

Date of despatch: Wednesday, 19 July 2023

To the Members of Slough Borough Council

Dear Councillor,

You are summoned to attend a Meeting of the Council of this Borough which will be held in the Council Chamber - Observatory House, 25 Windsor Road, SL1 2EL on **Thursday, 27th July, 2023 at 7.00 pm**, when the business in the Agenda below is proposed to be transacted.

Yours faithfully



STEPHEN BROWN
Chief Executive

PRAYERS

AGENDA

Apologies for Absence

	<u>PAGE</u>
1. Declarations of Interest	-
<i>All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i>	
2. To approve as a correct record the Minutes of the Council held on 18th May 2023	1 - 10
3. To receive the Mayor's Communications.	-

Public Questions

4. Questions from Electors under Procedure Rule 9.	-
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Officer Reports

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| 5. | Review of the Council's Constitution | 11 - 52 |
| 6. | Appointments to Committees and Panels | 53 - 56 |
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Motions

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| 8. | To consider Motions submitted under procedure Rule 14. | 63 - 64 |
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Member Questions

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| 9. | To note Questions from Members under Procedure Rule 10 (as tabled). | - |
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Press and Public

Attendance and accessibility: You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

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

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

Emergency procedures: The fire alarm is a continuous siren. If the alarm sounds Immediately vacate the premises by the nearest available exit at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.

MINUTES OF COUNCIL PROCEEDINGS

At the Annual Meeting of the Council for the Borough of Slough held at the Council Chamber - Observatory House, 25 Windsor Road, SL1 2EL on Thursday 18th May, 2023 at 7.00 pm

Present:- The Worshipful the Mayor (Councillor Parmar), in the chair; Councillors Abbasi, E. Ahmed, I. Ahmed, Akram, Anderson, Bedi, Carter, Chahal, Dar, Dauti, Dhillon, Escott, Gahir, Gill, Hulme, Iftakhar, Instone, Kelly, Khawar, Manku, Mann, Matloob, Mohammad, Mohindra, Muvvala, Nazir, Naveed, O’Kelly, Qaseem, Rana, J. Sabah, W. Sabah, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait

Apologies for Absence:- Councillor Ajaib

1. To Elect the Mayor for the 2023/24 Municipal Year

The Mayor called for nominations for the office of Mayor of the Borough of Slough for the ensuing municipal year.

Councillor Smith proposed and Councillor O’Kelly seconded the nomination of Councillor Abbasi.

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

There voted for the nomination:

Councillors Abbasi, E.Ahmed, I.Ahmed, Bedi, Chahal, Dauti, Dhillon, Iftakhar, Kelly, Khawar, Manku, Mohindra, Muvvala, Naveed, O’Kelly, Rana, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait..... 24

There voted against the nomination:

Councillors Akram, Anderson, Carter, Escott, Gahir, Gill, Hulme, Instone, Mann, Matloob, Mohammad, Nazir, Qaseem, J.Sabah and W.Sabah..... 15

There abstained from voting:

Councillors Dar and Parmar (The Worshipful The Mayor) 2

The Chief Executive declared Councillor Abbasi elected Mayor of the Borough of Slough for the 2023/24 municipal year. Councillor Abbasi, having made and signed the requisite declaration of acceptance of office, was thereupon installed in the Chair.

(The Worshipful The Mayor, Councillor Abbasi, in the Chair)

Resolved – That Councillor Abbasi be elected as Mayor for the Municipal Year 2023/24.

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2. To Elect the Deputy Mayor for the 2023/24 Municipal Year

The Mayor called for nominations for the office of Deputy Mayor of the Borough of Slough for the ensuing municipal year.

Councillor Manku proposed and Councillor Chahal seconded the nomination of Councillor Dhillon.

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

There voted for the nomination:

Councillors Abbasi, E.Ahmed, I.Ahmed, Bedi, Chahal, Dauti, Dhillon, Iftakhar, Kelly, Khawar, Manku, Mohindra, Muvvala, Naveed, O’Kelly, Rana, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait..... 24

There voted against the nomination:

Councillors Akram, Anderson, Carter, Escott, Gahir, Gill, Hulme, Instone, Mann, Matloob, Mohammad, Nazir, Parmar, Qaseem, J.Sabah and W.Sabah..... 16

There abstained from voting:

Councillor Dar 1

The Chief Executive declared Councillor Dhillon elected Deputy Mayor of the Borough of Slough for the 2023/24 municipal year. Councillor Dhillon made and signed the requisite declaration of acceptance of office.

Resolved – That Councillor Dhillon be elected as Deputy Mayor for the Municipal Year 2023/24.

3. Return of Councillors Elected on 4th May 2023

It was moved by Councillor Smith,
Seconded by Councillor I.Ahmed,

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

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

- (i) “Note and welcome the return of Councillors elected to Slough Borough Council on 4th May 2023, as set out in paragraph 2.3 of the report.
- (ii) Thank retiring members for their public service.”
- (iii) **Instruct the Returning Officer to formally write to the Electoral Commission to raise this Council’s concerns with voter ID and the impact it has had on our residents.**

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- (iv) Instruct the Returning Officer to prepare a further detailed report on this matter, including a ward by ward breakdown, as well as analysis into residents who did not go to vote due to voter ID requirements by conducting interviews with candidates, community groups and other interested parties and report back to the next full council meeting.”

The amendments were put to the vote and a prior request having been made for the record of the voting –

There voted for the amendments to the recommendations as tabled:

Councillors Akram, Anderson, Carter, Dar, Escott, Gahir, Gill, Hulme, Instone, Mann, Matloob, Mohammad, Nazir, Parmar, Qaseem, J.Sabah and W.Sabah..... 17

There voted against the amendments to the recommendations:

Councillors Abbasi, E.Ahmed, I.Ahmed, Bedi, Chahal, Dauti, Dhillon, Iftakhar, Kelly, Khawar, Manku, Mohindra, Muvvala, Naveed, O’Kelly, Rana, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait..... 24

The amendments to the recommendations were not carried.

The original recommendations were put to the vote and a prior request having been made for the record of the voting –

There voted for the recommendations:

Councillors Abbasi, E.Ahmed, I.Ahmed, Bedi, Chahal, Dauti, Dhillon, Iftakhar, Kelly, Khawar, Manku, Mohindra, Muvvala, Naveed, O’Kelly, Rana, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait..... 24

There abstained from voting on the recommendations:

Councillors Akram, Anderson, Carter, Dar, Escott, Gahir, Gill, Hulme, Instone, Mann, Matloob, Mohammad, Nazir, Parmar, Qaseem, J.Sabah and W.Sabah..... 17

Resolved –

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

4. Declarations of Interest

None received.

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5. To approve as a correct record the Minutes of the Council held on 28th March 2023

Resolved - That the minutes of the meeting held on 28th March 2023 be approved as a correct record.

6. To receive the Mayor's Communications.

The Mayor thanked his predecessor, Councillor Dilbagh Parmar for being the First Citizen of Slough 2022/23 and Mrs Amarjit Parmar as Mayoress.

New and existing Members who were elected at the local elections were welcomed to the meeting.

The Mayor announced that former Leader and Councillor Richard Stokes had passed away on 22nd April 2023. Councillor Stokes was first elected to the council in 1983 and led the Liberal Group on the council from 1990 and from the early 2000s led the group of Britwellian, Independent, Liberal and Liberal Democrats (BILLD) group.

Following elections in 2004 where the council became No Overall Control, the BILLD group formed a joint administration with the Conservative group and Councillor Stokes became Leader of the council; a position he held until 2008. Councillor Stokes retired from the council in 2012 following 29 years of service.

(A minute silence was observed by the Council)

7. Election of Leader of the Council

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

“That Councillor Smith be elected as Leader of the Council for a four-year term, expiring on the day of the post-election annual meeting which follows his election as Leader, unless the term ceases earlier in accordance with Article 7 of the Constitution.”

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

There voted for the recommendation:

Councillors Abbasi, E.Ahmed, I.Ahmed, Bedi, Chahal, Dauti, Dhillon, Iftakhar, Kelly, Khawar, Manku, Mohindra, Muvvala, Naveed, O’Kelly, Rana, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait..... 24

There voted against the recommendation:

Councillors Akram, Anderson, Carter, Dar, Escott, Gahir, Gill, Hulme, Instone, Mann, Matloob, Mohammad, Nazir, Parmar, Qaseem, J.Sabah and W.Sabah..... 17

Resolved - That Councillor Smith be elected as Leader of the Council for a four-year term, expiring on the day of the post-election annual

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meeting which follows his election as Leader, unless the term ceases earlier in accordance with Article 7 of the Constitution.

8. Review of the Council's Constitution

It was moved by Councillor Smith,
Seconded by Councillor Chahal,

“That Council

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

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

“That Council

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

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

There voted for the amendment to the recommendations:

Councillors Akram, Anderson, Carter, Dar, Escott, Gahir, Gill, Hulme, Instone, Mann, Matloob, Mohammad, Nazir, Parmar, Qaseem, J.Sabah and W.Sabah..... 17

There voted against the amendment to the recommendations:

Councillors Abbasi, E.Ahmed, I.Ahmed, Bedi, Chahal, Dauti, Dhillon, Iftakhar, Kelly, Khawar, Manku, Mohindra, Muvvala, Naveed, O’Kelly, Rana, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait..... 24

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The amendment to the recommendation was not carried.

The original recommendations were put to the vote and a prior request having been made for the record of the voting –

There voted for the recommendations:

Councillors Abbasi, E.Ahmed, I.Ahmed, Bedi, Chahal, Dauti, Dhillon, Iftakhar, Kelly, Khawar, Manku, Mohindra, Muvvala, Naveed, O’Kelly, Rana, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait..... 24

There voted against the recommendations:

Councillors Akram, Anderson, Carter, Dar, Escott, Gahir, Gill, Hulme, Instone, Mann, Matloob, Mohammad, Nazir, Parmar, Qaseem, J.Sabah and W.Sabah..... 17

Resolved -

That Council

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

9. James Elliman's Trust

It was moved by Councillor Smith,
Seconded by Councillor Chahal,

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

The recommendations were put to the vote and agreed unanimously.

Resolved –

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

10. Appointment of Cabinet, Committees and Other Bodies and their Chairs and Allocation of Political Group Officer Support

It was moved by Councillor Smith,
Seconded by Councillor Chahal,

- (a) “That Committees and other bodies be appointed, that their sizes be adjusted as necessary to facilitate proportionality, and seats thereon allocated to political groups in accordance with the rules of proportionality where applicable, all as per Appendix 1.
- (b) That appointments be made to Committees and other bodies in accordance with the nominations received from political groups as set out in Appendix 2.
- (c) That the Chairs and Vice-Chairs of the above bodies be appointed as set out in Appendix 2.
- (d) That the report of the Leader on appointment of the Deputy Leader and Lead Members (the Cabinet) and their portfolios be received as set out in Appendix 2.
- (e) That Political Group Officer support to Political Groups is agreed for the 2023/24 municipal year – that a full time Political Group Officer be allocated to the Conservative Group and Labour Group respectively.
- (f) To approve the timetable of ordinary meetings of the Council for 2023/2024 as set out in the report.”

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

- (a) “That Committees and other bodies be appointed **as per previous municipal years**. ~~that their sizes be adjusted as necessary to facilitate proportionality, and seats thereon allocated to political groups in accordance with the rules of proportionality where applicable, all as per Appendix 1.~~”

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

There voted for the amendment to recommendation (a):

Councillors Akram, Anderson, Carter, Dar, Escott, Gahir, Gill, Hulme, Instone, Mann, Matloob, Mohammad, Nazir, Parmar, Qaseem, J.Sabah and W.Sabah..... 17

There voted against the amendment to recommendation (a):

Councillors Abbasi, E.Ahmed, I.Ahmed, Bedi, Chahal, Dauti, Dhillon, Iftakhar, Kelly, Khawar, Manku, Mohindra, Muvvala, Naveed, O’Kelly, Rana, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait..... 24

The amendment to the recommendation was not carried.

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

(c) “That the Chairs and Vice-Chairs **to be appointed by their respective committees at their first meetings.** ~~of the above bodies be appointed as set out in Appendix 2.~~”

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

There voted for the amendment to recommendation (c):

Councillors Akram, Anderson, Carter, Dar, Escott, Gahir, Gill, Hulme, Instone, Mann, Matloob, Mohammad, Nazir, Parmar, Qaseem, J.Sabah and W.Sabah..... 17

There voted against the amendment to recommendation (c):

Councillors Abbasi, E.Ahmed, I.Ahmed, Bedi, Chahal, Dauti, Dhillon, Iftakhar, Kelly, Khawar, Manku, Mohindra, Muvvala, Naveed, O’Kelly, Rana, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait..... 24

The amendment to the recommendation was not carried.

The original recommendations were put to the vote and a prior request having been made for the record of the voting –

There voted for the recommendations:

Councillors Abbasi, E.Ahmed, I.Ahmed, Bedi, Chahal, Dauti, Dhillon, Iftakhar, Kelly, Khawar, Manku, Mohindra, Muvvala, Naveed, O’Kelly, Rana, Satti, Shah, Shaik, Smith, Stedmond, Tomar, Wright and Zarait..... 24

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There voted against the recommendations:

Councillors Akram, Anderson, Carter, Dar, Escott, Gahir, Gill, Hulme, Instone, Mann, Matloob, Mohammad, Nazir, Parmar, Qaseem, J.Sabah and W.Sabah..... 17

Resolved -

- (a) That Committees and other bodies be appointed, that their sizes be adjusted as necessary to facilitate proportionality, and seats thereon allocated to political groups in accordance with the rules of proportionality where applicable, as per Appendix 1.
- (b) That appointments be made to Committees and other bodies in accordance with the nominations received from political groups as set out in Appendix 2.
- (c) That the Chairs and Vice-Chairs of the above bodies be appointed as set out in Appendix 2.
- (d) That the report of the Leader on appointment of the Deputy Leader and Lead Members (the Cabinet) and their portfolios be received as set out in Appendix 2.
- (e) That Political Group Officer support to Political Groups is agreed for the 2023/24 municipal year – that a full time Political Group Officer be allocated to the Conservative Group and Labour Group respectively.
- (f) To approve the timetable of ordinary meetings of the Council for 2023/2024 as set out in the report.

11. Appointments to Outside Bodies 2023/24

It was moved by Councillor Smith,
Seconded by Councillor Chahal,

“That the appointments and nominations to the outside bodies as set out in Appendices A and B to the report, for the Municipal year 2023/24, be agreed.”

The recommendation was put to the vote and agreed unanimously.

Resolved - That the appointments and nominations to the outside bodies as set out in Appendices A and B to the report, for the Municipal year 2023/24, be agreed.

Chair

(Note: The Meeting opened at 7.00 pm and closed at 9.45 pm)

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SLOUGH BOROUGH COUNCIL

Report To:	Council
Date:	27 th July 2023
Subject:	Review of the Council's Constitution
Chief Officer:	Stephen Taylor – Monitoring Officer
Contact Officer:	Sarah Wilson – Head of Legal
Ward(s):	All
Exempt:	No
Appendices:	Appendix 1 - Part 3.4 – Responsibility for Council functions – Planning Committee only Appendix 2 - Part 4 – Council Procedure Rules – Rule 30 only Appendix 3 - Part 5 – Code of Conduct for Members in relation to Planning matters

1. **Summary and Recommendations**

The report seeks approval for amendments to the constitution as part of an ongoing review. The changes relate to the functions, procedures and code of conduct for planning matters and the Planning Committee.

Recommendation(s)/Proposed Action

Council is recommended to:

1. Consider and adopt the amendments as follows:
 - a. Part 3.4 - Responsibility for Council Functions - replace the existing terms of reference for Planning Committee with those in Appendix 1;
 - b. Part 4.1 - Council Procedure Rules – replace Rule 30.1 and 30.3 with the new rules set out in the body of this report;
 - c. Part 5.2 - Code of Conduct for Members in relation to Planning matters.
2. Agree that the amendments to the Constitution will come into effect on the day following the Council meeting.

2. **Commissioner Review**

How members approach planning matters, both outside the formal committee and within it has a significant impact on the reputation of the council. Members will wish to give conspicuous attention to demonstrating that the planning process is fair balanced and transparent. These proposals provide a helpful underpinning to that.

3. **Council priorities**

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

4. **Other Implications**

(a) Financial

There are no financial implications of the proposed action.

(b) Risk Management

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

The proposed changes are to ensure that when making decisions on planning matters, whether at officer or member level, those decisions are made in a transparent, fair and lawful manner. This will help reduce the risk of successful legal challenges and will allow the public to better understand the decision-making process and the rights of elected representatives, applicants and those who have made representations to take part in the process.

(c) Legal Implications

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

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

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

When determining planning applications, the Council is acting in a quasi-judicial manner and must ensure that those involved in the process are acting in a fair, impartial and transparent way. The Local Government Association (LGA) has published guidance called Probity in planning : Advice for councillors and officers making planning decisions. This confirms the following considerations:

- (a) Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework in the wider public interest.

- (b) Planning affects people's lives and land and property interests, particularly the financial value of landholdings, and the quality of their settings.
- (c) Opposing views are often strongly held by those involved. Whilst councillors must take account of these views, they should not favour any person, company, group or locality, or appear to be doing so.
- (d) The risk of controversy and conflict is heightened by a system which invites public opinion before taking decisions and it is particularly important that the process is open and transparent.
- (e) Councillors and officers have different but complementary roles and effective communication and a positive working relationship between officers and councillors is essential to delivering a good planning service.
- (f) Effective delegation can help ensure that decisions on planning issues are made quickly, and that resources are appropriately concentrated on the applications of greatest significance to the local area.
- (g) Officers and serving councillors must not act as agents for people pursuing planning matters within their authority, even if they are not involved in the decision making on them.
- (h) The decision making process must be seen to be fair and impartial from the perspective of an external observer. Members who want to speak for or against a proposal as a campaigner, including in relation to a proposal in their ward, should withdraw from being a member of the planning committee.
- (i) If a councillor speaks on behalf of a lobby group at committee, they should withdraw from the meeting once any public or ward member speaking opportunities have been completed to counter any suggestion that members of the committee may have been influenced by their continuing presence.
- (j) Planning decisions cannot be made on a party political basis – the use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
- (k) Call in procedures, whereby councillors can require a proposal that would normally be determined under delegated authority to be determined by planning committee, should require the reasons for call in to be recorded in writing and to refer solely to matters of material planning concern.
- (l) Officer reports on planning applications must be accurate and include the substance of any objections and other responses, contain a clear assessment against relevant policies and any other material planning considerations, contain a written recommendation, technical appraisals to justify the recommendation and any oral updates or changes to the report should be recorded.
- (m) Where public speaking is allowed, clear protocols should be established about who is allowed to speak, including provisions for applicants, supporters, ward councillors, parish councillors and third party objectors. The time allowed for presentations for and against the development should be the same, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made in writing. New documents should not be circulated to the committee.
- (n) Planning committees are advised to take the following steps before making a decision which differs from the officer recommendation: the areas of difference should be discussed and reasons for it with officers in advance of the meeting, the detailed reasons should be recorded as part of the mover's motion, consider adjournment for a few minutes for reasons to be discussed, consider deferring to another meeting to have the reasons tested and discussed.
- (o) If the committee makes a decision contrary to the officers' recommendation, a detailed minute of the committee's reasons should be made and a copy placed on the application file. Councillors should be prepared to explain their planning

reasons in full for not agreeing with the officers' recommendation, which should be set in the context of the development plan or planning framework.

- (p) Site visits – there should be a clear and consistent approach to when and how to hold a site visit and how to conduct it. Visits should only be used where the benefit is clear and substantial and a record should be kept of the reasons why a site visit is called. As site visit is only likely to be necessary if the impact of the proposed development is difficult to visualise from the plans and any supporting material, the comments of the applicant and objectors cannot be expressed adequately in writing or the proposal is particularly controversial.

(d) Equalities Implications

Having a clear, up to date constitution will assist the Council to make fair and lawful decisions. Planning decisions can be challenged on the grounds that the decision breaches the Equality Act 2010. Having clear terms of reference, delegated authority and committee procedure helps ensure that only relevant considerations are taken into account.

5. **Supporting Information**

Part 3.4 – Responsibility for Council Functions

Part 3.4 sets out the functions of full Council and all committees and sub-committees of Council. This includes the terms of reference, functions and permitted delegation for each committee, including the Planning Committee. Appendix 1 contains the proposed amendments for Planning Committee. The membership rules remain as in the current rules, with the lead member with responsibility for planning permitted to be a member of the committee, although this is not a requirement. The Probity in Planning guidance refers to the Planning Advisory Service advise that the lead member for planning plays an important role in driving planning policies and proposals, but should exclude themselves from decision-making committees to avoid a perception of a conflict of interest and predisposition. Where a lead member is on the planning committee, they should withdraw when the committee is considering the Council's own schemes or other applications that they have been seen to support previously.

The current rules do not clearly set out the scheme of delegation, instead referring to operational aspects falling to be dealt with by officers under the scheme of delegation. For transparency, the functions that are reserved to the committee have been included in the functions column. This includes an additional exemption for applications with significant public objection. This permits committee to consider smaller applications which may be controversial in the local area and does not rely on objectors requesting intervention via a ward councillor, although many residents will still choose to liaise with their ward councillors.

The public participation scheme for planning has been moved from the Code of Conduct to this part. This sets out the rights of stakeholders to speak, the order of speaking and a time limit on each distinct category of speakers. The time limit of four minutes is in place under the current rules, although there was a lack of consistency within different sections of the Code of Conduct, with a time limit of four minutes for the application appearing in the public participation section and a time limit of 10 minutes appearing in the developer brief. There was also a reference to the ability of members of the committee and ward councillors to ask questions of the developer and officers, which risks confusing the separate role of the committee members and ward councillors. The Probity in Planning guidance

emphasises the importance of equity in relation to the time allowed for presentations for and against the development and presentations should be limited to reinforcing or amplifying representations already made as opposed to introducing new points.

Whilst most representations by elected members will be via the ward councillor, the amended rules clarify that other appropriate elected representatives may speak. This will allow elected members to request to speak about developments in neighbouring areas or in an area which will impact on a wider part of the Borough. All speakers should restrict their representations to material planning issues and are not permitted to hand out photographic or written material. Speakers should not seek to question officers or the applicant as that is a matter for the committee members. Elected members should give written notice in advance to the Chair of the Planning Committee and an invited to consider speaking to planning officers in advance if they are unsure whether their representations constitute material planning considerations.

Part 4 – Council Procedure Rules

This part covers the procedure rules as they apply to council and committee meetings. Part 30 is the rule relied upon to allow elected members who are not members of the committee to speak. It is proposed that the current rules are amended as set out in Appendix 3.

The amendments clarify that as well as limiting comments to material planning considerations, non-committee members are also subject to the rules on order of speakers and time limit. The Council Procedure Rules do not apply to Cabinet meetings, which are governed by the Executive Procedure Rules. This is confirmed by Rule 32, however Rule 30 has been amended to remove reference to Cabinet.

Part 5 – Code of Conduct for Members in relation to Planning matters

This part has been changed to remove reference to Licensing matters, as these are separately governed by secondary legislation and licensing policy and procedures. The Code has been updated to reflect the latest guidance and remove contradictory information and shortened to remove the public participation scheme and developer guide. The rules for third parties to speak at the committee are proposed to be moved to the terms of reference and detail to be given to the applicant and members of the public do not need to be included in the Constitution. Finally an additional section has been added on appeals and the role of elected members in the process.

6 Comments of Other Committees

A working group of members reviewed the proposed changes and supported the amendments. The group recommended that planning committee members also reviewed the proposals. The planning committee members held an informal meeting on 11 July 2023 to discuss the changes.

Members agreed it was important to have consistency between Rule 30 in the Council Procedure Rules and the participation rights of elected representatives. Members also agreed it was important to have time limits on those speaking and to ensure that all comments were restricted to material planning considerations. If in doubt, elected members are encouraged to speak to the planning team in advance

of the committee. Members agreed that the right for a non ward member to speak should be subject to prior notification to the Planning Committee Chair and be limited to material planning considerations and subject to a time limit to comply with the guidance.

Members supported the addition of “significant public objection” to allow a matter to be referred to Planning Committee, rather than relying on members of the public to have to request their ward member to raise this and requested that this apply to approval and refusal where significant representations are made against the officer recommendation. Whilst many constituents will continue to speak to their ward members, it was recognised that there may be differences of opinion in the local community and reasons why some ward members are not able to represent their constituents, for example due to being a member of the committee or being conflicted in another way.

7 **Conclusion**

Approval of the constitution is a matter for Full Council. The changes represent best practice.

8. **Background Papers**

None.

<p>Planning Committee (8 Members of the Authority) No Executive Member other than Lead Member with responsibility for strategic planning. Not the Mayor.</p>	<p>1 To determine applications for planning permission, listed building consent, advertisements and other planning related applications, made under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and associated legislation and regulations.</p> <p>Officers may exercise delegated authority for all applications except:</p> <ul style="list-style-type: none"> • The recommendation is approval or refusal and there are significant local public representations against the officer recommendation (defined as 5 or more written representations from different households based on relevant material planning concerns). • The recommendation is approval or refusal and a ward member in the relevant ward has set out written concerns, which have not been resolved following a meeting with planning officers. • The recommendation is approval or refusal and following consultation with the Chair of Planning Committee (and other members of the Committee as appropriate), the officer has declined delegation. • The recommendation would require a departure from statutory planning policy, Council policy and non-statutory guidance, except in the case of minor variations (variation to Council standards in respect of guidelines and policies that will result in a minor change in the nature and scale of the development, for example parking provision, garden size, distance between buildings). • The application relates to a strategically significant development or a major development (defined as 10 or more dwellings or 0.5 hectares if no numbers are given or where a building is 1000 square metres of floor space or the site is 1 hectare or more or a change of use involving creation of 10 or more residential accommodation units or non-residential buildings exceeding 1000 square metres). • Determination of applications relating to minerals and waste development except minor ancillary development to an existing use or minor variation or conditions associated with an existing approved application. • Determination of a deferred application which the Committee has specifically reserved to itself for determination. 	<p>Officers may exercise delegation in accordance with the Scheme of Delegation to Officers unless it falls within the exceptions set out under each function.</p>
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	<ul style="list-style-type: none"> • The application relates to a Council owned site and the application is being made on behalf of the Council and at least one written objection has been made. <ol style="list-style-type: none"> 2. To confirm Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015. 3. To confirm town and village green registration applications under the Commons Act 2006 and associated legislation, including considering recommendations of a non-statutory inquiry chaired by an independent person. 4. Making recommendations to full council for planning related matters including neighbourhood development and conservation areas, where these functions are not executive functions for cabinet to consider and make recommendations on. 5. To consider making an order to preserve and protect trees in the Borough. <p>Officers may exercise delegated authority to make an order except:</p> <ul style="list-style-type: none"> • Where an objection has been received from more than three households. • The order is to protect a significant area of trees. • The decision would be contrary to agreed policy or significant issues have been raised by a ward councillor in a relevant ward. <ol style="list-style-type: none"> 6. 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>Officers may exercise delegated authority for all applications except:</p> <ul style="list-style-type: none"> • The decision would be contrary to agreed policy. <ol style="list-style-type: none"> 7. To exercise functions in connection with high hedges. 	
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Officers may exercise delegated authority for all applications except where a formal notice is required under the Act and one or more of the following apply:

- Where wider neighbourhood issues are being raised, for instance there are complaints from at least 5 different households or the hedge has at least 5 owners and officers have been unable to resolve the matter informally.
- A ward councillor in the relevant ward has submitted a written objection of relevance to pursuant to the Act and following a meeting with officers, this remains unresolved.
- The hedge is at least partly owned by the Council and officers have been unable to resolve the matter informally.

Public Participation Scheme for Planning

Applications for planning permission are determined by either Officers acting under the Council's Scheme of Delegation or the Planning Committee. Each application is subject to a statutory public consultation/notification process which includes the right to make written representations on an application before it is determined. Where a representation is relevant to a planning application, it is considered by the decision-maker before a determination is made.

The following will be allowed to address the Planning Committee before an application is determined:-

- (a) Objectors who have submitted a written representation and registered to speak at least 3 working days in advance of the committee meeting.
- (b) The lead petitioner in the event of a petition being submitted in response to a planning application.
- (c) Parish Council representatives.
- (d) The applicant (or his agent).
- (e) Ward Councillors or other appropriate elected representatives raising material planning issues on behalf of those they represent, having given

written notice to the Chair of the Planning Committee in advance of the meeting.

The Public Participation Scheme will only apply to planning applications which are to be determined by the Planning Committee.

The following time limits apply to those who have a right to speak on a planning application at Planning Committee:

- (a) Four minutes in total for all public objectors/petitioners;
- (b) Four minutes in total for any Parish Council representations;
- (c) Four minutes in total for the applicant/agent;
- (d) Four minutes in total for ward councillors or other appropriate elected representative.

Speakers should restrict their comments to material planning considerations and are not permitted to send in or hand out any photographic or written material. Elected members who wish to speak may wish to seek advice from planning officers in advance of the meeting as to whether their representations constitute material planning considerations.

The Public Participation Scheme does not apply to any matter where the Planning Committee is considering enforcement of any kind.

The public participation scheme will operate in accordance with the guidance provided to residents in the explanatory leaflet "What happens to my objections to a planning application?"

Appendix 2 – Amendments to Rule 30 of the Council Procedure Rules

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 **and subject to the rules set out in Part 3.4 Responsibility for Council Functions** ~~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~~ **or Sub-Committee** ~~/Panel or Working Party~~ to which a motion proposed by him/her has been referred. **Non-committee members are not permitted to raise motions at Planning Committee.**

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). **The right to speak at Planning Committee is subject to the rules set out in Part 3.4 Responsibility for Council Functions).**

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.

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Part 5.2 Code of Conduct for ~~Members~~ ~~Councillors~~ and ~~Officers~~ in relation to ~~Planning~~ and ~~Licensing~~ matters

~~Elected members~~ ~~Councillors~~ can involve themselves in discussions with developers, applicants, their constituents and others about planning and licensing matters. However, difficulties can be avoided if you follow these useful general rules:

Do

- Inform officers about any approaches made to you and seek advice
- Familiarise yourself with the ~~Councillors~~ Code of Conduct for Members and follow it when you are representing the authority
- Keep your register of interests up to date
- Be aware of what predisposition, predetermination and bias mean in your role
- ~~Preface any discussion with disclaimers;~~ Keep a note of meetings and calls; and make clear at the outset that **you are not speaking on behalf of the Council and will make any decision taking account of all relevant information. discussions are not binding**
- Be aware of ~~what~~ Disclosable Pecuniary Interests (DPIs) and other interests that need to be declared and may preclude involvement in decision-making prejudicial interests are
- Recognise the distinction between advising on process ~~giving advice~~ and engaging in negotiation and what ~~en~~ this is appropriate in your role
- Make decisions based on evidence and advice from professional officers. Stick to policies included in adopted plans, but also pay heed to any other considerations relevant to planning
- Use meetings to show leadership and vision
- ~~Encourage positive outcomes~~
- Recognise that you can lobby and campaign but that this may remove you from the decision making process
- Feed in both your own and your local community's concerns and issues
- Be aware that you can engage in discussions but you must have and be seen to have an open mind at the point of decision making

Do not

- Use your position improperly for personal gain or to advantage your friends or close associates
- Meet developers/applicants alone or put yourself in a position where you appear to favour a person, company or group – even a 'friendly' private discussion with a developer/applicant could cause others to mistrust your impartiality
- ~~Avoid accepting any ~~except~~ gifts or hospitality~~ which could call into question your impartiality and ensure you register and take appropriate advice, before accepting any gifts and hospitality.
- Prejudge or be seen to prejudge an issue if you want to be a decision maker on a proposal
- Seek to improperly influence officers or put pressure on them to support a

- ~~Attend meetings or be involved in decision-making where you have a prejudicial interest under the Councillors Code of Conduct—except when speaking when the general public are also allowed to do so~~
- particular course of action in relation to an application
- ~~Compromise the impartiality of officers or councillors who are members of the planning committee. people who work for the authority~~

1. INTRODUCTION

~~1.1 1.1~~—This Code has been written to advise all those concerned with discharge of the Council’s statutory planning functions. and licensing matters of Slough Borough Council in its operation of the town and country planning and licensing systems within the Borough. The Code applies to all elected members and is relevant to officers, potential developers and the public in setting out the high standards of ethical conduct that can be expected of the Council in the exercise of planning functions. Councillors and Officers involved in these council functions. This Code compliments the Code of Conduct for Members.

~~1.2~~ If elected members have any doubts about how to comply with this Code, they should seek early advice from the planning team, democratic services, legal services or the Monitoring Officer. Advice should be sought well in advance of any meeting to allow for a proper consideration of the facts.

Within this code the following terms are defined as follows:

~~Elected members/members~~ **Councillor** ————— All members of the authority

Committee ~~m~~ **Member** _____ Member of the ~~Licensing Committee/Sub Committee or~~ **Planning Committee**

~~Ward councillor~~ **Local Member** ~~Local~~ w **Ward c** **Councillor** for the ward affected by the application in question

Planning

~~1.2~~ The ~~p~~ **Planning process has the potential to deliver sustainable planned growth aspirations for the Borough and planning decisions are often based on balancing competing interests (social, economic and environmental).** ~~is not an exact science. Rather, it~~ relies on informed judgement within a firm policy context. It ~~can~~ **is** also ~~be~~ highly contentious because its decisions affect the daily lives of everyone and the private interest of individuals, landowners, and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions) and the statutory framework, which includes a combination of national and local planning policies and guidance. ~~legal nature of development plans and decision notices.~~ It is important, therefore, that the process is characterised by open and transparent decision-making.

1.3 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the

quality of their settings. It is important, therefore, that the Council should make planning decisions affecting these interests openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no grounds for suggesting with any justification, that a decision has been partial, biased, or not well-founded.

- 1.4 Thus the successful operation of the planning system in Slough depends upon the Council always acting in a way which is clearly seen to be fair and impartial. This requires a shared understanding of the respective roles of elected members (including the differing roles of committee members, ward councillors, cabinet members and the wider group of members) Councillors and Officers and trust between these parties. The following quotation from the Local Government Association serves to illustrate the point:-

~~“The role of an elected member on a planning committee involves a balance between representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals. It is this dual role which, as the Nolan Committee in its recent report acknowledges, can give rise to great tensions”.~~

~~(Source: *Probity in Planning 1997*).~~

Licensing

~~1.5—The Licensing Committee and its sub-committees deal with a wide range of licensing matters. These include the increased responsibilities of licensing both persons and premises with regard to the carrying out of licensable activities including the sale and supply of alcohol; provision of regulated entertainment; and the provision of late night refreshment, by virtue of the Licensing Act 2003.~~

~~1.6—Many of the licensing and enforcement functions entail Committee Members and officers acting in a quasi-judicial capacity. In doing so they 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. It is important that the process is characterized by open and transparent decision-making.~~

~~1.7—The role of an elected member on the Licensing Committee and its Sub-Committees will involve making informed judgements. For example balancing the multiple needs and interests of the local community whilst prioritizing the Licensing Objectives of the Licensing Act 2003 or balancing the private interests of individuals applying for licences as Private Hire Vehicle Drivers with public safety considerations. In carrying out this role the elected member must maintain his/her impartiality and as public perception of probity is critical, his/her appearance of impartiality too, during the decision making process. Decisions should be made openly, impartially with sound judgment and for justifiable reasons. The process should leave no grounds for suggesting, with any justification, that a decision has been partial, biased or not well founded.~~

2. GENERAL PRINCIPLES

2.1 The seven principles of public life, also known as the Nolan Principles, apply to all public office-holders. This includes elected members and officers. By law the Council must promote and maintain high standards of conduct and adopt a local code of conduct, which should set out the rules for registering pecuniary interests, investigating alleged breaches of the code and imposing sanctions. In addition to the Code of Conduct for Members, the Council has published this Code related specifically to planning and this should be read alongside the substantive Code of Conduct for Members. Councillors are required to comply with the statutory provisions on the disclosure of interests, the Councillors Code of Conduct, this Council's Procedure Rules and its Scheme of Delegation.

2.2 Officers who are chartered town planners are regulated by the involved in the processing and determination of planning and/or licensing matters must also act in accordance with the Council's Procedure Rules, Scheme of Delegation, the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute. any other relevant professional or adopted Council Employee Code of Conduct as appropriate.—All officers are bound by the Council's Employee Code of Conduct and by law must always act in a politically neutral manner.

2.3 ~~Officers and elected members should not act as agents for people pursuing planning matters within their own authority, even if they are not involved in the decision making on this. Advice should be sought from the Monitoring Officer if an elected members is employed or has a business involved with development in the local area. With regard to Planning this Code deals primarily with planning applications, but also to consideration of Development Plan Documents, Development Briefs, enforcement cases and all other planning matters. An overriding principle is that when local authorities are dealing with planning matters, they should only take into account material planning considerations and ignore irrelevant matters (Appendix A).~~

2.4 ~~With regard to Licensing this Code deals with all Licensing matters including the duties introduced by the Licensing Act 2003 (regarding licensable activities including the sale and supply of alcohol; provision of regulated entertainment; and the provision of late night refreshment) which require determination having taken into account the Licensing objectives contained within the Licensing Act 2003 and the Council's Statement of Licensing Policy.~~

2.45 ~~This Code is supplemental to the provisions referred to above and provides further specific advice and guidance for Councillors and Officers involved in planning and licensing matters. A key principle is that Councillors should seek to represent all their constituents in a fair way and make decisions as a body and vote in the public interests of the Borough as a whole. Councillors should take account of all views expressed, they should not be biased or appear to be partial towards any person, company, group or locality. A political party whip cannot be used to direct committee members on how to vote on a planning committee and planning decisions cannot be made on a party political basis. Evidence supporting the use of a party whip is likely to be regarded as maladministration and lead to a successful appeal or judicial review.~~

3. ~~GENERAL ROLES OF COUNCILLORS MEMBERS AND OFFICERS~~

3.1 ~~Members Councillors and Officers have different, but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst Officers are responsible to the Council as a whole. Effective communication and a positive working A successful relationship between officer and members Councillors and Officers is essential to deliver a good planning service. can only be based upon mutual trust and understanding of each other's position. This relationship, and the trust which underpins it, must never be abused or compromised.~~

3.2 ~~Members of Cabinet Councillors set the Council's planning and licensing policies and committee members will determine planning must determine applications and other matters which are not delegated to officers. Members in their ward councillor role also have an important role in raising issues of local concern. Most councils delegate certain planning decisions to officers to determine. These officers are bound by the same policies and standards as committee members, but will deal with the more routine applications.~~

Effective delegation can help ensure that decision on applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on applications of greatest significance to a local area. These are the most complex, larger and potentially controversial applications.

~~3.3. When making decisions, officers and committee members, enforcement issues and other planning and licensing matters within the context of those policies. When Committee Members come to make a decision, they must:-~~

- (a) Act fairly and openly
- (b) Approach each application with an open mind.
- (c) Carefully weigh up all relevant issues.
- (d) Determine each application on its own merits.
- (e) Avoid contacts with interested parties which might be taken to indicate that they were unduly influenced by one party or another.
- (f) Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

(g) Seek and follow professional advice.

~~3.3 The Officers' function is to advise and assist Committee Members in matters of policy and in their determination of planning and licensing applications, enforcement issues and any other matters by:-~~

- ~~(a) Providing impartial and professional advice.~~
- ~~(b) Making sure that all the information necessary for the decision to be made is given.~~
- ~~(c) Providing a clear and accurate analysis of the issues.~~
- ~~(d) Setting planning applications, enforcement issues and other planning matters against the broader Development Plan policies and all other material considerations.~~
- ~~(e) Setting licensing applications, enforcement issues and other licensing matters against the Licensing Objectives, the Council's Licensing Policy and all other material considerations.~~
- ~~(f) Giving a clear recommendation.~~
- ~~(g) Carrying out the decisions of Committee Members in Committee.~~

3.4 Members Councillors who also serve on pParish cCouncils may need to clarify their separate roles in each authority. Council regarding Slough Borough Council planning policies. The public and other interested parties should be clear at all times when the memberCouncillors are is acting as a pParish cCouncillor and when they are acting in their role as an elected member, including a committee member Borough Councillor. Advice should

be sought in advance of a meeting if a committee member is concerned about whether their role on another public body will affect their ability to be a committee member when determining particular applications.

~~3.5— Committee Members who carry out functions in another public authority or another local authority (e.g. parish council or health authority) which is making an application for a license or planning permission or which is making a representation should make a disclosure of his/her position in advance of the Committee/Sub Committee meeting and the Chair of the Committee will consult with the Committee's legal advisor to decide if the Member can take part in the decision-making. If it is decided that a Member can be part of the Licensing Sub Committee then it is important that it is made very clear that any decision taken has been made on the basis of the Licensing Objectives and the Council's Licensing Policy Statement and that the Member concerned is coming to the hearing with an open mind.~~

~~3.6— When the Licensing Sub Committee is considering an application from the Council for a licence, a Councillor who took part in the Council meeting, which approved the policy statement, or the Licensing Committee, which recommended it, would not normally be excluded from the Licensing Sub Committee. However, there may be an exception if the Member involved could reasonably be seen as having been leading or particular advocate for or against the proposal to such an extent that there were doubts that the Member had retained a genuinely open mind.~~

4. DECLARATIONS OF INTEREST

4.1 Elected members are required to keep a register of interests with all disclosable pecuniary interests and other registrable interests. This register must be kept up to date throughout their term of election. It is a criminal offence to fail to register a disclosable pecuniary interest, give false or misleading information on registration or to participate in discussion or vote in a meeting on a matter in which the member has a disclosable pecuniary interest. Councillors should observe strictly the guidance on the disclosure of interests as set out in the Councillors Code of Conduct adopted by the Council in June 2012 (as updated). A member with an interest that is not a disclosable pecuniary interest, must declare this at the meeting and they may be able to participate, speak or vote on the item depending on the circumstances. However, the potential for conflicts of interest and need to withdraw from the decision-making process can apply to these interests as well, therefore early advice should be sought. Councillor with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest. Members should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the member's involvement would be appropriate or not.

- ~~4.2 Councillors who have substantial property interests, or other interests which would prevent them from voting on a regular basis should avoid serving on the Planning Committee, the Licensing Committee or Sub-Committee.~~
- 4.3 Gifts and hospitality give rise to particular problems in respect of the credibility of the planning ~~and licensing process and the acceptance of gifts or hospitality by Councillors or Officers can be a very serious criminal offence.~~ The Code of Conduct for Members sets out the requirements in relation to whether to accept and to register any gifts and hospitality. Members involved in planning decisions should not accept over-frequent or over-generous hospitality and should always ensure that the acceptance of such does not give rise to a conflict of interest. ~~Committee members should have particular regard to the provisions of the Councillors Code of Conduct and must immediately report to the Monitoring Officer any offer of gifts or hospitality. Also, they should avoid any behaviour which might be taken as indicating that they are open to such offers. Officers should strictly comply with the Council's adopted Employee Code of Conduct.~~
- ~~4.4 Officers must seek permission from the appropriate senior officer for any private work or interest which they wish to take up as required by the Council's Rules.~~

5. PRE-APPLICATION DISCUSSIONS

Planning

- 5.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties, and is regarded as best practice. Discussions can take place for a variety of reasons, for example: to establish whether an application can be improved in design, to overcome planning objections, meet relevant neighbour concerns or concerns on matters relating to owner and disorder or noise or the presence of children.
- 5.2 It should always be made clear at the outset that pre-application discussions will not bind the Council to making a particular decision and that any views expressed are provisional, until all relevant information is submitted and consultations on it have taken place.
- 5.3 Officers will ensure that their advice is neither partial, nor seen to be and is in line with Council policy. This is because a consequent report could be seen as advocacy for a particular point of view. A written attendance note should be made of pre-application discussions, and important telephone conversations and placed on the relevant file. ~~Ward Members will be supplied with a copy of formal pre-application advice given by planning officers on prospective major planning applications except where there is a justified request for confidentiality by the potential applicant.~~
- 5.4 Committee members may be ~~are~~ encouraged to participate in pre-application submissions on specific applications, including through officer briefings, public

~~forums and meetings. Committee members should ensure that an officer is in attendance and a written note is made of the meeting and placed on the case file. Other ways of members being involved in pre-application stages include committee information reports, all councillor briefings, informal committee briefings, developer presentations to committee, such presentations will normally be held in public and ward councillor briefings. through the 'Developer's briefings to Planning Committee Protocol' in order to gain more information about proposed developments likely to be presented to the Planning Committee. This pre-application process gives members the opportunity to make applicants aware of specific concerns and for the applicant to respond in a proactive manner, before the application is submitted and without undermining the ability of the members to participate in the decision making process. If there are other occasions when Committee members are involved, they must be accompanied and advised by professional officers of the Council including a Senior Planning/Licensing Officer. The involvement of Committee members in such discussions will be noted by Officers in a written attendance note which must be placed on the relevant file.~~

- 5.5 For the avoidance of doubt, ~~c~~Committee ~~m~~Members are prohibited from negotiating with the applicant and no elected member should seek to present themselves as having authority to negotiate on behalf of the Council.

~~Fees may be charged for pre-application advice—applicable fees can be viewed on the Council's website at www.slough.gov.uk~~

6. ATTENDANCE AT PUBLIC MEETINGS PREDETERMINATION, PREDISPOSITION AND BIAS

- 6.1 Committee members need to avoid any appearance of bias or having "predetermined" views when making a decision on a planning matter. Clearly expressing an intention to vote in a particular way before the meeting could be indicative of a closed mind and be seen as predetermination.

- 6.2 Predisposition is where a committee member has a pre-existing opinion or attitude but remains open to listening to all the arguments and changing their mind in response to these. A reasonable bystander test should be applied to determine whether a member who has expressed a view should continue to take part in the decision-making process. Officers who are wholly or partly involved in the processing or determination of planning/licensing matters should not attend public meetings in connection with pre-application development proposals or submitted planning applications, unless their attendance has been agreed by the Planning Manager. To do so could lead to allegations of prejudice or bias to a particular point of view. If such attendance has been authorised, Officers should only provide information and give no view on the merits or otherwise of the proposal.

- ~~6.2—When attending public meetings, Committee members must be accompanied by a Senior Planning / Licensing Officer and they should take great care to maintain their impartial role as a Councillor, listen to all the points of view~~

~~expressed by the speakers and the public and not state a conclusive decision on any pre-application proposals and submitted applications.~~

~~6.3 If a member has predetermined their position, they should withdraw from being a member of the committee. This will apply if the member wishes to speak for or against a proposal. There is also a need to avoid the appearance of bias, therefore even if a member believes that they have an open mind, their actions or role may give a perception of bias. For instance, if a cabinet member is also a committee member, they should withdraw when the committee is considering the Council's own schemes or other applications that they have been seen to support in their Cabinet role.~~

7. RESPONSE TO LOBBYING OF MEMBERS/COUNCILLORS

~~7.1 Lobbying is a normal part of the planning process. An effective way of a local resident or developer of raising issues is via the local elected representative. Lobbying, however, can lead to the impartiality and integrity of a member being called into questions. It is a fact of life that when Councillors undertake their ward roles they will be approached by prospective and actual applicants (and agents) or members of the public with a view to them lending support to the proposal, or indeed opposing it. When Committee Members are lobbied they need to exercise great care to maintain the Council's reputation and the Member's own integrity and the public perception of the planning and licensing process.~~

~~7.2 If they are approached, cCommittee mMembers should use all reasonable endeavours to refer the person to another mMember who is not a committee member or to officers. Member of the Planning or Licensing Committee. If, however, the lobbying persists then cCommittee mMembers should expressly state that whilst they can listen to what is said, they will only be in a position to take a final decision after they have heard all the relevant arguments and have taken account of all relevant material and planning considerations at the committee meeting. cannot give any commitment (for or against) in respect of the application/proposal for to do so without all relevant information, evidence and views would be unfair, prejudicial and may amount to maladministration. If a Member who sits on the Licensing Sub-Committee wishes to represent the person then he/she will need to excuse him/herself from the Licensing Sub-Committee and address the Sub-Committee as a local member.~~

~~7.3 If a Committee Member considers that an ordinary member of the public believes that s/he held a conclusive view in respect of an application or other matter before the relevant meeting then s/he should advise the Monitoring Officer in writing prior to the meeting, and not take part in the debate or vote on the issue.~~

~~7.4 If approached by a constituent, who is not professionally represented, a Committee member should only give advice on planning or licensing procedure, rules and policy. If approached by a constituent who is represented, or a non-constituent, or a professional agent, a Committee member should refer the person making the approach to the Planning Manager / Planning Case Officer or Licensing officer as appropriate.~~

- 7.5 Other than for formal site visits, ~~c~~Committee members should not enter premises or sites (if the visit is in relation to the application) which are, or are likely to be, the subject of a ~~licensing application, planning application, or forms part of a Development Plan proposal.~~
- 7.6 ~~Committee-Elected m~~Members should not organise support, opposition or put undue pressure on other ~~c~~Councillors or ~~o~~Officers for a particular decision/recommendation.

~~7.7 A decision in respect of any planning or licensing matter or application can only be taken at the relevant Committee when all relevant information is to hand and has been carefully considered. Individual Committee Members should reach their own conclusions at the meeting rather than be influenced by others. In this regard, any political group meetings prior to Committee meetings should not be used to decide how Committee Members should vote.~~

~~8. THE PARTY WHIP~~

~~8.1 Committee Members cannot accept an instruction from anyone to determine an application in a particular manner, but must determine the issue on its merits. Accordingly, whilst they may accord appropriate weight to the views of other Committee Members, whether expressed in the Committee meeting or in prior discussions, they must determine the application on its merits and should not take into account any factor which they are not prepared to state in open Committee. Therefore, it is inappropriate for any Party Group to instruct its Committee Members to vote in a particular manner on an application or to apply or threaten to apply any sanction to any Member who votes contrary to the Group's collective views.~~

~~8.2 Where such a "Whip" has been applied, Committee Members should declare it in exactly the same manner as they would declare any other attempt at lobbying.~~

~~9. PUBLIC PARTICIPATION SCHEME FOR PLANNING~~

~~9.1 Applications for planning permission are determined by either Officers acting under the Council's Scheme of Delegation or by Members who form the Planning Committee. Each application is subject to a public consultation/notification exercise which includes local residents and other bodies inviting comment in writing on the application before it is determined.~~

~~9.2 The following will be allowed to address the Planning Committee before Committee Members take their decision:-~~

~~(a) Objectors (subject to para 4 of the explanatory leaflet set out in Appendix B)~~

~~(b) Parish Council representatives~~

~~(c) The applicant (or his agent)~~

~~(e) Ward Councillors or other appropriate elected representatives raising material planning issues on behalf of those they represent.~~

~~9.3 The Public Participation Scheme will only apply to applications which are to be determined by the Planning Committee. They do not apply to any matter where the Planning Committee is considering enforcement of any kind. Applications to be determined under Officer Delegated Authority are not subject to the requirements of this code.~~

~~9.4 The Public Participation Scheme will operate in accordance with the explanatory leaflet attached as Appendix B to this Code of Conduct.~~

~~10. ELECTED MEMBERS AS INTERESTED PARTIES UNDER THE LICENSING ACT~~

~~10.1 All elected councillors are “interested parties” under the Licensing Act 2003 and can make representations in their own right in response to premises licence and club premises certificate applications.~~

~~10.2 Councillors either need to be 'interested parties' in their own right or need to be asked by an 'interested party', specifically, to represent them.~~

~~10.3 Only “relevant representations” can be considered by the licensing authority. Representations that are made about the general problems in an area or the fact that there are “too many” licensed premises in an area, for example, **are not** relevant representations. Representations should address the effect of the application on one or more of the licensing objectives, i.e. –~~

- ~~• The prevention of crime and disorder;~~
- ~~• Public safety;~~
- ~~• The prevention of public nuisance; and~~
- ~~• The protection of children from harm.~~

~~10.4 Given the quasi-judicial nature of the proceedings, all representations or reviews:~~

- ~~• must be in writing, showing the name and address of the person seeking to make the representation (the representation/review application must be published as part of the process) – there is a prescribed form for reviews on the Licensing Act web pages on the SBC web site;~~
- ~~• must clearly set out the likely effects the grant of the licence would have on the promotion of at least one of the licensing objectives;~~
- ~~• must present evidence which is relevant in support of the representation or review; and~~
- ~~• must clearly relate to the premises for which an application is being made.~~

~~10.5 Councillors can make representations or apply for a review in respect of any premises within any ward in the licensing authority’s area.~~

~~10.6 Members of the Licensing Committee can make representations or request a review and in addition to this also address the Licensing Sub-Committee as an interested party. However, a Councillor cannot sit as a member of the Sub-Committee when it considers the application that they are involved in.~~

~~Elected Member representing another interested party~~

~~10.7 Councillors are able to represent another interested party (or parties) who has made a representation. In this scenario the Councillor does not need to have made a representation in his/her own right, but must ensure that he/she demonstrate to the licensing authority that they have been requested to represent the interested party or parties in question.~~

811. REPORTS BY OFFICERS

811.1 Reports to the Planning Committee on applications and other planning matters must be clear and accurate and comprise:-

- (a) a description of the site/summary of the application
- (b) any related planning history
- (c) full details of any relevant policies of the Development Plan and other material considerations.
- (d) a technical appraisal of which clearly justifies the written recommendation.
- (e) a written recommendation setting out clear and unambiguous reasons for:
 - (i) granting planning permission (with conditions to be attached); or
 - (ii) refusal.

Officer reports should be proportionate to the planning issues. It will be acceptable for reports to summarise analysis when there is compliance with policies and concentrate analysis on issues where there is conflict or some variance with policies. The content of reports is the responsibility of the Planning Manager.

811.2 Officers may supply written information at the Planning Committee to take account of additional relevant matters that arise between the publication of the agenda and the date of the meeting. Plans of the proposed development will be available for inspection at Committee. The Chair, at the request of any Member of the Committee, shall adjourn the meeting for a reasonable period of time to enable the Committee Members to have an opportunity of reading any information which has been tabled by the officers at the meeting.

811.3 As a general rule the Members of the Committee will not take into account any written information at the meeting which has not been submitted by the developer/applicant or any consultees (including local residents) as part of the application process. However in exceptional circumstances the chair, in consultation with the officers present, may exercise his/her discretion to consider new information if it is appropriate to do so.

~~11.4 Reports to the Licensing Committee on applications and other licensing matters must be clear and accurate and comprise:-~~

- ~~(a) full summary of the application~~
- ~~(b) summary of the representations made~~
- ~~(c) summary of how the Licensing Officer views the provisions of the Licensing Policy, Guidance of the Secretary of State and the relevant legislation as relating to the application.~~
- ~~(d) any relevant representations.~~
- ~~(e) a site location plan~~
- ~~(f) a written recommendation setting out clear and unambiguous reasons for:

 - ~~(i) granting the license or~~
 - ~~(ii) refusal.~~~~

~~811.45~~ The relevant ~~p~~Planning/~~Licensing~~ ~~o~~Officer must be available at the ~~Committee Licensing Committee~~ to answer any questions or clarify any queries raised by ~~c~~Committee ~~m~~Members.

~~12. THE DECISION MAKING PROCESS~~

~~Planning~~

- ~~12.1 In determining applications submitted pursuant to the Town and Country Planning Act 1990, and other planning or planning related legislation, the Council will follow the Guidelines adopted as part of this Planning Code. These adopted Guidelines will be subject to changes from time to time to reflect the latest government guidance and case law (Appendix A).~~
- ~~12.2 Committee Members should not take part or vote on any application or matter if they have not read the committee report and have not been present throughout the consideration of such application or matter unless the item has been deferred from a previous meeting after being partially considered.~~
- ~~12.3 In discussing and determining a planning application enforcement issue or other planning matter, Committee Members should confine themselves to the planning merits of the case. The reasons for making a final decision should be clear, convincing and supported by material considerations and the planning merits. The Planning Committee's decisions should be properly minuted.~~
- ~~12.4 From time to time Members of the Planning Committee will disagree with the professional advice given by the Planning Manager or his/her representative. As indicated in paragraph 1.2 above planning is not an exact science and there can be genuine disagreement about the implications of a particular proposal. A senior legal officer will be present at Committee and will be able to advise if the facts simply cannot support the conclusion which the Committee Members have drawn and the Committee is in danger of acting unreasonably.~~

~~12.5 Where Committee members wish to add or amend conditions or reasons for refusal, the general content will be agreed at the meeting before the vote is taken and the final wording will generally be delegated to the Planning Manager. Where an appeal arises against such a decision, Officers will give support to the relevant Committee Members in preparing evidence for the appeal, but it will be for Members of the Planning Committee to appear at any appeal inquiry/hearing and give evidence to justify the reasons for the Committee's decision.~~

~~12.6 If the officer report recommends approval of a departure from the Development Plan, the justification for this recommended departure should be included in the report.~~

~~Licensing~~

~~12.7 In determining applications submitted pursuant to the Licensing Act 2003 the Council will follow Licensing Objective contained in the Licensing Act 2003, the Council's Licensing Policy, Government Guidance and Regulations.~~

~~12.8 In discussing and determining a licensing application, enforcement issue or other licensing matter, Committee Members should confine themselves to the licensing merits of the case. The reasons for making a final decision should be clear, convincing and supported by material considerations and the licensing merits. Reasons for decision must be clearly documented so that any subsequent accusation of bias etc. can be defended. It is critical that it is clear that decisions are made according to the Licensing Objectives of the Licensing Act 2003 as well as the Council's Licensing Policy Statement. The Licensing Committee's decisions should be properly minuted.~~

~~12.9 Committee Members should not take part or vote on any application or matter if they have not read the committee report and have not been present throughout the consideration of such application or matter unless the item has been deferred from a previous meeting after being partially considered.~~

~~13. APPLICATIONS OR PROPOSALS OF COUNCILLORS, OFFICERS AND THE COUNCIL~~

~~13.1 Councillors and Officers should never act as agents for individuals (including a company, group or body) pursuing an application, enforcement issue or other planning or licensing matter. If Councillors or Officers submit their own development proposal or licensing application to the Council, they should take no part in its processing or the decision-making. The Council's Monitoring Officer should be informed by the Councillor or Officers of all such proposals as soon as they are submitted and shall ensure that such applications and/or matters are dealt with in a correct and open manner.~~

~~13.2 Applications made on behalf of the Council for its own development must be determined in an identical manner to applications made by the general public and the same planning policy considerations applied. The Council's current practices and procedures achieve this with identical consultation and publicity in relation to the application. Decisions must be made strictly on planning/~~

~~licensing merits and without regard to any financial or other gain which may accrue to the Council if the development license is permitted. Applications for development by the Council are considered by the Planning Committee for decision or in accordance with the Council's Scheme of Delegation. This scheme gives clear guidelines on when planning applications will be determined under delegated powers. All applications for licences by the Council are considered by the Licensing Committee for decision irrespective of whether or not representations are made.~~

914. SITE VISITS

General

914.1 Site visits are:-

- (a) fact finding exercises
- (b) not part of the formal consideration of the application and therefore public rights of attendance do not apply
- (c) to enable Officers and the Applicant to point out relevant features
- (d) to enable questions to be asked on site for clarification. However, discussion on the application will only take place at the subsequent Committee as all relevant parties may not be in attendance on site.

914.2 At the site visit ~~c~~Committee ~~m~~Members shall be accompanied by an officer ~~Planning/Licensing Officer~~ who will record what takes place at the inspection. Committee ~~m~~Members may ask questions of the ~~o~~Officers and the applicant/agent. However, representations on the merits of the application will not be heard.

914.3 The site visit shall take place during normal working hours as far as is practicable unless there are exceptional reasons which dictate otherwise (which should be minuted). The Chairman or planning officer shall explain the purpose of the visit and how it will be conducted to all persons present at the site visit. Where possible, all committee members should attend the site visit, however an inability to attend should not be used as a reason by an individual committee member to defer the application.

914.4 The Planning Officer who attended the site visit will prepare notes for the Planning Committee on the planning issues and any relevant information obtained by ~~c~~Committee ~~c~~Members. Whilst on site, members should not express an opinion on the planning application or its merits and should avoid making any comments or acting in a way which makes it clear that they have a closed mind. and a recommendation on how the application should be determined.

914.5 The Officer attending the site visit will ensure that all correspondence in relation to site visits clearly identifies the purpose of the site inspection, the format and conduct of the inspection and the appropriate procedure for the applicants, agent ~~and interested parties~~ to address ~~c~~Committee ~~m~~Members.

The purpose of a site visit is not to be exposed to local opinion, therefore local objectors should not be present and committee members should not engage in any discussions with any local residents or interested parties who may have a view on the application.

Planning

~~14.6 A site visit is private and its purpose is for Committee Members to gain knowledge of the development proposal and to observe the characteristics of the site and its relationship to its surroundings. A site visit may be called by~~

- ~~• Any two Members of the Planning Committee;~~
- ~~• A Ward member, if the application has been referred to Committee by the Planning Manager on the request of the Ward Member.~~

~~14.7 Requests for site visits will be made directly to Democratic Services, with an outline of the main reasons as to why a site visit should take place and must be submitted ten working days before the meeting at which the application is to be considered.~~

~~14.8 All Members of the Planning Committee will be invited to the site visit and all ward members will also be advised of the visit and invited to attend.~~

Licensing

~~14.9 Site visits by Licensing Sub-Committee members shall only be undertaken where objective decisions cannot be taken without viewing the site and adjoining properties and the reasons should be clearly minuted. If a site visit is agreed a Viewing Panel shall be properly constituted where at least two Sub-Committee members attend the site accompanied by the licensing officer who will record what takes place at the inspection.~~

15. PLANNING AGREEMENTS

~~15.1 When applications which propose or require planning obligations by agreement are referred to the Planning Committee the heads of agreement will be included in the Officers' written report, and a copy of the agreement, when made, will be publicly available, provided (following the advice of a Council Solicitor) it is not considered to prejudice clearly established interests of commercial confidentiality.~~

106. TRAINING

~~106.1 No cCouncillor should be appointed to the Planning Committee or Licensing Committee without having agreed to participate in educational training programmes directed towards the role of cCouncillors in making decisions.~~

~~106.2 The Council will, from time to time, consider and review the form of education and training that is most appropriate.~~

106.3 Training sessions for Planning Committee by the Council's Solicitors and Planning Officers will cover the following topics:-

- The Role of the Government in Planning
- The Development Plan and Material Considerations
- Section 106 Planning Obligations/Planning Conditions
- Enforcement of Planning Control
- Permitted Development
- Planning Procedures

~~16.4 Training for Licensing Committee will cover all aspects of the Council's Licensing functions.~~

106.45 This training will be open to all elected membersCouncillors and brief handouts will be provided where appropriate. ~~The Council welcomes suggestions from Councillors on any other subjects which they would like to see covered and any other training procedures that they would wish to adopt.~~

~~17. COMPLAINTS & RECORD KEEPING~~

~~17.1 In order that planning and licensing procedures are undertaken properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application and licensing application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interest by Councillors.~~

~~17.2 The same principles of good record keeping will be observed in relation to all planning, enforcement and licensing matters. Monitoring of record keeping may be undertaken by the appropriate managers.~~

PLANNING APPEALS

10.1 Appeals against the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and Councillors are able to attend. Councillors are encouraged to attend such hearings, as they can be a good learning experience. This part of the Code is concerned with Councillors who wish to actively participate in these appeals.

10.2 If a Councillor wishes to attend a public inquiry or informal hearing as a Ward Councillor or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the chief planning officers to ensure that they are aware of the process and that they do not act in a manner which compromises their position as a Member of the Council, brings the Council into disrepute or puts the decision made at risk of challenge. RE Members' Planning Code of Practice – January 2018

10.3 Where the Planning Committee or an Area Planning Committee refuses an application against the officer's recommendation one Member of the Committee should attend any appeal on behalf of the Council and other Members may attend as observers if they so wish. The decision of the Committee will be documented in the minute and set out in the decision notice. The planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision with such assistance from the nominated Committee Member as may be required. The inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed.

10.4 Where the decision of planning committee members is contrary to the officer's recommendation, officers are generally able to present the Council's case in a satisfactory manner. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.

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~~COUNCIL GUIDELINES FOR DETERMINING PLANNING APPLICATIONS~~

~~1. APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING ACT 1990 (TCPA)~~

- ~~(i) The emphasis in determining applications is upon a plan led system. Section 54A of the Town and Country Planning Act 1990 requires all planning applications to be determined by reference to the Development Plan if material to the application, and any other material considerations. If the Development Plan is material to the application then the statutory position is that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.~~
- ~~(ii) The term “other material considerations” has a wide connotation as expressed by the following judicial comment:-~~
- ~~“.....I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity.....it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration”.~~
- ~~(iii) Material considerations include national planning guidance in the form of Government Circulars, Planning Policy Statements, Non-Statutory Development Control Guidelines and case law. A ministerial statement may be a material consideration.~~
- ~~(iv) Examples of material considerations are:-~~
- ~~(a) appearance and character of development;~~
 - ~~(b) traffic generation, highway safety and parking;~~
 - ~~(c) Overshadowing, overlooking and loss of privacy;~~
 - ~~(d) noise, disturbance or other loss of amenities;~~
 - ~~(e) layout and density of buildings;~~
 - ~~(f) relevant planning policies.~~
- ~~(v) Matters which are not material considerations include:-~~
- ~~(a) boundary disputes, covenants or other property rights;~~
 - ~~(b) personal remarks (e.g. the applicant's motives);~~
 - ~~(c) reduction in property values;~~
 - ~~(d) loss of private view over the land.~~
- ~~(vi) The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, in exceptional circumstances they may outweigh other material planning considerations. Where this is the case, specific and valid reasons must be given to justify the exception.~~
- ~~(vii) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision-maker having regard to the planning evidence. In attaching weight to any offers of community benefit accompanying any planning application, Members must be mindful of the advice in the Planning~~

~~Practice Guidance: Planning Obligations as to the legality and materiality of such offers.~~

- ~~(viii) It is essential to consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by Historic England or the Environment Agency.~~
- ~~(ix) The view of local residents are relevant when determining a planning application, but it must be recognised that such opposition cannot be a reason in itself for refusing or granting planning permission unless founded on valid planning reasons, which are supported by substantial evidence ((Planning Practice Guidance)).~~
- ~~(x) Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.~~
- ~~(xi) It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.~~
- ~~(xii) Planning Conditions should only be imposed for a planning purpose and not for any ulterior one. They must fairly and reasonably relate to the development. Thus it is essential to avoid conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.~~

2. **APPLICATIONS UNDER THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (PLBCA)**

- ~~(i) It is now established that the determination of planning applications and applications for PLBCA are two separate statutory duties. The provisions of the TCPA do not override those of the PLBCA.~~
- ~~(ii) The Development Plan contains policies that deal with development in Conservation Areas and applications for Listed Building Consent under the PLBCA to enable the local authority to consider the desirability of preserving the building or its setting or any feature of special historic interest or the Conservation Area.~~
- ~~(iii) Members will also have regard to the replies of statutory consultees, e.g. Historic England and amenity societies.~~
- ~~(iv) Planning Practice Guidance and the Historic Environment Records will be relied upon.~~
- ~~(v) Any other material consideration, e.g. appeals decisions and relevant case law.~~

PUBLIC PARTICIPATION SCHEME

SLOUGH BOROUGH COUNCIL

**What happens about my
Objection to a
Planning Application?**

**This information explains how your objection is
dealt with and how the application is determined.
Your views on planning applications are always
considered when planning decisions are made**

~~1. I have objected. What happens next?~~

~~1.1 Planning officers will consider whether:~~

- ~~• the application should be recommended for approval as it stands~~
- ~~• it should be amended to resolve your objection, or~~
- ~~• it should be refused~~

~~1.2 Your written objection may be made by email or by letter. Your written objection will not normally be replied to or acknowledged. If the application is to be referred to the Planning Committee you will be notified when the Agenda is prepared to give you the opportunity to register if you wish to speak on your objection. The deadline for receipt of requests to speak at a Planning Committee shall be no later than three clear working days prior to the day of the meeting. If exceptionally an application is taken to Planning Committee as a late urgent item you will be informed. If there is not three working days for the submission of your request discretion may be exercised to relax the procedure.~~

~~1.3 If you have submitted a petition in response to a planning application your petition will be noted for the purposes of the Public Participation Scheme and, in the event that the application is to be determined by the Planning Committee, the petition organiser/main contact will be advised of their right to speak at the meeting.~~

~~[Note: The submission of a petition does not mean that the planning application will automatically be referred to the Planning Committee.]~~

~~2. Who Makes the Decision?~~

~~Most planning applications are dealt with at officer level under a Scheme of Delegation. In this circumstance the application will not be reported to the Planning committee for determination. In certain circumstances, as set out in the Scheme of Delegation, the application will be determined by the Planning Committee. Any comments received will be summarised in a report when the application is presented.~~

~~3. Can I see the officer's report before the Planning Committee Meeting?~~

~~Yes. The agenda and reports will be available five working days before the meeting. An additional paper (The Amendment Sheet), containing information received after the reports have been written and prior to the meeting, will be circulated at the meeting.~~

~~4. Can I speak at the Planning Committee Meeting?~~

~~Slough Borough Council has a public participation scheme that allows for speaking about a planning application that is to be determined by the Planning Committee. You may speak if:-~~

- ~~(a) you have made a written objection or lodged a petition and~~
- ~~(b) registered to speak.~~

~~5. Can a member of the public speak about any application on the Agenda?~~

~~No. Members of the public can only speak if they have objected in writing to an application and registered to speak, in line with the Public Participation Scheme.~~

6. How much time will be allowed for speakers?

A total of four minutes per site/application will be allocated to hear the views of all objectors, four minutes for Parish Councils and four minutes for the applicant/agent. The Chair of the Planning Committee can in exceptional circumstances extend the time limit for all parties and his decision will be final.

7. What happens if there are a number of objectors wishing to speak?

7.1 The time limit remains the same and objectors will be encouraged to present a joint objection or appoint a spokesperson, as this is often the most effective use of the time available. In order to agree the best approach, objectors may contact the Planning Committee Clerk for details of others wishing to speak. The telephone and fax numbers and the e-mail address can be found in the Notice of Objection form which accompanies this leaflet. In some cases the Parish Council or a Residents' Association may be willing to represent objectors.

7.2 The Council needs to strike a balance between providing the opportunity for people to be heard and ensuring that the applications are dealt with efficiently, within a meeting of reasonable length. This is why there is a time limit on speakers.

8. Can someone else speak on my behalf?

Yes. You could ask a friend, relative or professional adviser to speak for you.

9. How do I present my objection?

The Committee may only consider relevant planning issues. Please limit your comments to matters such as:-

- appearance and character of development
- traffic generation, highway safety and parking
- overshadowing, overlooking and loss of privacy
- noise, disturbance and other loss of amenities
- layout and density of buildings
- relevant planning policies

Please avoid matters that cannot be considered by the Committee such as:-

- boundary disputes, covenants or other property rights
- personal remarks (e.g. the applicant's motives)
- reduction in property values
- loss of private view over the land

If you would like to check what issues are relevant, please contact the appropriate planning officer in the Customer and Communities Department. Advice is given free of charge at present but is subject to review.

You may be asked to pay a fee for specific advice from a Planning Officer in accordance with any charging scheme the Council may introduce.

If you have any questions or documentary evidence e.g. letters, maps, photographs etc in support of your objection they must normally be submitted to the appropriate planning officer at

least 72 hours before the meeting. This will allow any such documents to be verified and to be given proper consideration by the Committee. Documents or questions submitted outside this deadline can only be considered in exceptional circumstances and with the approval of the Chair.

10. When and where are the meetings held?

Applications are dealt with by the Planning Committee, which meets at 6.30 p.m. You will be advised by letter or e-mail of the date of the meeting if the application you have objected to is to be considered by the Committee and the location of the meeting.

11. Who is on the Committee and who else will be there?

The Committee is made up of elected Councillors. Council Officers attend to advise the Committee and make a formal record of the meeting. Other Councillors may be present to speak on applications within their Ward, but they cannot vote. Any member of the public or applicant may attend to listen to the debate and the Media is usually present.

12. What is the order of business at the meeting?

The Chair of the Planning Committee will normally amend the order of business on the Agenda and deal firstly with those applications where people have expressed a wish to speak under this Scheme.

13. What is the order of speaking for each application?

The Chair will announce the application.

A planning officer will give a short introduction.

The Chair will invite objectors to speak

The Chair will invite the applicant or agent to speak

The Chair will invite the Ward Councillor(s) to speak

The Chair will invite the Parish Council representative to speak.

Committee members may ask questions of the speakers and seek clarification of particular points from officers.

The Committee will then discuss the application and make a decision. This may be to:-

1. approve the application
2. refuse the application
3. delegate the application to the Planning Manager for final determination
4. defer consideration e.g. for further information or amendments, or
5. defer consideration for a site visit by a panel of Councillors.

14. What happens if an application is deferred for a Site Visit?

If, before the meeting, a councillor asks for a site viewing and the application is not discussed, you will be invited to speak at a subsequent meeting when the item will be considered. If, after

~~hearing the objectors, the Committee decides to view a site, you will not be invited to speak again. **You will be given only one opportunity to speak on an application.**~~

~~15. Can Objectors speak at a Site Visit?~~

~~No. The site visit is private and its purpose is to observe characteristics of a site and its relationship to the surroundings. Representations on the merits of the application will not be discussed.~~

~~16. Can an application be approved by the Committee if it is recommended for refusal?~~

~~Yes the Committee (i.e. the Members elected by the public) can disagree with the officer's recommendation.~~

~~17. What happens after the decision is made?~~

~~The applicant/agent will be sent the notice of decision. Objectors/supporters can view the decision on the Council's website: www.slough.gov.uk or inspect the Planning Register at the Planning Office. Where an application has been refused, the applicant can appeal to the Planning Inspectorate. You will be advised of any such appeal, your original comments will be forwarded to the Inspectorate and you will be asked for any further comments. Where an application has been granted, there is no opportunity for objectors to appeal.~~

~~SLOUGH BOROUGH COUNCIL~~

~~PLANNING COMMITTEE: PUBLIC PARTICIPATION SCHEME~~

~~OBJECTOR WISHING TO SPEAK- REGISTRATION FORM~~

Application No:	
------------------------	--

Location:	
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Proposal:	
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I confirm that I would like the opportunity to address the meeting as an objector **in the event** that the above mentioned application is referred to the Planning Committee for decision. (Please note that most planning applications are dealt with by an Officer under a scheme of delegation and these applications are not referred to the Planning Committee for decision).

OBJECTOR

Name:

Address:

Telephone No:

E-Mail Address:

Please Note:	SHARING OF INFORMATION Where more than one Objector has registered to address the Committee his/her contact details (telephone number and email address) will be shared with all registered Objectors on request to enable the appointment of a spokesperson if necessary. If you do not want your contact details to be disclosed then please complete the section below. I do not give my consent for my contact details to be disclosed to other registered Objectors.
Signed:

Please return to:

**Planning Committee Clerk
Slough Borough Council
Observatory House
25 Windsor Road
Slough
SL1 2EL**

or email: joannah.ashton@slough.gov.uk

Rules, Procedures and Guidelines for Public Speaking at Planning Committee

- 1.——An objector, a representative of the Parish Council and the applicant may each speak on a planning application for a period not exceeding four minutes (per application). Circulation of any photographic or written material by speakers will not be permitted—any such information should be formally sent to the Planning Department for consideration well in advance of the meeting and preferably during the early planning application consultation stages where possible.
- 2.——In the event of more than one objector wishing to speak, objectors may nominate one person to speak for all or the time may be shared. No cross-questioning will be allowed.
- 3.——Speakers should restrict their comments to material planning considerations. A brief guide is given below.
- 4.——Those wishing to speak should complete the registration form and submit this no later than 3 clear days prior to the committee meeting). Speakers should arrive no later than 6.15 pm on the evening of the committee meeting to allow the order of speakers to be confirmed and procedural arrangements to be clarified.
- 5.——When the application comes forward for consideration at the Committee meeting the Planning Officer will introduce the report. The Chair will then call forward the public speakers: Objectors, Applicant, and Parish Councillors. Any Member of the Council who is not a member of the Planning Committee but who wishes to address the Committee will then be offered the opportunity to speak.
- 6.——Public address is not an opportunity to engage officers or Councillors in dialogue. At the end of the period of public address, the Committee will debate and vote on the application. Members of the public, including any previous public speakers will not be able to address the Committee further.
- 7.——The four-minute time limit will be strictly observed.
- 8.——The decision of the Chairman will be final in terms of any questions of interpretation arising from these written procedures.
- 9.——For the benefit of those wishing to speak, the following are typical material planning considerations:

The Committee may only consider relevant planning issues. Please limit your comments to matters such as:-

appearance and character of development
traffic generation, highway safety and parking
overshadowing, overlooking and loss of privacy
noise, disturbance and other loss of amenities
layout and density of buildings
relevant planning policies

Please avoid matters that cannot be considered by the Committee such as:-

boundary disputes, covenants or other property rights
personal remarks (e.g. the applicant's motives)
reduction in property values
loss of private view over the land

Developer's briefings to Planning Committee Protocol

Early member engagement in the planning process is encouraged and supported by the NPPF. Enabling a developer to brief and seek the views of elected Members about planning proposals at an early stage (usually pre-application or where this is not possible, very early in the formal application period) is important in ensuring that new development is responsive to and reflects local interests/concerns where possible.

Slough Borough Council proposes to achieve this objective through formal presentations to the Planning Committee in accordance with procedures set out in this Protocol. No decision will be taken at these meetings and if the pre-application submission is followed by a formal planning application, the application will be subject to the normal procedure of a report to a future meeting of the Planning Committee.

1. The purpose of briefings is:

- To enable Members to provide feedback that supports the development of high quality development through the pre-application process, and avoid potential delays at later stages;
- To ensure Members are aware of significant applications prior to them being formally considered by the Planning Committee;
- To make subsequent Planning Committee consideration more informed and effective;
- To ensure issues are identified early in the application process, and improve the quality of applications; and
- To ensure Members are aware when applications raise issues of corporate or strategic importance.

2. What sort of presentations would be covered in the briefings?

Presentations on proposed large-scale developments of more than 50 dwellings, or 5,000m² of commercial or other floorspace or which includes significant social, community, health or education facilities, or where the Planning Manager considers early discussion of the issues would be useful; and

Presentations on other significant applications, such as those critical to the Council's regeneration programmes, significant Council developments, or those requested by the Chair of the Committee or deemed appropriate by the Planning Manager.

3. Frequency and timings of meetings

The presentation will coincide with the monthly Planning Committee meetings.

4. Format of the presentations

- The meeting will be chaired by the Chair of the Planning Committee who will ask Members attending to disclose any relevant interests;
- The Developer will supply all presentation materials including any models, and these will be displayed in the meeting room;
- Officers to introduce the proposal (5 minutes);
- The developer and/or agents will be invited to make a presentation (10 minutes);

- ~~• Ward Members will have the opportunity to address the Committee (4 minutes each, subject to the discretion of the Chair);~~
- ~~• Question and answer session: Members of the Planning Committee and Ward Members will be able to ask questions to the Developer and officers (15 minutes) Supplementary questions from Ward members to be at the discretion of the Chair);~~
- ~~• A short note of the meeting summarising Members' comments would be made.~~

~~5. Other matters~~

~~Members questions will be restricted to points of fact or clarification and must be structured in a way that would not lead to a member being perceived as taking a fixed position on the proposals. Members should ensure that they are not seen to pre-determine or close their mind to any such proposal as otherwise they may then be precluded from participating in determining the application.~~

Slough Borough Council

Report To:	Council
Date:	27 th July 2023
Subject:	Appointments to Committees and Panels
Chief Officer:	Stephen Taylor, Monitoring Officer
Contact Officer:	Kunwar Khan, Democratic Services & Scrutiny Manager
Ward(s):	All
Exempt:	No
Appendices:	None

1. Summary and Recommendations

- 1.1 This report seeks Council's approval to appoint to vacancies and to note changes to membership of Committees and Panels since the Annual Meeting of Council held on 18th May 2023.

Recommendations:

Council is recommended to resolve:

(a) That the following changes to Committees and Panels be agreed:

- i. Appointments Committee – Councillor Smith to be appointed to the committee in place of Councillor Manku; and Councillor Matloob to be appointed to the vacant seat allocated to the Labour Group.
- ii. Appeals Committee – Councillor Iftakhar Ahmed to be appointed to the committee in place of Councillor Rana; and Councillor Gahir to be appointed to the vacant seat allocated to the Labour Group.
- iii. Appeals Committee – Councillor Ejaz Ahmed to be appointed chair of the committee in place of Councillor Rana.
- iv. Investigating & Disciplinary Committee – Councillor Qaseem to be appointed to the vacant seat allocated to the Labour Group.
- v. Corporate Parenting Panel – Councillor Tomar to be appointed to the panel in place of the Lead Member for children's services who will continue to attend the panel as a participating observer; and
- vi. Corporate Parenting Panel – that Council confirms that the panel be comprised of 6 elected members in line with the proportionality principles agreed by Annual Council on 18th May 2023 and that the terms of reference of the panel and Constitution be amended accordingly.

(b) That the following changes to Committees made under Procedure Rule 1.2 (vi) be noted:

- i. Planning Committee – Councillor Mann has filled the vacancy following the resignation of Councillor Hulme from the committee.

(c) That the following appointments of the Leader of the Council to the Slough Wellbeing Board be noted:

- i. Leader of the Council and Lead Member for Improvement & Recovery (Councillor Smith); and
- ii. Lead Member for Health, Social Care & Wellbeing (Councillor Wright)

Reason:

To ensure all seats on committees are filled in accordance with all legal and constitutional requirements, and in line with the wishes of political groups regarding the seats allocated to them.

Commissioner Review

Commissioners have reviewed and made no comment on the report.

2. Report

Introductory paragraph

2.1 At the Annual Meeting of Council held on 18th May 2023 the Council agreed the establishment of committees for the 2023/24 municipal year and the Members appointed to each committee. A small number of changes are required to meet legal and constitutional requirements for certain committees and to fill any vacant seats of committees.

2.2 A summary of changes and reasons is set out as follows:

(a) The agreement of Council is sought for the following changes in accordance with the nominations from political groups:

- i. **Appointments Committee** – two nominations are required. It is a legal and constitutional requirement that at least one member of the Executive is a member of the committee. At the point nominations were being sought for committees in the lead up to Annual Council it was uncertain which members would be appointed to the Cabinet. No members of the Cabinet were appointed to the committee at Annual Council on 18th May 2023. To resolve this Councillor Manku has resigned from the committee and it is proposed that the Leader of the Council, Councillor Smith, be appointed to the vacant Conservative seat. In accordance with political proportionality, Annual Council allocated three seats on the committee to the Labour Group, however, only two nominations were submitted. Councillor Matloob has been nominated by the Labour Group to fill their vacant seat on the committee.

- ii. **Appeals Committee** – As with the Appointments Committee at least one member of the Executive (not the Leader or Lead Member(s) with responsibility for HR or Finance) must be appointed to the committee. No members of the Executive were appointed at Annual Council on 18th May 2023. Councillor Rana has resigned from the committee and it is proposed that Councillor Iftakhar Ahmed be appointed to the vacant Conservative seat. There is one vacant Labour seat on the committee and it is proposed that Councillor Gahir fills this vacancy.
 - iii. **Appeals Committee** – the resignation of Councillor Rana from the committee creates a vacancy for chair and it is proposed that Councillor Ejaz Ahmed be appointed as chair.
 - iv. **Investigating & Disciplinary Committee** – There is one vacant seat on the committee which is allocated to the Labour Group. The group has nominated Councillor Qaseem to fill the vacancy.
 - v. **Corporate Parenting Panel** – Members are asked to approve the appointment of Councillor Tomar to the Conservative seat in place of Councillor Kelly, who as Lead Member for children’s services will continue to attend the panel as a participating observer in line with the panel’s terms of reference.
 - vi. **Corporate Parenting Panel** – The current terms of reference states that there be 7 councillors on the panel. Members will recall that 6 members were appointed to the panel at the Annual Meeting in consequence of the political proportionality calculations consequent on the May elections and consistent with the changes to other council bodies. Council is asked to confirm that it agrees to amend the terms of reference of the panel to retain a membership of 6 in line with other Council bodies.
- (b) **Planning Committee** – since Annual Council a vacancy arose on the Planning Committee following the resignation of Councillor Hulme from the committee. Council Procedure Rule 1.2 (vi) permits such casual vacancies to be filled under delegated authority upon the nomination of the political group which holds the vacant seat. The Labour Group nominated Councillor Mann to the vacant seat with effect from 25th May 2023 and this was reported as a Significant Decision and published on the Council website on 9th June 2023. Council is therefore requested to note this decision.
- (c) **Slough Wellbeing Board** – the Board is the statutory Health & Wellbeing Board established under the Health & Social Care Act 2012 which prescribes a core statutory membership that includes at least one elected representative nominated by the Leader of the Council. The Council is asked to note that the Leader has appointed the following elected members to the Board:
- Leader of the Council and Lead Member for Improvement & Recovery (Councillor Smith); and
 - Lead Member for Health, Social Care & Wellbeing (Councillor Wright)

Options considered

Option 1 – Agree to make the appointments as recommended in Section 1 (Recommended).

This option ensures all seats on committees are filled in accordance with legal and constitutional requirements and the wishes of political groups.

Option 2 – Do not agree to make the appointments as recommended in Section 1 (Not recommended).

It is a requirement for at least one Cabinet member to be on certain staffing committees such as the Appointments Committee, Appeals Committee and Investigating & Disciplinary Committee. Two of these committees do not currently have a Cabinet member on the committee and not agreeing to make the appointments would continue the anomaly. Any alternative nominations to those put forward by the political groups would need to be in accordance with overall seat allocations agreed at Annual Council and therefore by the political groups that hold those seats to ensure the rules of political proportionality for local authority committees are followed.

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 There are no direct financial implications arising from the recommendations.

3.2 Legal implications

3.2.1 The recommendations within this report meet legal requirements (primarily the Local Government & Housing Act 1989 and associated Regulations). The proposals have no workforce implications.

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

4. Background Papers

None

Slough Borough Council

Report to:	Council
Date:	27 th July 2023
Subject:	Deletion of the post of Executive Director – Place and Communities
Chief Officer:	Stephen Brown – Chief Executive
Contact Officer:	Stephen Taylor – Monitoring Officer Adele Taylor – S151 Officer Surjit Nagra – Associate Director - HR
Ward(s):	All
Exempt:	No, whilst this report contains personal information about a member of staff, the seniority of the staff member means it is in the public interest for this information to be reported in public.
Appendices	None

1. Summary and Recommendations

This report seeks Council's approval for the payment of a severance package to the post holder of the position of Executive Director Place and Communities. The number of Executive Director (ED) posts has been reduced by one and the postholder has volunteered for redundancy to avoid the need for a selection process. As the post is redundant, the postholder is entitled to a redundancy payment in accordance with statutory and contractual entitlement. Due to his age and entitlement to full pension, the package includes pension strain leading to a package of over £100k. In accordance with the Localism Act and associated guidance, and the Council's own Pay Policy Statement, Full Council should vote on any severance packages in excess of £100k.

Recommendations:

Council is requested to agree the severance package set out in this paper.

Reason:

Following a consultation on the reduction of the existing six ED's down to five, a request for voluntary redundancy (VR) was agreed in principle. The consultation has now come to an end and the VR request has been agreed which facilitates the new proposed model of a five directorate model for the organisation. The resulting severance is over £100k which requires approval from Full Council.

Commissioner Review

The Commissioners support the strategic approach to improving the senior management of the council. Recovering from the issues of the past is an expensive process that still has some way to go.

2. Report

Introduction

- 2.1 2021 and 2022 have been very challenging years for Slough Borough Council and its staff. The very serious financial challenges highlighted by the s151 officer in July 2021 were confirmed on 25 October 2021 when the Department for Levelling Up Housing and Communities (DLUHC) Governance report and the Chartered Institute of Public Finance and accountancy (CIPFA) report on the Council's finances and governance processes were issued. The significant underlying weaknesses highlighted in these reports had arisen over a period of several years and represented the combined impact of a wide range of issues including, but not limited to, significant capacity and capability issues.
- 2.2 As part of getting the right level of skills and experience at senior levels to ensure the capability and capacity issues can be address a review of the senior levels in the organisation is being undertaken. The review is to ensure a fit for purpose structure which will be aligned to the priorities to be set out in the Council's intended new corporate plan. It will affect the top three tiers of the organisation: Executive Directors, Associate Directors, and Group Managers. The proposal is to create a top three tier of Executive Directors and two new tiers of Directors and Heads of Service, and will increase the capacity and capability to address the concerns that have been highlighted.
- 2.3 Informal consultations have been taking place with the Senior Management teams to engage the current senior management top three tiers on the proposed new structure.
- 2.4 The first phase of the senior manager structure involves the Executive Leadership Team made up of currently six Executive Directors. The new model proposed reducing the current executive directors from six to five. The existing six executive directors were consulted and due to the voluntary

redundancy expression of interest, the remaining five directors are now assigned to the slightly changed ED roles.

- 2.5 Below are the key changes that were proposed which were consulted on:
- To formally delete the current Place and Community directorate and distribute the functions between other five directorates.
 - There is a separate consultation of a wider restructure and change of roles at Director and Head of Service level. This will result in changes of reporting lines and responsibilities for some staff.
- 2.6 The Council's organisational change policy has been followed throughout the process, including engagement with recognised trade unions.
- 2.7 The Council's policy encourages the reduction of the likelihood of compulsory redundancies in the event of a change in several ways, including offering an opportunity for employees to express an interest in voluntary redundancy (VR) and/or early retirement. The opportunity for any permanent Executive, Associate Director, and Group Managers to confirm if they wish to be considered for voluntary redundancy was encouraged during the informal stage. An expression of interest does not imply any commitment on the part of the employee or the Council that this will be agreed.
- 2.8 The VR request is agreed and the redundancy cost arising from that now needs to be approved by the Council.
- 2.10 The amount of an individual's redundancy entitlement is calculated in accordance with their contract of employment, final salary and length of service. Additionally, those staff that are over 55 and in the Local Government Pension Scheme are entitled to receive their pension upon leaving the Council and the figures in paragraph 3.1 includes the cost to the Council of putting their pensions into payment early as a result of the redundancy.
- 2.11 The postholder will be given notice at the end of August 2023 once all the consequential transitional arrangements and the implementation of the changes to the bin collection service have been actioned. In the circumstances, Pay in Lieu of Notice is likely to apply.

3. Implications of the Recommendation

3.1 Financial implications

The total costs of the package amount to **£378,235** and are broken down as follows:

Description	Costs	Comment
Redundancy Payment	£80,032	Salary £139,102.97 – 30 weeks compensation
Pension Strain	£264, 603	
Pay in lieu of notice	£33,600	12 weeks contractual notice period
Annual Leave	Unknown yet	
Total Costs	£378,235	

The severance package identified will be funded from a specific budget that has been set aside at a corporate level for the cost of organisational change and redundancy, recognising that the organisation is in transition.

3.2 Legal implications

3.2.1 The Council must comply with its own Pay Policy Statement which states that

Any redundancy or severance packages of £100,000 or more will be approved by Full Council. In presenting the information to Full Council the components of any such severance package will be set out including salary paid in lieu; redundancy compensation; pension entitlements; holiday pay; and fees or allowances paid.

3.2.2 In February 2013 the Department for Communities and Local Government issued guidance 'Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011'

3.2.3 The Guidance requires that

Authorities should offer full council the opportunity to vote before large severance packages beyond a particular threshold are approved for staff leaving the organisation. As with salaries on appointment, the Secretary of State considers that £100,000 is the right level for that threshold to be set.

In presenting information to full council, authorities should set out clearly the components of relevant severance packages. These components may include salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid.

3.2.4 The components are set out above. These components comprise the contractual entitlement and as such are not special severance payments. The Council may consider permitting the employee to leave without working his notice period and instead to receive pay in lieu of notice. This payment could be seen as special severance over and above contractual entitlement, but may be appropriate if a full handover has been completed and to allow for a quicker move to the new permanent structure.

3.3 *Risk management implications*

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

3.4 *Environmental implications*

There are no direct environmental implications arising from this report.

3.5 *Equality implications*

Monitoring data is collected on staff leaving the organisation and this is reported to the Employment Committee in an anonymised format. An equality impact assessment will be completed on the wider restructure to consider whether this impacts on specific protected groups more than others and if this impact is negative, whether mitigating measures are required.

3.6 *Procurement implications*

There are no procurement implications arising from this report.

3.7 *Workforce implications*

The redundancy will result in one less chief officer.

3.8 *Property implications*

There are no direct property implications arising from this report.

4. **Background Papers**

None

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SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 27th July, 2023

CONTACT OFFICER: Shabana Kauser
(For all enquiries) Principal Democratic Services Officer
 07821 811 259

WARD(S): All

PART I
FOR DECISION**MOTIONS SUBMITTED TO COUNCIL UNDER PROCEDURE RULE 14**

The following motions have been received in accordance with Council Procedure Rule 14:-

Equality of Care Experienced People

(Moved by Councillor Qaseem, seconded by Councillor Gill)

“Care experienced people face significant barriers that impact them throughout their lives, including discrimination and stigma in accessing services such as housing, education, employment, and criminal justice to name but a few. The public Sector Equality Duty does not currently treat Care Experience as a protected characteristic, and as such Slough Borough Council does not include Care Experience when conducting Equality Impact Assessments of its policies.

As Corporate Parents we have duties and responsibilities to act in the best interests of our Care Experienced Young people and Children Looked After.

Slough Borough Council therefore resolves to;

1. To formally support the Show Us You Care Too campaign and write to government calling for care experience to be made a protected characteristic as part of the Government’s Independent Review into children’s social care;
2. That when making any decisions in relation to its policies or formulating its Council Plan it recognises that Care Experienced people are a vulnerable group who face discrimination.
3. That it recognises that councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration.
4. That in the delivery of the Public Sector Equality Duty the Council includes Care Experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a Protected Characteristic in services and employment.
5. That this Council will treat Care Experience as if it were a Protected Characteristic so that future services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a Protected Characteristic
6. For the Council to proactively seek out and listen to the voices of Care Experienced people when developing new policies based on their views”

Bus Lanes and efficient traffic flows at major junctions

(Moved by Councillor Shaik, seconded by Councillor Iftakhar)

“Council acknowledges the importance of delivering Best Value for residents of Slough, and demonstrating evidence based decision making which achieve positive outcomes for residents and recognises the importance of sustainable transport and the vital role which local bus services provides. Council also acknowledges that the residents of Slough have had serious concerns about the implementation and impact of the Bus Lanes across slough.

Council therefore requests Cabinet to:

- Review the implementation of the Bus lanes at the earliest opportunity and will use this to ascertain the current usage of the bus lanes to understand it's true impact on the local environment and journey times and to;
- Explore options to encourage sustainable travel, reduce congestion and deliver positive outcomes for the residents of Slough;
- To support a review of traffic flows at major junctions to understand how we can facilitate reduced journey times for Slough residents and increase road safety.”