

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council **DATE:** 28<sup>th</sup> January 2020  
**CONTACT OFFICER:** Janine Jenkinson – Senior Democratic Services Officer  
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**WARD(S):** All Wards

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

#### **RECOMMENDATION OF THE TRUSTEE COMMITTEE FROM ITS MEETING HELD ON 27<sup>th</sup> NOVEMBER 2019**

#### **ACCESS TO INFORMATION ARRANGEMENTS UPDATE REPORT**

1. **Purpose of Report**

To consider the recommendation of the Trustee Committee arising from its meeting held on 27<sup>th</sup> November 2019 in relation to rights of Ward Members and the public to attend meetings of the Trustee Committee and to receive copies of the agenda papers.

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

The Council is requested to resolve that the proposed changes to the Trustee Committee Terms of Reference, as set out in Appendix A of this report be approved.

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

3a. **Slough Joint Wellbeing Strategy Priorities**

The Trustee Committee's work contributes to the priority of the Slough Wellbeing Strategy 2016-2020 to promote the mental health and well-being of its residents. The Trustee Committee's decisions are not determined by this Strategy as the Committee must act in the best interests of the Trusts of which the Council is the Corporate Trustee.

3b. **Five Year Plan Outcomes**

The Trustee Committee's work contributes to outcomes 1, 2, 3 and 5 of the Council's Five Year Plan, namely: Slough children will grow up healthy, happy and successful; our people will be healthier and manage their own care needs; Slough will be an attractive place where people choose to live, work and stay; and Slough will attract, retain and grow businesses and investment to provide opportunities for our residents. The Trustee Committee's decisions are not to be determined by this Plan as the Committee must act in the best interests of the Trusts of which the Council is the Corporate Trustee.

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

##### (a) Financial

There are no financial implications arising as a consequence of this report or its recommendations.

##### (b) Risk Management

<b>Risk</b>	<b>Mitigating Action</b>	<b>Opportunities</b>
Legal – prospect of a legal challenge to the arrangements adopted by the Council for the discharge of its Trustee functions	Obtain appropriate legal advice to mitigate any risk.	Legal advice already obtained from external solicitors.

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

It is not considered that any Human Rights Act or other legal implications arise from this report or its recommendations, other than as appear below at paragraph 5.3.

##### (d) Equalities Impact Assessment

It is not considered that an Equalities Impact Assessment is required as a result of this report or its recommendations.

##### (e) Workforce

There are no workforce implications which arise as a result of this report or its recommendations.

##### (f) Property

There are no property implications arising as a result of this report or its recommendations.

##### (g) Carbon Emissions and Energy Costs

There are no implications for carbon emissions and energy costs arising as a result of this report or its recommendations.

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

5.1 The Trustee Committee has received representations, to the effect that Ward Members should be entitled to attend the meetings of the Trustee Committee and to receive agendas and papers.

5.2 Due to the special nature of the Trustee Committee and its work the Service Lead, Governance has sought advice from a specialist external solicitor who had

previously provided legal advice and drafted the Trustee Committee Terms of Reference when the Committee was established by the Council.

5.3 The advice of the external solicitor is as follows:

***“As you are fully aware, charities must be independent.***

***This means that they are established to carry out their charitable purposes and not the purpose of implementing the policies of a local authority.***

***The elected members appointed to the Committee to act on behalf of the Council as a Corporate Trustee must, therefore, retain their independence and make decisions which are in the best interest of the charity and, not necessarily, the local authority.***

***We need to be extremely cautious, therefore, that the independent decision-making of the Committee is not undermined in any way.***

***This could include having observers at Committee meetings and/or for Committee meetings to be held in public.***

***Notwithstanding, it is recognised that ward members will have a genuine interest in the deliberations of the Committee, whose decisions may impact on their local area.***

***A careful balance, therefore, needs to be struck with regard to retaining the independence of the Committee, but ensuring Committee members are making informed decisions, taking into account, inter alia, the views of all ward members.***

***It is suggested, therefore, that the terms of reference for the Committee be modified slightly with regard to attendance at meetings, the conduct of meetings and circulation of minutes of meetings.”***

5.4 The specialist external solicitor has suggested that the Trustee Committee Terms of Reference could be amended, as set out in the tracked changes, Appendix A of this report. Council is requested to approve the proposed revisions to the Terms of Reference.

## 6. Comments of Other Committees

At the Trustee Committee meeting held on 27<sup>th</sup> November 2019, the proposed amended Terms of Reference were endorsed for consideration and approval by Council.

## 7. Conclusion

Council is requested to consider and approve the proposed revisions to the Trustee Committee Terms of Reference, as set out in Appendix A of this report.

It is considered that the proposed changes to the Terms of Reference would balance the Trustee Committee’s role of discharging the Council’s duty as a Corporate Trustee and the desire of Ward Members and the public to be engaged with the work of the Committee.

8. **Appendix Attached**

Appendix A – Revisions to the Trustee Committee Terms of Reference.

9. **Background Papers**

None.