brought to the attention of and followed by their Directorate employees.

### 2. GENERAL

- 2.1 Subject to any directions and authorisations given by the Council, the Cabinet shall:
- (a) oversee, co-ordinate and control the Council's finances;
  - (b) maintain the Council's Treasury Management Policy Statement having regard to the requirements of the Local Government Act 2003, CIPFA's Prudential Code for Capital Finance and best practice, as set out in the CIPFA Code of Practice for Treasury Management in Local Authorities, with a view to ensuring that the authority's finances continue to be managed on a sound basis;
  - (c) make, keep under review and revise as necessary these Financial Procedure Rules to provide for the proper supervision and control of the finances, accounts, income, expenditure and assets of the Council in conformity with the Constitution and all relevant statutes and best practice.

(d) after consultation with the Overview and Scrutiny Committee make any other recommendations to the Council it considers necessary.

2.2 The Cabinet, ~~Commissioners~~Lead Members, other Committees and ~~Strategic~~ Directors shall be responsible for the observance of the Council's Financial Procedure Rules throughout all functions and financial areas under its control.

2.3 The Section 151 Officer must, after consultation with the relevant Director report to the Cabinet any significant non-compliance with the Financial Rules that come to their attention.

### **3. DEFINITION OF TERMS & RESPONSIBILITIES**

#### **3.1 Chief Financial Officer**

The ~~Assistant Director (Finance and Audit)~~Director for Finance & Resources fulfils the statutory responsibilities of the "Chief Finance Officer" and shall, for the purposes of Section 151 of the Local Government Act 1972, under the general direction of the Cabinet, be responsible for the proper administration of the Council's financial affairs. This will also include duties under Section 73 of The Local Government Act 1985 and Section 112/114 of The Local Government Finance Act 1988 and Sections 25, 27 and 30 of the Local Government Act 2003.

#### **3.2 Monitoring Officer**

The Officer designated under Part 1, Section 5 of the Local Government and Housing Act 1989 who is responsible for promoting and maintaining high standards of financial conduct throughout the Council and thus provides support to the Audit and Corporate Governance Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and/or the Executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively. (Further details of the powers and responsibilities of the Monitoring Officer are set out at Part 2 of the Constitution.)

#### **3.3 ~~Strategic~~ Director**

~~Strategic~~ Directors are responsible for budget formulation, allocation and management within their respective Directorates. They are also responsible for the overall accountability and control of employees and the security, custody and control of all other resources including vehicles, plant, buildings, materials, furnishings, cash and stores appertaining to their respective Directorates. ~~Strategic~~ Directors shall be responsible for ensuring the whole system of controls, financial and otherwise, set up within the organisation. This will enable reasonable assurance to be provided to the Section 151 Officer that the Council's financial rules of procedure are being complied with.

### 3.4 **Service ~~Manager~~Leads**

Designated by the Council or nominated by a ~~Strategic~~ Director as being charged with managing a particular service, project or activity. Service ~~Managers~~ Leads are responsible through the Directorate line management structure for the financial management of their area. However, such delegation shall not divest the ~~Strategic~~ Director of the responsibility for the effective, efficient and proper delivery of such matters.

### 3.5 **Service Lead for Finance**

The nominated Officer by the Section 151 Officer who is the finance representative responsible for the respective directorate.

### 3.6 **Cost Centre Manager**

Officers who have designated responsibility for overseeing a cost centre budget. Whilst this Officer may have day to day responsibility for overseeing the budget and managing the service, the Service ~~Manager~~ Lead bears ultimate responsibility for ensuring the proper management of the Council's resources.

### 3.7 **Responsible Officers**

Officers with financial management responsibilities delegated to them by their ~~Strategic~~ Directors for specific purposes such as approving requisitions, certifying invoices or signing timesheets etc.

### 3.8 **Cost Centre**

The budget held on a unique code for an activity, making up part of a service, and an aggregate of the subjective sub-codes. In this context, "budget" must be taken to be the permission to spend given by Council.

### 3.9 **Budget Head**

The budget held on a unique code combination at subjective analysis level. In this context, "budget" must be taken to be the permission to spend given by Council.

## 4. **AUDIT & CONTROL ISSUES**

### **General**

4.1 The Section 151 Officer, the Council's Internal Audit Team and the Council's External Auditors shall have the authority to:

(a) enter any Council premises or land;

- (b) have access to all assets, records, documents and correspondence and control systems relating to any financial and other transactions of the Council;
- (c) access records belonging to third parties, such as contractors, when required;
- (d) require and receive such explanations as are necessary concerning any matter under examination, and
- (e) require any employee or agent of the Council to produce cash, stores or any other Council property under their control.
- (f) Report to the Head of Paid Service, the Audit and Corporate Governance Committee or any other officers or members of the council.

4.2 All elected members, members of staff and contractors must give access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work and that auditors are provided with any information and explanations that they seek in the course of their work during any audit.

### **Internal Audit**

4.3 The Section 151 Officer shall ensure that an effective Internal Audit Team is maintained by the Council. The Head of Audit shall provide assurances on the adequacy of the internal control system and audit work will be conducted to professional standards in accordance with CIPFA and other relevant guidance. The Head of Audit will report on internal control no less frequently than annually in line with the Accounts and Audit Regulations (2011).

4.4 The Section 151 Officer shall:

- (a) Approve the strategic and annual audit plans prepared by internal audit, which take account of the characteristics and relative risks of the activities involved.
- (b) Maintain a permanent record of internal audit reports which are available for inspection by Members of the Council.
- (c) Regularly inform the Audit and Corporate Governance Committee of audit reports and corrective action, where appropriate.

4.5 ~~Strategic~~ Directors should consider and respond promptly to recommendations in audit reports and ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

4.6 Whenever a matter arising out of any audit activity, or otherwise, comes to the attention of Internal Audit and this reveals, or suggests, the possibility of any irregularity, the Head of Audit shall consult immediately with the ~~Strategic~~ Director of the Directorate concerned, the Section 151 Officer and the



Monitoring Officer, to determine the nature of any action to be taken and to effect compliance with these Rules.

## **External Audit**

- 4.7 The Council's External Auditors will be appointed by the Audit Commission in accordance with the Audit Commission Act 1998 and their roles and responsibilities are set out in the Act and the Code of Audit Practice for local government bodies. Their work covers;
- The financial aspects of the Council's corporate governance arrangements
  - The Council's financial statements
  - a conclusion on the Council's use of resources
  - The Council's preparation of grant claims
- 4.8 The section 151 Officer shall be responsible for the submission of the Council's accounts to the External Auditor in accordance with the Accounts and Audit Regulations (2011) by the 30<sup>th</sup> June of each year.
- 4.9 The section 151 Officer shall be responsible for preparing and publishing the audited accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement for the Council, or its delegated committee, to approve the statement of accounts within a timescale determined by legislation.
- 4.10 The section 151 Officer shall work with the external auditor and advise Council, Audit and Corporate Governance Committee and ~~Strategic~~ Directors on their responsibilities in relation to external audit.

## **Risk management**

- 4.11 The Section 151 Officer will prepare and promote the Council's Risk Management policy.
- 4.12 The Section 151 Officer will develop an appropriate corporate Risk Management process, in conjunction with ~~Strategic~~ Directors.
- 4.13 ~~Strategic~~ Directors will take responsibility for managing the risks their directorates face, having regard to advice from the Section 151 Officer and other specialist officers as necessary.
- 4.14 ~~Strategic~~ Directors will ensure that regular risk assessments and monitoring of risks are carried out within their Directorates.

## **Financial Irregularities**

- 4.15 Slough will not tolerate fraud and corruption in any aspect of the way it carries out its responsibilities, whether from inside or outside the Council. The Section 151 Officer is responsible for developing and maintaining the Council's Anti-Fraud and Corruption Policy which is available at Part 5 of the Constitution.

- 4.16 Any employee who becomes aware of any breach of the requirements set out in the Constitution, and more particularly these Rules or of any matter that involves or is thought to involve, any potential financial irregularity shall notify immediately their ~~Strategic~~ Director. The ~~Strategic~~ Director shall consult with the Head of Audit to determine the most appropriate action to be taken. No investigation of potential financial irregularity should take place prior to seeking advice from Internal Audit. Where there is evidence to suggest that a criminal offence may have been committed, it shall be the duty of the Section 151 Officer in consultation with the Chief Executive to refer the matter to the police having taken advice from the Monitoring Officer and the Head of Audit and to inform the relevant Lead ~~Commissioners~~ Members and Leader of the Council.
- 4.17 It shall be the duty of a ~~Strategic~~ Director to report to the Chief Executive, the Section 151 Officer and the Monitoring Officer when, after proper investigation, if it is determined that the financial sections of the Constitution have not been complied with, or any financial irregularity has occurred. The report shall include details of actions taken and/or proposed. The Chief Executive and the Monitoring Officer will consider whether to report the matter to the Cabinet and the Audit and Corporate Governance Committee or to any other Committee.

## **Whistleblowing**

- 4.18 Slough is committed to the highest possible standards of openness, probity and accountability in the delivery of its services to the people who live and work within the borough. The Council's Whistleblowing Policy provides a safe environment for concern is to be raised confidentially and places an obligation on Council employees to deal with allegations appropriately. The Whistleblowing Policy (see Part 5 of the Constitution) is the responsibility of the Monitoring Officer.

## **5. ACCOUNTING ARRANGEMENTS**

- 5.1 Subject to statutory requirements and to any directions given by the Cabinet, the Section 151 Officer shall determine all the accounting procedures and records of the Council and its officers and be responsible for making judgements and estimates that are reasonable and prudent.
- 5.2 All relevant Members, finance staff and service managers are required to operate within the accounting standards and timetables.
- 5.3 The Section 151 Officer, or nominated lead for finance, will ensure that all claims for funds, including grants, are made by the due date.

## **Annual Statement of Accounts**

- 5.4 The Section 151 Officer is responsible for ensuring that the annual statement of accounts, and accounting policies, are prepared in accordance with the Accounts and Audit Regulations (2011) and the Code of Practice on Local

Authority Accounting in the United Kingdom: a Statement of Recommended Practice (CIPFA/LASAAC).

- 5.5 The Section 151 Officer is responsible for the preparation and publication of an Annual Governance Statement (AGS), included as part of the statement of accounts, following an annual review of the Council's systems of internal control, in accordance with proper practices.

### **Accounting Records**

- 5.6 The Section 151 Officer shall be responsible for keeping the principal accounts and financial records of the Council. Directorate financial procedures and records shall be compiled and maintained in accordance with such directions given by the Section 151 Officer in consultation with the ~~Directorate Strategic~~ Director, Leads for Finance and Service ~~Managers~~ Leads. All the Council's transactions, material commitments and contracts and other essential accounting information should be recorded completely, accurately and on a timely basis and reconciliation procedures carried out to ensure transactions are correctly recorded.
- 5.7 The ~~Strategic~~ Directors shall ensure the safe retention of all accounting records, including paid invoices and certificates or media record thereof, for as long as may be statutorily required, currently 7 years for prime records such as invoices and 3 years for budget records.

### **Accounting systems and procedures**

- 5.8 There must be effective protocols for reconstituting accounting records in the event of a system failure.
- 5.9 A ~~Strategic~~ Director, Lead for Finance and/or Service ~~Manager~~ Lead shall consult with and must obtain written permission from the Section 151 Officer before introducing, amending or discontinuing any Directorate system, record or procedure that relates to any area covered in these Financial Procedure Rules. No feeder computer system shall be linked into any corporate financial system without the prior consent or authority of the Section 151 Officer or nominated Officer.

### **Trading Accounts**

- 5.10 The Section 151 Officer, or lead for finance, will advise on the establishment and operation of trading accounts. Each trading account will have defined objectives, including the way in which surpluses or deficits will be dealt with.
- 5.11 The ~~Strategic~~ Directors will observe all statutory requirements in relation to services that maintain trading accounts, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including full recovery of overhead costs, is charged, and to produce suitable information for the statutory disclosure in the final accounts.

## Directorate financial management arrangements

- 5.12 The ~~Strategic~~ Directors in determining the allocation of accounting duties within their Directorates shall observe the following principles:
- (a) the duties of providing information regarding sums due to the Council and the calculating, checking and recording of these sums shall be separated as completely as possible from the duty of collecting or disbursing them;
  - (b) employees charged with the duty of examining or checking the accounts of cash transactions shall not themselves be engaged in any of those transactions.

## 6. **BUDGETING**

- 6.1 The Section 151 Officer will develop and maintain a Financial Strategy for the Council. This will include an annual revenue budget, a capital strategy and a medium term financial strategy. The procedure leading to the approval by Council of the Capital Programme and Annual Revenue Budget will be determined each year by the Section 151 Officer. The annual revenue budget will include the key income assumptions, service pressures, savings and key reserves. The Section 151 Officer will advise Council on his / her opinion of a minimum level of general reserves for the financial year ahead.
- 6.2 Capital and Revenue Budgets shall be prepared by ~~Strategic~~ Directors in conjunction with the relevant Lead for Finance in accordance with directions and the overall budgetary position as detail by the Section 151 Officer.
- 6.3 The Capital and Revenue Budgets will be presented to the Corporate Management Team and subsequently the Cabinet by the Section 151 Officer for agreement, prior to being submitted to the Council for formal approval.
- 6.4 No new revenue, capital or grant aided scheme(s) may be committed without the specific approval of the Cabinet and unless a report including full scheme appraisal has been undertaken. The report on the scheme must include a financial and technical appraisal in the format prescribed by the ~~Strategic Director, Regeneration, Housing and Resources~~ Director for Finance & Resources, identifying amongst others, alternative(s) to the proposed bid, resources required for delivery, delivery mechanism and timetable.
- 6.5 Before the report is presented to Members, the Section 151 Officer and the Monitoring Officer must be satisfied all financial and contractual arrangements are in order and all Financial Procedure Rules have been complied with.
- 6.6 Approval of the annual revenue budget and capital programme for the next financial year will confer authority on the Cabinet, Committees, ~~Strategic~~ Directors and Service Managers to incur revenue and capital expenditure.

## 7. BUDGETARY CONTROL AND VARIATIONS

### Corporate Budgetary Control

- 7.1 The Section 151 Officer shall report quarterly to Overview and Scrutiny Committee and the Cabinet on the Council's overall financial performance and ensure the Cabinet and other Committees are kept adequately informed of the financial implications of their activities.
- 7.2 The ~~Strategic~~ Directors with the assistance of their Lead for Finance, shall return the monitoring information to Finance each month in accordance with the agreed format and timetable.
- 7.3 The Service ~~Managers~~ Leads shall be responsible for ensuring they supply timely information on monthly expenditure, income and commitments to their Lead for Finance.
- 7.4 All Officers producing reports for elected Members must seek support and advice from their Leads for Finance in assessing the financial implications of any actions recommended. The financial implications of reports must then be cleared with the Section 151 Officer prior to the report being presented to elected Members in accordance with the reporting timetable.

### Cost Centre Budgetary Control

- 7.5 The Section 151 Officer shall ensure an effective system of budgetary control is operated throughout all Directorates.
- 7.6 The ~~Strategic~~ Directors and/or Service Managers must nominate a named manager for each cost centre within their Directorate, known as the Cost Centre Manager.
- 7.7 The ~~Strategic~~ Directors are responsible for the economic, efficient and effective use of resources allocated to their Directorate, including identifying opportunities to minimise resource requirements without having a detrimental effect of service delivery.
- 7.8 Service ~~Managers~~ Leads should delegate day to day responsibility for overseeing the budget and managing the service to the Cost Centre Manager, But, they retain the ultimate responsibility for ensuring the proper management of the Council's resources for their service area and are responsible for the economic, efficient and effective use of resources allocated to them.
- 7.9 The Service ~~Managers~~ Leads and Cost Centre Managers will be assisted in their duties by financial management information, support and advice provided by the finance section.
- 7.10 The Service ~~Managers~~ Leads and Cost Centre Managers must not spend more than their annual budget and are expected to take corrective action, if necessary, during the course of the year in order to stay within budget. Unauthorised overspend contrary to the financial rules of procedure may lead

to disciplinary action being taken against the cost centre manager or Service Lead Manager.

- 7.11 The Lead for Finance shall co-ordinate the information from Service Managers Leads and submit a regular monitoring report to the Directorate Management Team. Where a monitoring report highlights a projected overspend, the Strategic-Director and Service Managers-Leads must produce an action plan to contain that overspend.
- 7.12 The Section 151 Officer will determine the rules for considering either carry forward requests or penalties, except for the schools block. Any approved revenue budget unspent at year-end can only be carried forward if approved, initially by the Section 151 Officer.

### **Capital Projects Control**

- 7.13 The Section 151 Officer is responsible for reporting against the capital programme, and determining the definition of “capital”, having regard to government and accounting requirements.
- 7.14 The Capital Strategy Board is responsible for co-ordinating the preparation, review and implementation of the Council’s Capital Strategy and Asset Management Plan. The Group is also responsible for evaluating bids for capital funding and the monitoring of the capital programme including Post Project Evaluations.
- 7.15 To support the management and delivery of the capital programme:
- (a) Directorates, as the owners and sponsors of individual capital projects, hold the ultimate responsibility and accountability for the delivery of individual capital projects. The Regeneration, Housing Finance and Resources Directorate will help and support the delivery of the overall capital programme.
  - (b) The Directorate Lead Officer on the respective capital projects will provide the progress information necessary to enable the Section 151 Officer to present quarterly capital monitoring to the Members, which will include level of committed budget, and any areas of underspend or re-profiling required.

### **Revenue Budget Virement**

- 7.16 Budget provision may be transferred from one budget head to another (known as virement) during the course of the year subject to the following rules:
- (a) the total cost of the proposal is capable of being met from an identified part of that Service Manager’sLead’s / Managers’ approved budget(s);
  - (b) the item is not creating new policy or initiatives not identified in approved budgets or service plans;
  - (c) the transfer creates no commitment to recurring expenditure;

(d) there should be no virement to or from employee budgets;

and with the authorisation of the following Officers and Members for these categories which are cumulative (ie up to £250,000 within a Directorate subject to the agreement of the relevant Strategic Director):

Amount	Approval	Informed
Up to £100,000 within a Directorate	<del>Strategic</del> Director	
Between £100,000 and £250,000 within a Directorate	<del>Strategic</del> Director and Section 151 Officer / Lead for Finance	Commissioner
Between £250,000 and £500,000 within or between a Directorate	Cabinet	
Up to £250,000 between Directorates	<del>Strategic</del> Director, Section 151 Officer or/and Lead for Finance	Commissioner(s)
Over £500,000	Council, delegated to Cabinet	

7.18 Each virement decision at whatever level needs the written approval of the relevant Officers listed. A virement register must be kept by Finance recording all virements.

7.19 The ~~Strategic~~ Directors must report the cumulative value of virements, by service, as part of the regular cost centre budgetary control, as referred to above.

7.20 The following transfers will not count as Virement for these purposes:

- (a) Transfers of budgets when a whole service transfers from one Directorate to another:
- (b) Income and expenditure budgets related to additional grants not included in the Council's approved budget.
- (c) virements completed as a result of Council decisions as part of the budget approval process
- (d) any transfers in respect of support service overhead allocations

### Capital Budget Variations

7.21 Capital schemes may last for more than one financial year so variations need to be considered in terms of both the impact on the scheme as a whole and on the agreed annual programme. The Section 151 Officer, via the approval of the Capital Strategy Board, may authorise a variation(s) to the capital project subject to the overall cost of the scheme (the variation itself, or when



added to previous variations) not incurring additional expenditure of more than 10% of the total cost of the scheme or £250,000 whichever is the lower;

A variation(s) which results in the total or annual cost of the scheme exceeding the above financial limits must be reported to the Cabinet; a scheme approved in the capital programme for a future financial year may be brought forward into the current financial year, or a current scheme may be varied, subject to:

- (i) The overall revenue impact of the capital programme in the current financial year remaining the same, and there being no increase to the underlying borrowing requirement
- (ii) Approval by the Capital Strategy Board, the Section 151 Officer, and the respective ~~Commissioner~~Lead Member
- (iii) Is reported to Cabinet as part of the next quarterly finance paper

7.22 Where completion of a contract is likely to be delayed by more than one eighth of the contract period, the appropriate ~~Strategic~~ Director shall inform the Monitoring Officer and Section 151 Officer and a joint decision as to whether, and for what reason an extension of time is to be granted or a claim for liquidated damages is to be actioned.

7.23 Any re-profiling of capital schemes in year will be reported for Cabinet to consider on the basis that the overall revenue cost of the capital programme is not exceeded. Any re-profiling from previous years is for Cabinet to approve on the basis that funds were set aside for these capital programmes in previous years. Any revenue increase to the Capital Programme or the underlying borrowing requirement must be considered by the full Council.

7.24 Where a Directorate has overspent on capital schemes in any one year, it will be expected to have balancing underspends to enable the Council to stay within the overall annual capital programme.

## **8. EXPENDITURE**

### **Authorisation and Certification**

8.1. The ~~Strategic~~ Directors shall, having had regard to any guidance issued by the Section 151 Officer, determine which officers in their respective Directorates, shall be duly authorised to certify the following:

- (a) Official Requisitions, Orders and Contracts.
- (b) Invoices, Contract Certificates for Payment and Requests for Cheques.
- (c) Contract Variation Orders / Architect Instructions.
- (d) Documents relating to the remuneration and other conditions of employment of employees.

(e) Petty Cash and Travelling and Expenses reimbursement claims.

(f) Stock Sheets.

(g) Any other purpose as defined or authorised by the Council or ~~Strategic~~ Director that may arise in relation to financial matters.

8.2 The ~~Strategic~~ Directors shall ensure the Section 151 Officer is provided with an up to date composite list of the names and specimen signatures of all the officers so authorised. Approval at ~~Assistant Director~~ Service Lead level or above is required where agency staff are included on the authorised signatory list. The list shall be held in the format determined by the Section 151 Officer.

8.3 Before entering into a contract and/or placing an order, the Responsible Officer must ensure there is an approved budget (capital or revenue) sufficient to meet the cost of the contract as specified by a written estimate of the cost of the goods, services or works and any associated annual expenditure.

8.4 The Section 151 Officer will set out appropriate authorisation limits for the authorisation of purchase orders and payments for the organisation.

### **Payment of Accounts**

8.5 Apart from petty cash payments from imprest accounts the method of payment of money due from the Council shall be by bank transfer, Purchasing Card or other instrument drawn on the Council's bank account.

8.6 Accounts for payment by the Council shall be on the supplier's official printed invoice, or on PDF documentation. Photocopies and faxes are not acceptable under any circumstances. Supplier invoices shall not be made out by officers of the Council unless agreed by the Section 151 Officer. Where accounts are made out by officers they shall accord with the requirements of these Rules and shall bear the signature of at least two duly authorised officers prior to certification for payment.

8.7 No officer shall amend or add any item or items to an invoice rendered by a supplier without approval of the Section 151 Officer.

8.8 When goods or services ordered though the finance system have been received, the Directorate requisitioning them will input to the system confirmation that they have been received and match the details on the requisition. Payment will then be generated automatically.

8.9 In exceptional cases, e.g. for utilities, the Directorate issuing a requisition or an order shall be responsible for the examination, verification and certification of the invoice. Certification of invoices for payment can only be undertaken by Officers authorised to do so under the Council's Scheme of Delegation, or the ~~Strategic~~ Director's delegated powers as per 8.1 and 8.4 above. The certification for payment shall mean that the certifying officer is satisfied that:

- (a) The goods have been received, examined and approved as to quality and quantity, or the work has been done or the service provided satisfactorily and that price is reasonable and in accordance with the contract or order.
- (b) The expenditure is within the approved budget or covered by special financial provision and is in accordance with the Constitution.
- (c) The proper entries have been made on the copy order and in the inventory, asset register or stores record as appropriate.
- (d) The account has not previously been certified for payment. Payment must not be made against a faxed or photocopied invoice.
- (e) A duplicate invoice is appropriate since the original has not previously been certified for payment and can no longer be found.
- (f) Any available trade or cash discount, adjustment, credit note, returns or packaging, have been claimed and taken into account.
- (g) In the case of charges for utilities services including gas, electricity, telephone, water or rates any standing charges are correct and that consumption is charged on the most advantageous tariff and is reasonable.
- (h) Any VAT included on the invoice has been appropriately included and charged at the correct rate.
- (i) If VAT is charged, that the invoice complies with the requirements of HM Revenues & Customs as per Section 3 of the Council's VAT Manual.
- (j) The account is arithmetically accurate.
- (k) The coding to the appropriate revenue budget or capital scheme, including the VAT amount, shown on the invoice is correct. The invoice shall contain the official order number.

8.10 The ~~Strategic~~ Directors shall arrange a suitable division of staff duties within their Directorates so that the Officer who inputs details of receipt of goods or services or certifies an invoice for payment shall not, save in exceptional circumstances as agreed with the Section 151 Officer, be the person who either raised the requisition or placed the order.

8.11 Accounts for payment shall be submitted to and in the manner and frequency prescribed by the Section 151 Officer.

8.12 The Section 151 Officer shall arrange for the prompt payment of all accounts on being satisfied by means of a suitable level of selective checks and enquiries and receiving such information and explanations as may be considered necessary that they have been duly examined and certified and are properly payable by the Council.

8.13 The ~~Strategic~~ Directors and Service ~~Managers-Leads~~ shall, notify the relevant Directorate Finance Manager of all due but outstanding revenue and capital payments and receipts relating to the previous financial year in accordance with the closure of accounts guidance notes issued by the Section 151 Officer.

## Leasing arrangements and PFI/PPP arrangements

- 8.14 Finance and operating lease arrangements or PFI/PPP arrangements shall only be negotiated on behalf of the Council by the Section 151 Officer or such other authorised Officer. All such leasing agreements must be signed by the Section 151 Officer or such other Officer mandated by these Rules.
- 8.15 Any ~~Strategic~~ Director considering lease finance or PFI/PPP arrangements as a means of funding the acquisition of an item shall consult with the Section 151 Officer before undertaking any discussions with any lease finance supplier. Arrangements for the supply of items that may be acquired by way of lease finance shall comply with the Constitution and Prudential Indicators.
- 8.16 The Section 151 Officer shall keep all lease or PFI/PPP documentation in safe custody and maintain records of all leases entered into by the Council and retain them for such time as may be required to satisfy statutory requirements.

## Payment of Salaries and Wages

- 8.17 The ~~Strategic~~ Director, Customer & Community Services shall make all necessary arrangements, including the issue of guidance and submission timetables, for the preparation and control of all payrolls, and for the payment of all salaries, wages, pensions, compensation or other emoluments to employees, former employees or other persons approved by the Council.
- 8.18 The ~~Strategic~~ Director, ~~Customer & Community Services~~ for Finance & Resources shall record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- 8.19 The ~~Strategic~~ Director, ~~Customer & Community Services~~ for Finance & Resources shall ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.
- 8.20 Each Service Lead Manager or other Responsible Officer shall notify promptly to and within the time limits and in the form prescribed by the ~~Assistant Director, Organisational Development & Human Resources~~ Service Lead People, all matters affecting the payment of salaries, wages or other emoluments of Directorate personnel and in particular:
- (a) Appointments, resignations, dismissals, suspensions, secondments/transfers.
  - (b) Absences from duty for sickness or other reason (including relevant dates) apart from approved leave or training.
  - (c) Changes in remuneration, other than normal increments and pay awards and agreements of general application.
  - (d) Information necessary to maintain records of service for superannuation, income tax and national insurance liability.

- 8.21 The ~~Strategic~~ Directors will ensure adequate and effective systems and procedures are operated, so that:
- (a) Payments are only authorised to bona fide employees.
  - (b) Payments are only made where there is a valid entitlement.
  - (c) Conditions and contracts of employment are correctly applied.
  - (d) Employees' names listed on the payroll are checked at regular intervals.
  - (e) Accuracy and completeness is verified.
- 8.22 The ~~Strategic~~ Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or sub-contract basis. The Inland Revenue applies a tight definition for employee status and, in cases of doubt, advice should be sought from the ~~Assistant Director, Organisational Development & Human Resources~~ Service Lead People .
- 8.23 Appointments of all employees shall be made in accordance with the Rules of the Council and approved budgets, grades and rates of pay.
- 8.24 Time sheets, bonus sheets and overtime claims for weekly wages or monthly salaries shall be signed by the claiming employee as being a true record of hours worked for the Council. The relevant Service ~~Managers~~ Leads or other authorised officers shall certify, on being satisfied all Procedure Rules have been complied with, such documents and process them in such a manner as determined by the ~~Strategic~~ Director, ~~Customer & Community Services for Finance & Resources~~ within such period before the respective pay day.
- 8.25 The ~~Strategic~~ Director, ~~Customer & Community Services for Finance & Resources~~ shall arrange for such checks and enquiries, and seek such information and explanations as deemed necessary, so as to be satisfied that these documents have been appropriately examined and certified and are otherwise properly payable by the Council.
- 8.26 Payment of salaries or wages shall not be made in advance of the normal payment date except in exceptional cases at the discretion of the section 151 officer and with the support of the relevant ~~Strategic~~ Director or Service ~~Manager~~ Lead.
- 8.27 The ~~Strategic~~ Directors shall refer to the ~~Lead for Human Resources~~ Service Lead People and to the section 151 officer matters relating to the application of salary and wage scales and other conditions of service including any payments in relation to redundancy, early retirement or any other payments associated with an employee's termination of employment, and no commitment in these matters shall be entered into without their joint agreement. The ~~Assistant Director, Organisational Development & Human Resources~~ Service Lead People and s151 officer shall be jointly empowered

to automatically apply non-discretionary salary and wage awards, expenses and other allowances approved by the various joint negotiating councils’.

- 8.28 No payments may be made to members of staff other than through the payroll unless specifically agreed by the Section 151 Officer.

## Payment to Members for Travel, Subsistence and Allowances

- 8.29 Claims by Slough Borough Council's Members for payment of travelling, subsistence and other allowances shall be submitted to the ~~Monitoring Officer~~ Head of Democratic Services in the form prescribed by the ~~Strategic~~ Director, ~~Customer & Community Services for Finance & Resources~~ duly completed and signed as being a true record by the Member. The ~~Monitoring Officer~~ Head of Democratic Services, on being satisfied such claims are properly payable by the Council, shall certify these claims and pass them to the ~~Strategic~~ Director, ~~Customer & Community Services for Finance and Resources~~ for payment.
- 8.30 Claims submitted more than two months after the expenses were incurred shall be paid only with the express approval of the ~~Monitoring Officer~~ Head of Democratic Services.
- 8.31 The ~~Monitoring Officer~~ Head of Democratic Services shall provide to the Section 151 Officer details of any approved allowances due to Members.
- 8.32 The Section 151 Officer and the ~~Monitoring Officer~~ Head of Democratic Services will consider and determine requests by Members for advance payments of their allowances as provided for in the current Members' Allowances scheme.

## Payment to Staff for Travel and Subsistence

- 8.33 Claims by employees' for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted to the ~~Strategic~~ Director, ~~Customer & Community Services for Finance & Resources~~, in the appropriate form and supported by receipts, where appropriate, and in the approved timescale. Travel and subsistence claims must not be paid from imprest, petty cash etc.
- 8.34 The claimant must sign to confirm that journeys were carried out on official business, the mileages are correct, the form of transport used was reasonable and any expenses were relevant and properly incurred.
- 8.35 Claims must be counter signed by a Responsible Officer authorised to approve such records. The Responsible Officer shall be satisfied that the journeys made and form of transport used were authorised and that the expenses claimed are reasonable and were necessarily incurred and are properly payable by the Council.
- 8.36 The ~~Assistant Director, Organisational Development & Human Resources Service Lead People~~ shall arrange for such checks or enquiries and seek information and explanations as deemed necessary so as to be satisfied that allowance and expense claims have been appropriately examined and certified and are otherwise properly payable by the Council. The ~~Strategic~~ Director, ~~Customer & Community Services for Finance & Resources~~ shall

process them for payment in such a way as to ensure they are treated correctly for tax, national insurance and VAT purposes.



## 9. COLLECTION OF INCOME AND WRITING OFF BAD DEBTS

- 9.1 The collection of all money due to the Council shall be under the supervision of the Section 151 Officer who shall ensure adequate arrangements are maintained for:
- (a) The financial organisation and accounting necessary to ensure the proper recording of all sums due to the Council, and
  - (b) The collection, custody, control, disposal and prompt accounting of all cash in all Directorates and establishments of the Council and any bodies acting on the Council's behalf;
  - (c) Securing the safety of any employee whom has a responsibility for receiving and looking after money on behalf of the Council.
- 9.2 The Service ~~Managers~~Leads shall arrange for accounts to be raised promptly in respect of charges for work done or goods or services supplied and for rendering such accounts to the debtors concerned, along with required supporting documentation. Where appropriate, these accounts shall conform to current VAT Rules and instructions issued by the Section 151 Officer.
- 9.3 The Section 151 Officer shall provide for the setting up and continued maintenance of a periodical income register of all sums regularly due to the Council. ~~Service Managers~~Leads shall promptly notify the Section 151 Officer of contracts, leases and other agreements and other arrangements entered into which involves the receipt of money by the Council. The Section 151 Officer shall inspect any documents or other evidence in this connection as considered necessary to verify the accuracy of the register.
- 9.4 The format of all receipt forms, books, tickets and any other documents or vouchers or tokens acknowledging on the Council's behalf the receipt of money or money's worth shall be agreed between Service ~~Managers~~Leads concerned and the Section 151 Officer. ~~Service Managers~~Leads shall arrange for the ordering, custody and internal issue of such items in a manner approved by the Section 151 Officer.
- 9.5 All moneys received on behalf of the Council shall be banked daily unless otherwise agreed by the Section 151 Officer. All payments shall be made intact. Refunds of overpayments shall be made through the Creditor payments system or, if so authorised by the Section 151 Officer, an imprest account.
- 9.6 In the transport of cash for banking or other purpose the Service ~~Manager~~Lead, in consultation with the ~~Occupational Health Safety and Welfare Manager~~Service Lead People and the Head of Audit, shall make arrangements for the safety of Council employees and for the proper security of the cash.
- 9.7 Any Officer or other person authorised to receive money on behalf of the Council shall keep such records as may be prescribed by the ~~Strategie~~

Director, ~~Regeneration, Housing and Resources~~ for Finance & Resources including an accurate and chronological account of all receipts and deposits. Monies received shall not be used in any circumstances to cash personal or third party cheques and must be banked without deductions of any kind.

- 9.8 Every transfer of official money from one employee to another shall be evidenced in the records of the Directorates / sections involved by the signature of the receiving employee and retained for such period as may be determined by the Section 151 Officer.
- 9.9 The Service ~~Manager~~ Lead in consultation with the Section 151 Officer shall ensure that proper and secure arrangements are in place for the receipt, opening and discharge of post containing remittances at offices and establishments of the Council. The opening of post shall be in the presence of at least 2 officers. A record shall be kept in such form as may be determined by the Section 151 Officer in which details of the remittances shall be entered. A discharge shall be given when remittances are handed over to a cashier for receipting and banking.
- 9.10 Each Officer or other person who deposits money to the credit of any Council account shall enter on the paying in slip and on the counterfoil or duplicate such particulars as are required by the ~~Strategic~~ Director, ~~Regeneration, Housing and Resources~~ for Finance & Resources.
- 9.11 Where a sum shown as due on the Council's accounts is found to be overstated an allowance may be recorded in respect to the amount overstated where the Section 151 Officer is satisfied that such an allowance is in order.
- 9.12 No debts shall be recommended for write off until all cost effective measures have been taken to try to recover the debt.
- 9.13 Expenditure which is reliant upon the satisfactory recovery of income should not generally be incurred until the income has been received and banked unless the Section 151 Officer has given prior approval.

#### **Writing off bad debts**

- 9.14 Any individual debt of up to £1,000 may be recommended for write off by the relevant Service ~~Manager~~ Lead and Lead for Finance, and approved by the relevant ~~Strategic~~ Director.
- 9.15 Any individual debt of up to £15,000 may be recommended for write off by the relevant ~~Strategic~~ Director or Lead Officer for finance and approved by the Section 151 Officer.
- 9.16 Any individual debt in excess of £15,000 may be recommended for write off by the Section 151 Officer and approved by the Cabinet.

- 9.17 In any one financial year;
- (a) A ~~Strategic~~ Director may not approve write offs of debt totalling more than £15,000 in aggregate.
  - (b) The Section 151 Officer may not approve write offs of debt totalling more than £500,000 in aggregate.
- 9.18 All debt write offs must be regularly reported to the Section 151 Officer who will report the cumulative debt write off figure quarterly to Cabinet.
- 9.19 All write off of losses arising from theft must be agreed by the relevant Section 151 Officer unless the cumulative value involved is in excess of £15,000 then this can only be written off with the approval of the Cabinet.
- 9.20 All debt written off will be charged back to the originating budgets, unless in exceptional circumstances where approval by Section 151 Officer will be sought.

## **10. TAXATION**

- 10.1 The Section 151 Officer is responsible for ensuring the Council is fully compliant with all relevant guidance and statutory responsibilities in relation to all taxation matters.
- 10.2 ~~Strategic~~ Directors are responsible for complying with all guidance and instructions issued by the Section 151 Officer to ensure correct accounting records are maintained in relation to:
- VAT
  - Construction Industry Tax
  - Income Tax
  - National Insurance
- 10.3 The Section 151 Officer is responsible for making tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
- 10.4 ~~Strategic~~ Directors are responsible for ensuring all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals have demonstrated they are bona fide self-employed or are employed via a recognised staff agency.

## **11. BANKING**

### **Banking Arrangements**

- 11.1 All arrangements with the Council's bankers shall be made by or under arrangements approved by the Section 151 Officer, who shall be authorised to operate such banking accounts as may be considered necessary.

- 11.2 All banking accounts shall stand in the name of Slough Borough Council and not in the name or designation of any officer. No payment including direct credit/debit or standing order shall be made from the Council's banking accounts unless agreed by the Section 151 Officer.
- 11.3 All cheque and cheque forms but excluding cheques drawn on authorised imprest accounts, shall be ordered only on the authority of the Section 151 Officer who shall be responsible for the safe custody and issue of such forms.
- 11.4 Except in those cases determined by the Section 151 Officer all payments by the Council shall be by crossed cheque endorsed "**a/c payee only.**" Blank cheques should not be signed under any circumstances.
- 11.5 Cheques in excess of £100,000 shall be signed in manuscript by the Section 151 Officer and other such officer duly authorised by the Section 151 Officer. Cheques signed previously by a duly authorised officer or bearing the facsimile signature of the Section 151 Officer which require a second signature must be signed by one of the other duly authorised signatories.
- 11.6 The Section 151 Officer should ensure that similar levels of control operate in respect of electronic funds transfers such as BACS and CHAPS.
- 11.7 The Section 151 Officer shall ensure the Council's banking accounts are reconciled regularly with the Council's accounts.
- 11.8 The Section 151 Officer may arrange overdraft facilities from time to time on behalf of the Council within the limit authorised annually by the Cabinet.
- 11.9 ~~Strategic~~ Directors are responsible for following the instructions on banking issued by the Section 151 Officer.

### **Imprest Accounts**

- 11.10 The Section 151 Officer shall arrange for the maintenance of a central imprest account(s) for the meeting of urgent minor cash payments.
- 11.11 The Section 151 Officer after consultation with respective ~~Strategic~~ Directors may make such advances of cash or postage stamps as considered appropriate to such officers of the Council as may need them for petty cash imprests, change floats, postage imprests, etc.
- 11.12 Petty Cash accounts shall be on an imprest system supported by records in a form agreed by the Section 151 Officer and operated as follows:
  - (a) An account with such supporting documents as may be required shall be submitted to the Section 151 Officer on a monthly basis for examination and reimbursement of expenditure; all reimbursement claims shall be certified in manuscript by the officer responsible for the imprest account control and the appropriate authorised Officer;

- (b) Payments shall be limited to items of expenditure not exceeding £250
- (c) Cash receipts, other than imprest reimbursements, shall not be paid into any such account but must be paid over to or as directed by the Section 151 Officer in accordance with these Rules.
- (d) Requests to increase imprests must be made to the Service Lead ~~for~~ Finance.
- (e) All imprest accounts must be accounted for on 31<sup>st</sup> March each year.

11.13 Where an imprest is operated through a bank account the Section 151 Officer shall ensure that suitable arrangements are made with the bank which shall include the requirement that all imprest cheques shall bear the signature of two authorised employees. A record of the names and specimen signatures of such employees shall be deposited with the Section 151 Officer and updated promptly as changes become necessary.

11.14 No personal cheques shall be cashed through nor shall money be borrowed from any imprest account.

11.15 Service Managers' Leads shall ensure that any Officer within their area of responsibility holding petty cash, change or other cash or postage floats shall, on leaving the Council's employment or ceasing to be entitled to hold the imprest or float, repay the unexpended balance to, and submit any accounts and vouchers required by the Section 151 Officer. Imprest funds must never be used to pay salaries, wages or other employee expenses e.g. travel & subsistence without the specific approval of the Section 151 Officer due to VAT and taxation concerns.

### Treasury Management

11.16 The Council has adopted the key recommendations of CIPFA's Treasury Management in the Public Services and Treasury Management Policy (TMP) will be presented to Cabinet and Council on an annual basis for approval

11.17 The Cabinet will receive reports on the treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close, in the form prescribed in the TMPs.

11.18 The Council delegates responsibility for the implementation and monitoring of the treasury management policies and practices to the Cabinet, and for the execution and administration of treasury management decisions to the Section 151 Officer, who will act in accordance with the Council's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

11.21 ~~Strategic~~ Directors will ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises

without the approval of the Cabinet, following consultation with the Section 151 Officer.

- 11.22 The Section 151 Officer or nominated Officer shall be the Council's registrar of stocks, bonds and mortgages and shall maintain records of all borrowing of money by the Council.
- 11.23 The Chief Executive or other duly authorised Officer, in consultation with the Section 151 Officer, shall sign, seal, issue, transfer or reassign as appropriate any mortgage for money advanced to or by the Council. The Section 151 Officer shall produce to the Chief Executive such documentary evidence as may be required of the receipt of value for securities given or secured.

### **Trust Funds**

- 11.24 Trust Funds are held for a variety of purposes including trust schemes administered by the Council (e.g. resulting from a bequest), funds held on trust for others (e.g. vulnerable people such as children in care) or grant funding from government departments. ~~Strategic~~ Directors will arrange for all trust funds to be held, wherever possible, in the name of the Council. All Officers acting as trustees by virtue of their official position shall deposit securities, etc., relating to the trust with the Section 151 Officer, unless the deed otherwise provides.
- 11.25 All ~~Strategic~~ Directors will ensure that the administration of Trust or Private funds includes correct accounts for VAT on donated funds.
- 11.26 All Officers dealing with trust funds must declare an interest and absent themselves from any managerial involvement in any trust or private funds from which they or their family could directly or indirectly benefit.

## **12. ASSETS**

### **Security and Safety of Personnel, Assets and Inventories**

- 12.1 All ~~Strategic~~ Directors and ~~Assistant Directors~~ Service Leads are responsible for maintaining property security at all times for all information, buildings, stocks, stores, furniture, equipment and cash under their control and shall consult, via the ~~Assistant Director~~ Service Lead, Assets, Infrastructure and Regeneration, where they consider security is thoughts to defective or where they consider special arrangements are needed.
- 12.2 Appropriate controls for all assets shall be identified by the risk assessment processes and by referring to security standards and procedures. Arrangements shall be agreed as above.
- 12.3 Maximum limits for cash holdings shall be identified by the risk assessments process and agreed with the Section 151 Officer or nominated officer and shall not be exceeded without permission.

- 12.4 Key holders for safes and similar security receptacles are to be agreed by each ~~Assistant Director Service Lead~~ in conjunction with the Service Lead Officer for finance. The loss of keys shall be reported immediately using the security incident reporting procedures.
- 12.5 The Council's Data Protection Officer shall be responsible for ensuring proper security and privacy with regard to information held in all of the Council's computer installations and/or for its use and shall register protected data.
- 12.6 ~~Strategic~~ Directors will ensure controls are in place to ensure that staff do not carry out private work in Council time.
- 12.7 The instrument for affixing the common seal of the Council shall be in the custody of the ~~Monitoring Officer Service Lead Governance~~ or a duly authorised Officer.
- 12.8 In any premises of the Council to which the public has access, satisfactory arrangements, including a register of items shall be maintained in respect of lost property handed in or reported lost. Items of money and valuables such as jewellery, watches etc., shall be deposited with the ~~Strategic Director, Regeneration, Housing and Resources for Finance & Resources~~. Goods so held and not claimed after a period of 3 months may be returned to the finder.
- 12.9 The ~~Assistant Director, Assets, Infrastructure and Regeneration Service Lead Regeneration Delivery~~ is responsible for maintaining an up to date asset register. The ~~Strategic~~ Directors shall provide information and maintain records as required by this guidance. Any register relating to property, including land, owned by the Council shall record the purpose for which it was originally acquired, its location, area, plan reference, purchase details, current value, subsequent appropriations, particulars or nature of interest, tenancies granted and rents payable.
- 12.10 The Section 151 Officer will ensure assets are valued in accordance with the latest CIPFA Accounting Code of Practice
- 12.11 ~~Strategic~~ Directors will ensure no Council asset is subject to personal use by an employee without proper authority.
- 12.12 The ~~Monitoring Officer Service Lead Governance~~ shall have custody of all title deeds of property belonging or mortgaged to the Council.
- 12.13 Service ~~Managers Leads~~ shall arrange for a complete check of their Directorate inventories at least once a year. A certified copy of each such inventory shall be supplied to the ~~Assistant Director, Assets, Infrastructure and Regeneration for Finance & Resources~~ at the end of each financial year. Written explanations of deficiencies or surpluses shall be supplied. Items identified as being in excess of requirements or obsolete shall be dealt with in the manner described in these Rules.



- 12.14 The Council's property including vehicles, plant, equipment, etc. shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purpose.
- 12.15 A loss of any asset of any kind must be reported to the Senior Risk and Insurance Officer.
- 12.16 The management and security of assets, financial or otherwise, of third parties must adhere to these Financial Procedure Rules, all statutory and best practice guidance and any other relevant policies and procedures in operation within the Council for example, the Money Management procedures within the Social Services Financial Procedures.

### Intellectual Property

- 12.17 Intellectual property is a broad term that includes inventions and written material. Intellectual property may be created during the work of the Council's staff (e.g. through the preparation of documentation or the development of computer software). By law, that intellectual property belongs to the Council and its rights should be protected. The ~~Assistant~~ Director, ~~Assets, Infrastructure and Regeneration~~ for Finance & Resources shall issue guidance on the identification and protection of the Council's intellectual property rights.

### Stocks and Stores

- 12.18 ~~Strategic~~ Directors shall be responsible for ensuring adequate arrangements exist to provide for the custody and physical control of stocks and stores in their respective Directorates. Except in special circumstances approved by the Section 151 Officer in consultation with the appropriate Service Manager-Lead stocks and stores shall not be carried by any Directorate in excess of reasonable requirements as ascertained by experience.
- 12.19 Stocks and stores records shall be kept in such form as may be determined by the Service Manager-Lead in consultation with the Section 151 Officer which as a minimum shall show in chronological order receipts, issues and remaining balances of each item. The Section 151 Officer shall maintain financial stores control accounts where appropriate and may prescribe general principles governing issue pricing and levels of stock.
- 12.20 A delivery note shall be obtained in respect of every receipt of goods into stores and must be signed by the person taking delivery at the time. All goods shall be checked as regards quantity and quality in compliance with the order and entered on a goods received note.
- 12.21 Issues of goods from or return of goods to a store shall be supported by a receipt on a stores issued or returned note as appropriate.
- 12.22 Service Managers-Leads must ensure that stocktaking of all stores appropriate to their Directorate is undertaken on a programme determined in consultation with the Section 151 Officer such that all items of stores shall be checked at least once in a period of 12 months.



12.23 Stock sheets shall be signed by the Officers making the stock check and by the Service Manager-Lead or Responsible Officer certifying that the particulars shown therein are correct. A copy of the certified stock sheet must be forwarded to the Section 151 Officer.

12.24 Adjustments to stores records to write off deficiencies or to bring surpluses into account shall be made only with the approval of the Section 151 Officer or duly authorised Officer. The Section 151 Officer in consultation with the Service Manager-Lead concerned shall arrange for an investigation into the cause or causes in all cases of significant stock deficiencies/surpluses and take appropriate action.

### Disposals

12.25 The Section 151 Officer, in conjunction with the ~~Assistant Director, Assets, Infrastructure & Regeneration~~ Service Lead Regeneration Delivery, shall issue guidelines representing best practice for disposal of assets.

12.26 Where stocks, stores, furniture and fittings, vehicles, plant and equipment or other assets are certified by a ~~Strategic~~ Director to be excess to requirements or obsolete the ~~Strategic~~ Director may arrange for the disposal in the following way unless directed otherwise by the Council:

- (a) Where the estimated realisable value exceeds £5,000 by competitive tender or
- (b) Where the estimated realisable value is less than £5,000 in the best possible market and at the best price reasonably obtainable subject to advice and consent of the Section 151 Officer and/or any other relevant Officers.

12.27 ~~Strategic~~ Directors will ensure income received for the disposal of an asset is properly banked and coded.

### Strategic Acquisitions

12.28 The Strategic Acquisition Board (SAB) shall approve acquisitions up to a value of £25m. Before approving any acquisition, the SAB will require confirmation that the acquisition will not increase the Council's ongoing revenue costs, including the cost of borrowing and officer time.

12.29 The SAB shall be a subgroup of the Capital Strategy Board and will meet on a monthly basis, chaired by the ~~Strategic~~ Director for Finance & Resources ~~Resources, Housing and Regeneration~~. Standing members of the SAB will include:

- Leader of the Council
- Commissioner-Lead Member for Neighbourhoods & Renewals Corporate Finance & Housing

- ~~Strategic Director for Regeneration, Housing & Resources~~
- ~~Service Lead Regeneration Delivery Assistant Director Assets, Infrastructure and Regeneration~~
- ~~Service Lead Neighbourhood Services Assistant Director Housing & Environmental Services~~
- ~~Director for Finance & Resources Directorate Finance Manager Customer & Community Services, Regeneration & Housing~~
- Head of Asset Management

12.30 The appraisal and business case will assess how the strategic acquisition will be financed and will:

- Consider if the investment achieves corporate objectives.
- Confirm that for the acquisition of land the price is reasonable (allowing for a special purchase consideration) and supported by an independent valuation.
- Confirm that for the acquisition of a standing investment the price is reasonable and supported by an independent valuation (reference will be made to previously identified added value opportunities).
- Confirm there is a market requirement.
- Where appropriate, there is secure rental income taking into account risks associated with the security of future payments, including (where appropriate) sensitivity analysis for void periods.
- Identify whole life costs (where appropriate).
- Identify the most appropriate funding source(s) and confirm availability.
- Clarify that the Council's Finance Section has assessed the business case and confirmed a suitable return on investment.

12.31 The financial appraisal will identify all costs and assumed income to assist informed decision making on whether the acquisition is suitable. In the case of revenue generating assets, this will be assessed by comparing the anticipated net income against the rate of return the Council could otherwise expect to achieve on its capital.

12.32 On reaching agreement as to the terms of acquisition, a final report will be prepared for approval by the ~~Strategic Director for Resources, Housing and Regeneration~~ Finance & Resources in consultation with the Leader. In all instances the final report must be supported by advice from the Section 151 Officer.

12.33 Where acquisitions have occurred in the previous 6 months, a report prepared by the Head of Asset Management shall be brought to the Cabinet setting out the acquisitions and prices, at least twice per year.

### 13. INSURANCES

13.1 The Section 151 Officer shall, under the general direction of the Cabinet and in consultation with other ~~Strategic Directors~~ and such Service ~~Managers~~ Leads as necessary, ensure adequate arrangements are maintained to effect

and keep under review all necessary insurance cover of the Council and its Officers and for the negotiation of all claims.

13.2 Service ~~Managers-Leads~~ shall keep suitable records to ensure the inspection of engineering plant under their respective control, which is normally inspected by an insurance company, is carried out by the company within the statutorily prescribed periods. In the event of any failure of the company to carry out an inspection within the period the Section 151 Officer shall be notified immediately in writing.

13.3 Each Service ~~Manager-Lead~~ shall give prompt notification in writing to the Section 151 Officer of:

(a) All new risks, properties, vehicles, plant and machinery which require to be insured and of any alteration affecting existing insurance cover, and

(b) Any fire, loss, liability or damage or any other event likely to lead to a claim upon the Council.

13.4 Service ~~Managers-Leads~~ shall consult with the Section 151 Officer and as considered appropriate the Monitoring Officer respecting the terms of any indemnity which the Council is requested to give.

13.5 ~~Strategic~~ Directors ensure that employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

13.6 All employees of the Council shall be included in appropriate fidelity guarantee insurance whilst carrying out duties directly connected with their employment as a Council officer.

13.7 The Section 151 Officer shall at least once a year make arrangements to provide Service ~~Managers'Leads~~ with details of all insurances in force affecting their Directorates and any consequent variations to these arrangements shall be notified promptly to the Section 151 Officer.

#### **14. GIFTS AND HOSPITALITY**

14.1 Staff and elected Members must comply with the Rules contained in Slough Borough Council's Constitution and in particular the relevant Codes of Conduct.

#### **15. THIRD PARTY ARRANGEMENTS AND PARTNERSHIPS**

15.1 The s151 officer shall ensure that all External Arrangements, Partnerships, External Funding and Work for Third Parties, shall be undertaken in accordance with all relevant Financial Procedure Rules, appropriate

accounting & financial management policies & procedures, effective internal controls and risk assessments.

- 15.2 The ~~Head of Policy, Partnerships & Programmes Service Lead Strategy & Performance~~ has issued specific guidance on partnerships (the Slough Partnership Protocol) and for seeking and managing external sources of funding (the Grant Bids and Claims Manual).
- 15.3 As set out within the Slough Partnership Protocol, the ~~Strategic~~ Directors, in consultation with the ~~Head of Policy, Partnerships & Programmes Service Lead Strategy & Performance~~ and s151 officer, will ensure that, prior to entering into a partnership arrangement that they adhere to the Slough Partnership Protocol.
- 15.4 The s151 officer must be informed of all funding with external bodies, and that this is received and properly recorded in the Council's accounts.

## 16. CONTRACT PROCEDURE RULES

### Introduction

- 16.1 Procurement is the process by which the Council manages the acquisition of all its supplies, services and works. It includes the identification of need, consideration of options and the actual procurement procedures to obtain Value for Money. The principles of non-discrimination, equal treatment, transparency and proportionality apply to all public contracts.
- 16.2 These Contract Procedure Rules in conjunction with the Procurement Operating Procedures (POP), which are the separate operational guidance for procurement, provide the corporate framework for the procurement of all supplies, services and works for the council and the subsequent management and review of contracts. The rules are designed to ensure that all procurement activity is conducted in line with the principles of good public procurement.

### Application of Contract Procedure Rules

- 16.3 These Rules apply to purchases by or on behalf of the Council of works, supplies (goods) and services.
- 16.4 These Rules apply to all contracts including purchase orders, consultancy agreements, concessions and contractual arrangements commissioned or entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are expressly excluded under the [Public Procurement Regulations 2006 \(amended 2009\)-Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016.](#)
- 16.5 These Rules are made in accordance with the requirements of Section 135 of the Local Government Act 1972.
- 16.6 These Rules do not provide guidelines on what is the best way to purchase works, supplies (goods) and services and they seek to set out the minimum requirements to be followed. Further information and guidelines are set out in the Council's POP that can be accessed through the Council's SBCinsite<sup>1</sup> and should be read in conjunction with this document.
- 16.7 In the event where a Governing Body of a Community School, intends to enter into a contract for works, supply of goods or services the Head teacher or such persons as delegated by them must follow these Contract Procedure Rules and consult with the [Head of Legal Services-London Borough of Harrow Head of Legal Practice](#) over the form and content of the contract proposed to be entered into.

---

<sup>1</sup> <http://sbcinsite.ad.slough.gov.uk/831.aspx>

- 16.8 In the event of a declaration of major incident the Council's Major Incident Plan and/or Business Continuity Plan may be invoked. When this becomes necessary the Contract Procedure Rules will be suspended and the Chief Executive, or an officer nominated by the Chief Executive, is then authorised to incur whatever expenditure is necessary in consultation with the Section 151 officer. A ~~Strategic~~ Director will act in the place of the Chief Executive if they are unavailable.
- 16.9 Any person or a firm appointed as an interim/consultant to supervise or manage a contract on behalf of the Council shall be supplied with a copy of the Council's Financial Procedure Rules and their conditions of appointment shall commit them to compliance to the rules
- 16.10 Failure to comply with these Rules will be viewed by the Council as a breach of the Officers' Code of Conduct contained within the Constitution (Codes and Protocols) and may be considered a disciplinary matter.

### **Purpose of Contract Procedure Rules**

- 16.11 The purpose of these Rules is to provide a structure within which purchasing decisions are made and implemented. These rules are intended to promote good purchasing practice, public accountability and deter corruption.
- 16.12 These Rules seek to protect the legal position of the Council in respect of compliance with the law and in its contractual dealings with external suppliers and contractors. They protect the interests of Members, Officers and the Citizens of Slough.
- 16.13 The provisions contained in these Rules are subject to the statutory requirements of both the European Union and the United Kingdom Government. The letting and content of Contracts shall conform to all statutory requirements and be subject to any over-riding directives of the European Union relating to contracts and procurement. This Rule cannot be waived, since a failure to comply with European or national legislation may result in a legal challenge with consequent reputational and financial risk.
- 16.14 In addition, where specific statutory procedures are prescribed for certain types of procurement or contract, then these procedures must be followed at all times. In any case where the Council approves, through a resolution of its Cabinet, to have separate procedure rules for particular types of contract, then such rules (which must be prepared in consultation with the Chief Executive and the ~~Strategic~~ Director and Legal Services) will apply but will be subject to compliance with the EU regulations where appropriate.

### **Tendering – Preliminaries**

- 16.15 It is the responsibility of the Chief Executive, ~~Strategic~~ Directors, and ~~Heads of Service~~ Service Leads to ensure all purchases of goods, services and works comply with:

- (a) All relevant statutory requirements;
- (b) The relevant EU Rules and EU Treaty Principles and Directives.
- (c) The Council Constitution including these Financial Procedure Rules and Part 3.6 – Scheme of Delegation to Officers<sup>ii</sup>
- (d) Any code, guidance or conditions approved by the Audit & Corporate Governance Committee and/or the Cehief Executive and/or the Council to exercise of powers delegated by them.
- (e) Any conditions attached by the Cabinet or the Council to the exercise of powers delegated by them.
- (f) The Corporate Procurement Strategy, Procurement forward plan and Procurement Operating Procedures inclusive of consultancy services.
- (g) Other Council policies and procedures as appropriate.

16.16 In the event of conflict between the above, the EU Rules will take precedence, followed by UK legislation, then (c), (d), (e), (f) and (g) as above.

### Authority

- 16.17 All transactions must fall within the powers delegated to the relevant officer must have been approved by a decision (in accordance with the Council's Constitution) of the Executive, the Council or one of its committees or sub-committees.
- 16.18 No contract, agreement or other document shall be signed or sealed unless it gives effect to a decision or resolution (in accordance with the Council's Constitution) of the Cabinet, or one of its committees or sub committees or in accordance with the Scheme of Delegation.

### Tendering - Financial Thresholds & Procedures

- The financial values (exclusive of Value Added Tax) at which processes become mandatory are set out in the table below.
- Reference to Public Contracts Regulations 2006 2015 (OJEC) EC Procurement thresholds<sup>iii</sup>
- Reference to Health Social care and related services to Directive 2014/24/EU of 26<sup>th</sup> February 2014; public service contracts for social and other specific services listed in Annex XIV; procurement threshold of EUR 750,000 – GBP 591,290
- The Council will use an electronic tendering system as the platform to process its tenders and Request for Quotes.
- The Council will comply with the Scheme of Delegation Part 3.6 2b of the constitution.

<sup>ii</sup> <http://www.slough.gov.uk/moderngov/ieListDocuments.aspx?CId=563&MIId=5272&Ver=4&Info=1>

<sup>iii</sup> <http://www.ojec.com/Thresholds.aspx>



Total Value	Procedure to be used	Social value to consider	Governance PRB / Cabinet approval	Governance Scheme of Delegation 3.6 2	Contract Terms and Conditions
<b>Under £50,000</b>	<i>Please refer to the Procurement Operating Procedures (POP) for guidance</i>				
1	Less than £1,000	Obtain at least one verbal quote – must be recorded on a pro-forma	Quote preferably from a local/SME supplier.	N/A	Level 1,2,3,4 Purchase order Terms and conditions
2	£1000 - £5,000	Obtain three formal quotations – must be recorded on a pro-forma	At least 1 or 2 Quotes from a local/SME supplier where possible.	N/A	Level 1,2,3,4 Purchase order Terms and conditions.
3	£5,000 - £49,999	Obtain Three formal quotes using the electronic tendering portal & advice from Corporate Procurement	At least 1 or 2 Quote from a local/SME supplier where possible	N/A	Level 1,2,3,4 Slough standard Terms and Conditions for Goods and Services
<b>Over £50,000</b>		<i>Please refer to the Procurement Operating Procedures (POP) for guidance</i>			
4	£50,000 – EU Threshold £ <del>181,302,472,514</del> supplies and services  £4, <del>551,413,322,042</del> – works <a href="http://www.ojec.com/Thresholds.aspx">http://www.ojec.com/Thresholds.aspx</a>	Formal tender process using the electronic tendering required. Mandatory for minimum three tenders to be evaluated. Most economically advantageous tender must be selected, achieving Best Value and value for money for Council.  Corporate Procurement must be contacted for guidance and support. Use of e-procurement system is mandatory.	Principles of fair access to public contracts must be followed, ensuring that local, SME and other suppliers have opportunity to compete.	Approval to be sought prior to going to the market and post tender report with recommendation to award. For works over £250,000 - Cabinet approval in April prior to tender. Significant decision to be declared to cabinet on award.	Level 1,2, 3 All Contracts to be sealed  OR  Alternative approved by Legal e.g. JCT/NEC 3
5	Over EU Threshold £ <del>181,302,472,514</del> supplies and services £4, <del>551,413,322,042</del> – works <a href="http://www.ojec.com/Thresholds.aspx">http://www.ojec.com/Thresholds.aspx</a> £ <del>615,278,591,290.00</del> for social care and related services	Formal OJEU tender process required. Advertise in the European Journal and tendered in accordance to the relevant EU procurement directive and procurement regulations.  Most economically advantageous tender must be selected, achieving Best Value and value for money for Council. OR Accessing national framework agreements where permitted and running mini competitions or call offs	Principles of fair access to public contracts must be followed, ensuring that local, SME and other suppliers have opportunity to compete.	Approval to be sought prior to going to the market and post tender report with recommendation to award. For contracts over £250,000 - Cabinet approval in April prior to tender. Significant decision to be declared to cabinet on award.	Level 1 Level 2 up to £250,000 All Contracts to be sealed  OR  Alternative approved by Legal e.g. JCT/NEC 3



## **Tendering Advertising – Principles of fair competition.**

- 16.19 An electronic “Invitation to Tender” shall be issued by the Council through the e-tendering portal for all contracts over £49,999 and tenders shall be submitted electronically in accordance with the requirements of the Invitation to Tender.
- 16.20 When advertising contract opportunities, officers must apply the principles of fair competition. These principles set out the rules of the competition and expectations for fair, equal and transparent treatment of Bidders.
- 16.21 All Bidders will be treated in a fair and equitable manner and are subject to the same competition rules and processes.
- 16.22 All tenders over the EU Thresholds must be advertised in the European Journal by way of a public notice and electronically on the SE (South East) Shared Services Portal which is deemed an appropriate vehicle.
- 16.23 For tenders below the OJEU thresholds, Requests for Quotations and Invitations to Tender must be advertised on the SE (South East) Shared Services Portal which is deemed an appropriate vehicle.
- 16.24 All tenders must be advertised and available for download on the SE Shared Services Portal ([www.sesharedservices.org.uk/esourcing](http://www.sesharedservices.org.uk/esourcing)) and on the Council’s web site ([www.slough.gov.uk](http://www.slough.gov.uk)).
- 16.25 All contract opportunities, which are:
- above the EU thresholds; and
  - subject to the full application of EU procurement rules must be advertised by notice in the Official Journal of the European Union (“OJEU notice”) prior to such advertisement appearing on any other advertising medium (such as trade journal etc.).
- 16.26 However under the EU Treaty principles where the contract is of potential cross border interest then it must be publicised to ensure that tenderers from other member states have an opportunity to participate and the process is conducted in a fair and transparent manner.
- 16.27 Where contracts are of a type and value that mean the EU Rules apply to them then there are five main types of EU procedures available. These are open, restricted, competitive dialogue and competitive procedure with negotiation and Innovation partnership procedure. Please refer to the Procurement Operating Procedures (POP)<sup>4</sup> for guidance.

---

<sup>4</sup> <http://sbcinsite.ad.slough.gov.uk/831.aspx>

## **Tendering - Contract Value & Aggregation**

- 16.28 The contract value shall be the total cost of the supply, service or work to be procured over the contract term. The starting point for calculating the contract value for the purposes of these Contract Procedure Rules is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions, variations and options).
- 16.29 There shall be no artificial splitting or disaggregation of a contract to avoid the application of the provisions of the EU Rules and/or these Contract Procedure Rules.
- 16.30 The EU Rules can cover contracts, which are below the stated EU threshold, where they constitute repeat purchases and/or purchases of a similar type in a specified period. Officers responsible for the procurement should therefore seek advice on the application of the EU Rules where they envisage that they may be required to make such purchases.
- 16.31 ~~Strategic~~ Directors are responsible for ensuring processes are in place to comply with these regulations within their own service areas.

## **Tendering - Principles and Evaluation**

- 16.32 All tendering procedures (including obtaining quotes), from planning to contract award and execution (seal or signature), shall be undertaken in a manner so as to ensure:
- Sufficient time is given to plan and run the process;
  - Equal opportunity and equal treatment;
  - Openness and transparency;
  - Probity, Integrity
  - Outcomes that deliver sustainability, efficiency and cost savings (Where and as appropriate).
- 16.33 Before undertaking any procurement exercise the Officer responsible for the procurement must complete (in writing) the following:
- Sustainability Impact Assessment (as appropriate).
  - Equality Impact Assessment (as appropriate).
- Please refer to the Procurement Operating Procedures for guidance

## **Tendering - Submission and Opening of Tenders**

- 16.34 An electronic “Invitation to Tender” shall be issued by the Council through the e-tendering portal for all contracts over £49,999 and tenders shall be submitted electronically in accordance with the requirements of the Invitation to Tender.

16.35 Where the tender is expected to have a value in excess of £49,999, it is submitted using the Council's e-tendering Portal, the acceptance, opening and evaluation of formal tenders will be carefully controlled through a secure electronic tendering system and will ensure fairness to all bidders. The opening process is managed within the Contracts, Commissioning & Procurement team.

## **Tendering – Evaluations of Quotes and Tenders**

16.36 All quotes and tenders shall be evaluated in accordance with the selection and award criteria notified in advance to those submitting quotes/tenders.

16.37 Tenders subject to the EU Rules shall be evaluated in accordance with the EU Rules. Reference to the Procurement Operating Procedure and advice from Corporate Procurement Services should be sought on the selection and award criteria.

16.38 Tenders must be accepted and evaluated on the basis of "most economically advantageous" tender.

16.39 Where on examination a tender or quotation reveals mathematical errors which affect the tendered or quoted figure in an otherwise successful submission, the sender shall be supplied with the detail of such errors and given the opportunity of confirming or withdrawing the tender or quotation in writing within 7 working days unless otherwise agreed by the Assistant Director, Contracts, Commissioning & Procurement Head of Procurement and the Head of Legal Services Service Lead Governance. If withdrawn, the next submission in competitive order shall be considered and as necessary dealt with in a similar manner.

16.40 For clarity, whole-life costs should be assessed when determining the most economically advantageous tender. In the case of capital works this includes taking into account the revenue impact of capital projects over a reasonable life for the asset (for example a slight increase in capital cost, such as energy management features, will reduce running costs).

16.41 In the case of PFI projects, financial evaluation and acceptance will be on the basis of the agreed financial model and all other relevant documents used during the process to determine the most economically advantageous tender.

16.42 In the event that two or more tenders or quotations provide the same level of quality at the same quoted cost, Best and Final Offers (BAFO) may be sought to determine the successful bid if they are relevant to the contract. Corporate procurement should be contacted prior to issuing a BAFO.

16.43 Evaluation of tenders and quotations must be based on whole life costs, or total cost of ownership, including environmental, social and economic benefits where relevant to the contract. This should be undertaken in accordance with the Procurement Operating Procedure and associated toolkits.

## Tendering - Exceptions

16.44 In the case of the circumstances below, procurement may be deemed to be an exception if proposed by the service Director and approved by the Procurement Review Board (PRB). The relevant paragraph should be quoted when seeking the approval.

- (a) Contracts valued at less than £50,000 for non-Schedule 3 services and £589,148 for those included in Schedule 3 of the Public Contract Regulations ~~(2015)~~.
- (b) Contracts formalising the grant funding of voluntary sector bodies, where the purpose of the contract is to establish the general conditions of grants by the Council.
- (c) For the extension, addition to or maintenance of existing buildings, works, plant or equipment where this can only be done satisfactorily by the original contractor/supplier.
- (d) When carrying out security works where the publication of documents in the tendering process could prejudice the security of the work to be done.
- (e) Where the contract is on behalf of another local authority for which the Council is acting as agent and is so instructed in writing by the principal.
- (f) For the supply of goods required in respect of a contract from another local authority.
- (g) For the performance of work or provision of services where effective competition is prevented by the specialist nature of the work.
- (h) Where goods and services are to be procured by another Local Authority or public body which is acting on behalf of the Council provided the ~~Assistant Director (Procurement and Commercial Services)~~ Service Lead Governance has confirmed that the procurement is in line with the Public Contracts Regulations ~~(2015)~~ if applicable.
- (i) In accordance with Regulation 32(2)(c) of the Public Contracts Regulations ~~(2015)~~, insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with, and Regulation 32(4) which states that the circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority.
- (j) Where the Procurement Review Board agree that selective or competitive Tendering, or use of electronic tendering, is not appropriate, and the procurement remains compliant with the Public Contract Regulations ~~(2015)~~

16.45 Approval of exceptions by PRB is not required in the following circumstances

- (a) Authorisations for call-off from internally managed Frameworks and Dynamic Purchasing Systems, where approval of their use of has been agreed by PRB, and their use is in accordance with the defined call off arrangements and Rules 16.58 – 16.64 within this document.
- (b) Where urgent steps are necessary for the protection of life, property or to comply with statutory requirements subject to the Chief Executive and ~~Head of Legal Services~~ Service Lead Governance approval.
- (c) Before a contract is to be completed at auction the limit of authority of the person bidding has been approved in advance.
- (d) When buying land and buildings and interests in land and buildings (Contracts for the sale of land must be disposed of by competitive tender or auction except where the Section 151 Officer and the ~~Head of Legal Services~~ Service Lead Governance consider that a negotiated agreement will add value to the Council and this is documented and approved by the Cabinet). Officers need to be aware that certain transactions involving the buying of land and buildings may also constitute contracts for works or services subject to the Public Contract Regulations (2015) if such elements are part of the contractual arrangements. Advice should be sought from the ~~Head of Legal Services~~ Service Lead Governance in such circumstances.
- (e) The engagement of barristers or expert witnesses within or in the contemplation of legal proceedings;
- (f) The engagement of designated artists, performers, productions for public entertainment purposes or items of art for public display;

16.46 The Procurement Review Board consists of the Section 151 Officer, the ~~Head of Legal Services~~ Service Lead Governance and the ~~Assistant Director (Procurement and Commercial Services)~~ Head of Procurement

16.47 Tenders need not be invited in accordance with these Rules where they have been undertaken by or on behalf of any consortium, collaboration or similar body, of which the Council is either a member or is able to access contracts for goods, services or works. Officers should ensure that any contracts let by such a consortium, collaboration or similar body are in accordance with UK and EU procurement directives and regulations.

16.48 Where the Council acts as lead body on a consortium or collaborative arrangement, the procedures for tendering contained within these Rules shall be followed unless those provisions are inconsistent with the method by which tenders are dealt with by the consortium, collaboration or other body concerned and are not detrimental to the Council.

- 16.49 Where another body is acting on behalf of the Council, the Council is providing funding to another body to undertake a scheme or project or the Council is provided funding from another organisation, satisfactory processes must be put in place and followed. Advice must be sought from the ~~Strategic Director~~ and ~~Assistant Director Contracts, Commissioning and Procurement~~ Head of Procurement and ~~Head of Legal Services~~ Service Lead Governance .
- 16.50 Nothing contained in the above exceptions exempts officers from using the Council's internal services. Officers must ensure that the best possible balance of value for money and quality is obtained for the Council.
- 16.51 For contracts subject to the EU Rules, any waiver or exception from the requirement for competition must meet the conditions set out in the EU Rules in addition to the general requirements above.

### **Engagement of consultants**

- 16.52 An authorised officer may only appoint external consultants or advisors providing professional or consulting services if such services are not available within the Council or if Council officers providing them do not have the resources to meet the needs of the service.
- 16.53 Appointment of individual consultants and advisors must be procured through the Council's corporate contract for temporary agency resources where appropriate. Subject to the contract not meeting the service needs, the authorised officer shall comply with the following rules.
- (a) If the contract value is under £50,000 then 3 quotes need to be sought and provided. Service ~~Managers~~ Leads must ensure that the quotes are recorded and thereafter retained for till the term of the contract.
- (b) If the contract value is over £50,000 then the relevant ~~Assistant Director~~ Service Lead must demonstrate that a competitive tendering exercise has taken place. The nature of the exercise will be determined by the specific contract value and advice should be sought from Corporate Procurement from the outset.
- 16.54 In exceptional circumstances (e.g. no one else could possibly provide the service because it is so bespoke) then an Authorised Officer may complete and submit an Exemption Business Case to the Procurement Review Board for approval. An Approval to Recruit Form must be completed. The form can be accessed from SBCinsite.<sup>5</sup>

---

<sup>5</sup> <http://sbcinsite.ad.slough.gov.uk/2018.aspx>

## Partnerships

16.55 The Council must comply to these Rules when exploring any proposals for partnership or joint ventures including PFI's

- (a) In relation to the Rules, a joint venture or partnership includes any arrangement involving one or more organisations in addition to the Council through which either a specific project or services within any of the functions of the Council is to be provided, and
- (b) Provides a role for the Council or any of its members or officers in whatever structure is used to deliver the project or services involved (such structures may include, but are not limited to, companies, trusts and management committees).

16.56 Council authorised officers must refer to the Procurement Operating Procedures for guidance on strategic partnerships and PFI projects.

## Consortium Contracts, Framework Agreements and Dynamic Purchasing Systems

16.57 A Framework Agreement is a form of Contract that provides one or more authorities with the opportunity to procure goods, works or services from one or more suppliers either by a call-off procedure or by mini-tender.

16.58 It will operate for a prescribed term with defined terms and conditions for its use. The Framework Agreement must name the owning and joining authorities as well as the selected suppliers. Joining authorities will be required to sign an Access Agreement prior to use of the Framework.

16.59 An officer responsible for the procurement exercise may use Framework agreements, subject to the following conditions and must seek advice from corporate procurement in advance

- the Council is legally entitled to use the Framework agreement;
- the purchases to be made fall properly within the scope of the framework;
- The establishment and operation of the framework agreement is in
- ~~compliance with the Public Contract Regulations (2015)~~ (where they apply) and meets the Council's own requirements
- ~~own requirements.~~

16.60 A "framework agreement" may include:

- Contractor prequalification lists/select lists;
- Framework arrangements (including those set up by the Government Procurement Service);
- Purchasing arrangements set up by central purchasing bodies and commercial organisations;
- Consortium purchasing;
- Collaborative working arrangements;
- Formal agency arrangements;



- E-procurement / purchasing schemes and methods;
- Other similar arrangements.

16.61 Dynamic Purchasing Systems are electronic systems open to an unlimited number of suppliers who meet the qualifying criteria, and can be divided into lots for different services. Operation of the System must be in accordance with Regulation 34 of the Public Contract Regulations (2015) which requires competitive call off from the DPS for individual services or Frameworks. In the case of services listed in Schedule 3 of the Public Contract Regulations call offs may be run under the Light Touch Regime set out in Rule 16.65 below.

16.62 Use of Framework agreements and Dynamic Purchasing Systems must be approved in advance by the Procurement Review Board. Call off from an internally managed Framework or tendering from a Dynamic Purchasing System does not require further PRB approval, subject to the requirements of Rule 16.47a. The £250,000 threshold for reporting to Cabinet still applies.

### **Social & Health Care and Children’s Care (and other Schedule 3 Services)**

16.63 Services falling under Schedule 3 of the Public Contract Regulations (2015) are subject to a Light Touch Regime if the value of the contract exceeds £589,148. This means that there is no requirement to follow the standard procurement routes set out in the full Regulations. Light Touch Procurement must, however, follow Regulations 74 to 76, which require that the procurement procedure used shall be “at least sufficient to ensure compliance with the principles of transparency and equal treatment of economic operators”. Procurement under the Light Touch Regime must be approved by PRB if it is not a call-off from an internally managed Dynamic Purchasing System.

16.64 The relevant Director has the responsibility of monitoring spend against values set within the terms and conditions of the contracts, Dynamic Purchasing Systems, and Framework Agreements as applicable.

16.65 The relevant Director has the responsibility for monitoring and addressing deviation or out of line situations specifically where the risk is of exceeding PCR thresholds.

### **Prevention of Corruption**

16.66 The public is entitled to demand of Local Government Officers conduct of the highest standard. Public confidence in their integrity would be undermined were the least suspicion, however ill-founded, to arise that they could in any way be influenced by improper motives.

16.67 All procurement activity must be undertaken with regard to high standards of probity and in accordance with the relevant provisions of the ethical framework contained in Part 5 of the Council’s Constitution.



## Entering into a Contract

16.68 All contracts entered into by the Council must be in writing in a form approved by the ~~Head of Legal Services~~ London Borough of Harrow Head of Legal Practice or their delegated officer. Where a standard form of contract is used, or a standard form is to be amended, the form of contract shall be prepared and/or ratified by Legal Services.

16.69 Legal Services shall retain all relevant contract documents.

16.70 The relevant ~~Head of Service~~ Service Lead must formally notify Legal Services (or nominated officer) of the award of all contracts with the relevant data for the purpose of it being recorded on the Council electronic Contracts.

16.71 Every contract shall include wherever possible the standard clauses set out in Standard Form of Agreement issued and updated from time to time by ~~the~~ Legal Services.

16.72 As a minimum, all contracts shall include clauses which set out:

- the works, supplies (goods), services, material, matters or things to be carried out or supplied;
- the time within which the contract is to be performed. Quality requirements and/or standards which must be met;
- requirements on the contractor to hold and maintain appropriate insurance;
- what happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part);
- requirements on the contractor to comply with all relevant equalities and health and safety legislation;
- That the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Bribery Act 2010.
- Requirements, as appropriate, relating to Freedom of Information and Environmental Information, Data Protection, Safeguarding of Vulnerable Groups, and the self-employment status of contractors who are individuals.

All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the information set out in the Council's Procurement Operating Procedures guidance document.

## Limits of councillors' authority in contracts

16.73 Unless specifically authorised by the Cabinet, a Member shall not:-

- (a) Issue any order relating to work done by or for the Council, or

- (b) Claim any rights to enter or inspect property where the Council has the right or duty to enter or inspect.

16.74 A Member shall not enter, either orally or in writing, into any contract on behalf of the Council.

16.75 A Member shall not negotiate personally on behalf of the Council for the purchase of goods or services or sale of any land, property, plant rights, or commodities or for any lease or tenancy. All such negotiations shall be conducted by an employee authorised by the Council except that, at the request of the Leader or Deputy Leader, a Cabinet Lead Member Commissioner and, at the request of the Scrutiny and Overview Committee, a Scrutiny Member may attend any personal interview in the course of negotiations.

In matters of special importance, the Cabinet may instruct one or more of its Lead Members Commissioners together with the employees concerned, to conduct negotiations.

#### **Official requisitions and Purchase orders**

16.76 Official requisitions and orders shall be in a form approved by the Section 151 Officer in consultation with the ~~Head of Legal Services~~ Service Lead Governance. Official requisitions shall be raised in accordance with the delegated authority set up in the finance system (as approved by the Section 151 Officer). Where they continue to be used, official orders shall be signed by a Directorate Service Lead Head of Service or such other person authorised by the ~~Strategic~~ Director as having authority to approve official orders issued from that Directorate.

16.77 Official requisitions and orders must be issued for all work, goods or services to be supplied to the Council except for,

- a) The continuous supply of utility services
- b) Supplies subject to periodical payments
- c) Petty cash purchases
- d) Where a formal contract required by these Rules provides for an alternative procedure and
- e) Such other exceptions as the ~~Strategic~~ Director, ~~Regeneration, Housing and Resources~~ for Finance & Resources may approve.

16.78 Requisitions and orders shall be placed only where there is adequate financial provision within the approved revenue budget or capital programme. Cost Centre Managers must maintain a record of expenditure throughout the year and must ensure that orders and/or contracts are not placed which would cause the any budget head to be exceeded. Any special conditions shall be clearly recorded on the requisition and order form.

- 16.79 Each requisition and order shall indicate clearly the nature and quantity of the work, goods or services required and any contract or agreed prices. Computer hardware and software and other such IT related goods must only be ordered through the IT Service Desk.
- 16.80 Purchasing cards can be used as an alternative to placing an order and any such purchases must comply with the detailed guidelines set out in the Council's "P-Card Policy".
- 16.81 Requisitions and orders should only be used for goods and services provided to the Council. Individuals must not use official requisitions or orders to obtain goods or services for their private use.

## Legal Consideration

- (a) **Indemnities** - No relaxation of full indemnities releasing the Council from all liability whether provided by public liability insurance or other instrument should be allowed unless authorised in writing by the ~~Head of Legal Services~~ Service Lead Governance and the Section 151 officer or nominated Officer.
- (b) **Risk Assessment & Performance Bond** - Where a contract is estimated to exceed £49,999 in value or amount and is for the execution of works (or for the supply of goods or materials or services by a particular date or series of dates) the relevant ~~Head of Service~~ Service Lead should consider requiring a performance bond (for an amount equal to 10% of the value of the contract) from the contractor. This is to provide sufficient security for the due performance of the contract. If a performance bond is considered not necessary then the relevant ~~Head of Service~~ Service Lead must:
- Register a risk in the Council Corporate risk register.
  - Include within the business case for approval from the Procurement Review Board.
- (c) **Sealing** - All contracts above the value of £49,999 shall be sealed subject to Legal services discretion. The affixing of the seal shall be attested and witnessed in writing by the ~~Head of Legal Services~~ Service Lead Governance, or an Officer duly designated by them in accordance with the delegated powers conferred by the Council. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person attesting the sealing.
- (d) **Signature of Documents:**
- All contracts must be signed by council officers that have authority to sign under the Council's scheme of Delegation to officers within the constitution Part 3.6 section 2.b- procurement delegations<sup>6</sup>.
  - Where any document will be a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to

---

<sup>6</sup> <http://www.slough.gov.uk/moderngov/ieListDocuments.aspx?CId=563&MId=5272&Ver=4&Info>

some other person for the purpose of such proceedings, be signed by the ~~Head of Legal Services~~ London Borough of Harrow Head of Legal Practice.

- All signed contracts will be uploaded on the electronic contracts database.

# Part 4.7 Officer Employment Procedure Rules

## 1. 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.

## 2. Recruitment Chief Officers including the Head of Paid Service

- 2.1. 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.
    - (iii) The terms and conditions within which any appointment may be made.
  - (b) make arrangements for the post to be advertised in 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.

The Head of Paid Service is authorised to make interim arrangements for filling chief officer posts pending permanent recruitment.

## 3. Appointment of Head of Paid Service

- 3.1 Full Council will approve the appointment of the Head of Paid Service 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.
- 3.2 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.

## 4. Appointment of Chief Officers and ~~Deputy Chief Officers~~

- 4.1 A committee or sub-committee of the Council will appoint chief officers ~~and deputy chief officers~~. That committee or sub-committee must include at least one member of the Cabinet.
- 4.2 An offer of employment as a chief officer ~~or deputy chief officer~~ shall only be made where no well-founded objection from any member of the Cabinet has been received.

## 5. Other Appointments

### Officers below Deputy Chief Officer

- 5.1 The appointment of 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.

### **Assistants to Political Groups**

- 5.2 In accordance with section 9 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
- 5.3 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.

### **6. Appointor/Proper Officer**

- 6.1 In paragraph 7 below "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority, or where a committee, sub-committee is discharging the function of appointment on behalf of the authority, that committee, or sub-committee as the case may be.
- 6.2 In paragraph 7 below "proper officer" means the Head of Democratic Services.

### **7. Appointments –offers**

- 7.1 An offer of an appointment as a chief officer or deputy chief officer must not be made by the appointor until-
- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer of appointment and any other particular which the appointor considers are relevant to the appointment.
- (b) the proper officer has notified every member of the Cabinet of:
- the name of the person to whom the appointor wishes to make the offer;
  - any other particulars relevant to the appointment which the appointor has notified to the proper officer; and

- the period of 3 working days within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer: and

(c) Either-

- the Leader of the Council has, within the period specified in 7.1(b) above notified the appointor that neither s/he or any other member of the Cabinet has any objection to the making of the offer;
- the proper officer has notified the appointor that no objection was received by him within that period from the Leader;

(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.

### **Other Chief Officers and Deputy Chief Officers**

- 8.4 A committee or sub-committee of the Council will discharge the function of dismissal of the other chief officers and deputy chief officers (i.e. excluding the statutory governance officers). That committee or sub-committee must include at least one member of the Cabinet.
- 8.5 Any disciplinary action taken against the other chief officers and deputy chief officers shall be in accordance with the authority’s disciplinary procedure for these officers.
- 8.6 The dismissal of the other chief officer or deputy chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.



## Officers below ~~Deputy~~ Chief Officer level

- 8.7 Disciplinary action in relation to 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. Such disciplinary action will be carried out in accordance with the Council's human resources policies and procedures.

## 9. Dismissor/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 ~~or deputy chief officers~~ must not be given by the dismissor until-
- (a) the dismissor has notified the proper 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 proper 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 the Leader of the Council on behalf of the Cabinet to the proper officer: and
  - (c) Either-
    - the Leader of the Council has, within the period specified in 10.1(b) above notified the dismissor that neither s/he or any other member of the Cabinet has any objection to the dismissal;
    - the proper officer has notified the dismissor that no objection was received by him within that period from the Leader;
  - (c) Or-
    - the dismissor is satisfied that any objection received from the Leader within the specified period is not material or is not well founded.

This page is intentionally left blank

# Part 5.1 Councillors' Code of Conduct

## CONTENTS

### Introduction

#### Part 1 Rules of Conduct

Section One	Overarching Principles
Section Two	General Obligation
Section Three	Relationship with others
Section Four	Interests

#### Part 2 The Complaints Process

#### Part 3 Investigation & Determination of Complaints

## APPENDICES

1. Glossary
2. Disclosable Pecuniary Interests - Definition and Guidance
3. Declaration of Interests - Flow Chart
4. Code of Conduct for Members - Declaration of Interests at Meetings Form
5. Declaration of Receipt/Offer of Gifts or Hospitality
6. Predetermination / Predisposition - guidance
7. Request for a Dispensation
8. Councillors duties towards Trusts
9. Members Complaints Procedure Flow Chart
10. Members Complaints Assessment Criteria

# INTRODUCTION

## Purpose of the Code

The Localism Act 2011 requires this Council to promote and maintain high standards of conduct by its Members and Co-opted Members. In discharging its duty, the Council is required to adopt a Code of Conduct which sets out the conduct expected of its Councillors.

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

1. the Rules of Conduct
2. the Complaints process

The purpose of this Code of Conduct is to assist all Members in the discharge of their obligations to the Council, to their constituents and to the public at large by:

- (a) establishing the standards and principles of conduct expected of all Members in undertaking their duties.
- (b) ensuring public confidence in the standards expected of all Members and in the commitment of the Council to upholding the Code through an open and transparent process.

## Parish Councils

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

## **PART 1: RULES OF CONDUCT**

The code applies to Members and co opted Members of Slough Borough Council when they are acting in that capacity.

This means that it applies whenever you (a) conduct the business of the Council (including the business of your office as an elected Councillor or co opted Member); (b) act, claim to act or give the impression you are acting as a representative of the Council.

### **SECTION 1 – OVERARCHING PRINCIPLES**

This code is intended to be consistent with Nolan’s Seven Principles of Public Life and should be read in the light of those principles. These are set out below.

#### **Nolan’s Seven Principles of Public Life**

##### **Principle 1. Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

##### **Principle 2. Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

##### **Principle 3. Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

##### **Principle 4. Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

##### **Principle 5. Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

##### **Principle 6. Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

## Principle 7. Leadership

Holders of public office should promote and support these principles by leadership and example.

## SECTION 2 – GENERAL OBLIGATIONS

When acting in your role as Member of the Council, you must ensure that you conduct yourself in such a manner that complies with the Seven Principles of Public Life. These Principles will be taken into account when considering the investigation and determination of any allegations of breaches of the rules of conduct.

- 2.1 You must treat others with respect, including Council officers and other elected Members.
- 2.2 You must not bully any person (including specifically any Council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this Code of Conduct.
- 2.3 You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
- 2.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.
- 2.5 You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
- 2.6 You have a duty to uphold the law including the general law against discrimination
- 2.7 When using or authorising the use by others of the resources of the Council, you must act in accordance with the Council's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
- 2.8 You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
- 2.9 You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
  - (a) You have the consent of a person authorised to give it; or
  - (b) You are required by law to do so; or
  - (c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or

- (d) The disclosure is reasonable and in the public interest and made in good faith.

## SECTION 3 – RELATIONSHIP WITH OTHERS

- 3.1 Members must ensure that all contact with Council Officers will be through a Director/Assistant Director/Third Tier Officer in the first instance. A distinction is made between contacts with junior staff as part of day to day enquires and Council business and contact by Members where contentious or political issues may arise.

<b>Examples of day to day contact with Junior Officers.</b>	<b>Examples of Matters that should be addressed at Director/Service Lead/Third Tier</b>
Requests for information on timescales of applications e.g. planning applications, licensing, housing allocation	Specific complaints about not granting planning consent. Complaints about the application of eligibility criteria for housing
Requests for routine information on a case or issue on behalf of a resident, i.e. who is dealing with a case or issues when is it likely to be resolved	Application of threshold or entitlement to Adult Social Care Services.
Requests for information on how processes work and how services are run.	Suggestions for improving services. Observations on service efficiency and effectiveness.

## SECTION 4 – INTERESTS

### 4.1 Registration of interests

You must register in the Council's Register of Members Interests information about your registerable personal interests. In this Code of Conduct 'your registerable personal interests' means:

- (a) any Disclosable Pecuniary Interest as set out in Appendix 2; or
- (b) any other interest held by you as set out in Appendix 2

You must register information about your registerable personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a Member of the Council; and
- any change taking place in your registerable personal interests.

Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code.

#### **4.2 Sensitive interests**

Where you think that disclosure of the details of any of your registerable personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have a personal interest, details of which are withheld.

#### **4.3 Other interests**

You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –

- a decision in relation to that business might reasonably be regarded as affecting the wellbeing or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
- it relates to or is likely to affect any of the interests listed in the Table in Appendix 2 of this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest or non-pecuniary interest in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

#### **4.4 Declaration of Members Interests**

All Members are required to disclose as appropriate any personal and personal prejudicial interests in matters that arise at meetings which might influence their judgement or which could be perceived (by a reasonable member of the public) to do so. Members should declare:

- (i) Relevant personal direct and indirect pecuniary interests;
- (ii) Relevant direct and indirect pecuniary interests of close family members of which Members could reasonably be expected to be aware; and
- (iii) Relevant personal non-pecuniary interests, including those which arise from membership of clubs and other organisations.



- (iv) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.
- (v) Any body exercising a function of a public nature, directed to charitable purposes or whose principal purpose includes the influence of public opinion or policy.
- (vi) Your wellbeing or financial position or the wellbeing or financial position of a member of your family with whom you have a close association.

The personal interest becomes **prejudicial** if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest. A Member's DPIs are always prejudicial.

A Member must observe the restrictions the Council places on their involvement in matters where they have a pecuniary or non pecuniary interest as defined by the Council.

Members should seek advice from the Monitoring Officer with regards to interests arising from Council controlled Trusts.

#### **4.5 Interests arising in relation to Overview and Scrutiny Committee and its Panels**

Members have a prejudicial interest in any business before an Overview and Scrutiny Committee of the Council (or Panel) where

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Council's Cabinet or another committee, sub-committee, joint committee or joint sub-committee; and
- (b) at the time the decision was made or action was taken, you were a Member of the Cabinet, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

In such a case, provided the public have a right to speak at such a meeting, as a Member you are able to make any representations or answer any questions once you have declared the nature of the interest you have. You must then withdraw from the room.

#### **4.6 Action following declaration**

If you are acting as a decision maker at a meeting where you have an interest in the matter being discussed or that arises during the course of the meeting you need to consider if your interest is a Disclosable Pecuniary Interest. If it is

- (a) you must withdraw from the room where the meeting considering the business is being held, unless a written dispensation has been granted
- (b) you are not permitted to participate in any discussion of a matter that relates to your DPI at the meeting

- (c) you are not permitted to participate in any vote on the matter where you have a DPI

In the case of any other Pecuniary or Non Pecuniary Interest, the Committee Member will need to consider whether a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice your judgement of the public interest. If you believe this to be the case or you are advised that this is the case then that Member must:-

- (a) disclose the existence and nature of the interest at the meeting;
- (b) withdraw from the room or chamber where the meeting considering the business is being held.

However, provided the public have a right to speak at such a meeting the Member is able to make representations or answer any questions when the nature of the interest has been declared. The Member must then withdraw from the room.

See Appendix 3 for the Declaration of Interests Flow Chart and Appendix 4 for the Declaration of Receipt of Gifts or Hospitality.

#### **4.7 Dispensations from the restriction from participating voting in meetings**

This provision applies to a situation where a Member or Members have an interest, which prevents them from taking part in a decision but they feel they ought to be able to participate or that it is necessary to allow them to participate in the interests of proper decision making, as explained below.

One or more Members may apply for a dispensation from the requirement not to participate in or vote in respect of a matter at a meeting by written request to the Monitoring Officer, so that they are able to participate in respect of that matter at the meeting.

The Monitoring Officer (or in his/her absence the Deputy Monitoring Officer) may agree the dispensation on behalf of the Council, where s/he considers, after having had regard to all relevant circumstances such as follows:

- (a) that without the dispensation the number of persons prohibited by section 31(4) of the Act from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (b) that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
  - i. that granting the dispensation would be in the interests of persons living in the Council's area,
  - ii. that without the dispensation each Member of the Cabinet would be prohibited by section 31(4) of the Act from participating in any particular

business to be transacted by the Cabinet, or

iii. that it is otherwise appropriate to grant a dispensation.

If granted the dispensation will be granted by the Monitoring Officer in writing and citing the ground or grounds on which it is agreed and it will be published on the Council's website within 7 days of the decision.

The dispensation must be for a fixed time not exceeding a period beyond the next Council elections and will normally cover only a specific matter or meeting.

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

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

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

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

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

It is recommended that the general dispensation applies until the next election (May 2018) and that the Council considers granting general dispensations annually at its annual meeting.

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

The Council can grant a dispensation to enable Members to participate in certain circumstances and the Monitoring Officer is authorised to determine written requests for a dispensation. A form to request a dispensation is attached at Appendix 6.

#### **4.8 Gifts and Hospitality**

You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the borough Council.

The Monitoring Officer will place the notification on the public register of gifts and hospitality.

#### **4.9 Updating the Register of Interests**

You must within 28 days of becoming aware of any new disclosable pecuniary interest or change to any disclosable pecuniary interest already registered provide written notification to the Monitoring Officer via an amendment form obtainable from Democratic Services.

#### **4.10 Predetermination and Bias**

A Member is not taken to have had, or to have appeared to have had, a closed mind when making/acting as a decision maker, merely because

- (i) they had previously done anything that directly or indirectly indicated what view, they as decision maker would or might take in relation to a matter and
- (ii) the matter was relevant to the decision being taken.

When making a decision, Members must consider the matter before them, with an open mind and on the facts before the meeting at which the decision is to be taken.

Where a Member has been involved in campaigning in a political role on an issue, provided this does not impact on a Member's personal and/or professional life, a Member is not be prohibited from participating in a decision in their political role as Member.

Members must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence their performance of their official duties.

Members who sit as Committee Members need to be aware that when they have an interest in the matter being discussed or being decided, the role as a decision maker is subject to extra scrutiny.

Members who are not Committee Members, but are attending a Committee to speak, also need to be aware that if they have an interest in the matter they are speaking on, their role as an interested Member is also subject to extra scrutiny.

Members should seek advice in advance of a meeting when a matter is known or should reasonably have been known to involve an interest affecting a Committee Member and complete the Declaration of Interests at Meetings Form. Guidance on predetermination is set out at Appendix 6 to the Code.

#### **4.11 Corporate Trustees**

The Council may have a variety of roles in relation to charitable trusts, including that of corporate trustee. The Council is the trustee of the charitable trusts, Councillors are not. The Councillors (and Council Officers) manage the Trustees affairs on behalf of the council. As Councillors are not trustees they do not have the same responsibilities and liabilities as a trustee. Although Councillors are not trustees they should still be mindful of the duties of trustees set out in the guidance at appendix 8.

## PART 2: THE COMPLAINTS PROCESS

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

### Complaints against Members

- 5.3 All complaints against members must be in writing and on the Council's prescribed form. The Council will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 5.4 The "Member's Complaint's Procedure Flowchart" , contained at Appendix 5, sets out the process the Monitoring Officer will follow in relation to complaints against members.
- 5.5 The Monitoring Officer will consider complaints according to the Code of Conduct's "Member's Complaint Assessment Criteria" contained at Appendix of the Code. **Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.**
- 5.6 The Monitoring Officer will acknowledge receipt of a complaint within 5 working days of receiving it. The Subject Member will be advised that a complaint has been made, together with a short summary of the complaint and the name of the complainant unless they have indicated that they wish to remain anonymous.
- 5.7 The Monitoring Officer will determine every complaint received and, may after as the Monitoring Officer may deem appropriate consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of a complaint. Where the Monitoring Officer has taken a decision, he will inform the Complainant and the Subject Member of his decision and the reasons for that decision.
- 5.8 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

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

## **PART 3: INVESTIGATION & DETERMINATION OF COMPLAINTS**

- 6.1 If the Monitoring Officer decides that a complaint merits formal investigation, he may either appoint an Investigating Officer to investigate the complaint or investigate the complaint himself.
- 6.2 The Investigating Officer would normally write to the Subject Member.
- 6.3 The Subject Member will be provided with a copy of the complaint. The Subject Member will be requested to provide any relevant information the Investigating Officer needs to investigate the Complaint.
- 6.4 In exceptional cases, where it is appropriate to keep the identity of the Complainant confidential or disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer withhold the Complainant's details or delay notifying the Subject Member until the investigation has progressed sufficiently.
- 6.5 At the end of his/her investigation, the Investigating Officer/Monitoring Officer will produce a draft report. This draft will be sent in confidence to the Complainant and the Subject Member, to give them an opportunity to identify any matter in that draft report which is either factually incorrect or which may require further consideration. Having received and taken account of any comments on the Draft Report, the Investigating Officer will send the Final Report to the Monitoring Officer.
- 6.6 The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the Subject Member and the Complainant notifying them of either :
- (a) he is satisfied that no further action is required, and provide them both a copy of the Investigating Officer's final report, or
  - (b) following review of the Investigating Officer's report that either the complaint will be
    - (i) sent for determination before a Standards Determination Sub Committee or,
    - (ii) after consulting the Independent Person, seek a local resolution.

### **Local Resolution**

- 6.7 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and the Complainant and seek to agree fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Subject Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit & Corporate Governance Committee for information, but will take no further action.

### **Process for the Determination of Complaints**



- 6.8 If the Monitoring Officer considers that local resolution is not appropriate, then the Monitoring Officer will convene a Standards Determination Sub Committee to determine the complaint. It will conduct a hearing which will decide whether the member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the member.
- 6.9 The set up and structure of the Standards Determination Sub-Committee is provided for by the Council's Constitution
- 6.10 The Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and may issue directions as to the manner in which the hearing will be conducted.

### **Conduct of a Sub Committee hearing**

- 6.11 The Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Subject Member has failed to comply with the Code of Conduct. The Subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.
- 6.12 If the Sub Committee, with the benefit of any advice from the Independent Person, concludes
  - (a) that the Subject Member did not fail to comply with the Code of Conduct, then they can dismiss the complaint
  - (b) that the Subject Member did fail to comply with the Code of Conduct, the Chair will inform the Subject Member of this finding and the Sub Committee will then consider what action, if any, the Sub Committee should take as a result of the Subject Member's failure to comply with the Code of Conduct. In doing this, the Sub Committee will give the Subject Member an opportunity to make representations to the Sub Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.
- 6.13 The Council has delegated to the Sub Committee powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub Committee may authorise the Monitoring Officer to –
  - (a) Publish any findings in respect of the Subject Member's conduct;
  - (b) Report the findings to the Audit & Corporate Governance Committee for information;
  - (c) Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - (d) Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - (e) Arrange training for the Subject Member;

- (f) Remove from all outside appointments to which the Subject Member has been appointed or nominated by the Council;
  - (g) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
  - (h) Exclude the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 6.14 The Sub Committee has no power to suspend or disqualify the Sub Member or to withdraw members' or special responsibility allowances.
- 6.15 At the end of the hearing, the Chairman will state the decision of the Sub Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub Committee resolves to take.
- 6.16 The Monitoring Officer will issue a decision notice, in consultation with the Chairman of the Sub Committee. The decision notice will be sent to the Complainant and the Subject Member. Thereafter a summary of the decision may be available for public inspection and the decision will be reported to the next convenient meeting of the Audit & Corporate Governance Committee.

### **Appeals**

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

### **Independent Person**

- 6.18 The Independent Person is invited to attend all meetings of the Sub Committee and his/her views are sought and taken into consideration before the Sub Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

### **Revision of these arrangements**

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

## GLOSSARY

In this Code the following words will have the following meanings:—

<b>“Authority”</b>	means Slough Borough Council
<b>“Council”</b>	means Slough Borough Council
<b>“Parish Council”</b>	means the following Parish Councils:  Britwell Parish Council,  Colnbrook with Poyle Parish Council,  Wexham Court Parish Council
<b>“Code of Conduct”</b>	section 1 part 1 of the Code of Conduct also referred to as the “Rules”.
<b>“Code of Conduct Protocol”</b>	means the document entitled
<b>“Independent Person”</b>	The Independent Person is a person who complies with the requirements section 28 Localism Act 2011.
<b>“Meeting”</b>	means any meeting of— (a) The authority; (b) The executive of the authority; (c) Any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;  Whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members
<b>“Member”</b>	means a co-opted Member or an appointed Member of Slough Borough Council
<b>“Co-opted Member”</b>	means a co-opted Member of Slough Borough Council
<b>“Subject Member”</b>	means a Member who is the subject of a complaint for a breach of the Councillors Code of Conduct
<b>“Sensitive Information”</b>	means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person connected to you may be subject to violence or intimidation.
<b>“7 Principles”</b>	means the general principles of conduct identified by the Committee on Standards in Public Life in its First Report, namely: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership.

## DISCLOSABLE PECUNIARY INTERESTS DEFINITION AND GUIDANCE NOTES

The Localism Act 2011 provides that this will cover the interests not just of the Member, but also his/her spouse, civil partner or person with whom he/she lives as if they were spouses or civil partners, in so far as the Member is aware of his/her partner's interests.

These notes give general guidance on what items Members should include on the disclosable pecuniary interests form. The onus is on the individual Member to make their own judgement about making a declaration and they should not rely on direction from an officer, though if in doubt they can seek advice.

Disclosable Pecuniary Interest	Guidance
<p>Employment, office, trade, profession or vocation Any employment, office, trade, profession or vocation carried on for profit or gain.</p>	<p>You should show every employment, office, trade, profession or vocation that you and your spouse/partner receive remuneration for other than simply repayment of expenses – a good example is what you would have to declare for income tax purposes.</p> <p>Give a short description of the activity concerned; for example 'Computer Operator' or 'Accountant'.</p> <p>Where you hold an office, give the name of the person or body which appointed you. In case of a public office, this will be the authority which pays you.</p>
<p>Sponsorship Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a Member or towards election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>	<p>You should declare the name of any person or body who has made any payments to you towards your expenses as a Councillor or towards your election expenses. You do not need to declare the amounts of any payments, only the name of the person or body making them.</p> <p>It refers to payment of election expenses by a third party – you do not need to declare if you pay your election expenses yourself. This would usually mean a political party at election time.</p>

<p><b>Contracts</b> Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –</p> <p>(a) Under which goods or services are to be provided or works are to be executed; and (b) Which has not been fully discharged.</p>	<p>You should list any contract made between yourself or your spouse/partner or a body in which either of you have a beneficial interest and Slough Borough Council (or an organisation contracted to carry out business on its behalf):-</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
<p><b>Land</b> Any beneficial interest in land which is within the area of the relevant authority.</p>	<p>You should include any land and buildings in the area of the Borough in which you or your spouse/partner have a beneficial interest. You should give the address or a brief description to identify it.</p> <p>If you live in the Borough you should include your home under this heading whether as owner or lessee.</p> <p>You should also include any property from which you receive rent, or of which you are the mortgagee.</p> <p>The Monitoring Officer has also advised that any land in the Borough area in the ownership of a charity or organisation of which you or your spouse/partner are a trustee should also be included in this section.</p> <p>“Land” also includes any buildings or parts of buildings.</p>
<p><b>Licences</b> Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>	<p>You should include land in the area of the Borough which you or your spouse/partner have a right to occupy, but neither own nor have tenancy of. You should give the address or a brief description to identify it.</p> <p>“Land” includes any buildings or parts of buildings.</p>
<p><b>Corporate Tenancies</b> Any tenancy where (to your knowledge) – (a) The landlord is the relevant authority; and (b) The tenant is a body in which the relevant person has a beneficial interest.</p>	

<p><b>Securities</b> Any beneficial interest in securities of a body where –</p> <p>(a) That body (to your knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) Either –</p> <p>(i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class</p>	<p>You should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) are active in the Borough and in which you or your spouse/partner have a substantial interest. You do not need to show the extent of your interest.</p> <p>You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or more than 1/100th of the issued share or securities. If there are several classes of shares or securities, the fraction of 1/100th applies to any of these classes.</p> <p>The company or body corporate is active in the Borough if it has land or a place of business in the Borough.</p>
--	--

Pecuniary and Non Pecuniary Information to be registered

<u>Membership of other bodies</u>
a. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.
b. Any body exercising functions of a public nature of which you are a member or in a position of general control or management.
c. Any body directed to charitable purposes of which you are a member or in a position of general control or management.
d. Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

## Declaring Interests Flowchart, Questions to ask yourself

Breaching those parts identified as a disclosable pecuniary interest is potentially a criminal offence.

### Helpful Reminders for Members

- Is your register of interests up to date?
- In particular, have you declared to the Monitoring Officer all disclosable pecuniary interests?
- Have you checked the register to ensure they have been recorded correctly?

### When should you declare an interest at a meeting?



- What matters are being discussed at the meeting:

#### Does the business to be transacted at the meeting

- **Relate to; or**
- **Is likely to affect**

**any of your registered interests** Disclosable Pecuniary Interests include your interests and those of:

- Your spouse or civil partner
- A person you are living with as husband/wife or as a civil partner

Where you are aware that this other person has the interest.

**Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a non-disclosable pecuniary interest or a Non-Pecuniary Interest? – this is an interest which is not a disclosure pecuniary interest (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

#### DPI

#### Non-DPI

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting.



If the interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register.



Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate, or participate further, in any discussion of the matter at a meeting;
  - Not participate in any vote or further vote taken at the meeting; and
  - Leave the room while the item is being considered/voted upon
- If you are a Cabinet Member they may make arrangements for the matter to be dealt with by a third person but take no further step.

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature. You should declare the interest and decide whether you can properly speak and remain in the meeting or should not participate further..

not participate further..



## CODE OF CONDUCT FOR MEMBERS DECLARATION OF INTERESTS AT MEETINGS

This form should be completed by Members who declare an interest at any meeting of the Authority, the Executive of the Authority, or any of the Authority's or its Executive's Committees, Sub-Committees Joint Committees or Area Committees.

Name of Member .....

Meeting :..... Date: .....

Agenda Item: ..... Time: .....

Type of Interest declared (Please tick as appropriate)

**Personal Interest**

A Member with a personal interest in any matter may remain, speak and vote when the matter is considered.

**Personal/Prejudicial Interest**

A Member with a Prejudicial Interest must:-

- withdraw from the room where the meeting is being held wherever it becomes apparent that the matter is being considered at that meeting.
- not seek improperly to influence a decision about the matter.

**[Unless you are at a meeting where members of the public have a right to address the meeting in which case Members have the same rights as an ordinary member of the public but must take not part or have any role in the decision making process.]**

Note: A Member's Disclosable Pecuniary Interests are always prejudicial.

Nature/Detail of Interest

.....

.....

.....

.....

.....

Action to be taken following declaration (tick as appropriate)

Withdraw from meeting

Remain and speak

Remain and speak and vote

Signed: ..... Date: .....

*This form, once completed, will be available for inspection, on request during office hours, by any Member of the Council or member of*

To: The Monitoring Officer

**DECLARATION OF RECEIPT/OFFER OF GIFTS OR HOSPITALITY**

Name of Member	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Did you accept it and were there any special circumstances justifying acceptance of this gift or hospitality?	
Signed	Date

## PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees.

This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest”

under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer

## REQUEST FOR A DISPENSATION

Request to Monitoring Officer

Please complete the following details and give as much information as possible (you can attach additional sheets of paper, if required).

1. **Please summarise the matter to which your interest relates**
  
2. **What is the nature of your interest?**
  
3. **For which meeting(s) or period are you seeking a dispensation?**
  
4. **Please set out in detail the reason(s) why you consider you should be granted a dispensation.**

	Name	Signature	Date

**When completed, this form should be sent to the Monitoring Officer**

## Trustees and Councillors' Duties towards the Trusts

### 1. Introduction

- 1.1 There are a number of different roles that the Council may have in relation to the day to day administration and functioning of registered charities and trusts.
- 1.2 The Council can find itself in any of the following roles in relation to a charitable trust:-
- 1.2.1 either be appointed as a corporate trustee;
  - 1.2.2 appointed as a holding trustee, holding land on trust, possibly with the right to appoint trustees;
  - 1.2.3 as a party who has a right under a charity's constitution or trust deed to appoint trustees to the charity's board; or
  - 1.2.4 simply as a funder through the process providing grants to a registered charity.
- 1.3 There are a variety of duties and obligations that arise depending on what role the Council has under the conveyance or instrument under which the trust arises.
- 1.4 This report deals exclusively with the position where the Council is appointed as a Corporate Trustee of the Salt Hill Playing Field and the Langley War Memorial Field (collectively, the Properties and the Trusts)
- 1.5 It is clear that under both conveyances of the Properties under which the Trusts arose that Slough Borough Council is the corporate trustee and holds the property as such.

### 2. Corporate Trustees

- 2.1 Councillors and Council Officers may attend meetings and deal with the Trust's day to day administration and property, the capacity in which they doing so are as Councillors and Council Officers and not as Trustees of the above Trusts.
- 2.2 Corporate trustees are liable for breaches of trust to the same extent as a natural person, but the cause of action that the beneficiaries of the Trusts will have is against the corporate trustee.
- 2.3 As the corporate body is a legal and not a natural person; it acts exclusively through natural persons and in the case of Slough Borough Council, those are its Councillors and Council Officers.
- 2.4 Slough Borough Council is the trustee of the charitable Trusts. The Councillors, and indeed Council Officers, are not. The Councillors and Council Officers rather manage the Trust's affairs on behalf of the Council.
- 2.5 When Councillors are making decisions on behalf of the Council dealing with Trust matters, they do not have the same responsibilities and hence liabilities as that of trustees.

### **3. Councillor's Duties**

- 3.1 Whilst it is clear that Councillors are not trustees and hence do not have the same responsibilities and liabilities as a trustee, even when making decisions on behalf of the Council when the Council is acting as Trustee; Councillors do conduct the affairs of the Trust and their decision making directly affects how the Trusts are managed and could put the Council in breach of its duties to the Trusts.

### **4. Key Duties of Trustees**

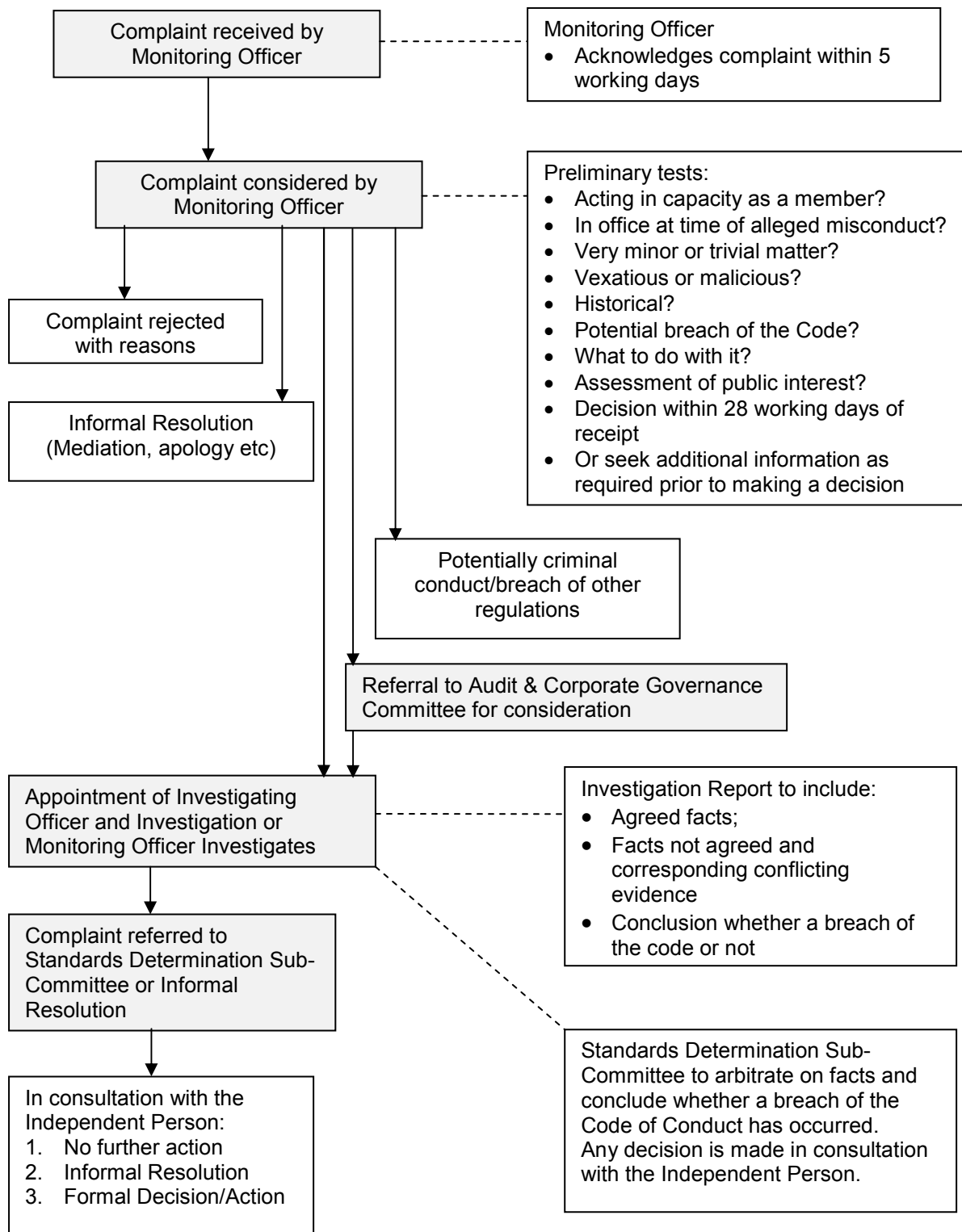
- 4.1 Although Councillors are not trustees under the Trusts, these duties have to be considered when contemplating decision making on behalf of Slough Borough Council, when it is acting as the corporate trustee in relation to the Trusts.
- 4.2 Trustees must ensure that the Trust is carrying out its purpose for the public benefit and comply with their governing document and the law.
- 4.3 Trustees must always act in the Trust's best interests. This means making balanced and informed decisions based on professional advice. Trustees must deal appropriately with any conflicts of interest.
- 4.4 Trustees must manage their Trust's resources responsibly and this entails implementing the necessary financial controls and managing any risks.
- 4.5 Trustees must act with reasonable care and skill and this necessitates using their accumulated skills and experiences and tempering it with the appropriate legal and professional advice.

### **5. Executive Summary**

- 5.1 In summary, the trustee for both of the Trusts is the Slough Borough Council.
- 5.2 The Councillors are not trustees and hence do not have the same responsibilities and liabilities as if they were individual trustees.
- 5.3 The Councillors do, however, act and make key decisions on behalf of the Council, when it is acting in its capacity as corporate trustee on behalf of the Trusts.
- 5.4 Councillors should be extra vigilant and approach Trust matters within their respective contexts rather than as usual Council business.

Complaints against Members process is set out in the flow chart below

Appendix 1  
Complaints Procedure Flowchart





## MEMBERS COMPLAINTS ASSESSMENT CRITERIA

### Complaints which would not normally be referred for investigation

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

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

1. It is serious enough, if proven, to justify the range of actions available to the Standards Determination Sub-Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation.
3. When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or
4. The complaint is about a high profile Member such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate.
5. Such other complaints as the Monitoring Officer considers it would not be appropriate for him to investigate.

This page is intentionally left blank

# PART 5.5 Confidential Whistleblowing Code

## TABLE OF CONTENTS

1. INTRODUCTION.....	
1.1What is the Code about?.....	
1.2Who does the policy apply to?.....	
2.AIMS AND SCOPE OF THE CODE .....	
2.1Aim of the code .....	
2.2Scope of the code .....	
2.3Which procedure should I use? .....	
3.SAFEGUARDS.....	
3.1The Council’s Assurances to you .....	
4.CONFIDENTIALITY.....	
5.ANONYMOUS ALLEGATIONS .....	
6.UNTRUE ALLEGATIONS.....	
7.HOW TO RAISE A CONCERN - INTERNALLY .....	
8.HOW THE COUNCIL WILL HANDLE THE MATTER.....	
9.HOW THE MATTER CAN BE TAKEN FURTHER.....	
10.SUPPORT FOR EMPLOYEES RAISING A CONCERN AND OTHERS AFFECTED BY THE RAISING OF A CONCERN.....	
11.RESPONSIBILITIES.....	
11.1Staff and others working at the Council .....	
11.2Managers .....	
12.REVIEW OF THIS POLICY .....	
Schedule 1 – Situations in which Employees might Blow the Whistle .....	
Schedule 2 – List of External Bodies .....	
Schedule 3 – Flowchart showing how Whistleblowing matters will be handled	

## 1. INTRODUCTION

The council is committed to the highest possible standards of openness, honesty and accountability. It is not prepared to tolerate malpractice and/or wrongdoing. In line with that commitment we expect employees, and others that we deal with, who have any serious concerns about any aspect of the council's work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant council procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis, but this should be the exception.

**This document makes it clear that employees and others can voice concerns without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the council rather than overlooking a problem or 'blowing the whistle' outside.**

I hope that the improvements made to this process inspire confidence and enable employees and others to feel able to raise concerns so that the Authority can address them appropriately and improve standards within the organisation.

**Sohail MunawarJames Swindlehurst**  
**Leader, Slough Borough Council**

### 1.1 What is the Code about?

1.1.1 Employees can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within Slough Borough Council (the council). However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or to the council. They may also fear the threat of harassment or victimisation and in these circumstances, they may feel it easier to just ignore their concern rather than report what may just be a suspicion of malpractice.

1.1.2 'Whistleblowing' is the term used when an employee passes on information concerning wrongdoing. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

### 1.2 Who does the policy apply to?

1.2.1 This code applies to all employees except for school-based employees. Schools need to give consideration to their own code adopted by the governing body, but are strongly recommended to adopt this policy.

- 1.2.2 The code also applies to former employees, agency staff working for the council, home workers, contractors and their staff, suppliers, volunteers, elected members and members of the public.
- 1.2.3 The code is recommended as good practice to all other groups associated with the council who have the discretion to adopt our policies. Apart from schools, this will include such groups as voluntary sector organisations.
- 1.2.4 The term “employee” within this document is used to describe any of the above.
- 1.2.5 These procedures are in addition to the council’s complaints procedures and other statutory reporting procedures applying to some services. If asked, employees should make service users aware of the existence of these procedures.

## **2. AIMS AND SCOPE OF THE CODE**

### **2.1 Aim of the code**

This code aims to:

- 2.1.1 encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- 2.1.2 provide avenues for you to raise those concerns and receive feedback on any action taken;
- 2.1.3 ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- 2.1.4 reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest;
- 2.1.5 ensure consistency and fairness in dealing with whistleblowing across the Council.

### **2.2 Scope of the code**

- 2.2.1 An employee who makes a disclosure under this code must reasonably believe:
  - (a) That they are acting in the public interest;
  - (b) That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
    - (i) criminal offences;
    - (ii) failure to comply with an obligation set out in law;
    - (iii) miscarriages of justice;

- (iv) endangering of someone's health and safety;
  - (v) damage to the environment;
  - (vi) deliberate concealment of any of the above.
- (c) Examples of the above could include:
- (i) conduct which is an offence or a breach of law;
  - (ii) health and safety risks, including risks to the public as well as other employees;
  - (iii) the unauthorised use of public funds;
  - (iv) negligence;
  - (v) unauthorised disclosure of confidential information;
  - (vi) possible fraud and corruption;
  - (vii) sexual or physical abuse of children and/or vulnerable young people/adults;
  - (viii) deliberate concealment of the above matters.

2.2.2 The above list is neither exclusive nor exhaustive.

2.2.3 Thus, any serious concerns that you have, which are in the public interest, about any aspects of service provision or the conduct of officers or members of the council or others acting on behalf of the council can be reported under the Confidential Whistleblowing Code.

## 2.3 Which procedure should I use?

2.3.1 There are existing employee policies and procedures designed to resolve many concerns you may have. The procedures to be followed in raising issues under these policies can be found on [SBNet-SBCinsite](#) by clicking on [Human Resources People](#). They include

- (a) Incident Reporting and Investigation Guidelines
- (b) Grievance Policy & Procedure
- (c) Equal Opportunities Policy
- (d) Disciplinary Policy & Procedure
- (e) Capability Procedure
- (f) Drug & Alcohol Policy
- (g) Probationary Policy & Procedure

- 2.3.2 If one of these procedures is relevant that process should be used unless you have genuine concerns, at either the outset or the end of the procedure, about following the relevant process in which case this Policy & Procedure should be used. The procedure is not an appeal mechanism for other procedures, unless, exceptionally, you think when you have been through another procedure, that process was compromised. If you are unsure which procedure you should use, then please seek advice from your trade union representative or an HR Adviser or your line manager.
- 2.3.3 The Confidential Whistleblowing Code is for all other cases involving conduct which appears likely to harm the reputation of the Council.
- 2.3.4 Schedule 1 shows some examples of situations in which employees might blow the whistle and the procedure to use.

### **3. SAFEGUARDS**

#### **3.1 The Council's Assurances to you**

- 3.2 The council is committed to good practice and high standards and wants to be supportive of employees.
- 3.3 The council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement being made is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 3.4 It is understandable that whistleblowers are sometimes worried about possible repercussions. The council aims to encourage openness and will support employees who raise genuine concerns under this code, even if they turn out to be mistaken. However, please see Paragraph 6 regarding untrue allegations.
- 3.5 The council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest. This action will depend on the type of concern and specific service arrangements.
- 3.6 Employees must therefore not suffer any detrimental treatment as a result of raising a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a disclosure.
- 3.7 Employees must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.
- 3.8 On occasions, you may be asked whether you would be prepared to obtain further information. This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.
- 3.9 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

## 4. CONFIDENTIALITY

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, it is possible that we will be unable to resolve the concern raised without revealing identity (eg because your evidence is needed in Court) but if this occurs we will discuss this with you as to how we can proceed). Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.
- 4.2 All information will be handled sensitively and used only for its proper purpose.
- 4.3 Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

## 5. ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 If you don't tell us who you are, it will be much more difficult for us to look into the matter, protect your position and give you feedback.
- 5.3 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account will include:-
- 5.3.1 The seriousness of the issues raised
  - 5.3.2 The credibility of the concern
  - 5.3.3 The likelihood of confirming the allegation from attributable sources.

## 6. UNTRUE ALLEGATIONS

If you make an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against you. However, the Council will view very seriously any false or malicious allegations or allegations made for personal gain and disciplinary action may be taken against you under the Council's Disciplinary Policy.

Similarly if an agency worker, external secondee, volunteer etc makes malicious or vexatious allegations or allegations made for personal gain, then the Council will consider dispensing with their services.

## 7. HOW TO RAISE A CONCERN - INTERNALLY

- 7.1 Any concerns that you have may be raised orally or in writing and those who wish to make a written statement should set out the background and history of the concern (giving relevant dates) and the reasons why you are particularly concerned about the situation. (See Form attached at Appendix 2). The earlier you express your concern the easier it will be to take action. **REMEMBER – IF IN DOUBT RAISE IT.** You must make it clear that you are using this procedure.



- 7.2 The Council will not expect you to prove that your concern is true but you will need to demonstrate to the person contacted that there are reasonable grounds for you to raise the issue.
- 7.3 It is perfectly acceptable for you to discuss your concern with a colleague and you may find it more comforting to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.4 If you have a concern about any malpractice/wrongdoing, we hope you will feel able to raise it first with your Line Manager or their superior. If you feel unable to raise the matter with your Line Manager or their superior, then please raise the matter with your Chief Officer.
- 7.5 If the above channels have been followed and you still have concerns or if you feel that the matter is so serious that you cannot discuss it with your Line Manager, their superior or your Director or you consider that it is not appropriate (e.g. you are a contractor, supplier, Councillor or member of the public), then you can contact the Council's Monitoring Officer (01753) 87503647.
- 7.6 Where your complaint relates to the Monitoring Officer and/or the Section 151 Officer you should contact the Chief Executive on (01753) 875207000. If you are unhappy about raising your concern internally then you are at liberty to whistleblow externally under Paragraph 10 below.
- 7.7 Where your complaint relates to the Chief Executive you should contact the Monitoring Officer on 01753 875036-047.
- 7.8 Where Council members have concerns, they may wish to first discuss matter with their Group Leaders.
- 8. HOW THE COUNCIL WILL HANDLE THE MATTER (See flowchart at Schedule 3)**
- 8.1 Within 5 working days, the person with whom the concern was raised will acknowledge its receipt in writing, irrespective of how the concern was raised.
- 8.2 Where the concern has been raised with a manager, (s)he together with an HR Adviser (or other relevant representative eg from Audit or Child Protection Unit) will decide whether the matter needs to be referred to a more senior officer e.g. Director, Section 151 Officer, Monitoring Officer or Chief Executive.
- 8.3 Investigation does not imply either acceptance or rejection of an individual's concerns
- 8.4 The initial enquiry will be undertaken, wherever possible within 10 working days, by the most appropriate Officer(s). This will not involve a detailed investigation, however, sufficient information will need to be gathered in order that a decision can be made as to whether further investigation will take place.
- 8.5 Where appropriate, the matters raised may:
- 8.5.1 be investigated by management, internal audit, or through the disciplinary process

- 8.5.2 be referred to the police
  - 8.5.3 be referred to the external auditor or other external investigation
  - 8.5.4 form the subject of an independent inquiry
  - 8.5.5 be investigated under another procedure e.g. child/adult protection
  - 8.5.6 be investigated under other forms of prosecution and inspection e.g. to protect public health and safety
- 8.6 In order to protect individuals and those accused of misdeeds or possible malpractice or wrongdoing, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.7 Within fifteen working days of a concern being raised, the person with whom the concern has been raised will write to the individual who raised the matter:
- 8.7.1 indicating how they propose to deal with the matter
  - 8.7.2 giving an estimate of how long it will take to provide a final response
  - 8.7.3 informing them whether any initial enquiries have been made
  - 8.7.4 supplying them with information on staff support mechanisms, and
  - 8.7.5 informing them whether further investigations will take place and who will conduct that investigation, or
  - 8.7.6 explaining the reasons why no investigation is to be carried out.
- 8.8 It may be necessary, as part of the investigation, to obtain additional information from the individual who raised the concern.
- 8.9 The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the concern until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud.
- 8.10 The Council accepts that individuals who raise a concern need to know that the matter has been properly addressed. Thus, subject to legal constraints, the employee will be given feedback on any action taken. However, it will not include information relating to specific individuals, which will remain confidential.

## **9. HOW THE MATTER CAN BE TAKEN FURTHER**

- 9.1 This policy and procedure is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes employees will be satisfied with any action taken. If not, and they feel it is right to take the matter outside the Council, the matter can be raised with the relevant organisation(s) as listed in Schedule [24](#).

- 9.2 There may be circumstances where an employee considers that (s)he needs to raise the matter externally. This may be because, for example, there is a need to involve the appropriate external regulatory body, or the employee considers that the matter has not been properly addressed, or that an employee reasonably believes that the matter will be covered up.
- 9.3 If an employee is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice or wrongdoing at work.
- 9.4 Further information can also be obtained from the website of the employment service, ACAS (the Advisory, Conciliation and Arbitration Service) at [www.acas.org.uk](http://www.acas.org.uk).
- 9.5 In circumstances where an employee decides to raise the matter externally, (s)he will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the PIDA. This means that the disclosure must fall under one of the categories listed in paragraph 4 above and must be made in one of the following ways:
- 9.5.1 in the course of obtaining legal advice
- 9.5.2 to a prescribed regulatory body (listed in Schedule 4) provided the employee reasonably believes the prescribed body is responsible for the matter of concern and that the allegations are substantially true;
- 9.5.3 to other third parties where the employee makes the disclosure:
- (a) with reasonable belief that the information and allegations are substantially true, and
  - (b) does not make the disclosure for personal gain, and
  - (c) has already raised the matter with the Council or prescribed regulator, unless the employee reasonably believes that (s)he will suffer a detriment, or there is not prescribed regulator and (s)he reasonable believes that evidence will be concealed or destroyed if (s)he makes the initial disclosure to the Council, and
  - (d) in all of the circumstances it is reasonable to make the disclosure.
- 9.5.4 The disclosure is of an exceptionally serious nature and the whistleblower makes the disclosure:
- (a) with reasonable belief that the information and allegations are substantially true, and
  - (b) does not make the disclosure for personal gain, and
  - (c) in all of the circumstances it is reasonable to make the disclosure.

9.5.5 Council employees who wish to take the matter outside the Council should check with their Trade Union/Professional Association Representative, Human Resources or statutory body that they are not in breach of the Council's Code of Conduct.

9.5.6 Council employees should not, in any circumstances, approach the media/press.

**Important:**

**All employees must not, under any circumstances attempt to obtain any further information covertly either directly or indirectly without first having complied with the Council's procedures in relation to staff surveillance which can be found in the Regulation of Investigatory Powers (RIPA) Policy – a copy of this is available on the intranet. Failure to do so may infringe Human Rights and render the Council liable to legal action.**

**10. SUPPORT FOR EMPLOYEES RAISING A CONCERN AND OTHERS AFFECTED BY THE RAISING OF A CONCERN**

10.1 The Council is committed to good practice and high standards and wants to be supportive of individuals who raise concerns.

10.2 The Council will also support individuals affected by the raising of a concern as appropriate.

10.3 Council employees experiencing stress as a result of their involvement in this process can seek counselling and support through the Council's Employee Assistance Programme.

10.4 Council employees can also approach their Trade Union or a statutory body such as the General Medical Council (GMC) or Nursing and Midwifery Council (NMC) for advice/support throughout the procedure.

10.5 Council employees may also approach their Employee Support Group for support throughout the procedure.

10.6 The employee may find it helpful to involve his or her manager, particularly if they can identify specific support that would be helpful and which the manager feels are reasonable.

10.7 The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern, eg if they are required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure and, if necessary, be fully prepared for a Court appearance.

10.8 Where the raising of a concern affects a group of staff, the relevant manager will, having made an assessment, take appropriate action to support the workgroup.

## **11. RESPONSIBILITIES**

### **11.1 Staff and others working at the Council**

11.1.1 To be aware of this policy and procedure.

11.1.2 In making any disclosure to tell us if you have a direct personal interest in the matter.

### **11.2 Managers**

11.2.1 To make their staff aware of this policy and procedures.

11.2.2 To encourage a positive open working culture for staff and others working at the Council to express easily their concerns.

11.2.3 To take concerns seriously

11.2.4 To guide staff to the most appropriate route.

## **12. REVIEW OF THIS POLICY**

This policy will be reviewed annually by the Council. The Responsible Officer for the maintenance and operation of the policy is:

The Monitoring Officer  
Slough Borough Council  
St Martin's Place  
51 Bath Road  
SLOUGH  
SL1 3UF

Tel. (01753) 87503647

## **SCHEDULE 1 – SITUATIONS IN WHICH EMPLOYEES MIGHT BLOW THE WHISTLE**

### **1. EXAMPLE ONE**

You are working in an area which regularly engages outside contractors. You have noticed how the one which has been named Council's preferred supplier doesn't deliver on time or to budget. Your Chief Officer who is very friendly with one of the staff in the contracting firm, doesn't appear to share your concerns, but is quick to make excuses for them. Senior management seem to have accepted these explanations and don't seem to be concerned. You suspect your Director may be receiving inducements. What should you do?

Report the suspicion to the Monitoring Officer.

### **2. EXAMPLE TWO**

You are in the gym within a Council leisure facility and you notice that everyone using a piece of equipment is now complaining of back trouble. You see that one part of it is loose, but, despite reporting it to the manager of the leisure facility, nothing had happened. What should you do?

Report the matter immediately to the Head of Health & Safety under the Health & Safety policy. Allow a reasonable time for the problem to be resolved and ask about progress. If you have genuine concerns that nothing is being done, contact the Monitoring Officer.

### **3. EXAMPLE THREE**

You work for a contractor in the staff restaurant, and over the past few weeks you notice a member of staff who doesn't seem to be paying for their food. You put this down to your error or their genuine mistake. However recently you notice the same person doing this on a daily basis. You are not sure what to do and you are worried because you did not report it the first time. What should you do?

Report the incident immediately to your Line Manager or their superior. If the concern involves your Line Manager or their Superior or your Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Monitoring Officer.

### **4. EXAMPLE FOUR**

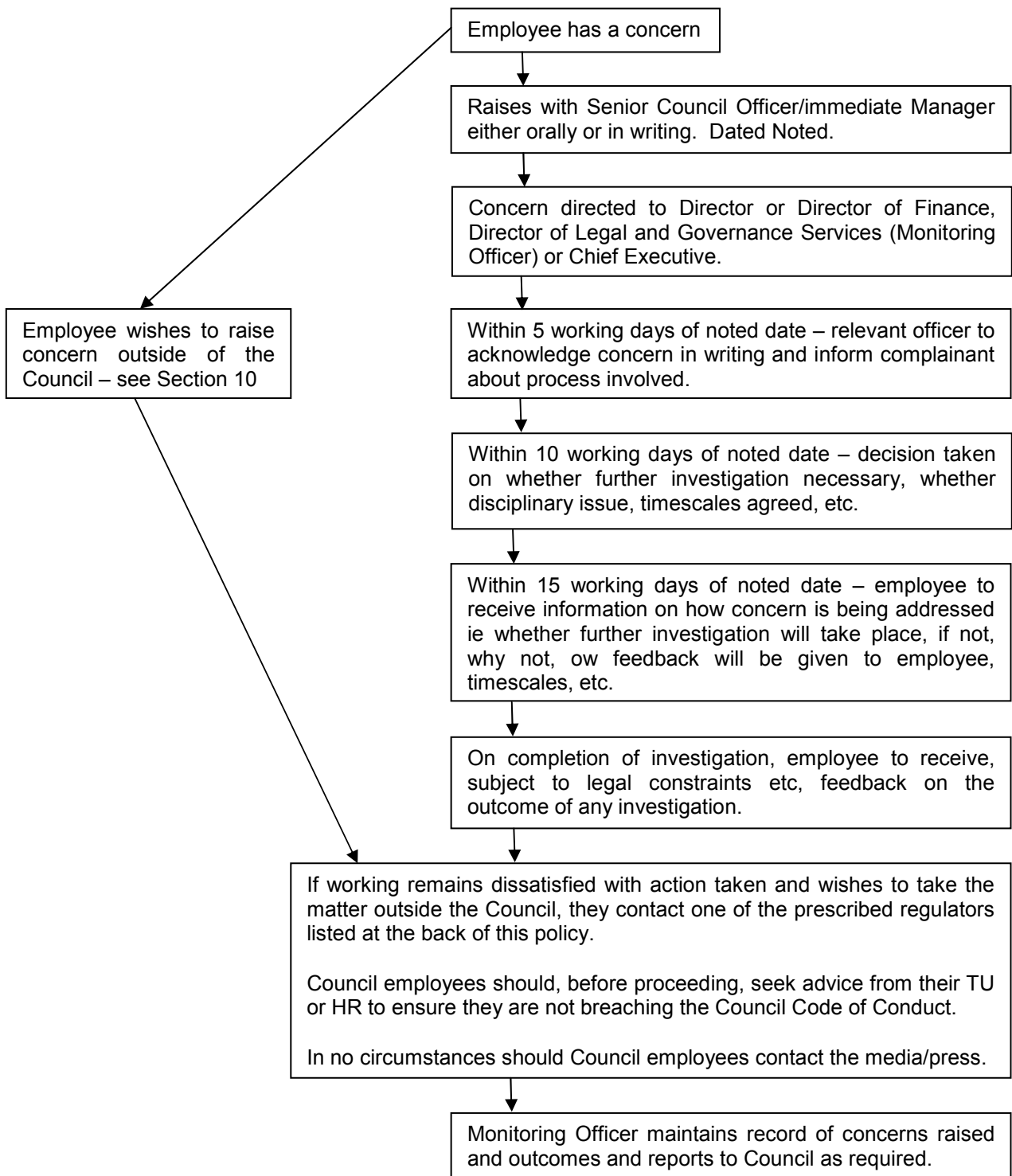
You start work at the Council in an administrative role. It isn't long before you become aware that false claims for expenses are being made by certain people in your department. What should you do?

Report the incident immediately to your Line Manager. If the concern involves your immediate Line Manager or their Superior or Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Monitoring Officer.

## SCHEDULE 2 – LIST OF EXTERNAL BODIES

<u>NAME &amp; ADDRESS</u>	<u>AREA OF CONCERN</u>
Public Concern at Work Suite 306, 16 Baldwins Gardens London, EC1N 7RJ (Tel. No. 0207 404 6609)	All matters of malpractice and/or wrongdoing.
Local Government Ombudsman The Commission for Local Administration in England 10th Floor Millbank Tower Millbank London, SW1P 4QP (Tel. No. 0207 217 4620)	Maladministration – causing injustice to a member of the public.
Thames Valley Police Windsor Road Slough, Berkshire (Tel. No. 08458 505 505) or CRIMESTOPPERS Tel. (0800 555 111)	Breach of the Criminal Law
Headquarters: Fraud Squad Thames Valley Police c/o Loddon Valley Police Station Rushey Way Lower Earley, Reading Berkshire, RG6 4PS (Tel. No. 01189 181 818)	Fraud and Public Sector Corruption
The Health & Safety Executive Priestley House Priestley Road Basingstoke, Hants (Tel. No. 0845 300 9923)	Health & Safety dangers
National Customer Contact Centre P O Box 544 Rotherham S60 1BY	Environmental dangers.
Inspection Unit Unit 6, Commerce Park Brunel Road Theale (Tel. No. 01189 306 000)	Poor care practice/abuse in registered establishments, including care homes.

**SCHEDULE 3 – Flowchart showing how whistleblowing matters will be handled**





## **Part 5.3 Local Code of Conduct for Employees**

**STATUS:** This Code is binding on all Council employees other than those based in Schools whose employment terms are determined by Governing bodies. Any breach of the Code and the standards it sets will result in disciplinary action as could be an accessory to such a breach. The Authority requires that all employees operate within the law, as unlawful or criminal behaviour, even away from work, will lead to action against you. A breach of some rules can be so serious as to be deemed to be gross misconduct. This will entitle the Authority to dismiss you for a first offence without notice under the Authority's Disciplinary Procedure.

**CONTACT:** It is your responsibility to read this Code and work in accordance with it. If you are unsure about any aspect, check it with your line manager or Human Resources.

### **Contents**

- 1. Introduction**
- 2. Principles**
- 3. Breach of the Code**
- 4. Political Neutrality**
- 5. Working with Elected Members**
- 6. Politically restricted posts**
- 7. Working Relationships**
  - (a) Elected Members**
  - (b) Local community and service users**
  - (c) Work Colleagues**
  - (d) Contractors and suppliers and other partners in service provision**
  - (e) Candidates for jobs**
  - (f) Dealing with the media**
- 8. Duty to Declare Interests**
- 9. Outside Work**
- 10. Gifts and Hospitality**
- 11. Handling Authority Money**
- 12. Intellectual Property**
- 13. Protecting Confidential Information**
- 14. Working safely**
- 15. Use of Facilities**
- 16. Reporting Concerns**

## CODE OF CONDUCT FOR EMPLOYEES

### 1. Introduction

- 1.1 This Code of Conduct is incorporated into your contract of employment. It sets out the responsibilities and standards Slough Borough Council (the Authority) expects of you and the values it expects all staff to uphold. In carrying out your duties you are expected

To promote:

- The highest standards in public life
- Harmonious working relationships
- The Council's values and priorities

### 2. Principles

- 2.1 This code meets the recommendations of the Nolan Committee on Standards in Public Life. The seven principles for those working in Slough Borough Council to observe are:

- **Selflessness** – you should act solely in terms of the public interest.
- **Integrity** – you must not place yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not take decisions in order to gain financial or other material benefits for yourself, your family or your friends. You must declare any interests and relationships and take steps to resolve any conflicts arising in a way that protects the public interest.
- **Objectivity** – you must act and take decisions impartially, fairly and on merit using the best evidence and without discrimination.
- **Accountability** – you are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.
- **Openness** – you should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** – you should be truthful.
- **Leadership** - you should promote and support these principles by leadership and by example and be willing to challenge poor behaviour wherever it occurs.

## 2.2 Whilst working for the Authority

You must:

- Comply with the Authority's constitution, service requirements, policies, standards, relevant legislation and professional standards which apply to your role.
- Comply with the procurement rules and financial regulations on the award of contracts and orders.
- Declare to your Director any potential or actual conflicts of interest or relationships that may impact on your work or that of the Authority.
- Report any concerns or breaches of this Code to your manager or in accordance with the Authority's whistleblowing policy.
- Ask your manager if you are unsure of what is required of you.

## 3. Breach of this Code

- 3.1 Breaches of this Code (inside or outside of work) will be investigated and may result in disciplinary action. Serious breaches of the Code may be considered gross misconduct and result in dismissal without notice.

## 4. Political Neutrality

### 4.1 When working for the Authority

You must:

- Remain politically neutral and objective in your work role.
- Not allow your personal or political opinions to interfere with your work.

## 5. Working with Elected Members

- 5.1 You serve the Authority as a whole and not just Members of the ruling political group.

You must:

- Work for all Members and give them appropriate and impartial advice;
- Deal with Members with respect and in a fair and even handed manner.
- Ensure that working relationships are kept on a professional basis.

## 6. Politically Restricted Posts

- 6.1 To ensure political impartiality, certain posts are by law politically restricted. This means that if you hold such a post:

You must not:

- Stand as a candidate for election to a local authority, Parliament or the European Parliament.
- Hold office in a political party.
- Canvass at any election for a political party or candidate.
- Speak or write publicly on politically controversial issues or demonstrate support for a political party or candidate.

6.2 Human Resources holds a list of the posts that are politically restricted. This includes posts where employees regularly advise Committees or Sub-Committees; and where employees regularly deal with the media on behalf of the Authority.

## 7. Working Relationships

7.1 You must demonstrate your commitment to diversity and equality in carrying out the full requirements of your role and behave at all times with respect, courtesy and in a reasonable manner.

- **Elected Members** – In addition to this Code there is a Local Code Governing Relations Between Elected Members and Council Employees that governs your working relationship with Elected Members
- **Local community and service users** – You must remember your responsibility to the community that you serve and ensure courteous, efficient, impartial service delivery to all groups and individuals within the community in accordance with the Authority's policies.
- **Work Colleagues** – your relationship with your work colleagues must be professional, supportive, cooperative and respectful. You should not have day to day managerial responsibility or decision making responsibility relating to pay, discipline, and promotion for someone to whom you are related or with whom you have a close personal relationship. You must comply with the Authority's human resources policies and procedures.
- **Contractors and suppliers and other partners in service provision** – all your relationships of a business or private nature with external or potential contractors/suppliers/partners must be made known in writing to your Director and you must comply with the Authority's procedure for declaring interests. Orders and contracts must be awarded on merit, by fair competition against tenders and no special favour should be shown in the tendering process to businesses run by friends or relatives. No part of the local community should be discriminated against.
- **Candidates for jobs** – whether for temporary, fixed term or permanent roles candidates must be appointed on merit, You should not be involved in the recruitment, selection, promotion or appointment of a spouse, partner, close family member i.e. mother, father, sibling, offspring or other person with whom there is a close personal relationship.

- **Dealing with the media** – only authorised officers may speak, write or give interviews to the media on behalf of the Authority. Otherwise all media requests should be referred to the Communications Office. This does not apply to an employee acting as a spokesperson for one of the Authority's recognised trades unions in the pursuit of legitimate industrial relations activities

## 8. Duty to Declare Interests (pecuniary and non-pecuniary)

8.1 You are responsible for declaring in writing to your Director any interest (financial or non-financial) relating to yourself, a family member or friend which conflicts or appears to conflict with the Authority's interests and the requirement for you to conduct yourself with integrity, impartiality and honesty. This includes interests, relationships and associations related to:

- The award of contracts
- The supervision of contracts
- The recruitment, promotion and management of personnel
- The provision of services to members of the community
- The awarding of grants to any voluntary organisation with which you are connected
- Access to confidential information
- The sponsorship of community organisations or events

8.2 You must declare membership of any organisation or pressure group which may seek to influence the policies of the Council.

8.3 You must declare membership of any organisation whose membership is not open to the public and that has a commitment of allegiance or whose rules or membership or conduct are secret. This includes the freemasons.

8.4 Your actions during your off duty hours can impact on your employment with the Authority. Subject to the Rehabilitation of Offenders Act 1974, you must declare any criminal charges, criminal prosecutions and sentences including cautions

8.5 You must declare if a family member, partner or close friend becomes a Councillor.

8.6 Employees fall into two categories in relation to declarations:

- **Category A staff** – those staff in a position to influence: the selection of contractors/consultants; the granting of planning and licence consents; negotiations affecting land and property; and the disclosure of confidential information concerning commercial dealings and third parties. These staff must complete an annual return to be given to their Director and included in the confidential register maintained by the Monitoring Officer.
- **Category B staff** – all other staff who may have a conflict of interest are required to make a written declaration to their Director who will maintain a confidential departmental register.

## **9. Outside Work (paid, unpaid or voluntary)**

9.1 You are not prohibited from undertaking outside work whether paid or unpaid providing that, in the Authority's view, this does not conflict with or be to the detriment of your role with the Authority or conflict with the Authority's interest.

9.2 You must obtain written consent from your Director in advance, if seeking to undertake outside work.

9.3 Where outside work has been authorised, you must not use the Authority's facilities (including telephone, photocopies, computers/software, accommodation) for such work unless authorised to do so.

9.4 Examples of outside work include, but are not limited to:

- Being a director, agent or professional advisor to a company.
- Consultancy work.
- Lecturing.
- Being a school governor, special constable or magistrate.
- Volunteer with a charity/voluntary organisation.
- Driving a mini cab.

## **10. Gifts and hospitality**

10.1 As a Council Officer it is important that you treat any offer of gifts or hospitality with great care as acceptance may call into question your integrity. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community.

You must:

- Make sure that the acceptance of any modest gifts or hospitality is authorised by your Director in accordance with the Authority's procedures.
- Report in writing to your Director all offers of gifts or hospitality even if not accepted by you

You must not:

- Accept personal gifts (monetary or otherwise), loans, fees, rewards, favours, invitations to social, sporting or other events or any advantage from potential or existing contractors, outside suppliers, planning applicants or their agents, grant applicants, Councillors or service users. All such officer must be reported in writing to your Director in accordance with the Authority's procedures.

- Accept gifts or favours from vulnerable service users to whom you may provide care or support. Offers of such gifts or favours from their relatives and friends must also be refused. You must refer to the Social Services procedure regarding such gifts.
- 10.2 Where the refusal of an unsolicited gift may cause offence, the gift may be donated to the Mayor's official charity and the donor informed in writing.
- 10.3 The offering, giving, soliciting or acceptance of an inducement or reward for doing or not doing anything or showing favour or disfavour to any person in your official capacity is to act corruptly and is a serious criminal offence.

## **11. Handling Authority Money**

- 11.1 The Authority is a publically funded organisation. When dealing with the Authority's funds you must be familiar with Procurement Rules, Financial Regulations, the Financial Scheme of Delegations and any other relevant procedures.

You must:

- Use Authority funds in a responsible, accountable and lawful way.
- Comply with Financial Regulations and any other relevant procedures.
- Take legal and financial advice where appropriate.
- Seek value for money.
- Report any suspected financial irregularity, corruption or fraud to your manager or via the whistleblowing procedure.

## **12. Intellectual Property**

- 12.1 The Authority retains the intellectual property rights in all work undertaken by its employees. Research, reports, designs, drawings, software development or similar work remain the property of the Authority and should not be passed onto a third party without the express consent of the Authority in writing.

## **13. Protecting Confidential Information**

- 13.1 The Authority supports open government. The law requires that certain types of information are available to Elected Members, auditors, government departments, service users and the public. Guidance is given in the Constitution on the disclosure of information including the Access to Information Rules and the Local Code Governing Relations between Elected Members and Council Employees.
- 13.2 Unless the individual/organisation gives informed consent to its release, certain information must be kept confidential.

This includes:

- Personal information relating to service users or third parties.
- Personal information relating to employees or candidates for employment.
- Financial or other information which could prejudice the Authority's interest, if revealed.
- Information provided by contractors relating to their bids or tenders for a contract. Such information is commercial in confidence both during and for a time after the tender process.

13.3 Maintaining confidentiality of sensitive information is essential. Any such breach could lead to the Authority being fined by the Information Commissioner.

You must:

- Comply with the Authority's policies and procedures on information security.
- Report any suspected breach of information security.

You must not:

- Use any information obtained in the course of your employment for your personal gain.
- Pass on any such information to third parties.
- Access or attempt to access information for which you have no access authorisation.

13.4 All requests under the Freedom of Information Act 2000 and the Data Protection Act 1998 must be forwarded to your Director.

## **14. Working Safely**

14.1 The Authority meets its statutory obligations by taking all reasonable and practicable steps to provide a safe and healthy working environment and to ensure that all reasonable steps are taken to protect the health and safety of its service users.

14.2 All employees are expected to know and to follow the appropriate health and safety requirements in their work area.

14.3 Managers are responsible for arranging appropriate health and safety training for employees.

14.4 Any health and safety problems must be reported immediately to the manager responsible for the area concerned.



## **15. Use of Facilities**

15.1 The facilities and equipment provided as part of your work belong to the Authority.

You must:

- Comply with health and safety regulations and use personal protective equipment as required.
- Take care of Authority property and equipment; keeping it secure; and reporting any breakages or breaches in security.
- Use equipment, vehicles and facilities including stationery, printing, photocopying, and computers for authorised purposes only.

## **16. Reporting Concerns**

16.1 The Authority expects its employees to act in the public interest and to report impropriety, breach of procedure or failure in the manner in which services are being provided.

You must:

- Report any activity which you believe is illegal, improper, unethical, dangerous or a breach of this Code.
- Your report should be to your line manager or if more appropriate to a more senior manager or in accordance with the Authority's whistleblowing policy.

16.2 The whistleblowing policy gives protection to employees who raise concerns that are in the public interest.

16.3 Concerns about your own employment should be raised with your manager or if more appropriate to a more senior manager or in accordance with the Authority's grievance policy.

This page is intentionally left blank

# **Part 5.4 Local Code Governing Relations Between Elected Members and Council Employees**

(also known as the Member and Officer Relations Code)

## **CONTENTS**

1. Introduction
  2. The Roles of Members and Officers
  3. Expectations
  4. Personal Relationships
  5. Contact between Members and Officers
  6. Commissioners/Chairs and Senior Officers
  7. Opposition Members
  8. Political Groups
  9. Conduct at Meetings and Social Events
  10. Constructive Criticism / Complaints
  11. Correspondence
  12. Local Issues
  13. Ceremonial Events
  14. Recruitment, Appointment and Other Staffing Matters
  15. Public Relations and Press Releases
  16. Members' Access to Information and Council Documents
    - Requests for information and research
    - Access to documents
    - Local Conventions
    - Use of Council Information – confidentiality
  17. When things go wrong.
- Reference & Contact Guides
- Appendix 1 Guidance on Publicity during an Election Period

## **1. INTRODUCTION**

1.1 This Local Code (the Code) aims to:

- clearly describe the respective roles of elected Members and Council Employees (Officers).
- help all those concerned to understand the relationship between Members and Officers.
- offer a guidance framework on the issues which most commonly arise.

1.2 This Code is to a large extent a written statement of current practice and convention and forms part of the Ethical Framework approved by the Audit & Corporate Governance Committee and adopted by the Council as part of the Constitution. It seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and Officers and to which it is inextricably linked. The shared object of these documents is to enhance and maintain the integrity (real and perceived) of local government and thus the Codes demand very high standards of personal conduct. Accordingly this Code should be read in association with the Council's Constitution and, in particular, the Members' and Employees' Codes of Conduct

1.3 Monitoring compliance with this code is the responsibility of the Audit & Corporate Governance Committee and the Monitoring Officer. Questions of interpretation of this Code will be determined by the Monitoring Officer.

1.4 Further copies are available from the Committee and Member Services Section. A list of contact names and telephone numbers is given towards the end of this Code.

## **2. THE ROLES OF MEMBERS AND OFFICERS**

2.1 The respective roles of Members and Officers can be summarised as follows:-

Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and to the Authority, and to carry out the Authority's work under the direction and control of the Council, the Cabinet, and relevant committees, etc.

Mutual respect between Members and Officers is essential to good local government.

## 2.2 **Members' Role**

Members have four main areas of responsibility:

- determining the budget and policy framework of the Authority and giving it political leadership,
- monitoring and reviewing the performance of the Authority in implementing that policy and delivering services
- representing the Authority externally, and
- acting as advocates on behalf of their constituents.

It is not the role of Members to involve themselves in the day to day management of the Authority's services.

## 2.3 **Officers' Role**

The Role of Officers is to:-

- manage the organisation
- initiate policy proposals which accord with the overall framework set by Members
- manage the implementation of policy
- give professional advice in the course of policy development
- take action under delegated powers
- ensure the Council acts lawfully and with financial propriety

## 3. **EXPECTATIONS**

### 3.1 **Members can expect from Officers:**

- (a) A commitment to the Authority as a whole, and not to any political group.
- (b) A working partnership.
- (c) An understanding of and support for respective roles, workloads and pressures.
- (d) Timely response to enquiries and complaints.
- (e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers.
- (f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- (g) Awareness of and sensitivity to the political environment.
- (h) Respect, dignity and courtesy.
- (i) Training and development in order to carry out their role effectively.
- (j) Integrity, mutual support and appropriate confidentiality.
- (k) Not to have personal issues raised with them by Officers outside the agreed procedures.
- (l) That Officers will not use their relationship with Members to advance their personal interests or to influence decisions improperly.
- (m) That officers will at all times comply with the relevant Codes of Conduct.

- (n) Support for the role of Members as the local representatives of the Authority, within any scheme of support for Members which may be approved by the Authority.

### **3.2 Officers can expect from Members.**

- (a) A working partnership.
- (b) An understanding of and support for respective roles, workloads and pressures.
- (c) Political leadership and direction.
- (d) Respect, dignity and courtesy.
- (e) Integrity, mutual support and appropriate confidentiality.
- (f) Not to be subject to bullying or to be put under undue pressure.  
Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Members and Officers, and the potential vulnerability of Officers, particularly at junior levels.
- (g) That Members will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly.
- (h) That Members will at all times comply with the relevant Codes of Conduct.

3.3 The distinct roles of Members and Officers necessarily impose limitations upon behaviour. These are referred to and explained below.

## **4. PERSONAL RELATIONSHIPS**

4.1 Mutual respect between Members and Officers is essential to good local government. Close personal familiarity in public between individual Members and Officers can damage this relationship and should be avoided as it can prove embarrassing to other Members and Officers.

4.2 However, the Council recognises that there may be close social or personal relationships between Members and Officers that have commenced before, or after, a Member is elected to the Council or before, or after, a person becomes employed by the Council. In a large organisation this may be inevitable. In order to maintain the integrity of the individuals concerned and the Council, such relationships should never be hidden. To do so can lead to suspicion and mistrust.

4.3 Accordingly, the Member must declare, in writing, to the Monitoring Officer and his/her Leader/Party Whip any relationship with an Officer which might be seen as influencing his/her work as a Member and the Officer must notify their Director in writing. This includes any family relationships.

4.4 The Group Leaders and Directors will endeavour to ensure that neither the Member nor the Officer are placed in a position where such relationship between the two will be seen to conflict with the provisions of this Code.

## **5. CONTACT BETWEEN MEMBERS AND OFFICERS**

- 5.1 Contact between Members and Officers should normally be at a Senior Officer level since junior officers might feel unduly pressurised to comply with requests from Members and this might disrupt work programmes already agreed with their managers. For the purposes of this Code 'Senior Officer' means Directors, Assistant Directors and Head of Service/3<sup>rd</sup> tier Officers.
- 5.2 Members have the right to contact directly the Chief Executive, Directors and senior staff when they feel it necessary to do so. Equally, when it comes to routine matters, such as giving apologies for absence from meetings, it is quite in order for Members to contact more junior staff directly. Any other matters should be referred to senior staff, the Chief Executive or Directors including any occasion when a Member feels that the action being taken is wrong or is not being pursued with sufficient vigour.
- 5.3 Members are elected to represent the interests of their constituents, but they should not seek special treatment for any individual. When dealing with Officers, they must declare any special relationships they have with the constituents concerned.
- 5.4 The role of Officers is to give advice and information to Members and to implement the policies determined by the Council. In giving such advice to Members, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. Whilst an Officer may report the views of individual Members on an issue, if the Member wishes to express a contrary view s/he should not seek to pressure the Officer to make a recommendation contrary to the Officer's professional view.
- 5.5 Certain officers e.g. Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Authority and to individual Members, and Members must respect these obligations, must not obstruct Officers in the discharge of these responsibilities, and must not victimise Officers for discharging them.
- 5.6 Members should not bring or attempt to bring undue influence to bear on an Officer to take any action that is:
- against an adopted policy or procedure
  - a breach of the Local Code of Conduct for Employees
  - in conflict with the Council's Procedural Rules or Financial Regulations
  - capable of being interpreted as intimidation or bullying.
- 5.7 Officers have a duty to report any attempt to exert undue pressure or influence to their Director who in turn will refer the matter to the Chief Executive. The procedure for doing this is described in the Local Code of Conduct for Employees.

5.8 A note will be taken of all meetings dealing with matters of significance between Members and Officers, setting out where appropriate, (1) advice given by officers, (2) decisions taken by officers and Members individually and collectively, and (3) actions arising from the meeting. This note will be agreed by all parties **at the conclusion of the meeting**. The note will subsequently be circulated to those present within 10 working days unless a shorter or longer timeframe is expressly agreed by all parties.

## **6. COMMISSIONERS LEAD MEMBERS/CHAIRS AND SENIOR OFFICERS**

6.1 It is clearly important that there should be a close working relationship between a Cabinet Commissioner Lead Member or Chair of a Committee/Sub-Committee and the Director and other senior officers of any Department which falls within the Commissioner's Lead Member's portfolio or report to that Committee/Sub-Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members. Officers must ensure their political neutrality is not compromised.

6.2 While a Commissioner Lead Member, Chair of a Committee/Sub-Committee will/may routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a Director will be under a duty to submit a report on a particular matter. Similarly, the named author will always be fully responsible for the contents of any report submitted by their Department.

6.3 This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between a Commissioner Lead Member/Chair and a Director in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

6.4 In addition to the Commissioner's Lead Member's/Chair's briefing before any Cabinet, Committee/ Sub-Committee meeting, minority group representatives will also be afforded the opportunity of a briefing through their appropriate spokespersons.

6.5 In relation to action between meetings, it is important to remember that, under the executive arrangements adopted by the Council, decisions (relating to the discharge of any of the Council's functions) are taken by the Cabinet, a Committee, a Sub-Committee or an Officer under delegated authority. There is no provision for such decisions to be taken by a Chair, a Commissioner Lead Member or indeed by any other single Member.

6.6 At Cabinet/Committee/Sub-Committee meetings, a resolution may be passed, which authorises named Officers to take action between meetings in consultation with the Chair. It must be recognised that it is the Officer, rather than the Chair, who takes the action and it is the Officer who is accountable for it.



- 6.7 Finally, it must be remembered that Officers within a Department are accountable to their Director and that whilst Officers should always seek to assist a Chair (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director. Members should not put staff in a position where there would be conflict between themselves and their line manager, or other Senior Officer.

## **7. OPPOSITION MEMBERS**

- 7.1 As individual Members, all Councillors have the same rights and obligations in their relationship with Officers and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between Officers, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

## **8. POLITICAL GROUPS**

- 8.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council. Special rules apply to Political Group Assistants and those postholders have been made aware of them through separate guidance.
- 8.2 There is now statutory recognition for party political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by political groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 8.3 The support provided by Officers can take many forms, ranging from a briefing meeting with the Leader of the Council, a [Commissioner/Lead Member](#)/Chair/ Spokesperson prior to a Council, Cabinet, Committee or Sub-Committee meeting to a presentation to a political group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever political group is in control of the Council at the time, such assistance is available to all political groups.
- 8.4 Certain points, however, must be clearly understood by all those participating in this type of process, Members and Officer alike. In particular:
- (a) Requests for Officers to attend any political group meeting must be made through the appropriate Director. The Director will advise the Chief Executive of any requests made.

- (b) Unless otherwise agreed in advance with the Chief Executive, Officers will not attend political group meetings that include persons who are not Members of the Council. However, where the Chief Executive has authorised such attendance special care needs to be exercised by Officers involved in providing information and advice to such political group meetings. Persons who are not elected Members will not be bound by the Local Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.
- (c) Officer support (whether in the form of a written report or otherwise) must not extend beyond providing information and advice in relation to matters of Council business. Officer support will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Reports or other support will not deal with any political implications of the matter or any option, and Officers will not make any recommendations to a political group. Officers (with the exception of Political Group Officers) are not expected to be present at meetings or part of meetings when matters of party business are to be discussed.
- (d) Political group meetings, whilst they form part of the preliminaries to Council decision making are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
- (e) It must not be assumed by any political group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- (f) Any request for advice, together with the advice given to a political group or Member will be treated with strict confidentiality by the Officers concerned and will not be accessible to any other political group. It is acknowledged, however, that factual information upon which any advice is based will, if requested, be available to all political groups.
- (g) Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group or Member thereof. However, Members should be aware that this would not prevent Officers from disclosing such information to other Officers of the Council so far as is necessary to perform their duties.
- (h) Where Officers provide information and advice to a political group meeting in relation to a matter of Council business, it should be understood that the Officers have a statutory duty to provide all necessary information and advice to the Cabinet or relevant Committee/Sub-Committee when the matter in question is considered.

8.5 Any particular cases of difficulty or uncertainty in this area of Officer advice to political groups must be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

## **9. CONDUCT AT MEETINGS AND SOCIAL EVENTS**

9.1 Officers and Members should address each other formally at meetings of the Council, Cabinet, Committees, Sub-Committees and other formal meetings which both attend.

9.2 On such formal occasions Officers should refer to Members by the office they hold:

- Leader, or
- Chair, or
- Vice-Chair, or
- Councillor

and, where they are aware of it, respect an individual Member's preference for a particular type of formal address.

9.3 Members should avoid excessive informality at meetings and other official civic events and refer to Officers either by their job title or by their surname and the title Mr, Mrs, Miss or Ms, as appropriate.

9.4 At formal meetings and official civic events Members and Officers should dress and behave in a manner in keeping with the occasion and their position. ***This requires them to listen to proceedings and show respect and courtesy to all those present (including members of the public)***

9.5 The same degree of formality is not necessary at any informal meetings or social events that Members and Officers may attend. Nonetheless, by virtue of their role with the Council if Members and Officers are attending an event they should avoid close personal familiarity or any action which would embarrass others or damage their relationship with other Officers or Members.

## **10. CONSTRUCTIVE CRITICISM/COMPLAINTS**

10.1 It is important that in any dealings between Members and Officers they should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

10.2 Members and Officers should not criticise or undermine respect for the other at meetings of the Council or in any public forum. This would damage effective working relationships and the public image of the Council.

10.3 Members should not raise matters relating to the conduct or capability of an individual Council Officer or of Officers collectively at meetings held in public.

This is a long-standing tradition in public service as Officers have no means of responding to criticisms like this in public.

- 10.4 If Members feel that they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Officer or group of Officers they should raise the matter with the Director of the Department in question.
- 10.5 If the Member is not satisfied that action has been taken within a reasonable period, by the Director they should raise the matter with the Chief Executive who will look into the matter afresh.
- 10.6 Where an Officer feels that they have not been properly treated with respect and courtesy or is concerned about any action or statement relating to her/himself or a colleague by a Member they should raise the matter with their line manager, or other Senior Officer as appropriate. The procedure for this is described in the Local Code of Conduct for Employees.

## **11. CORRESPONDENCE BETWEEN MEMBERS AND OFFICERS**

- 11.1 Correspondence between an individual Member and an Officer on a matter relating to a single constituent should not normally be copied (by the Officer) to any other Member. Where, exceptionally, it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of “silent or blind copies” should not be employed.
- 11.2 ***However where the Member/Officer has legitimately copied in others it is in order for the Member/Officer replying to copy in those individuals with the response.***
- 11.3 In some cases issues are raised by, or with, individual Members relating to a matter of general interest in a Council Ward or individual Parish. Recognising that it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their Ward or Parish, copies of correspondence will normally be sent to all Members for the particular area unless the Member specifically requests that correspondence is not copied to other Members or, there is a political, or other reason, why this is not appropriate. Where correspondence is copied to other Members this will be made clear to the original Member.
- 11.4 Officer letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

## **12. LOCAL ISSUES**

- 12.1 Whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be informed or involved, as appropriate, not later than at the outset of the exercise. Similarly whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting.

## **13. CEREMONIAL EVENTS**

- 13.1 The Mayor, or in his/her absence the Deputy Mayor, will be the appropriate person to lead Council ceremonial events which are of particular significance or are not specifically associated with a particular CommissionerLead Member/ Committee/Sub-Committee. Similarly the Mayor, or in his/her absence the Deputy Mayor, will be the appropriate person to represent the Council at ceremonial events of other organisations which are not specifically associated with the Cabinet or a particular Committee/Sub-Committee.
- 13.2 Subject to the above paragraph, CommissionersLead Members, Chairs of Committees or Vice-Chairs in that order of preference are the appropriate representatives for ceremonial events within the scope of their portfolios/Committee's terms of reference. Where neither the CommissionerLead Member/Chair nor Vice-Chair of a Committee are available then any other Member may be nominated by the appropriate CommissionerLead Member/Chair.
- 13.3 Local Members should always be informed of, and, where possible, invited to ceremonial events taking place within their own Wards, as should Parish Councillors as appropriate.
- 13.4 Any Member taking part in a ceremonial event must not seek disproportionate personal publicity nor use the occasion for party political advantage bearing in mind that the Member is representing the Council as a whole.

## **14. RECRUITMENT, APPOINTMENT AND OTHER STAFFING MATTERS**

- 14.1 A Member will not seek support for any prospective employee of the Council nor provide references in support of applications for employment by the Council.
- 14.2 *Any one* who may be involved in the selection or appointment process for a post with the Council shall immediately declare any relationship to a candidate as soon as it becomes known to him/her to the Assistant Director (Organisational Development and Human Resources) who shall record the declaration and determine whether or not the Member may take any further part in the selection/appointment process for that post.
- 14.3 If a Member is called upon to take part in selecting and appointing an Officer, with the exception of the appointment of assistants to political groups, the only

question s/he should consider is which candidate would best serve the whole Council. A Member should not let his/her political or personal preferences influence their judgement.

- 14.4. Inevitably there will be occasions when Council services are being reorganised or restructured. In such situations Members may be asked to comment on, discuss or approve proposals prepared by Officers. In these circumstances Member should consider such proposals in relation to the best interests of the Council and should not allow personal views on individual Officers affected by the proposals to influence their judgement. Similarly Members should not seek to influence other than as provided for in existing procedures, decisions related to redundancy, redeployment or promotion of individual Officers.
- 14.5 There is a presumption that Members must not get involved in staff disciplinary (misconduct or capability) or grievance issues as these are matters which the Head of Paid Service and/or the employee's Line Manager/Supervisor handle in accordance with the Council's adopted policies and procedures. However a Member will be entitled to get involved in such matters in the following limited circumstances:-
- a) Where the employee wishes to call the Member as a witness and the relevant Panel/Sub-Committee hearing the case considers that the Member has direct and material evidence relevant to the case (e.g. witness as to a fact).
  - b) Where a staff disciplinary or grievance issue has a direct bearing on a Ward matter or a matter raised with a Member by a constituent. In this case the Member will be informed of such information as is necessary to determine whether or not s/he has material evidence relevant to the case

Unless one of these three exceptions applies Members who seek to influence or otherwise involve themselves in such staffing matters may be in breach of this Code and the Local Code of Conduct for Members.

If Members are in any doubt as to their position they must seek advice from the Monitoring Officer.

- 14.6 ***If, in the course of performing their duties, Members receive allegations of misconduct by an Officer these should be referred with any supporting information to the appropriate Head of Service. If the complaint relates to a Senior Officer then it should be referred to the Officer's line manager. If the Member feels unable to raise the matter in this way then they can raise it with the appropriate Director. If the foregoing has been followed and the Member still has concerns or if s/he feels the matter is very serious then the Member may contact the Monitoring Officer or Chief Executive.***

- 14.7 Officers are entitled to reasonable privacy and respect for their private lives and Members should not seek or request personal information about individual Officers. Such a request could be seen as threatening particularly by junior Officers. Similarly Members should not seek to contact Officers outside of working hours or at home unless by prior agreement with the relevant Officer or under an existing provision or arrangement related to the Officer's employment with the Council. If a Member has reasonable grounds for believing matters related to an Officer's personal life have a bearing on their employment with the Council then the Member should report these concerns to the relevant Director. Similarly Officers must show similar respect for the private lives of Members.
- 14.8 The Council has legal obligations in relation to equal opportunities both as an employer and as a public body. Members are required to comply with these legal obligations and to adhere to the Council's equal opportunities policy in their dealings with staff. Similarly if a Member believes they have been subjected to unlawful discrimination or treated by Officers in a manner that contravenes the Council's equal opportunities policy then this should be reported to the Monitoring Officer.

## **15. PUBLIC RELATIONS AND PRESS RELEASES**

- 15.1 The Council's Corporate Communications Officers serve the Council as a whole and must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to affect public support for a political party.
- 15.2 Council press releases are drafted by Officers and will often contain quotations (within the limits of the Local Government Act 1986) from the Leader and/or Deputy Leader of the Council, a ~~Commissioner~~Lead Member, the Chair and Vice-Chair of the Committee or Sub-Committee whose service is involved and from the Mayor or Deputy Mayor about ceremonial events. Such press releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party political affiliation.
- 15.3 ***Political Groups and individual Members may use any Council resources allocated by the authority to issue Group or personal press releases or publicity relating to the business of the Council. If issued, these must contain a clear statement that it is a Political Group or personal publication to avoid any possibility of confusion with Council press releases.***
- 15.4 Further guidance on the legal constraints placed on local authority publicity during an election period is set out in **Appendix 1** to this Code.

## 16. **MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

### (a) **Introduction**

The following paragraphs identify the rights of Members and the procedures that they must comply with when applying for access to Cabinet/Committee/Sub-Committee papers and other documents/information. These paragraphs take into account the following:-

- ( i ) Local Government Acts 1972-2000 (particularly Schedule 12A)(Amended)
- ( ii ) D.o.E. Circular 6/86
- ( iii ) Relevant case law
- ( iv ) Access to Information Procedure Rules (Part 4.2 of the Constitution)

It is important to note that in some cases such access only applies where Members are clearly carrying out their role as elected representatives. Where a Member has a financial or personal prejudicial interest in a matter the Member will only be entitled to the same access as would be the case for a private individual, i.e. to inspect the reports, minutes and background papers relating to the public part of the Cabinet/Committee/Sub-Committee Agenda. In these circumstances, the Member must make it clear that s/he is acting in his/her private capacity and not as a Member of the Council.

### (b) **Confidential/Exempt Information**

It is self-evident that Members of the Council have the same rights as the public in seeking and obtaining Cabinet/Committee/Sub-Committee papers and other documents/information and so any requests from Members for such documents or information will be dealt with in the same manner as a request from the public. This will generally comprise reports and background papers which appear in Part I of Cabinet/Committee/Sub-Committee Agendas.

However, this is not the case in relation to confidential and exempt information.

Confidential information is:-

- ( i ) Information furnished to the Council by a Government Department on terms which forbid the disclosure of the information to the public, and
- ( ii ) Information which may not be disclosed by or under any enactment or by a Court Order.

Exempt information is information to which the public may be excluded but do not have to be. The categories of exempt information are set out in Schedule 12A to the Local Government Act 1972 (Amended) and are set out in Part 4.2 of the Constitution (Access to Information Procedure Rules). Generally, the



public should be excluded if exempt information is being considered unless there is good reason to the contrary. There may be some occasions when information may fall within one or more of the categories but nevertheless is suitable for the public to see without infringing personal rights or damaging the Council's position. For example, authorisation to issue an enforcement notice under the Town & Country Planning Act 1990 strictly falls within Category 6 but the report is considered in Part I as it is not considered that the Council's position is prejudiced by public disclosure. If there is doubt in relation to individual items then they should be kept confidential until the Cabinet/Committee/Sub-Committee has taken a view as to whether they should be treated as exempt or not.

(c) **Requests by Members – Procedures**

A Member is free to approach any Council Department to provide him/her with such information, explanation and advice about the Department's functions as s/he may reasonably need in order to assist him/her in discharging his/her role as a Member of the Council or acting for and on behalf of the Council as an appointed representative to another body. This can range from a request for general information or documentation about some aspect of the Department's activities, to a request for specific information on behalf of a constituent.

The following procedure should be adhered to when requesting documentation/information:-

- ( i ) Initially, the Director or ~~Head of Service~~ Service Lead of the Department concerned should be approached.
- ( ii ) If access is denied or the Director/~~Head of Service~~ Service Lead is in doubt, the matter must be referred to the Proper Officer in consultation with the ~~Head of Service~~ Service Lead, for decision. The Proper Officer is the Head of Democratic Services
- ( iii ) Where the Officers have refused access, then the matter can be referred to the Audit & Corporate Governance Committee for consideration.

Any requests for information made by Political Group Officers on behalf of Members of their Group should be treated in exactly the same way as if those Members had made the request themselves. The Political Group Officers, when making such requests should clearly indicate on which Member's behalf they are acting.

Requests for information not readily accessible will not be acceded to where the cost is unreasonably high or would unreasonably disrupt the work of the Council. Members will be asked to submit a written request for information which is either confidential (as defined), exempt (as set out in Schedule 12A to the 1972 Act) (Amended) or which will require significant resources to provide. A request for information form is available from Democratic Services.

(d) **Access to Cabinet/Committee/Sub-Committee Papers (including Background Papers) – Forthcoming Meetings**

The rights of Members can be summarised as follows:-

- ( i ) They generally enjoy the same access rights as members of the public in respect of Part I Cabinet/Committee/Sub-Committee papers, but are not entitled to such papers where they have a financial interest under the Local Government Act 1972, or personal and prejudicial interest as set out in the Local Code of Conduct.
- ( ii ) All Members have a statutory right of access to Cabinet/Committee/Sub-Committee agenda papers which relate to Part II exempt information under Categories 3 and 6 as shown at Appendix “1”. [With regard to information falling within paragraph 3 members do not have a statutory right to the information if it contains the terms of any proposed contract] Members do not have a right to disclose such documentation to the public or the press. (See *Paragraph (i) below - “Use of Council Information – Confidentiality”*)
- ( iii ) Members of the appropriate Cabinet/Committee/Sub-Committees will have a good reason for access to all Part II exempt information on the Cabinet/Committee/Sub-Committee agenda under the “Need to Know” principles set out in Paragraph (e) below.
- ( iv ) Members of the Overview & Scrutiny Committee will have a prima facie “Need to Know” where they require access to Part II Cabinet agenda items as part of their scrutiny function provided the subject matter is within the Committee/Sub-Committee’s terms of reference and accords with the approved protocols.
- ( v ) All other Members who require access to confidential/exempt Cabinet/Committee/Sub-Committee documentation will need to demonstrate a “Need to Know” by complying with the principles set out in Paragraph (e) below.

Members who have had access to Part II agenda items on a Cabinet/ Committee/ Sub-Committee Agenda above will be required to return such papers to the Head of Democratic Services (or his/her representative) immediately after the meeting has closed.

(e) **Access to Other Documents/Information – “The Need to Know”**

The common law “Need to Know” is the prima facie right of Members to inspect documents of the authority which exist because Members are under a duty to keep themselves informed of Council business which relates to their role as elected representatives. Thus, this right applies to Members who do not have statutory rights to exempt or confidential information and to other documents held by the Council.

The categories of exempt information to which Members do not have a statutory right of access relate principally to personal information about an

individual (whether current, former or prospective), who is an employee, or who has had dealings with the authority through its services/functions Where a Member wishes access to exempt information, s/he will need to demonstrate a specific “Need to Know” with evidence of a genuine concern that needs to be satisfied. This will establish the bona fides of the request. In the absence of such evidence access will be denied.

It is considered that a Member will have a prima facie “Need to Know” where s/he has a legitimate Ward problem and needs access to the documents that are relevant to that specific problem.

Access to information will be denied where the Member is considered to be “fishing” for information or seeks access for an ulterior/improper purpose (e.g. for a private purpose). Mere idle curiosity as to what is in the documentation will not be sufficient.

It should be noted that the Proper Officer may blank out sensitive and non-essential material if this does not affect the ability of a Member to exercise his/her role as an elected representative.

(f) **Housing Benefits**

Following the resolutions passed at the Special Meeting of the Council on 28<sup>th</sup> April, 1999, Members have agreed to cease any detailed involvement in individual Housing Benefit cases other than their own. Such cases will continue to be dealt with under officers delegated authority. Members should not attempt to influence the Officers involved but should use the Member casework system to pursue the individual interests of their constituents.

(g) **Social Services**

Information held about individuals by the Social Services Department is highly confidential and requests of this type will be refused unless the Member can clearly demonstrate s/he has a “Need to Know”. Requests for access to Social Services documents should be in writing and directed to the Departmental Customer Liaison Officer setting out in full the grounds of the Member’s “Need to Know”. A decision on the request will be taken by the ~~Director of Wellbeing~~ Director for Adults and Communities or one of her/his deputies. Thereafter, the procedure as set out in Paragraph (c) above will apply.

Members have no right to attend Social Services case conferences in their capacity as an elected representative and all such requests will be refused. If the Member wishes to attend a case conference or similar meeting as an advocate or representative of the Client s/he must put their request in writing to the Strategic Director of Wellbeing in sufficient time to allow her/him to obtain written consent from the Client involved.

(h) **Local Conventions**

There will be a range of documents which, because of their nature are either not accessible by Members (such as the personal records of an individual) or are accessible only by the political group forming the administration and not by the Members of other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the premature disclosure of which might be against the Council's and the public interest.

Whilst the term "Council document" is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Member of one political group will not have a "Need to Know" and therefore, a right to inspect, a document which forms part of the internal workings of another political group.

Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Head of Democratic Services or [Head of Legal Services London Borough of Harrow Head of Legal Practice](#). Contact names and telephone numbers are given towards the end of this Code.

(i) **Use of Council Information – Confidentiality**

Procedural Rules and specific local procedures (e.g. on contracts) require Members and Officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the Member's Council business and dealing with the same person as a client or customer, e.g. Housing Benefit claimant. In the latter case, Officers will treat the Member with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would any other client or customer.

**Equally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as an elected representative of the Council. Confidential information provided to Members may be discussed in Part II Committee meetings or in private meetings of appropriate Members and Officers. However, it should not be discussed with, or released to, any other persons. Any information that is provided should be clearly marked as confidential before it is released to Members.**

Members abusing this trust may find themselves in contravention of the Local Code of Conduct for Members (Section 4).

If a complaint is upheld sanctions may be imposed. The unauthorised disclosure of exempt information is regarded by the authority as a serious disciplinary offence for both Members and Officers alike.

Any request from a Member for information will be treated in the strictest confidence by Officers and will not be made known to any other Member or political group. Officers are also under a duty not to relate any information disclosed privately by a Member(s) e.g. during Part II discussions at Committee, etc., informal briefings, private conversations or Group meetings) to another Member, Officer or person not already privy to that information.

However, the duty of Officers to observe a Member's confidence will not apply if the information disclosed relates to something which could severely damage the Council or which is illegal or constitutes maladministration. In this event the matter will be referred to the appropriate Director and/or Monitoring officer and Chief Executive for further investigation and action as appropriate.

## **17. WHEN THINGS GO WRONG**

### **17.1 Procedure for Officers**

From time to time the relationship between Members and Officers may break down or become strained. *Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior Officer (including the Monitoring Officer) the Member or his or her group leader, Officers will have recourse to the complaints procedure if the informal process fails.*

### **17.2 Procedure for Members**

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate ~~Head of Service~~Service Lead. Where the Officer concerned is a Senior Officer, the matter should be raised with the appropriate Director or with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer. If the Member feels for whatever reason that he or she cannot raise the matter either with the Chief Executive, the S151 Officer or the Monitoring Officer because the matter concerns all those officers, then the Member should raise the matter with officers who would deputise for those officers in their absence. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

## **TERMS USED IN THIS CODE**

Leader / Group Leader	A Councillor appointed by the Members of a political or party group to lead, and to be the spokesperson, for that Group. The Leader of the largest political group represented on the Council is also leader of the Council.
Monitoring Officer	An employee appointed by the Council to guard against unlawful decisions or maladministration.
Ward	An electoral area of the Borough (there are 14 in Slough) from which Councillors are elected to serve on the Borough Council.
Proper Officer	An employee appointed by the Council to perform a specific statutory function.
Party Group / Political Group	2 or more Councillors of the same political party or description who have formally asked to be recognised as a Political or Party Group.
Head of Service	A 3 <sup>rd</sup> tier officer responsible to a Director for the management of some of the Council's services (e.g. Consumer Protection).
Director	Chief Executive and 1 <sup>st</sup> tier officers responsible to the Chief Executive and Council for leadership and management of a Department containing a group of services.
Senior Officer	Directors, <del>Assistant Directors</del> <u>Service Leads</u> , Heads of Service/3 <sup>rd</sup> Tier Officers.
Part 2 ( II ) Agenda	The part of a Council, Cabinet or Committee Agenda containing confidential/exempt information. The press and public are not admitted to the part of the meeting at which Part 2 items are discussed.
Mayor	The first citizen of the Borough and Chairperson of full Council meetings. The Mayor is appointed annually by the Councillors from amongst their number.

## **WHERE TO FIND THE DOCUMENTS REFERRED TO IN THIS LOCAL CODE GOVERNING RELATIONS BETWEEN ELECTED MEMBERS AND COUNCIL EMPLOYEES**

If you do not have a copy of these documents and wish to read or refer to them please talk with your line manager, departmental personnel section, Trades Union representative or Director in the first instance. Members may wish to contact the Democratic Services Section direct.

## **GUIDANCE ON PUBLICITY DURING AN ELECTION PERIOD**

### 1. **Introduction**

This note gives guidance on publicity during an election period. It does not seek to explain in full the legal basis for publicity, or the legal restrictions, or The Code of Recommended Practice on Local Authority Publicity (“the Code”). It is assumed that officers responsible for publicity are aware of the general provisions. This advice deals only with the special circumstances in the period immediately before any election.

### 2. **Election Period**

The election period for any election is the time between when the Notice of Election is published and polling day itself. Caution should therefore be exercised throughout this period and the guidance below strictly adhered to.

### 3. **What is Publicity?**

Publicity is defined as “any communication, in whatever form, addressed to the public at large or to a section of the public.” This includes newspapers, press releases, newsletters, booklets, leaflets, posters, banners, badges, advertising, etc. Campaigns, conferences, seminars and exhibitions may also be regarded as publicity.

### 4. **The Public**

The public can be defined as the people at large or a section of them. Communications addressed to a defined group of people are not restricted. For example, a newsletter to Council employees or information provided for members of a voluntary organisation are not communications addressed to the public and are not subject to the restrictions.

### 5. **Political Publicity Restrictions**

Local authorities may not issue publicity which appears to be designed to affect public support for a political party.

Local authorities must have regard to the Code which provides (inter alia):-

*“The period between the notice of election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members of groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members*

*holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election."*

## 6. **Checklist**

- **Does the publicity relate to a matter of political controversy?**

Such matters should be avoided during the election period if possible. If publicity is unavoidable – such as to explain a new Council policy or scheme – it should be factual, objective and balanced. Style is important. If comment is necessary, it should be accurate and not prejudiced. It should not attack any political party or person associated with such a party or be identifiable as the view of a particular party. Issues should not be over simplified.

- **Does it refer to a political party?**

Do not refer to political parties. Parliament, the Government, the Opposition or the Council may be referred to as the source of decision, policies or action.

- **Is there reference to a politician?**

It would be preferable for any press release comment on behalf of the authority to come from an officer rather than a Member. Particular care should be taken to avoid mention of any Councillor or Member of Parliament who is seeking re-election. If it is absolutely necessary, such as where there is an official event or opening, it would be sensible to try to ensure that the corresponding opposition Members are given equal publicity. Care should be taken even when referring to Councillors not standing in the election as they are likely to be associated with a particular political party.

- **What is the likely effect on the public?**

In the event of a legal challenge, the test will not be the intention of the authority in issuing the publicity but whether the material appears to be designed to affect support for a political party. Consider the overall effect or impact of the publicity before releasing it.

## 7. **Assistance to Other Organisations**

Material published by other bodies, such as voluntary organisations, with financial or other assistance granted by the Council may also breach the prohibitions.

## 8. **Further Advice**

If in doubt, please consult the Code (DoE Circular 20/88 as amended) and if further advice is required contact either the Head of Communications on Ext. 5558 or the [Head of Legal Services London Borough of Harrow Head of Legal Practice](#) on ~~Ext. 5004020 8424 1889~~.



# PART 5.5 Confidential Whistleblowing Code

## TABLE OF CONTENTS

1. INTRODUCTION.....	
1.1What is the Code about?.....	
1.2Who does the policy apply to?.....	
2.AIMS AND SCOPE OF THE CODE .....	
2.1Aim of the code .....	
2.2Scope of the code .....	
2.3Which procedure should I use? .....	
3.SAFEGUARDS.....	
3.1The Council’s Assurances to you .....	
4.CONFIDENTIALITY.....	
5.ANONYMOUS ALLEGATIONS .....	
6.UNTRUE ALLEGATIONS.....	
7.HOW TO RAISE A CONCERN - INTERNALLY .....	
8.HOW THE COUNCIL WILL HANDLE THE MATTER.....	
9.HOW THE MATTER CAN BE TAKEN FURTHER.....	
10.SUPPORT FOR EMPLOYEES RAISING A CONCERN AND OTHERS AFFECTED BY THE RAISING OF A CONCERN.....	
11.RESPONSIBILITIES.....	
11.1Staff and others working at the Council .....	
11.2Managers .....	
12.REVIEW OF THIS POLICY .....	
Schedule 1 – Situations in which Employees might Blow the Whistle .....	
Schedule 2 – List of External Bodies .....	
Schedule 3 – Flowchart showing how Whistleblowing matters will be handled	

## 1. INTRODUCTION

The council is committed to the highest possible standards of openness, honesty and accountability. It is not prepared to tolerate malpractice and/or wrongdoing. In line with that commitment we expect employees, and others that we deal with, who have any serious concerns about any aspect of the council's work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant council procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis, but this should be the exception.

**This document makes it clear that employees and others can voice concerns without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the council rather than overlooking a problem or 'blowing the whistle' outside.**

I hope that the improvements made to this process inspire confidence and enable employees and others to feel able to raise concerns so that the Authority can address them appropriately and improve standards within the organisation.

**James Swindlehurst Leader, Slough Borough Council**

### 1.1 What is the Code about?

1.1.1 Employees can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within Slough Borough Council (the council). However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or to the council. They may also fear the threat of harassment or victimisation and in these circumstances, they may feel it easier to just ignore their concern rather than report what may just be a suspicion of malpractice.

1.1.2 'Whistleblowing' is the term used when an employee passes on information concerning wrongdoing. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

### 1.2 Who does the policy apply to?

1.2.1 This code applies to all employees except for school-based employees. Schools need to give consideration to their own code adopted by the governing body, but are strongly recommended to adopt this policy.

- 1.2.2 The code also applies to former employees, agency staff working for the council, home workers, contractors and their staff, suppliers, volunteers, elected members and members of the public.
- 1.2.3 The code is recommended as good practice to all other groups associated with the council who have the discretion to adopt our policies. Apart from schools, this will include such groups as voluntary sector organisations.
- 1.2.4 The term “employee” within this document is used to describe any of the above.
- 1.2.5 These procedures are in addition to the council’s complaints procedures and other statutory reporting procedures applying to some services. If asked, employees should make service users aware of the existence of these procedures.

## **2. AIMS AND SCOPE OF THE CODE**

### **2.1 Aim of the code**

This code aims to:

- 2.1.1 encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- 2.1.2 provide avenues for you to raise those concerns and receive feedback on any action taken;
- 2.1.3 ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- 2.1.4 reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest;
- 2.1.5 ensure consistency and fairness in dealing with whistleblowing across the Council.

### **2.2 Scope of the code**

- 2.2.1 An employee who makes a disclosure under this code must reasonably believe:
  - (a) That they are acting in the public interest;
  - (b) That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
    - (i) criminal offences;
    - (ii) failure to comply with an obligation set out in law;
    - (iii) miscarriages of justice;

- (iv) endangering of someone's health and safety;
  - (v) damage to the environment;
  - (vi) deliberate concealment of any of the above.
- (c) Examples of the above could include:
- (i) conduct which is an offence or a breach of law;
  - (ii) health and safety risks, including risks to the public as well as other employees;
  - (iii) the unauthorised use of public funds;
  - (iv) negligence;
  - (v) unauthorised disclosure of confidential information;
  - (vi) possible fraud and corruption;
  - (vii) sexual or physical abuse of children and/or vulnerable young people/adults;
  - (viii) deliberate concealment of the above matters.

2.2.2 The above list is neither exclusive nor exhaustive.

2.2.3 Thus, any serious concerns that you have, which are in the public interest, about any aspects of service provision or the conduct of officers or members of the council or others acting on behalf of the council can be reported under the Confidential Whistleblowing Code.

## 2.3 Which procedure should I use?

2.3.1 There are existing employee policies and procedures designed to resolve many concerns you may have. The procedures to be followed in raising issues under these policies can be found on SBCinsite by clicking on People. They include

- (a) Incident Reporting and Investigation Guidelines
- (b) Grievance Policy & Procedure
- (c) Equal Opportunities Policy
- (d) Disciplinary Policy & Procedure
- (e) Capability Procedure
- (f) Drug & Alcohol Policy
- (g) Probationary Policy & Procedure

- 2.3.2 If one of these procedures is relevant that process should be used unless you have genuine concerns, at either the outset or the end of the procedure, about following the relevant process in which case this Policy & Procedure should be used. The procedure is not an appeal mechanism for other procedures, unless, exceptionally, you think when you have been through another procedure, that process was compromised. If you are unsure which procedure you should use, then please seek advice from your trade union representative or an HR Adviser or your line manager.
- 2.3.3 The Confidential Whistleblowing Code is for all other cases involving conduct which appears likely to harm the reputation of the Council.
- 2.3.4 Schedule 1 shows some examples of situations in which employees might blow the whistle and the procedure to use.

### **3. SAFEGUARDS**

#### **3.1 The Council's Assurances to you**

- 3.2 The council is committed to good practice and high standards and wants to be supportive of employees.
- 3.3 The council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement being made is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 3.4 It is understandable that whistleblowers are sometimes worried about possible repercussions. The council aims to encourage openness and will support employees who raise genuine concerns under this code, even if they turn out to be mistaken. However, please see Paragraph 6 regarding untrue allegations.
- 3.5 The council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest. This action will depend on the type of concern and specific service arrangements.
- 3.6 Employees must therefore not suffer any detrimental treatment as a result of raising a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a disclosure.
- 3.7 Employees must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.
- 3.8 On occasions, you may be asked whether you would be prepared to obtain further information. This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.
- 3.9 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

## 4. CONFIDENTIALITY

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, it is possible that we will be unable to resolve the concern raised without revealing identity (eg because your evidence is needed in Court) but if this occurs we will discuss this with you as to how we can proceed). Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.
- 4.2 All information will be handled sensitively and used only for its proper purpose.
- 4.3 Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

## 5. ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 If you don't tell us who you are, it will be much more difficult for us to look into the matter, protect your position and give you feedback.
- 5.3 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account will include:-
- 5.3.1 The seriousness of the issues raised
  - 5.3.2 The credibility of the concern
  - 5.3.3 The likelihood of confirming the allegation from attributable sources.

## 6. UNTRUE ALLEGATIONS

If you make an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against you. However, the Council will view very seriously any false or malicious allegations or allegations made for personal gain and disciplinary action may be taken against you under the Council's Disciplinary Policy.

Similarly if an agency worker, external secondee, volunteer etc makes malicious or vexatious allegations or allegations made for personal gain, then the Council will consider dispensing with their services.

## 7. HOW TO RAISE A CONCERN - INTERNALLY

- 7.1 Any concerns that you have may be raised orally or in writing and those who wish to make a written statement should set out the background and history of the concern (giving relevant dates) and the reasons why you are particularly concerned about the situation. (See Form attached at Appendix 2). The earlier you express your concern the easier it will be to take action. **REMEMBER – IF IN DOUBT RAISE IT.** You must make it clear that you are using this procedure.

- 7.2 The Council will not expect you to prove that your concern is true but you will need to demonstrate to the person contacted that there are reasonable grounds for you to raise the issue.
- 7.3 It is perfectly acceptable for you to discuss your concern with a colleague and you may find it more comforting to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.4 If you have a concern about any malpractice/wrongdoing, we hope you will feel able to raise it first with your Line Manager or their superior. If you feel unable to raise the matter with your Line Manager or their superior, then please raise the matter with your Chief Officer.
- 7.5 If the above channels have been followed and you still have concerns or if you feel that the matter is so serious that you cannot discuss it with your Line Manager, their superior or your Director or you consider that it is not appropriate (e.g. you are a contractor, supplier, Councillor or member of the public), then you can contact the Council's Monitoring Officer (01753) 875036.
- 7.6 Where your complaint relates to the Monitoring Officer and/or the Section 151 Officer you should contact the Chief Executive on (01753) 875207. If you are unhappy about raising your concern internally then you are at liberty to whistleblow externally under Paragraph 10 below.
- 7.7 Where your complaint relates to the Chief Executive you should contact the Monitoring Officer on 01753 875036.
- 7.8 Where Council members have concerns, they may wish to first discuss matter with their Group Leaders.
- 8. HOW THE COUNCIL WILL HANDLE THE MATTER (See flowchart at Schedule 3)**
- 8.1 Within 5 working days, the person with whom the concern was raised will acknowledge its receipt in writing, irrespective of how the concern was raised.
- 8.2 Where the concern has been raised with a manager, (s)he together with an HR Adviser (or other relevant representative eg from Audit or Child Protection Unit) will decide whether the matter needs to be referred to a more senior officer e.g. Director, Section 151 Officer, Monitoring Officer or Chief Executive.
- 8.3 Investigation does not imply either acceptance or rejection of an individual's concerns
- 8.4 The initial enquiry will be undertaken, wherever possible within 10 working days, by the most appropriate Officer(s). This will not involve a detailed investigation, however, sufficient information will need to be gathered in order that a decision can be made as to whether further investigation will take place.
- 8.5 Where appropriate, the matters raised may:
- 8.5.1 be investigated by management, internal audit, or through the disciplinary process

- 8.5.2 be referred to the police
  - 8.5.3 be referred to the external auditor or other external investigation
  - 8.5.4 form the subject of an independent inquiry
  - 8.5.5 be investigated under another procedure e.g. child/adult protection
  - 8.5.6 be investigated under other forms of prosecution and inspection e.g. to protect public health and safety
- 8.6 In order to protect individuals and those accused of misdeeds or possible malpractice or wrongdoing, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.7 Within fifteen working days of a concern being raised, the person with whom the concern has been raised will write to the individual who raised the matter:
- 8.7.1 indicating how they propose to deal with the matter
  - 8.7.2 giving an estimate of how long it will take to provide a final response
  - 8.7.3 informing them whether any initial enquiries have been made
  - 8.7.4 supplying them with information on staff support mechanisms, and
  - 8.7.5 informing them whether further investigations will take place and who will conduct that investigation, or
  - 8.7.6 explaining the reasons why no investigation is to be carried out.
- 8.8 It may be necessary, as part of the investigation, to obtain additional information from the individual who raised the concern.
- 8.9 The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the concern until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud.
- 8.10 The Council accepts that individuals who raise a concern need to know that the matter has been properly addressed. Thus, subject to legal constraints, the employee will be given feedback on any action taken. However, it will not include information relating to specific individuals, which will remain confidential.

## **9. HOW THE MATTER CAN BE TAKEN FURTHER**

- 9.1 This policy and procedure is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes employees will be satisfied with any action taken. If not, and they feel it is right to take the matter outside the Council, the matter can be raised with the relevant organisation(s) as listed in Schedule 2.



- 9.2 There may be circumstances where an employee considers that (s)he needs to raise the matter externally. This may be because, for example, there is a need to involve the appropriate external regulatory body, or the employee considers that the matter has not been properly addressed, or that an employee reasonably believes that the matter will be covered up.
- 9.3 If an employee is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice or wrongdoing at work.
- 9.4 Further information can also be obtained from the website of the employment service, ACAS (the Advisory, Conciliation and Arbitration Service) at [www.acas.org.uk](http://www.acas.org.uk).
- 9.5 In circumstances where an employee decides to raise the matter externally, (s)he will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the PIDA. This means that the disclosure must fall under one of the categories listed in paragraph 4 above and must be made in one of the following ways:
- 9.5.1 in the course of obtaining legal advice
- 9.5.2 to a prescribed regulatory body (listed in Schedule 4) provided the employee reasonably believes the prescribed body is responsible for the matter of concern and that the allegations are substantially true;
- 9.5.3 to other third parties where the employee makes the disclosure:
- (a) with reasonable belief that the information and allegations are substantially true, and
  - (b) does not make the disclosure for personal gain, and
  - (c) has already raised the matter with the Council or prescribed regulator, unless the employee reasonably believes that (s)he will suffer a detriment, or there is not prescribed regulator and (s)he reasonable believes that evidence will be concealed or destroyed if (s)he makes the initial disclosure to the Council, and
  - (d) in all of the circumstances it is reasonable to make the disclosure.
- 9.5.4 The disclosure is of an exceptionally serious nature and the whistleblower makes the disclosure:
- (a) with reasonable belief that the information and allegations are substantially true, and
  - (b) does not make the disclosure for personal gain, and
  - (c) in all of the circumstances it is reasonable to make the disclosure.

9.5.5 Council employees who wish to take the matter outside the Council should check with their Trade Union/Professional Association Representative, Human Resources or statutory body that they are not in breach of the Council's Code of Conduct.

9.5.6 Council employees should not, in any circumstances, approach the media/press.

**Important:**

**All employees must not, under any circumstances attempt to obtain any further information covertly either directly or indirectly without first having complied with the Council's procedures in relation to staff surveillance which can be found in the Regulation of Investigatory Powers (RIPA) Policy – a copy of this is available on the intranet. Failure to do so may infringe Human Rights and render the Council liable to legal action.**

**10. SUPPORT FOR EMPLOYEES RAISING A CONCERN AND OTHERS AFFECTED BY THE RAISING OF A CONCERN**

10.1 The Council is committed to good practice and high standards and wants to be supportive of individuals who raise concerns.

10.2 The Council will also support individuals affected by the raising of a concern as appropriate.

10.3 Council employees experiencing stress as a result of their involvement in this process can seek counselling and support through the Council's Employee Assistance Programme.

10.4 Council employees can also approach their Trade Union or a statutory body such as the General Medical Council (GMC) or Nursing and Midwifery Council (NMC) for advice/support throughout the procedure.

10.5 Council employees may also approach their Employee Support Group for support throughout the procedure.

10.6 The employee may find it helpful to involve his or her manager, particularly if they can identify specific support that would be helpful and which the manager feels are reasonable.

10.7 The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern, eg if they are required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure and, if necessary, be fully prepared for a Court appearance.

10.8 Where the raising of a concern affects a group of staff, the relevant manager will, having made an assessment, take appropriate action to support the workgroup.

## **11. RESPONSIBILITIES**

### **11.1 Staff and others working at the Council**

11.1.1 To be aware of this policy and procedure.

11.1.2 In making any disclosure to tell us if you have a direct personal interest in the matter.

### **11.2 Managers**

11.2.1 To make their staff aware of this policy and procedures.

11.2.2 To encourage a positive open working culture for staff and others working at the Council to express easily their concerns.

11.2.3 To take concerns seriously

11.2.4 To guide staff to the most appropriate route.

## **12. REVIEW OF THIS POLICY**

This policy will be reviewed annually by the Council. The Responsible Officer for the maintenance and operation of the policy is:

The Monitoring Officer  
Slough Borough Council  
St Martin's Place  
51 Bath Road  
SLOUGH  
SL1 3UF  
Tel. (01753) 875036

## **SCHEDULE 1 – SITUATIONS IN WHICH EMPLOYEES MIGHT BLOW THE WHISTLE**

### **1. EXAMPLE ONE**

You are working in an area which regularly engages outside contractors. You have noticed how the one which has been named Council's preferred supplier doesn't deliver on time or to budget. Your Chief Officer who is very friendly with one of the staff in the contracting firm, doesn't appear to share your concerns, but is quick to make excuses for them. Senior management seem to have accepted these explanations and don't seem to be concerned. You suspect your Director may be receiving inducements. What should you do?

Report the suspicion to the Monitoring Officer.

### **2. EXAMPLE TWO**

You are in the gym within a Council leisure facility and you notice that everyone using a piece of equipment is now complaining of back trouble. You see that one part of it is loose, but, despite reporting it to the manager of the leisure facility, nothing had happened. What should you do?

Report the matter immediately to the Head of Health & Safety under the Health & Safety policy. Allow a reasonable time for the problem to be resolved and ask about progress. If you have genuine concerns that nothing is being done, contact the Monitoring Officer.

### **3. EXAMPLE THREE**

You work for a contractor in the staff restaurant, and over the past few weeks you notice a member of staff who doesn't seem to be paying for their food. You put this down to your error or their genuine mistake. However recently you notice the same person doing this on a daily basis. You are not sure what to do and you are worried because you did not report it the first time. What should you do?

Report the incident immediately to your Line Manager or their superior. If the concern involves your Line Manager or their Superior or your Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Monitoring Officer.

### **4. EXAMPLE FOUR**

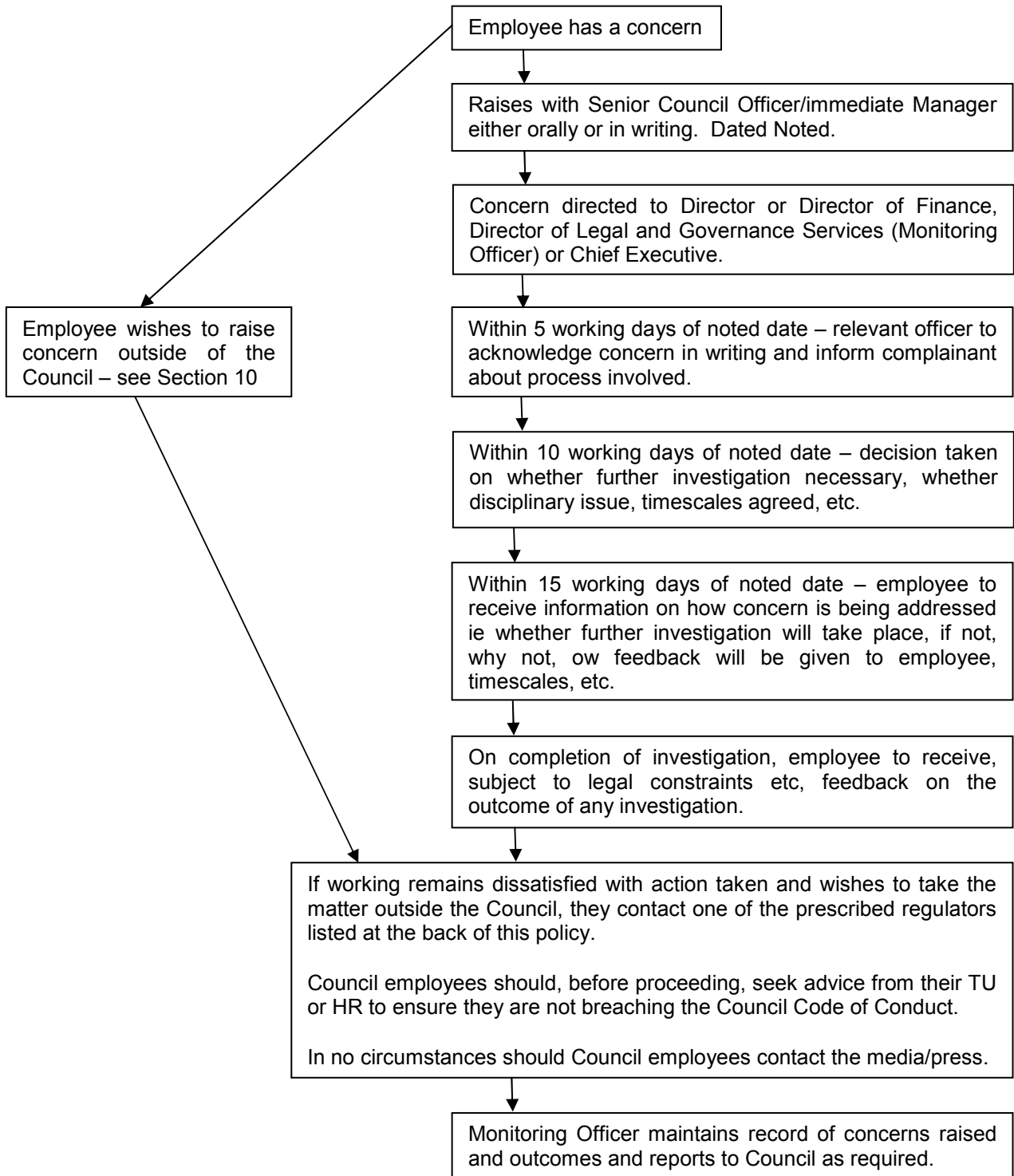
You start work at the Council in an administrative role. It isn't long before you become aware that false claims for expenses are being made by certain people in your department. What should you do?

Report the incident immediately to your Line Manager. If the concern involves your immediate Line Manager or their Superior or Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Monitoring Officer.

## SCHEDULE 2 – LIST OF EXTERNAL BODIES

<u>NAME &amp; ADDRESS</u>	<u>AREA OF CONCERN</u>
Public Concern at Work Suite 306, 16 Baldwins Gardens London, EC1N 7RJ (Tel. No. 0207 404 6609)	All matters of malpractice and/or wrongdoing.
Local Government Ombudsman The Commission for Local Administration in England 10th Floor Millbank Tower Millbank London, SW1P 4QP (Tel. No. 0207 217 4620)	Maladministration – causing injustice to a member of the public.
Thames Valley Police Windsor Road Slough, Berkshire (Tel. No. 08458 505 505) or CRIMESTOPPERS Tel. (0800 555 111)	Breach of the Criminal Law
Headquarters: Fraud Squad Thames Valley Police c/o Loddon Valley Police Station Rushey Way Lower Earley, Reading Berkshire, RG6 4PS (Tel. No. 01189 181 818)	Fraud and Public Sector Corruption
The Health & Safety Executive Priestley House Priestley Road Basingstoke, Hants (Tel. No. 0845 300 9923)	Health & Safety dangers
National Customer Contact Centre P O Box 544 Rotherham S60 1BY	Environmental dangers.
Inspection Unit Unit 6, Commerce Park Brunel Road Theale (Tel. No. 01189 306 000)	Poor care practice/abuse in registered establishments, including care homes.

**SCHEDULE 3 – Flowchart showing how whistleblowing matters will be handled**



## Part 5.6 Monitoring Officer Protocol

### 1. Introduction

- 1.1 Section 5 of the Local Government and Housing Act 1989 (the 1989 Act) requires local authorities to appoint a Monitoring Officer. This protocol provides some general information on the statutory role the Monitoring Officer undertakes and how the functions will be discharged within Slough Borough Council.
- 1.2 A summary list of the Monitoring Officer's functions appear in Appendix A to this protocol. The Monitoring Officer's ability to discharge these responsibilities will depend, to a large extent, on Members and Officers:-
- (a) complying with statute and common law (including any relevant Codes of Conduct which form part of the Ethical Framework Section of the Council's Constitution).
  - (b) complying with any statutory guidance and other guidance/advice issued by the Audit & Corporate Governance Committee and the Monitoring Officer from time to time.
  - (c) not doing anything that would bring the Council or their offices into disrepute.
  - (d) making lawful and proportionate/reasonable decisions.
- 1.3 The role of the Monitoring Officer within the Council rests with the ~~Assistant Director, Procurement and Commercial Services~~ Service Lead Governance.
- 1.4 The Monitoring Officer undertakes to discharge the responsibilities outlined in this protocol with determination and fairness and in a manner which will enhance the reputation of the Council. He is assisted from time to time by staff within Legal Services and Democratic Services but the responsibility of discharging the functions is a personal one. In general terms his ability to discharge his duties depends on good working relations with Members and Officer colleagues, particularly Directors, and also access to information and debate during the decision making process.
- 1.5 The term 'Director' in this protocol means the members of the Corporate Management Team ('CMT') which includes the Head of Paid Service (the Chief Executive) and the Chief Financial Officer (Section 151 Officer).

### 2. Working Arrangements/Understandings

- 2.1 The following arrangements and understandings between the Monitoring Officer, Members and Directors are designed to help ensure the effective discharge of the Council's statutory powers and duties.
- (a) **Appointment of Deputy** – The Monitoring Officer will appoint a Deputy and keep him/her briefed on any relevant issues that s/he may be required to deal with where he is unable to act.

- (b) **Resources** – The Monitoring Officer will make a report to the Council from time to time on the staff, accommodation and resources required to discharge his functions.
- (c) **Counsel’s Opinion** – Where the Monitoring Officer requires specialist advice on any matter concerning his statutory responsibilities he will seek Counsel’s Opinion and must have control of a budget to enable him to do so.
- (d) **Training** – The Monitoring Officer is responsible for preparing and implementing a training programme for Members on the Council’s ethical framework subject to the approval of the Audit & Corporate Governance Committee.
- (e) **Registers** – The Monitoring Officer will compile and maintain the Council’s Registers for Members’ Interests and Gifts and Hospitality (offered and received).
- (f) **The Council’s Constitution** – The Monitoring Officer will monitor and review the operation of the Constitution in consultation with the Head of Paid Service and the Chief Financial Officer where appropriate to ensure that the aims and principles of the Constitution are given full effect.
- (g) **General Advice** – The Monitoring Officer will give general advice on the interpretation and application of the Council’s Constitution to Members and Officers alike (i.e. responsibility for functions, procedural rules, codes and protocols and member allowances scheme).
- (h) **Lawfulness etc** – Members and Directors must alert the Monitoring Officer to all emerging issues that may become a concern to the Council e.g. lawfulness (ultra vires), probity, procedural or other constitutional matters and give advance notice of meetings (whether formal or informal) where these issues are likely to arise.
- (i) **Attendance at meetings** – The Monitoring Officer will have the right to attend and be heard at any meeting of the Council (including CMT) before any binding decision is taken (including a decision not to take action).
- (j) **External Relations** – The Monitoring Officer will develop good and effective working relations with the Standards Board for England, the Audit Commission/District Audit, the Local Government Ombudsman and the Clerks to the three Parish Councils within the Borough (including the giving and receiving of relevant information whether confidential or otherwise).
- (k) **Internal Relations** – The Monitoring Officer will have a special relationship of mutual trust and respect with the Mayor, Deputy Mayor and the Chairs of the Cabinet, Audit and Corporate Governance Committee, Regulatory and Overview and Scrutiny Committees with a view to ensuring the effective and efficient discharge of the Council’s functions.



- (l) **Complaints/Investigations** – The Monitoring Officer will
- Consider complaints against Members in accordance with the Councillor’s Code of Conduct.
  - have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions when carrying out any investigation.
- (m) **Deferral of Report** – In consultation with the Mayor of the Council and the Standards Board for England the Monitoring Officer may defer the making of a formal report under Section 5 of the 1989 Act where another investigative body is involved.
- (n) **The Statutory Officers** – The Monitoring Officer will meet with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise.
- (o) **Maladministration** - Directors must consult the Monitoring Officer prior to making any compensation payments for alleged or actual maladministration found against the Council.
- 2.2 To ensure the effective and efficient discharge of the above working arrangements/understandings Members and Directors will report any breach of statutory duty or material breach of Council policy/procedures and other vires or constitutional concerns to the Monitoring Officer as soon as practicable.
- 2.3 The Directors agree to inform and explain the terms of this protocol to their senior managers so that they understand the issues highlighted in paragraph 2.1 above and report concerns accordingly.
- 2.4 The Chief Financial Officer will ensure that adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer’s role.

3. **Breach of the Local Code of Conduct for Members and this Protocol**

- 3.1 Complaints against any breach of the Council's Local Code of Conduct for Members must be referred to the Monitoring Officer in accordance with the Council's Code of Conduct procedures. Complaints against any breach of this protocol by a Member will be referred to the Audit and Corporate Governance Committee and to the relevant Leader and/or the Political Party Group Whip.
- 3.2 Complaints against any breach of this protocol by an Officer may be referred to the relevant Director and/or the Chief Executive.

4. **Approval of this Protocol**

- 4.1 This Monitoring Officer protocol was approved by the Standards Committee at its meeting on 27<sup>th</sup> November 2003.
- 4.2 The Council adopted the protocol at its meeting on 16<sup>th</sup> December 2003.

**SUMMARY OF MONITORING OFFICER FUNCTIONS**

<b>Description</b>		<b>Key Source</b>
1.	Appointment of Deputy	Section 5 1989 Act
2.	Report on resources	Section 5 1989 Act
3.	Establish and maintain Registers of Members' Interests and Gifts and Hospitality	Section 81 LGA 2000 and Local Code of Conduct
4.	Advice to Members and Officers on the interpretation and application of the Constitution	Article 11, SBC Constitution
5.	Receive copies of whistleblowing allegations of misconduct	Article 11, SBC Constitution
6.	Key role in promoting and maintaining high standards of conduct through support to the Audit & Corporate Governance Committee	Statutory Guidance paragraph 8.20
7.	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	DETR guidance
8.	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 1989 Act
9.	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 1989 Act
10.	Liaison with Standards Board for England and Ethical Standards Officers	Section 66 LGA 2000
11.	Investigate misconduct in compliance with Regulations (when made) and directions of Ethical Standards Officers	Section 66 (1) + (6) LGA 2000 and Regulations made thereunder
12.	New ethical framework functions in relation to Parish Councils.	Section 83(12) LGA 2000
13.	Compensation for maladministration	Section 92 LGA 2000

This page is intentionally left blank

**NOTE: REPLACE THIS PART WITH COUNTER  
FRAUD STRATEGY AND POLICY  
APPROVED BY CABINET ON 18 APRIL  
2017**

**Part 5.7      Anti Fraud and Corruption Strategy  
and Policy**



**SLOUGH BOROUGH COUNCIL**

**COUNTER FRAUD AND  
CORRUPTION STRATEGY**

## INTRODUCTION

1. The Council exists to deliver high-quality services to the people of Slough, and to work in partnership with others to improve the quality of life for those who live and work in Slough.
2. A vital component of high-quality services is value for money which, in turn, demands that the Council take all possible and practical steps to minimise the

## **SLOUGH BOROUGH COUNCIL**

# **COUNTER FRAUD AND CORRUPTION STRATEGY**

February 2017

---

risk and effect of fraud and corruption.

The Audit Commission defines fraud as

~~— The intentional distortion of financial statements or other records by persons internal or external to the organisation which is carried out to conceal the misappropriation of assets or otherwise for gain.~~

~~— The Audit Commission defines corruption as~~

~~— The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.~~

~~3. — The Council is committed to an effective Anti-Fraud and Corruption Strategy and Policy. The Strategy and Policy has been designed to encourage prevention, promote detection and identify a clear pathway for investigation of fraud and/or corruption.~~

~~4. — The Council requires all Members and employees at all levels to lead by example in ensuring adherence to legal requirements, rules, procedures and practices.~~

~~5. — The Council also requires all individuals and organisations (e.g. suppliers, contractors, agents and partners) that it comes into contact with, to act towards the Council with integrity and without thought or actions involving fraud and/or corruption.~~

~~6. — The Strategy and Policy is based on a series of comprehensive and inter-related procedures designed to frustrate any attempted fraudulent or corrupt act. These cover:-~~

- ~~• Culture~~
- ~~• Prevention~~
- ~~• Detection and Investigation, and~~
- ~~• Training.~~

~~7. The Council has in place a number of methods to scrutinise its affairs including:-~~

- ~~• Overview and Scrutiny Committee and its Panels~~
- ~~• Other Committees such as the Licensing Committee or the Planning Committee, Audit and Corporate Governance Committee~~
- ~~• Corporate Management Team~~
- ~~• the Council's statutory Section 151 Officer, the Strategic Director of Regeneration, Housing and Resources~~
- ~~• the Council's statutory Monitoring Officer~~
- ~~• the Internal Audit Team~~
- ~~• Whistleblowing procedures under the Public Information and Disclosure Act, and~~
- ~~• All managers, who have a duty to ensure that there are adequate and effective controls in place for systems for which they are responsible.~~



~~8. The Council is also aware of the high degree of external scrutiny of its affairs by a variety of bodies and people including:-~~

- ~~• Local Government Ombudsman,~~
- ~~• Audit Commission, through their audit, CPA, performance indicator and grant certification work,~~
- ~~• Public/Council Tax Payers through the Inspection of Annual Accounts and statutory Annual Reports,~~
- ~~• Public/Service Users through the Council's Complaints Procedures~~
- ~~• Central Government Departments and Parliamentary Committees,~~
- ~~• HM Customs and Excise,~~
- ~~• Inland Revenue,~~
- ~~• Department of Work and Pensions for example Contributions Agency,~~
- ~~• the Investigation Unit, with the Housing and Neighbourhood Services Department and~~
- ~~• OFSTED, SSI and other inspection agencies~~

~~9. The Council will maintain the Constitution which includes guidance, codes of conduct and procedure rules aimed at ensuring its policies and objectives are achieved in a proper and fair manner.~~

~~10. The Council requires that all Members and employees will comply with the Constitution including the guidance, codes of conduct and Procedure Rules.~~

~~11. All cases of fraud and corruption will be treated equally without discrimination of any sort.~~

~~12. In cases of fraud and corruption the Council will take disciplinary action against Members and employees in accordance with the relevant codes of conduct/disciplinary codes.~~

~~13. In cases where the Council has no jurisdiction to act, matters will be referred to other competent authorities such as the Police or the Standards Board for England.~~

~~14. The authority acknowledges that the other competent authorities may make the decisions as to when and how far to prosecute matters referred to them and in particular the Crown Prosecution Service will make the ultimate decision whether to proceed with a prosecution in relation to criminal matters. However, in those cases where the Council can act as Prosecution Authority the authority will prosecute where the case meets the criteria set out in advice issued by the Home Office, currently set out in Home Office Circular 26/1983.~~

#### ~~CULTURE OF THE COUNCIL~~

~~15. The Council is determined that the culture and tone of the organisation portrays openness and honesty and opposes fraud and corruption.~~

~~16. The Council expects that all individuals and organisations with which it is associated will act with integrity and that its Members and employees, at all levels, will lead by example in these matters.~~

---

~~17. The Council recognises that its Members and employees play an important role in its stance on fraud and corruption and they are positively encouraged to raise any concerns that they may have. Any concerns will be treated in confidence and will be properly investigated and dealt with fairly.~~

---

~~18. Financial Procedure Rules require employees to contact their Director immediately concerning any financial irregularity. This may be done through your line manager or their superior who has a duty to report this to their Director. In turn, the Director will involve the legal, finance, internal audit and the Chief Executive functions as appropriate. Consistent with this, employees concerned about fraud and corruption should contact:-~~

- ~~• their Director~~
- ~~• the Strategic Director of Regeneration, Housing and Resources~~
- ~~• the Monitoring Officer~~
- ~~• the Chief Executive~~
- ~~• the Head of Audit~~

~~Members should contact~~

- ~~• the appropriate Director or~~
- ~~• the Chief Executive.~~

~~19. Senior Managers are responsible for dealing with any allegation of fraud or corruption promptly and fairly. Managers should~~

- ~~• record all evidence received,~~
- ~~• ensure that all evidence is sound and adequately supported,~~
- ~~• ensure all evidence is held securely,~~
- ~~• ensure that their Director is informed and~~
- ~~• contact the Chief Internal Auditor to agree how to proceed on a case by case basis.~~

~~20. To encourage employees and others to come forward with any concerns without fear, the Council has endorsed a 'Whistleblowing' policy under the Public Information and Disclosure Act. This Policy explains how you make contact and what actions will follow. It also gives details of independent bodies outside the Council to whom concerns can be addressed if this is necessary. The Policy also provides that the identity of persons who bring matters of concern to the attention of the Council will not be disclosed without consent. The detailed policy is set out in the Council's Constitution.~~

---

~~21. Customers and members of the public have the option of contacting:-~~

- ~~• their Ward Councillor,~~

- the Council's Monitoring Officer
- the Director in charge of the appropriate Department,
- the Council's External Auditor (the Audit Commission), or
- the Council's Corporate Complaints Officer.

22. Anonymous letters and telephone messages **may** be investigated – where investigations are not made, reasons will be recorded.

23. There is also a need to ensure that any investigation process is not misused and, therefore, any abuse such as raising unfounded malicious allegations will be dealt with appropriately (e.g. through the Council's disciplinary procedure in the case of employees or provisions provided for in the Codes of Conduct for Members). Any misuse of the Council's Whistleblowing process will also be dealt with appropriately.

## **PREVENTION**

### **EMPLOYEES**

24. The Council recognises that its employees are its most important resource and given their role in actions and decisions, great importance is attached to recruitment to ensure that the best people are appointed.

25. In accordance with the Council's Recruitment and Selection Procedure, Interview Panels and / or Managers must take all available steps to obtain references in order to verify the suitability, honesty and integrity of permanent, temporary and agency / contract staff.

26. All employees of the Council are expected to abide by the Council's Employees' Code of Conduct, the terms and conditions of their employment and any code of conduct related to the professional bodies of which they are members.

27. The role that appropriate employees are expected to play in the Council's framework of internal control, including fraud and corruption will feature in employee induction and subsequent training and development programmes.

28. Employees are reminded that under the Council's Constitution they must operate within Section 117 of the Local Government Act 1972, regarding the disclosure of pecuniary interests in contracts relating to the Council and that the Constitution and the Employee Code of Conduct strictly limits acceptance of any fees or rewards over and above their proper remuneration.

29. These requirements are set out in the Council's Employee Code of Conduct and in more specific operational codes for example the Contract Procedure Rules.

### **MEMBERS OF THE COUNCIL**

30. Members have a duty to be fair, honest and open in their role and are required to operate within:-

- The Nolan Principles of Good Governance

- ~~Government legislation,~~
- ~~Local Code of Conduct for Members,~~
- ~~The Council's Constitution and in particular the Ethical Framework and~~
- ~~The Member/Officer Protocol.~~

~~31. All Members are required to register any financial and other interests they may have. Those interests which must be registered are set out in the Local Code of Conduct for Members. In addition to these interests a Member must regard him/herself as having a personal interest if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council tax payers, rate payers, or inhabitants of the Borough, the wellbeing or financial position of the Member, a relative or friend. In these circumstances if the Member attends a meeting of the Council at which the matter is considered, s/he must disclose at that meeting the existence and nature of that interest before the matter is considered, or when the interest becomes apparent. Having a personal interest does not in itself require a Member to cease to participate in the decision making process. It is only if the personal interest is also prejudicial should the Member withdraw from the room the meeting is held as soon as it becomes apparent that the matter is being considered (unless s/he has obtained a dispensation from the authority's Audit and Corporate Governance Committee); not exercise executive functions in relation to the matter or seek to improperly influence a decision on the matter. More detailed guidance on this is contained in the Local Code of Conduct for Members.~~

~~32. These matters and other guidance are specifically brought to the attention of newly elected/appointed Members as part of their Induction Programme.~~

---

## SYSTEMS AND INTERNAL CONTROL

~~33. The Council's Constitution and Financial Procedure Rules provide a best practice framework to protect Members and employees when dealing with its business.~~

~~34. These stipulate not only the way in which Council meetings are run and decisions made but also how value for money is to be achieved and the controls necessary for ensuring that the Council's finances are administered in a correct and proper manner.~~

~~35. The Strategic Director of Regeneration, Housing and Resources has a statutory responsibility under Section 158 of the Local Government Act 1972 to ensure the proper arrangements of the Council's financial affairs and is supported by the work of the Internal Audit Team in evaluating the adequacy and effectiveness of internal controls.~~

~~36. Internal controls prevent, deter, identify and limit the extent of fraud and corruption. Weaknesses in internal controls identified by either internal or external audit will be reported to the relevant manager and the Strategic Director of Regeneration, Housing and Resources.~~

## COMBINING WITH OTHERS

~~37. Arrangements are in place to develop and encourage the exchange of information between the Council and other agencies on national and local fraud and corruption activity in relation to Local Authorities.~~

~~38. With the rapid increase in recent years of frauds perpetrated against a variety of Local Authorities and Benefits Agencies, which usually include fraudsters having multi-identities and addresses, the necessity to liaise between organisations has become paramount, and some of these include:-~~

- ~~• The Department for Work and Pensions,~~
- ~~• The Benefits Agency,~~
- ~~• Audit Commission,~~
- ~~• Berkshire Financial Officers Group,~~
- ~~• Berkshire Audit Group,~~
- ~~• London Audit Groups and~~
- ~~• The National Anti-Fraud Network~~

~~This liaison may include exchange of data for data matching purposes, within the scope of the Data Protection Act.~~

## DETECTION AND INVESTIGATION

~~39. The range of preventative systems (particularly internal controls) do not guarantee that there will be no fraudulent or corrupt activity within the Council.~~

~~40. Whilst it is the responsibility of Directors and their managers to prevent and detect fraud and corruption, it is often the alertness of Members, employees and the~~

public that enables detection to occur and the appropriate action to take place when there is evidence that fraud or corruption may be in progress.

~~41. Despite the best efforts of managers and auditors, many frauds are discovered by chance or by “information passed on” and the Council has in place arrangements to enable such information to be properly dealt with.~~

~~42. The Council's Financial Procedure Rules require all employees to report all suspected irregularities to their Director, who should then inform officers from the legal, finance and internal audit functions and the Chief Executive as necessary.~~

~~43. Investigation of allegations of fraud and corruption is the responsibility of management who will normally be assisted by the Internal Audit Team or the Investigation Unit as appropriate.~~

~~44. Reporting is essential to the anti fraud and corruption strategy and ensures:-~~

- ~~• the consistent treatment of information regarding fraud and corruption,~~
- ~~• the proper implementation of a fraud response investigation plan,~~
- ~~• the optimum protection of the Council's interests.~~

~~45. Details of the process for reporting are contained in the Employees Code of Conduct and the Whistleblowing Policy. The Chief Internal Auditor will report in his annual report on fraud and Corruption~~

### ~~TRAINING~~

~~46. The Council recognises that the continuing success of its anti-fraud and corruption strategy and its general credibility will depend largely on the effectiveness of programmed training and responsiveness of Members and employees throughout the organisation.~~

~~47. To facilitate this, the Council provides induction and training for Members and employees to ensure that their responsibilities and duties are regularly highlighted and reinforced.~~

### ~~CONCLUSION~~

~~48. The Council will maintain a clear network of systems and procedures to~~

- ~~• minimise the risk of fraud and corruption,~~
- ~~• detect fraud and corruption by testing internal controls and responding to whistleblowers~~
- ~~• investigate all instances where fraud and corruption is suspected~~
- ~~• ensure Members and employees are trained in relation to fraud and corruption~~

~~49. The Council will maintain a continuous overview of these arrangements to keep pace with any future developments, in both preventative and detection techniques, regarding fraudulent or corrupt activity that may effect its operation or related responsibilities.~~

---

~~50. Individual managers are responsible for ensuring that controls are maintained within their areas of responsibility, which are sufficient to detect and prevent fraud. The Strategic Director of Regeneration, Housing and Resources is responsible for ensuring the systems and controls are audited and the Council will ensure that every possible support is given to enable these responsibilities to be fulfilled.~~

---

~~51. This policy statement will be subject to continual review and arrangements will be put in place to ensure effective training and communication.~~

### ~~WHERE TO FIND THE DOCUMENTS REFERRED TO IN THIS STATEMENT ON THE COUNCILS APPROACH TO COMBATING FRAUD AND CORRUPTION~~

~~If you do not have a copy of these documents and wish to read or refer to them please talk with your line manager, departmental personnel section, Trades Union representative or Director in the first instance. Members may wish to contact the Democratic Services Section direct.~~

This page is intentionally left blank



## **5.8 Joint Protocol on seeking the External Auditor's Views on the Legality of Council Transactions**

### **CONTENTS**

1. INTRODUCTION
2. STATUS OF THIS NOTE
3. BACKGROUND
4. THE ROLE OF AUDIT COMMISSION AND OFFICERS
5. APPROACH TO REQUESTS FOR OUR VIEWS BY OFFICERS AND MEMBERS
6. DEALING WITH ENQUIRIES AND QUESTIONS FROM ELECTORS
7. MONITORING REQUESTS
8. FEE ARRANGEMENTS

# JOINT PROTOCOL FOR CIRCUMSTANCES UNDER WHICH THE APPOINTED AUDITOR'S VIEWS ARE SOUGHT ON THE LEGALITY OF TRANSACTIONS

## 1. Introduction

- 1.1 This protocol sets out the arrangements for those instances where the Authority, or individual officers and members of the Authority, seek the views of the Appointed Auditor on the legality of transactions, whether proposed or already implemented; and where the public refer questions or enquiries to the Appointed Auditor. The key considerations underpinning this approach are the need to:
- Clarify both the basis on which the Appointed Auditor can comment on the legality of transactions and responsibilities of officers for ensuring transactions which may be embarked upon are legal;
  - Ensure greater co-ordination and consistency in the manner by which the Authority, its members and its officers request the Appointed Auditor to comment on transactions;
  - To set out our general approach for dealing with enquiries, questions and objections received in the course of the audit from eligible persons; and
  - Have improved joint monitoring of the status of individual requests and enquiries, including the additional costs arising for the Authority.

## 2. Status of this Protocol

- 2.1 This protocol sets out the basis on which the Appointed Auditor comments on the legality of transactions and promotes effective monitoring and control of such requests.
- 2.2 This protocol deals with requests received pertaining directly to the legality of transactions and proposed transactions. It also covers those instances in which the Appointed Auditor is requested by members to comment on the appropriateness of actions taken, or proposed to be taken, by the council.
- 2.3 This protocol also refers to the Appointed Auditors responsibilities in respect of enquiries, questions and objections received in the course of the audit from eligible persons, and the monitoring arrangements proposed will be applied to such work.
- 2.4 General discussion pertaining to our audit of the Authority's financial systems and final accounts are considered to fall within the remit of our normal, ongoing, audit work. Whilst there may be an impact on the total level of resources required for the audit in any given year, this would be expected to be dealt with as part of the agreement of the annual plan and subsequent variations to it.

## 3. Background

- 3.1 The Authority's framework of financial and management control is currently based on delegation to departments balanced with the retention of adequate corporate control. Service Directors are responsible for ensuring adequate arrangements are

in place for proper financial administration, which encompasses ensuring transactions embarked on are lawful.

- 3.2 This protocol sets out the procedures agreed to be put in place to enhance the effectiveness of the arrangements both the Audit Commission and Slough have in place for dealing with both requests for comments on the legality of transactions, and questions and enquiries.

#### **4. The role of the Audit Commission and Officers**

- 4.1 The respective roles of officers, and the Appointed Auditor, are clearly set out in the Code of Audit Practice (“the Code”) and the Statement of Responsibilities of Auditors and Audited Bodies. In summary, it is the responsibility of audited bodies and their officers to act within the law; auditors are required to bear in mind the question of legality and take reasonable steps to inform themselves of significant financial transactions or events that are unusual or of questionable legality.

- 4.2 It is in the context of this framework of responsibilities that requests for our comments would be viewed. We want to be as helpful as possible and work closely with officers to avoid the significant costs associated with the reversal of decisions or transactions, which are subsequently found to be unlawful. In general our approach to matters of legality both referred to us by officers and identified in the course of our audit reflects the understanding that we are not in a position to definitively interpret legislation, which is a matter for the courts, and that ultimate responsibility for ensuring the lawfulness of transactions embarked on resides with officers. We seek to provide ourselves with assurance that a transaction, or proposed course of action, is lawful by:

- Keeping abreast of the key issues involved, in particular, those aspects of a proposed transaction on which officers, or their advisors have concerns;
- Taking into account existing guidance, if any, pertaining to the matter under consideration;
- Ensuring officers, including the Monitoring Officer and his advisors, have given the matter in question due and proper consideration and that they have taken appropriate steps to assure themselves that a particular transaction, or course of action, is lawful and within the Authority’s powers.

- 4.3 The Authority should not seek to rely solely on the view we express with regard to a particular issue, because:

- It remains the responsibility of the Authority and its officers to decide whether to embark on any transaction;
- We are not legal practitioners and consequently are not in a position ourselves to definitively interpret legislation;
- We may not act in any way that might fetter our future ability to exercise the specific powers conferred upon us by statute.

- 4.4 Moreover, the fact that we may respond to a request does not mean that the proposed transaction or course of action will be exempt from challenge in the future.

## **5. Approach to Requests for our views by Officers and Members**

- 5.1 Within this framework it is possible for us, in conjunction with officers to play an important part in helping the Authority to avoid the potentially significant costs associated with considering arrangements which are subsequently found to be unlawful. In order for this objective to be achieved cost effectively the Council should follow the steps set out below:

### Step 1

Requests from individual Members or Officers of the Council should be raised in the first instance with the Monitoring Officer (or a nominated deputy) and s/he will arrange for the issues of concern to be fully considered by the appropriate Officers in accordance with Step 2 below.

### Step 2

The Officers within the Council will ensure that all of the issues of concern which are raised are fully considered and prepare a report setting out their conclusions and the rationale behind them. If concerns remain these should be highlighted before any reference is made to the Audit Commission.

### Step 3

If after Steps 1 and 2 have been carried out a request to the Audit Commission is still considered necessary then such requests will be forwarded by the Monitoring Officer or his nominated deputy with all supporting papers. In particular the supporting papers must include any sources of advice or legal opinion relied upon by the Officer in their report. All requests referred to the Audit Commission will be copied to the Chief Executive.

- 5.2 It is at the discretion of officers, through the Monitoring Officer, to decide on the matters referred by the Authority to us for our views. In order to best assist the Authority we would, however expect those issues which are either significant in terms of their potential financial effect, or of particular local sensitivity, to be brought to our attention at an early stage to allow us sufficient time to consider the issues involved fully and to make officers aware of our views (subject to the limitations imposed on our views as set out above) before a final decision is taken.
- 5.3 In instances where the issues concerned are material, or legally complex, the Appointed Auditor will promptly advise the Authority when we have determined we need such legal advice. In normal circumstances we would be willing to share any advice we obtain.
- 5.4 Notwithstanding the above we will however require annual confirmation from the Monitoring Officer that no matters have been referred to him which should have been brought to the Audit Commission's attention. This annual confirmation will supplement our normal request for confirmation from the Authority's Monitoring

Officer (or his deputy) that he is not aware of any transaction, or course of action, which should be brought to our attention.

## **6. Dealing with Enquiries and Questions from electors**

- 6.1 An elector has the right to inspect, question and object to a local Authority's accounts, as outlined in greater detail in *The Rough guide to Audit Law* which is available from the Audit Commission.
- 6.2 The rights of the public are limited to asking questions about an authority's accounts. There is no statutory right to ask questions about a local authority's policies, finances or procedures, which are not about the accounts. In practice, where we receive questions which do not refer to the accounts,
- we can indicate to the enquirer that it is open to them to seek the information directly from the Authority. In general, we would not act as a conduit for questions to, and replies from, the Council; or
  - we may enquire into the matter brought to its attention where it may concern potentially unlawful activities or transactions by the Authority. We are not bound to provide a response but would try to keep the enquirer informed in general terms about any relevant work we undertake.
- 6.3 In all circumstances we would notify the Monitoring Officer of the matters referred to us by the public and the proposed course of action that we intend to adopt. Where officers are of the view that an issue referred to the Appointed Auditor by a member of the public merits further investigation, the issue would be dealt with as if referred to us by officers.

## **7. Monitoring Requests**

- 7.1 The Appointed Auditor will keep the Monitoring Officer informed of all requests received setting out their progress and current status, including the actions taken by the Appointed Auditor or required of the Authority, together with details of our resource inputs, analysed by grade.
- 7.2 This also applies to all enquiries, questions and objections received from eligible persons. These will be copied as a matter of course to the Chief Executive, the Monitoring Officer and the ~~Strategic Director, Regeneration, Housing and Resources~~ Director of Finance and Resources.

## **8. Fee Arrangements**

- 8.1 Fees for such work will be charged at the Audit Commission's grade related fee rate, reflecting the seniority and experience of the staff involved.
- 8.2 We would expect, where the costs are significant, to bill monthly in arrears for such work, following the agreement of the fees with the Monitoring Officer.

This page is intentionally left blank

## Part 5.9 Policy Statement on Corporate Governance

### INTRODUCTION

The Council is committed to achieving excellence in the provision of services for the people of Slough.

The Council's vision, priorities and aims contribute to achieving the seven-shared **priorities for local government**, which have been agreed by the Government and Local Government Association. These shared priorities focus the efforts of Government and Councils for improving public services. The shared priorities fulfil a commitment made in the '*White Paper – Strong Local Leadership – Quality Public Services*' – to define a single list of main priorities for local government and cover the key issues that will impact most on the lives of people.

The seven-shared priorities are: 1. Raising standards across schools. 2. Improving the quality of life of children, young people, families at risk and older people. 3. Promoting healthier communities by targeting key local services, such as health and housing. 4. Creating safer and stronger communities. 5. Transforming the local environment. 6. Meeting transport needs more effectively. 7. Promoting the economic vitality of localities.

The shared priorities have been used to shape the Slough Focus (Slough's Local Strategic Partnership) vision and priority actions. Slough Focus has brought together the town's decision makers, communities and organisations to work with each other to meet the needs of local people and to improve the quality of life in Slough. Together they have developed Slough's first **Community Strategy**. The Community Strategy sets out a long-term vision for Slough, for the people, the place and for the prosperity of the town, and the things that need to be done to make this a reality.

The Community Strategy sets out a long-term vision under the headings of 'People', 'Places' and 'Prosperity' which are supported by nine Priority Action Groups, three for each priority heading. Under each main heading the aims are:

**PEOPLE** - Slough will have healthy and fulfilled people and communities.

**PLACE** - Slough will be a safe, attractive and sustainable place to live, work and learn.

**PROSPERITY** - Slough will have prosperous individuals and communities.

Meeting the needs of Slough's people and communities is at the centre of this vision. This vision will develop and change as the needs and aspirations of the people of Slough change.

It is within this context that the Council's priorities aims are set. The Council's vision, priorities and aims show how the Council supports the seven-shared priorities for

local government and the Community Strategy themes of ‘People’, ‘Places’ and ‘Prosperity’. We believe together they will continue to improve the quality of life for people who live in Slough.

The Council’s vision, priorities and aims are set out below:

**VISION:**  
*‘Taking pride in Slough and making a difference for our communities and our environment’*

<b>PRIORITY 1</b>	<b>PRIORITY 2</b>	<b>PRIORITY 3</b>	<b>PRIORITY 4</b>	<b>PRIORITY 5</b>
Creating safe, environmentally friendly and sustainable neighbourhoods	Improving lives for those in need and creating thriving communities	Improving life chances for children and young people	Excellence in customer services	Excellent governance within the council ensuring it is efficient, effective and economic in everything it does
<b>AIMS</b>	<b>AIMS</b>	<b>AIMS</b>	<b>AIMS</b>	<b>AIMS</b>
1.1 Deliver cleaner and safer neighbourhoods	2.1 Deliver effective social care	3.1 Keep every child safe	4.1 Deliver excellent customer focused services in an excellent customer environment	5.1 Improve financial and asset planning, monitoring and stewardship
1.2 Adopt a green and sustainable approach to managing and developing the environment	2.2 Focus on vulnerable people and those living in poverty	3.2 Improve outcomes for vulnerable children	4.2 Engage, listen and empower communities	5.2 Improve project, performance and major project management
1.3 Protect and enhance public health and well being	2.3 Provide affordable decent and safe homes	3.3 Help every child achieve	4.3 Deliver better integrated services through Slough Focus <sup>1</sup> and other partnerships	5.3 Gain efficiencies and ensure effective procurement
1.4 Improve transport	2.4 Deliver quality library and cultural services	3.4 Improve provision and outcomes for young people	4.4 Deliver excellent internal and external relations	5.4 Ensure compliance with the law
	2.5 Strengthen community activity through collaborative working in the most disadvantaged neighbourhoods			5.5 Improve corporate governance and democracy and ensure people and management practices are in place

Various documents celebrate what has been achieved to date, describe the key challenges facing the Borough over the next few years and set out the Council’s priorities for the town. These documents include the Community Strategy, Council’s Corporate Plan and Performance Plan.

However, excellent public service is not solely a matter of what is provided or indeed how it is provided. The type of organisation that provides the service and its motives for doing so are equally, if not more, important. The Councillors elected by the residents of Slough to form the Borough Council and the Officers employed by the

<sup>1</sup> Local Strategic Partnership



Council recognise this and affirm their total commitment to demonstrating and upholding the highest standards of behaviour in public life.

This policy statement:-

- summarises the principles which underpin this public commitment,
- provides the framework for public accountability and confidence in the work of the Borough Council,
- describes the processes which should safeguard the existence of the high standards now and in the future.

The Council's ethical framework exists at three levels. Nationally there is statute and common law together with codes and best practice. This is undergoing great change at present. These national elements are supplemented and interpreted locally through specific Codes and conventions. In turn, these are underpinned by a range of internal practices and procedures. The Council is committed to keeping this framework under review and developing it in line with public expectations, where possible anticipating and exceeding any legal or advisory requirements.

## **SEVEN PRINCIPLES OF PUBLIC LIFE**

In 1997, the Nolan Report on Standards in Public Life defined good conduct for members of public bodies as:-

*“a responsibility to act fairly, in good faith, and in a disinterested way in order to meet the specified objectives of the body to which they had been appointed.”*

Furthermore the Report held that any resources which were made available through association with a public body should not be misused by members of that body for their own personal advantage or that of

*“any-one known to them or to the disadvantage or the discredit of the public body or anyone else”.*

Slough Borough Council agrees completely with these statements and has adopted the following principles, taken from the Nolan Report, as the centre-piece, of this, its Policy Statement on Corporate Governance. These criteria and the principles shown below have subsequently been re-affirmed by the Local Government (Organisation and Standards) Bill as promoted by the Government and now, having received Royal Assent, the Local Government Act 2000.

### **Selflessness**

All Members and employees of the Council will take decisions solely in terms of the public interest. Decisions will not be taken in order to gain financial or other material benefits for themselves, their family or their friends.

### **Integrity**

No Member or employee of the Council will place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, the Council's elected Members and employees will make choices on merit.

### **Accountability**

The Members and employees of the Council are accountable for their decisions and actions to the public and will submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

All Members and employees of the Council will be as open as possible about all the decisions and actions that they take. They will give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

All Members and employees of the Council will declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

All Members and employees of the Council will promote and support these principles by leadership and example.

The Council believes that these principles apply in equal measure to elected Members and employees of the Authority. Furthermore it commends these principles to its partners, contractors and consultants for use in their business and dealings with the Council. All elected Members and employees of the Council are expected to adhere to these principles and apply them in their every day lives as they work, in what ever capacity, for the Council and the benefit of the Borough.

## **CORPORATE GOVERNANCE**

The elected Members and employees of the Council are here to serve and empower the people of Slough. This requires a positive commitment to public service and putting our service users, customers and the local communities first. Our services can have a profound effect on their quality of life and we all have a duty to give our best at all times. The public have the right to expect us to listen to them, be open, helpful and professional in our approach. Their confidence in public services depends on us being considerate, responsible, sensitive and mindful of the need to respect confidentiality. At no time should the conduct of elected Members, Council employees or our partners damage public belief in the honesty and integrity of the Authority.

Our goal is the highest standards of behaviour and service from all employees (full-time, part-time, temporary or casual), Members of the Council and those to whom public resources are entrusted in the Borough. The Authority recognises that high standards of professional and personal conduct will only be sustained in the long run if we:-

- act impartially and are seen to do so.
- take accountability, individually and as an organisation, for the proper governance of our Borough.
- work in open and transparent ways.
- accept criticism and comment as a positive force for improvement in ourselves and others.
- reject totally a culture of blame and shifting responsibility.

## **THE FRAMEWORK**

The Council will seek to achieve its goal and put the Nolan principles into action through an ethical framework consisting of :-

- A culture which seeks to eliminate the potential for partiality or unlawful action in the exercise of its powers functions and influence,
- An emphasis on prevention and vigilance,
- Resources for detection and investigation,
- Training for elected Members, employees and those we come into contact with,
- Recourse to sanctions and recompense should all else fail.

## **THE POLICIES AND PROCESSES**

### **Culture**

The policy of the Council in respect of its culture is to be clear about the standards of behaviour and service required and; through open government and leadership be, and be seen to be, an organisation that works constantly to eliminate malpractice while promoting honesty and fairness.

The Council puts this into practice through:

- Conducting as much business as possible in a transparent fashion at meetings which are open to the public.
- Encouraging questions, delegations and petitions from the public at meetings.
- Retaining Council reports for six years to allow public scrutiny.
- Consulting widely on Council policies and strategies and surveying public opinion on a regular basis.
- Supporting elected Members in their constituency and representational roles.

- Acknowledging the public's right to scrutinise Council documents including Accounts and Annual Reports.
- Openly reporting Council activities through the press and public relations section.
- An internal communications framework that keeps all employees informed.

### **Prevention**

The policy of the Council in respect of prevention is to prepare and maintain a complete suite of local Codes, corporate and departmental procedures to be followed by Members and employees supported by vigilant managers and a well resourced internal Audit team.

The Council puts this into practice through:

- A Audit & Corporate Governance Committee with an independent Chair and Members.
- Rigorous procedures for Members and employees to declare their interests.
- Making these Registers of Interests available for scrutiny by the public.
- Democratic control and the conduct of business by Members who are elected by, and accountable to, the public.
- Co-operative working with External Auditors, the Local Government Ombudsman and other regulatory bodies.
- Providing advice and support to elected Members and employees consistently throughout the year.
- Ensuring ready access to information about the Council and the business it conducts by publishing Committee reports in advance of meetings.

### **Detection and Investigation**

The Council's policy in respect of detection and investigation is to commit resources to the speedy and even-handed investigation of any alleged malpractice. The Council will work with statutory or public authorities and other organisations to integrate and maximise efforts to deal with malpractice and learn from others. In addition the Council will co-operate fully with any inquiry or investigation and ensure that any practical or future preventative action is taken.

The Council puts this into practice through:

- Encouraging concerned individuals both inside and outside the Council to come forward under its whistle blowing procedures and protecting those who do so.
- Maintaining a comprehensive complaints system.
- Implementing a rigorous internal audit programme.
- Pushing for Councils to have more powers to remove elected Members who have committed and been found guilty of acts against the Council they represent.

- Commissioning independent investigations and the public reporting of findings.
- Placing responsibility on elected Members and managers to ensure that effective and transparent controls are in place.

## **Training**

The Policy of the Council in respect of training is to provide appropriate information, training and support to enable elected Members and employees to properly understand and fulfil their responsibilities in respect of standards of conduct.

The Council puts this into practice through:

- Providing Members with induction packs within one day of being elected.
- Providing Members with induction training within five days of being elected.
- Ensuring an ongoing programme of education including specific training on conduct, declarations of interest and other important topics related to conduct.
- Providing specific training for Officers and Members involved in the Planning service.
- Ensuring that Members Services Officers are available to provide information, assistance, advice and support.
- Maintaining a comprehensive programme of education and training for employees from the time they are appointed.

## **Sanctions and recompense**

The policy of the Council in respect of sanctions and recompense is to seek speedy and impartial justice while acting to minimise the immediate effects and mitigate long-term harmful effects of any wrong doing thus bringing about a swift return to normal life.

While the conduct of employees can be addressed through contracts of employment; as the law stands at present there are few, if any, sanctions the organisation can apply to an elected Member whose conduct is unsatisfactory. Nevertheless the Council puts its policy into practice through:

- Disciplinary procedures for Members including investigations by independent panels in serious cases.
- Comprehensive disciplinary procedures for employees.
- Referring matters to the Police when internal procedures are exhausted or inappropriate.
- Pushing for the strongest possible action to be taken against those found to be acting unlawfully against the Council and the interests of the Borough.
- Treating complaints against itself openly, respecting the views of others and positively seeking a mutually acceptable outcome.
- Seeking ways in which restitution can be made when clear damage of loss has been found resulting from maladministration by the Council.

This page is intentionally left blank

## **Part 5.10 Guidance for Members and Staff in relation to Members' Involvement in Housing and Council Tax Benefits Work**

### **CONTENTS**

#### PROCEDURE FOR MAKING COMMENTS OR CHANGES

1. INTRODUCTION
2. MEMBERS' CASE WORK
3. MEMBERS AND THEIR HOUSEHOLD WHO ARE BENEFITS CLAIMANTS
4. MEMBERS WITH OTHER INTERESTS IN THE BENEFITS SYSTEM E.G. AS LANDLORDS
5. APPEALS
6. CIRCULATION AND REVIEW OF GUIDANCE

# **GUIDANCE FOR MEMBERS AND STAFF IN RELATION TO MEMBERS' INVOLVEMENT IN HOUSING AND COUNCIL TAX BENEFITS WORK**

## **1. Introduction**

This Guidance is issued to Members and staff in accordance with the Council resolution of 28<sup>th</sup> April 1999 that requires detailed involvement by Members in individual housing and council tax benefits cases to cease. At the same time, the guidance seeks to recognise Members' legitimate role in representing constituents, whether they are claimants or landlords, in their dealings with the Council.

This guidance supplements the declaration/registration of interest requirements contained in the Local Code of Conduct for Members and the requirement that Members should register services they, or close members of their family, have applied for or received from the Council which was agreed by Council in October 1999.

There is a parallel requirement for all officers involved in the administration of benefits to declare their interest in the Register of Employee Interests (Paragraph 5 of the Local Code of Conduct for Employees refers).

## **2. Members' case work**

In the first instance constituents who approach a Member for help should be invited to contact the 'My Council' Customer Service Centre or the Revenue and Benefits Helpline service, or to use the corporate complaints procedure.

If the Member has concerns about the case or the constituent is insistent the Member takes up the issue, the Member should immediately refer the matter in writing, to the Director concerned. All such enquiries must be accompanied by a consent form signed by the constituent and countersigned by the Member, which gives authority for information about the case to be released to that Member.

Only in exceptional circumstances, or emergencies where the constituent is facing hardship, should Members make personal contact and then it should be to the Director or head of service (currently the Service Manager – Benefits, Council Tax and NNDR).

## **3. Members and their household who are benefits claimants**

All Members, their family and other members of their household who claim housing and/or council tax benefits must declare that fact to the head of service (currently the Service Manager – Benefits, Council Tax and NNDR). Confidentiality will be respected, and the head of service will arrange for a senior benefits officer to check the claim is properly administered and processed.



If a member has an inquiry about his or her benefits or entitlements, this should always be raised in writing to the Director concerned.

**4. Members with other interests in the benefits systems e.g. as landlords**

Members who are landlords of properties where their tenants are claiming benefits or who have some other pecuniary interest in the benefits system, must declare the details to the Council's Monitoring Officer for inclusion in the statutory Register of Interests.

All enquiries from such Members in relation to their interest should be addressed in writing to the Director concerned.

**5. Appeals**

The Appeals Service is independent of the Council and Members may represent or advocate on behalf of a claimant, provided a consent form signed by the constituent and countersigned by the member has been submitted.

**6. Circulation and review of guidance**

This guidance will be issued to all existing and new Members and to all officers involved in the administration of benefits.

The guidance will be reviewed every two years by the head of service for the housing and council tax benefits service.

This page is intentionally left blank

## Part 6 - MEMBERS' ALLOWANCES SCHEME

The Slough Borough Council in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003 and subsequent Regulations hereby makes the following scheme:-

1. This scheme may be cited as the Slough Borough Council Members' Allowances Scheme and shall have effect commencing on 1<sup>st</sup> October 2010 and subsequent years.

2. In this scheme:

'Member' means an elected Member of the Slough Borough Council.

'Co-opted Member' means a person who is not an elected Member of the Authority but who is appointed as:-

- (a) a Member of any Committee or Sub Committee of the Authority, or
- (b) a Member of, and represents the Authority on, any Joint Committee or Joint Sub-Committee of the Authority.

### **Basic Allowance**

3. Subject to Paragraphs 9 and 10 below, an annual basic allowance of ~~£7,476,626~~ shall be paid to each elected Member.

### **Special Responsibility Allowances**

4. (1) A special responsibility allowance shall be paid to those Members who hold the special responsibilities in relation to the authority, which are specified in Schedule 1 to this scheme.

(2) Subject to Paragraphs 6 and 7, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.

(3) A Member may only claim one special responsibility allowance and that allowance will be the maximum allowance the Member is entitled to claim.

### **Index Linking**

5. The Basic Allowance, Special Responsibility Allowances, Co-optees' Allowances, the annual cap on the DCA and the remuneration of the Independent Person be Indexed to the annual percentage salary increase for local government staff (at spinal column 49) to be adopted from 1 April 2015 and to run for 4 years.

### **Co-opted Members' Allowance**

6. Co-optee appointed to the Audit and Corporate Governance Committee will receive an allowance of ~~£526,537~~ per annum.

### **Independent Person- (Standards)**

7. The Independent Person (Standards) will receive an allowance of ~~£1,263,288~~ per annum.

## **Travelling and Subsistence Allowances**

8. (1) Travelling and subsistence allowances shall be paid to each Member/Co-opted Member in respect of each occasion on which that Member carries out an approved duty **outside** the Borough as specified in **Schedule 2** to this Scheme.

### **Travel**

- (2) Payment of travel allowance shall be at the same rate as that applied to Council employees at the time the duty is carried out as specified in **Schedule 3**.
- (3) Subject to paragraph (4) unless there are exceptional circumstances which have previously been approved by the Head of Democratic Services , all claims for travel allowance should be deemed to start and finish from the Member's usual place of residence and claims will need to be made on this basis.
- (4) Co-optees may claim travel allowances for attending meetings within the Borough when they are required to travel in from outside the Borough.
- (5) Travel by taxi or private hire vehicles will be reimbursed with the amount of fare by appropriate public transport unless there is no public transport reasonably available or in cases of urgency in which event the actual fare and any reasonable gratuity will be reimbursed on production of a valid receipt.
- (6) The rate of travel by public transport shall not exceed the amount of the ordinary fare or any available cheap fare plus any expenditure necessarily and actually incurred in undertaking the journey.
- (7) The rate of travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent on travel by air.
- (8) Provided that where the appropriate decision making body resolves, either generally or specifically, that the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding;
- (a) the cheapest fare available, or
  - (b) in case of urgency, the actual fare paid by the Member on approval of the Head of Democratic Services .

## Subsistence

- (9) Payment of subsistence allowance shall be at the same rate as that applied to Council employees at the time the duty is carried out as specified in Schedule 3.
- (10) Payment of subsistence allowance will be subject to the following conditions:
- the Member/Co-opted Member has personally and necessarily incurred expenditure on subsistence for the purpose of enabling him/her to perform an approved duty and any claim is accompanied by a valid receipt;
  - the Member/Co-opted Member is absent from his/her place of residence for more than 4 hours.
  - where food is provided free of charge or paid directly for by the Borough Council the Member/Co-opted Member will not be entitled to claim a subsistence allowance for the period to which the allowance relates.
- (11) Where a Member/Co-opted Member attends a UK conference/seminar authorised by the Council which necessitates an overnight stay, hotel accommodation will be booked and paid for direct by the Council. For all meals not paid for direct by the Council or included in the conference/seminar fees, the appropriate subsistence allowance may be claimed.
- (12) Where a Member has to book his/her own accommodation regardless of cost the maximum amounts he/she can claim are specified in Schedule 3.

## Dependants' Carers' Allowances

9. (1) Elected Members are entitled to claim a Dependants' Carers' Allowance in reimbursement of actual reasonable costs necessarily incurred in providing care for dependant relatives (see sub-paragraph 2 below) while the Member is carrying out an approved duty specified in **Schedule 4** up to an annual limit of **£500510** per Councillor.
- (2) Dependant relatives live with the claimant and are:
- Children aged 14 or under;
  - Elderly relatives requiring full-time care and
  - Relatives with disabilities or nursing requirements who require temporary or permanent full-time care
- (3) Members are entitled to claim a Dependants' Carers' Allowance for periods starting up to a maximum of an hour before the approved duty starts and ending up to an hour after it finishes in order to allow for essential travelling time.
- (4) Dependants' Carers' Allowances are not payable in respect carers who are members of the immediate family or household.

## Renunciation

10. A Member may by notice in writing given to the Head of Democratic Services elect to forego any part of his or her entitlement to an allowance under this scheme, which will be binding for that financial year.

## **Part-Year Entitlement**

11. (1) Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as Member subsists bears to the number of days in that year.
- (2) Where a Member/Co-opted Member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a special responsibility allowance or co-optee's allowance, his/her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

## **Repayment of Allowances**

12. Where payment of any allowance has already been made in respect of any period during which the Member/Co-opted Member concerned
- is suspended or partially suspended;
  - ceases to be a Member of the Authority; or
  - is in any other way not entitled to receive the allowance in respect of that period,
- the Council may require that such part of the allowance as relates to any such period be repaid to the Council.

## **Claims and Payments**

13. (1) Claims for travelling, subsistence and dependants' carers' allowances under the Scheme must be made in writing within two months of the date of carrying out the approved duty in respect of which the entitlement to the allowance arises. The Head of Democratic Services shall be authorised to consider on its merits and to make payment in respect of, any claim not received within two months of the date of performance of the duty.
- (2) Claims must be made on the appropriate Members' Allowances claim form accompanied by valid receipts. Claims will only be settled on production of valid receipts. In the case of travel expenses VAT fuel receipts for the period during which the approved duty for which the claim is made must be produced.
- (3) Payments shall be made in respect of basic, special responsibility and co-optees' allowances, in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month
- (4) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance, special responsibility or co-optees' allowance would result in the Member/Co-opted Member receiving more than the amount to which by virtue of paragraph 9, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

- (5) When Members are standing for re-election in order to ensure that no over payments are made, payment may be stopped with effect from midnight on the third day after the election. If the Member is re-elected payment of any allowances due will restart from midnight on the third day after the election and an adjustment will be made at the next pay day.

### **Advance Payment**

14. (1) Notwithstanding paragraph 12 above, if a Member can show that he/she has reasonable cause to the satisfaction of both the ~~Strategic~~ Director, ~~Regeneration, Housing and Finance and~~ Resources and Head of Democratic Services he/she may elect in any one year to have up to 20% of the value of his/her annual basic allowance entitlement paid in advance. (The total value of any sums paid in advance must not exceed 20% of the basic allowance payable to the Member for that year).
- (2) Any advance payment will be subject to the Member giving a signed undertaking that in the event of his/her ceasing to be an elected Member of the authority he/she or their estate will repay to the Council any moneys owing in respect of the advanced payment.
- (3) The Section 151 Officer and Head of Democratic Services have delegated authority to consider and determine requests submitted by Members for advanced payment of part of their basic allowance as provided for under the Scheme.

### **Membership of Another Authority**

15. Where a Member/Co-opted Member is also a member of another authority, that Member may not receive allowances from more than one authority in respect of the same duties.

**SLOUGH BOROUGH COUNCIL**  
**MEMBERS' ALLOWANCES SCHEME**

**SCHEDULE 1**

**SPECIAL RESPONSIBILITY ALLOWANCES**

	£	% of Leader's SRA unless otherwise indicated
Leader of the Council	<u>19,438,827</u>	100%
Deputy Leader	<u>13,606,878</u>	70%
<u>Lead Cabinet</u> Member (Commissioner)	<u>10,691,905</u>	55%
Chair of the Audit and Corporate Governance Committee	<u>2,916,974</u>	15%
Chair of the Overview and Scrutiny Committee	<u>6,805,941</u>	35%
Vice-Chair of the Overview and Scrutiny Committee	<u>1,360,387</u>	20.00% of Overview and Scrutiny Committee Chair
Chairs of the Scrutiny Panels	<u>2,916,974</u>	15%
Chair of the Planning Committee	<u>4,860,957</u>	25%
Vice-Chair of the Planning Committee	<u>1,603,651</u>	8.33%
Chair of the Licensing Committee	<u>2,916,974</u>	15%
Vice-Chair of the Licensing Committee	<u>972,991</u>	33.33% of Licensing Committee Chair
Chair of the Employment and Appeals Committee	<u>1,943,982</u>	10%
Leader of the Majority Opposition Group	<u>5,831,948</u>	30%
Leader(s) of minority group(s)	<u>3,883,966</u>	20%

**Note:** An SRA for Leader(s) of Minority Group(s) will be payable provided that the Group has at least 5 Members.

**Co-optees' Allowances**

	£
Co-optee appointed to the Audit and Corporate Governance Committee	<u>526,537</u>

**The Independent Person**

| The Independent Person (Standards) will receive an allowance of £1,263,288 per annum.



**SLOUGH BOROUGH COUNCIL**  
**MEMBERS' ALLOWANCES SCHEME**

**SCHEDULE 2**

**APPROVED DUTIES FOR THE PURPOSE OF THE PAYMENT OF TRAVELLING,  
SUBSISTENCE ALLOWANCES IF HELD OUTSIDE THE BOROUGH**

*(Not applicable where Outside Body has its own allowance scheme – See Schedule 3)*

1. Attendance at Meetings of the following:

Meeting of any standing Committee, Sub-Committee or Panel

Joint Committees including –

Berkshire Authorities Fire Joint Committee

Joint East Berkshire Health Overview and Scrutiny Committee

East Berkshire & Buckinghamshire Joint Health Overview & Scrutiny  
Committee

Social Services Statutory Panels including –

East Berkshire Adoption Panel

Registration Appeals Panel

Secure Accommodation Panel

Complaints Review Board

Foster Panel

Thames Valley Athletics Management Committee and Trust

Thames Valley Police Authority

School Admissions Forum

Local Government Association

Association of Councils for the Thames Valley Region

Standing Advisory Council on Religious Education

**NB: Allowances will be paid to voting Members only.**

2. Attendance as a representative of the authority on other bodies approved by the Council.
3. Attendance at site visits approved by Council, Cabinet, appropriate Committee, Sub-Committee or Panel.
4. Attendance as an official representative of the Council at meetings, functions and events hosted by outside organisations/bodies.

5. Attendance at a conference or similar meeting held inside the United Kingdom approved under the authority delegated to the Head of Democratic Services or specifically by the Council or a Committee including, but not restricted to, the following:-

Association of Directors of Social Services  
Council for Local Education Authorities  
Institute of Environmental Health Officers  
Institute of Housing  
Local Government Association Fire Conference  
Local Government Association Tourism and Leisure Annual Conference  
Local Government Association  
National Housing and Town Planning Council  
Public Library Authorities Conference  
Standing Conference for Community Development  
Royal Town Planning Institute  
Town and Country Planning Summer School

6. Attendance at non-political conferences or meetings on matters of local government and local interest organised by this Council or other non-profit making bodies.
7. Attendance at training courses, seminars and conferences organised under the Members' Development Programme which the Head of Democratic Services or Council has previously approved for the payment of allowances.

**SLOUGH BOROUGH COUNCIL**  
**MEMBERS' ALLOWANCES SCHEME**

**SCHEDULE 3**

**TRAVEL AND SUBSISTENCE WHERE A MEMBER IS APPOINTED TO AN OUTSIDE BODY THAT HAS ITS OWN ALLOWANCE SCHEME**

Where a Member is appointed to an outside body that has its own allowance scheme (e.g. the Local Government Association and Royal Berkshire Fire & Rescue Authority) or provision to pay travel and subsistence (e.g. the Thames Valley Police & Crime Panel) the appointed Member should claim travel and subsistence allowances directly from the respective outside body.

**TRAVELLING AND SUBSISTENCE ALLOWANCES FOR MEMBERS 2015/16**

The travelling and subsistence allowances payable to Members for duties undertaken outside the Borough:

**TRAVELLING ALLOWANCES**

Based on HM Revenue & Customs current authorised mileage rates

**Rate per business mile**

<b>Vehicle Used</b>	<b>First 10,000 business miles</b>	<b>Each mile over 10,000 miles</b>
<b>Cars and vans</b>	<b>45p</b>	<b>25p</b>
<b>Motorcycles</b>	<b>24p</b>	<b>24p</b>
<b>Cycles</b>	<b>20p</b>	<b>20p</b>

For passengers an additional 5p per mile is paid per passenger

**Indexation of Travelling Allowances Outside of the Borough**

Mileage will be indexed to the HMRC rates

Other Travel: actual costs subject to most cost effective provisions

**SUBSISTENCE ALLOWANCES**

Based on and indexed to rates set by the South East Employers Organisation

**Indexation of Subsistence and Overnight Allowances (Outside of Borough Only)**

Allowances to be indexed to the maximum rates payable under the South East Employers Subsistence scheme

Breakfast	£ 6.88
Lunch	£ 9.50
Tea	£ 3.76
Evening Meal	£ 11.76
Overnight allowance	£138.15

**Overnight Absence / Out of pocket expenses**

Per night	£ 5.28
Per week	£ 21.09

**SLOUGH BOROUGH COUNCIL**  
**MEMBERS' ALLOWANCES SCHEME**

**SCHEDULE 4**

**APPROVED DUTIES FOR THE PURPOSE OF THE PAYMENT OF**  
**DEPENDANTS' CARERS' ALLOWANCE**

As prescribed by Regulation 7 of the Local Authorities (Members' Allowances) (England) Regulations 2003

- (a) The attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) The attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that -
  - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
  - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
- (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools); and
- (h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

This page is intentionally left blank

# Part 7

# Management Structure

# Council Management Structure May 2017

