

Date of issue: Tuesday, 11th December 2018

MEETING	COUNCIL
DATE AND TIME:	TUESDAY, 18TH DECEMBER, 2018 AT 7.00 PM
VENUE:	MAIN HALL - CHALVEY COMMUNITY CENTRE
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 01753 787503

SUPPLEMENTARY PAPERS

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

* Items 2, 3 and 4 were not available for publication with the rest of the agenda.

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Community Governance Review of Parish Council Arrangements Within The Borough of Slough - Appendix 7	1 - 8	All
3.	Review of Polling Districts/Places	9 - 14	All
4.	Procedures For Settlement Agreements For Officers	15 - 18	All

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Equality Impact Assessment

Appendix 7

Directorate: Finance and Resources	
Service: Democratic Services	
Name of Officer/s completing assessment: Head of Democratic Services	
Date of Assessment: June 2018 updated November 2018 (shown red)	
Name of service/function or policy being assessed: Carrying out a Community Governance Review for the Council	
1.	<p>What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?</p> <p>Slough Borough Council is carrying out a review of community governance arrangements within the Borough area including the parishes and their electoral arrangements, and also other forms of governance not involving parishes. The aim of the review is to consider and bring about improved community engagement, better local democracy and more effective and convenient delivery of local services, and to ensure that electors across the whole Borough are treated equitably and fairly. The review will follow terms of reference to be agreed by the Council at its meeting on 17th May 2018.</p> <p>The review will be conducted in accordance with the Local Government and Public Involvement in Health Act 2007 and the Council will have regard to the <u>Guidance</u> on community governance reviews issued by the Secretary of State for Communities and Local Government and the Local Government Boundary Commission for England. The guidance suggests that it is good practice for councils to consider conducting a review every 10-15 years. The Council conducted a Community Governance Review in 2013 and undertook to carry out a further review in four years time.</p> <p>The Council is required by the Act to ensure that community governance within the Borough area:</p> <ul style="list-style-type: none"> • reflects the identities and interests of the local community; and • is effective and convenient. <p>The review will also take into account:</p> <ul style="list-style-type: none"> • the impact of community governance arrangements on community cohesion; and • the size, population and boundaries of a local community or parish.
2.	Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners.

	The Head of Democratic Services is the Review Manager
3.	<p>Who will be affected by this proposal?</p> <p>All local government electors in the Borough area, together with parish councils, local public and voluntary organisations such as health bodies, residents' and tenants' associations, community forums, neighbourhood action groups, Borough and parish councillors and those employed by the Parish Councils.</p> <p>Consultees will include a variety of different communities of interest representing age, gender, ethnicity, faith or life-style groups. The consultation strategy for this review (See paragraph 8) is intended to have due regard to the protected characteristics of people ie., age, disability:, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation:</p>
4.	<p>What are any likely positive impacts for the group/s identified in (3) above?</p> <ul style="list-style-type: none"> • Slough is a dynamic and diverse place to live and work. Its economic, social and cultural wellbeing relies upon contributions from the various communities that make up the town. It is also one of the most ethnically and religiously diverse towns in the UK. The 2011 Census is particularly relevant to the review in terms of ethnicity, religion and national identity, but Slough also has a much younger than average population - and this age group is traditionally 'disengaged' from the democratic process. • A key part of the review is giving local people, businesses and interested organisations an opportunity to have a say in improving local governance and services. Some people may even want to get more directly involved in representing their neighbourhoods through parish councils and community organisations. The review could promote citizenship and public engagement. • It could also actively seek to advance equality of opportunity and participation by engaging people from a broader age range, a more representative ethnic and religious mix and gender balance, and by encouraging greater participation of under-represented groups which in Slough include young people, women, and people with disabilities. • Depending on proposals received in response to the public consultation there could be a potential for improving community cohesion by getting more people working together in their local area. The statutory guidance at page 20 notes "Building a sense of local identity may make an important contribution to cohesion where a local area is facing challenges arising from rapid demographic change. In considering the criteria, community governance reviews need to home in on communities as offering a sense of place and local

	<p>identity for all residents.”</p> <ul style="list-style-type: none"> • The statutory guidance also says “Local communities should have access to good quality local services... easy to reach and accessible to local people”. It suggests that parish councils could be a way to do this. If proposals are received we will take into account the implications for disability, access and equality. • If proposals are received for the creation of one or more parish councils: <ul style="list-style-type: none"> (a) the opportunity for people to stand for election as parish councillors could help people to gain confidence and skills which might encourage more people to get involved in local democracy at parish and borough levels. This could advance equality of opportunity and participation, including people from a broader age range, a more representative ethnic mix and gender balance, and participation of under-represented faith and belief groups. (b) the opportunity for people to attend meetings more locally to where they live may enable more people with disability and/or their carers to become involved in local democracy, promoting participation and advancing equality of opportunity. This could help for example, in identifying local access needs and getting local solutions to them.
5.	<p>What are the likely negative impacts for the group/s identified in (3) above? If so then are any particular groups affected more than others and why?</p> <ul style="list-style-type: none"> • The review is aimed at responding to the views of local people and local organisations. However, the Council will need as far as possible to have regard to their protected characteristics e.g. disability access needs, language needs, ability to access meetings (e.g.some of the people the review aims to reach may not be able to travel to day time or evening meetings due to age, disability or carer roles) etc and has taken steps to ensure so far as possible, that consultation documents will be available in English, in a range of formats and locations including online and in paper copy. Assistance will be available for disabled or non-English speaking persons. • Following the completion of the consultation the Council’s proposals involve the abolition of both Britwell and Wexham Court Parish Councils with effect from 1st April 2019. • Any decision to abolish a parish council may have an impact on the future of the existing Parish hall which is accessed by some residents in the area. Any closure of a community venue such as a parish hall could impact those residents who access activities at the centre for example social events. For example it is understood that the following groups use the halls: Over 50’s arts and crafts, Britwell Drama Group, Britwell come dancing, Glad Tidings Church, Age Concern, Tuition, Boxing, Bollywood Group, Sai Baba, Muslim Prayers, Wesleyan Church.

	<ul style="list-style-type: none"> • Therefore there is information which means that if these groups were no longer able to use the halls then the following protected characteristics would be impacted Age, religion or belief, disability. • Any subsidised bookings are funded through the existing precept. Other fee paying bookings are also available to residents such as slimming club. If these had to be relocated it may impact upon accessibility to these sessions, particularly those groups of the population with limited mobility should they be relocated further away. • Any decision to maintain the existing arrangements, whilst potentially ensuring the future of the parish hall may not consider the wider needs of the community and may serve to negatively impact on socio economic status within the area. In particular the affordability of the Parish Council (on the part of local residents). • Information from the Parish Councils as well as awareness of the area does not indicate that the implications of the Review will have a specific impact on particular groups or individuals other than the potential impact detailed already. There is no evidence from the consultation of a disproportionate adverse or positive impact on any groups.
6.	<p>Have the impacts identified in (4) and (5) above been assessed using up to date and reliable evidence and data? Please state evidence sources and conclusions drawn (e.g. survey results, customer complaints, monitoring data etc).</p> <ul style="list-style-type: none"> • The Council must have regard to all those with an interest in the review. There is a risk of young people being under-represented in the process as they may be under-represented in many of the local community organisations and parish councils who are consulted directly during the course of the review. This could be mitigated to some extent this by using any local youth fora in the Borough and by using the Council's Facebook presence to raise awareness amongst young people. • Some older people may not be able to attend drop in sessions in the evening and may not have internet access. There is a risk that people who require information in particular formats might be excluded from the consultation process. This could be mitigated to some extent by using any local fora for older people and also by providing information in a range of formats including online and in paper copy. • Information on Parish Hall useage was provided by Parish councils and has been taken into account by the Council in terms of supporting the ongoing use of and availability of facilities.
7.	<p>Have you engaged or consulted with any identified groups or individuals if necessary and what were the results</p>

	<p>A key part of the review is giving local people, businesses and interested organisations an opportunity to submit their views on how they want to represent their neighbourhoods, and potentially get involved in the delivery of services through parish councils and community organisations. As part of the review the Council will consult widely and take into account any representations made in connection with the review.</p> <p>An initial round of consultation is planned to start on 11 June 2018. The closing date for the receipt of submissions is 3rd August 2018.</p> <p>When we have had an opportunity to consider all the responses we receive in response to this consultation, the Council will publish its draft recommendations. A more detailed round of consultation will follow during the period from October through to early November 2018. The Council will then consider any further submissions received before considering final recommendations at its meeting in November 2018. Any approved changes will take effect from the local elections in May 2019.</p>
8.	<p>What plans do you have in place, or are developing, that will <u>mitigate</u> any likely identified negative impacts?</p> <ul style="list-style-type: none"> • The statutory guidance requires the Council to 'consult both those local government electors in the area under review and others which appear... to have an interest in the review.' The consultation strategy for the review will aim to ensure that local electors and stakeholders are aware of the review, its terms of reference, the timetable, and how to engage in it and have their say. This will generally be achieved by direct approach, public notice, press releases, publicity materials, meetings and drop-in sessions and also via the Council's website. The strategy falls into two parts, shifting from the general to the specific as the review progresses : • <u>Part 1</u> will be broad in its approach, ranging over the purpose of the review, the process to be followed and how local communities and stakeholders can have their say. The review will be launched on 11 June 2018 and the initial round of consultations will call for initial proposals closing on 3 August 2018. The public response will define the scope, scale and character of the review and therefore the detailed strategy to be followed in Part 2. • <u>Part 2</u> will follow after the Council has considered the submissions received in the first round of consultations and approved draft recommendations for further consultation. It will necessarily have a more specific focus, depending upon the Council's response to the submissions received, and will invite comments/views on one or more specific proposals affecting particular parts of the parished or unparished areas of the Borough. It may also seek to win support for the proposals. <p>The Council's consultation strategy will include:</p>

- A formal public notice..
 - A press release supporting the Council's launch of the review and inviting initial comments and submissions.
 - An Information leaflet covering questions such as: What is a CGR? Why is the Council undertaking a review? When will final decisions be taken? How do I have my say etc
 - A more formal guidance note on how to comment and make representations.
 - An article in 'Citizen.'
 - A public notice and an information leaflet in 'My Council' and public libraries, community centres, and shopping centres.
 - A dedicated webpage on the Council's website which would include:
 - an e form which can be used to make representations either on-line to a web box or by downloading and sending a copy in by email or post;
 - links to other useful documents including the statutory guidance, the Council report, the timetable etc;
 - one or more maps as appropriate
 - A direct mail shot to local organisations and stakeholders.
 - Offers to arrange public meetings or drop-in sessions.
- The consultation and review process is being planned proportionately and with regard to equalities, taking into account the legal duties and powers of the Council, the statutory guidance, equality duties, time constraints and resources for delivery of this work.
- The initial consultation process seeks to reach people through Borough-wide communication channels and the media. In addition regard will be to the needs to reach people in equality groups.
- If the community governance review process proceeds to the creation of, or change to, a parish council, specific communication plans and their equality impacts would be considered.
- The consultation focussed on key stakeholders including all electors in Britwell and Wexham Court Parishes as well as interested parties operating within the area and this included schools, churches, voluntary and community organisations. To support the decision making process a drop in session was held in each parish area. These drop ins were publicised on the Council's web site and by way of posters in the local area. Accessibility to venues for the drop ins was also taken into account to ensure that any residents with mobility concerns were able to attend. The drop in sessions also served to support residents in understanding the information sent to them.

	<ul style="list-style-type: none"> • An information leaflet was sent with ballot paper was sent to every elector on the electoral register for each parish. A letter advising of the Council's proposals sent to all key stakeholders in the area. Ballot papers asked respondents to mark their preferences against an option. ERS administered the postal poll and residents had to complete a declaration with their ballot paper. • Following the completion of the consultation, the Council's proposals involve the abolition of both Britwell and Wexham Court Parish Councils with effect from 1st April 2019. • The borough Council is committed to honouring existing bookings at the Parish Halls to allow full consideration to be given to the effective provision of services to residents within the Borough Council's overall vision in the 5 year plan of building on the strengths of communities and supporting local community groups. The EIA will be updated so that the impact will be known before further decisions are made. • The borough council currently offers concessionary rates to voluntary and charitable organisations at all its community centres and these charges are reviewed on an annual basis to ensure they adequately support local groups. The borough council's 'Five Year Plan' makes it clear that it will work to build on the strengths of communities, including supporting local community groups and seeks a flexible approach to achieve the widest benefit to the local community.
9.	<p>What plans do you have in place to monitor the impact of the proposals once they have been implemented? (The full impact of the decision may only be known after the proposals have been implemented).</p> <p>Officers will work to ensure that the transition from current arrangements is smooth and that any emerging trends as a result of the review decision are monitored and responded to accordingly in particular with reference to access to community facilities Appropriate services will review existing community facilities servicing the area to determine whether these are fit for purpose and how they can be improved going forward. Should a decision be made to retain either or both Parish Councils consideration may need to be given as to whether it is appropriate to review the existing precept to ensure the level of precept is appropriate for the services provided by the Parish Council and the demographic in the area.</p>
10.	<p>Further consultation?</p> <p>Additional consultation is not required as the recommendations resulting from the Review take into account extensive consultation conducted as required throughout the review process.</p>

What course of action does this EIA suggest you take? More than one of the following may apply	
Outcome 1: No major change required. The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken	x
Outcome 2: Adjust the policy to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? (Complete action plan).	
Outcome 3: Continue the policy despite potential for adverse impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact (see questions below). (Complete action plan).	
Outcome 4: Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination. (Complete action plan).	

Action Plan and Timetable for Implementation

At this stage a timetabled Action Plan should be developed to address any concerns/issues related to equality in the existing or proposed policy/service or function. This plan will need to be integrated into the appropriate Service/Business Plan.

Action	Target Groups	Lead Responsibility	Outcomes/Success Criteria	Monitoring & Evaluation	Target Date	Progress to Date

Name:
Signed:Catherine meek.....(Person completing the EIA)

Name:
Signed:(Policy Lead if not same as above)

Date:

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 18th December 2018

CONTACT OFFICER: Catherine Meek/Fiona Ahern
Head of Democratic Services/Electoral Services Manager -
Community Governance /Polling District & Polling Place
Review Group (RG)

(For all enquiries) (01753) 875011/5549

WARD(S): All

PART I
FOR DECISION

POLLING DISTRICT AND PLACE REVIEW – 2018

1. **Purpose of Report**

- 1.1 To advise the Council of the consultation on the polling district and polling places review and seek agreement to the recommendations of the Review Group.

2. **Recommendations**

The Council is requested to resolve that polling places be designated for each of the Borough Wards as set out at Appendix 1 to the report for implementation for the May 2019 Borough Elections.

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

Effective, transparent and equitable democratic and decision making processes are an essential pre-requisite to the delivery of all the Council's priorities.

4. **Other Implications**

(a) Financial

There are no financial or risk management implications. The costs associated with the Review have been accommodated within existing resources.

(b) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications associated with this report. The Review has been carried out in accordance with the relevant legislation and the recommendations within this report meet legal requirements. The proposals have no workforce implications.

5 Supporting Information

- 5.1 At its meeting on 24th July 2018 the Council agreed the terms of reference and timetable for a Review of Polling Districts and Polling Places and established a Review Group to carry out the Review. The Review Group was chaired by Councillor Hussain.
- 5.2 It is a statutory requirement for a local authority to keep all polling arrangements under review and to establish a polling place within each polling district wherever possible. These arrangements were last reviewed in 2013.

Polling Places

- 5.3 The authority must seek to ensure that all electors have reasonable facilities for voting as are practicable and that they are accessible to all electors, including any with disabilities.
- 5.4 The Working Group agreed the following principles to underpin the Review:
- An aim to carry out a ‘light touch’ approach to look at alternative venues across the borough to provide a better service to electors by offering superior polling facilities, accessibility and location for electors.
 - An aim for approximately 2,000/2,500 voters per polling district wherever possible.
 - An aim to reduce the number of porta cabins used as polling stations if at all possible.

Initial Proposals

- 5.5 Following consultation with local councillors and interested groups and inspection of premises, the Working Group have recommended that the majority of the existing polling stations should remain unchanged.
- 5.6 There are four proposals for change

PD	Ward	Polling Place	Proposal
CHB	Chalvey	Chalvey Community Centre, The Green, Slough	Change: Brook House High Street Slough SL1 2TX
ELA	Elliman	Portable Office, Lismore Park	Change: James Elliman School Elliman Avenue, Slough SL2 5BA
LMC			Change:

	Langley St Marys	Portable Office, Tamar Way, Grass verge on Tamar Way, Parlaunt Road	Langley Leisure Centre Parlaunt Road Slough, SL3 8PD
UPA	Upton	Portable Office, Middlegreen Road, Junction Halkingcroft	Change: St Bernard's Catholic Grammar School 1 Langley Road, Slough, Berkshire, SL3 7AF

5.7 Ward members have been consulted on the proposals and have indicated their support.

5.8 A complete list of polling places is attached at Appendix 1.

Polling Districts

5.9 There are no proposals to change the boundary of any Polling district.

6 Background Papers

Responses to consultation
Report to Working Group – 13th November 2018

Polling Places - 2018

PD	Ward	Polling Place	Proposal
BNA	Britwell & Northborough	Britwell Hub, Wentworth Avenue	No Change
BNB	Britwell & Northborough	Claycots School, Monksfield Way	No Change
BNC	Britwell & Northborough	Northborough Community Hall, 101 Pevensey Road	No Change
BSA	Baylis & Stoke	Manor Park Community Centre, Villiers Road	No Change
BSB	Baylis & Stoke	Singh Sabha Sports Centre, Stoke Poges Lane	No Change
BSC	Baylis & Stoke	Ramgarhia Education Centre, Woodland Avenue	No Change
CEA	Central	Beacon House Conference Room, London & Quadrant Housing Association,	No Change
CEB	Central	Portable Office, Entrance To Goodman Park, Junction With Uxbridge Road	No Change
CEC	Central	St Mary's Church, Church Street	No Change
CGA	Cippenham Green	Cippenham Baptist Church, 11 Elmshott Lane	No Change
CGB	Cippenham Green	Cippenham Central Hall, Central Drive	No Change
CGC	Cippenham Green	The Royal British Legion, Cippenham, Brook Path	No Change
CHA	Chalvey	Claycots School, (Old Town Hall)	No Change
CHB	Chalvey	Chalvey Community Centre, The Green, Slough	Change: Brook House High Street Slough SL1 2TX
CHC	Chalvey	Slough Bowls Club, 50 Chalvey Road East	No Change
CMA	Cippenham Meadows	Cippenham Community Centre, Earls Lane	No Change
CMB	Cippenham Meadows	Weekes Drive Community Hall, Tamarisk Way, Off Weekes Drive	No Change
CMC	Cippenham Meadows	Shiloh Pentecostal Church, 17 Pitts Road	No Change
CPA	Colnbrook with Poyle	Westfield Community Hall, Severn Crescent	No Change
CPB	Colnbrook with Poyle	Colnbrook Village Hall, Vicarage Way	No Change

CPC	Colnbrook with Poyle	Pippins School, Raymond Close, Rodney Way	No Change
ELA	Elliman	Portable Office, Lismore Park	Change: James Elliman School Elliman Avenue, Slough SL2 5BA
ELB	Elliman	Littledown School Hall, Queens Road	No Change
ELC	Elliman	Portable Office, Borderside, On the Green Area	No Change
FAA	Farnham	St Anthony`s RC Church, Farnham Road	No Change
FAB	Farnham	The Faraday Social Club Ltd, Faraday Road	No Change
FAC	Farnham	Methodist Church, Hampshire Avenue	No Change
HLA	Haymill & Lynch Hill	The Church of Jesus Christ of Latter-Day Saints, Leaholme Gardens	No Change
HLB	Haymill & Lynch Hill	Portable Office, Whittaker Road, Green In front of Play Area, Whittaker Road	No Change
HLC	Haymill & Lynch Hill	Primrose Hall, 48 Goldsworthy Way	No Change
LKA	Langley Kedermister	Kedermister Hall, Kedermister Park, Reddington Drive	No Change
LKB	Langley Kedermister	Langley Free Church, Trelawney Avenue	No Change
LKC	Langley Kedermister	Holy Family Catholic Primary School, High Street	No Change
LMA	Langley St Marys	St Mary`s Church Hall, St Mary`s Road	No Change
LMB	Langley St Marys	Parlaunt Park Primary Academy, Kennett Road	No Change
LMC	Langley St Marys	Portable Office, Tamar Way, Grass verge on Tamar Way, Parlaunt Road	Change: Langley Leisure Centre Parlaunt Road Slough, SL3 8PD
UPA	Upton	Portable Office, Middlegreen Road, Junction Halkingcroft	Change: St Bernard`s Catholic Grammar School 1 Langley Road, Slough, Berkshire, SL3 7AF

UPB	Upton	3RD Upton Scout Hut, Upton Court Park, Upton Court Road	No Change
UPC	Upton	St Francis Church, Upton Court Road, London Road	No Change
WLA	Wexham Lea	Wexham Court Parish Hall, Norway Drive	No Change
WLB	Wexham Lea	Portable Office, The Cherries, Wexham	No Change
WLC	Wexham Lea	Upton Lea Community Centre, Wexham Road	No Change
WLD	Wexham Lea	Portable Office, Rochfords Gardens	No Change

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 18th December 2018

CONTACT OFFICER: Sushil Thobhani, Service Lead Governance & Deputy Monitoring Officer

(For all enquiries) (01753) 875036

WARD(S): All

**PART I
FOR DECISION****PROCEDURES FOR SETTLEMENT AGREEMENTS FOR OFFICERS****1 Purpose of Report**

To recommend to Council procedures for dealing with settlement agreements for Officers and consequential actions to enable the operation of such procedures by the Council.

2 Recommendations

The Council is requested to resolve:

- (a) that the resolution adopted by the Council on 28 September 2017 be rescinded and the procedures for dealing with settlement agreements for Officers set out in this Report be agreed; and
- (d) that the Service Lead Governance be instructed to arrange for any necessary changes to the Constitution to give effect to such procedures.

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

Good governance arrangements will have positive implications for the SJWS and the JSNA

3b Five Year Plan Outcomes

Good governance arrangements relating to the Council's procedures for dealing with settlement agreements for officers leaving the Council will enhance Outcome 3 of the Council's five year plan that Slough will be an attractive place where people choose to live, work and stay.

4 Other Implications

- (a) Financial
The financial implications arising from this Report appear in paragraph 5 of this Report.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
Procedures for settlement agreements for officers	Risk that the inability to have a flexible and efficient procedure for dealing with settlement agreements with officers will have a detrimental affect on the efficient operation of the Council.	Provisions in The Employment Rights Act 1996, provisions in the Constitution and Council resolution agreed on 28 September 2017	Economic/ Financial: Probability significant, impact marginal, Score 8 Legal/ Regulatory: Probability low, impact marginal, Score 6 Management: Probability low, impact marginal, Score 6.	New procedures set out in the Constitution following the making of the resolutions recommended in this Report.

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act implications.

Settlement agreements with officers whose contracts for service with the Council are terminating need to comply with requirements set out in the Employment Rights Act 1996 if they are to be legally binding.

(d) Equalities Impact Assessment

There is no need identified for an Equalities Impact Assessment in connections with this Report.

5 Supporting Information

5.1 At their meeting on 28 September 2017 Council passed a resolution in the following terms:

“That all redundancy / severance packages over and above an individual’s statutory / contractual entitlement will be approved by full Council”.

5.2 The above resolution is not limited or qualified in terms of the seniority of the Officer who may be involved or in any other way and applies to any settlement agreement under contemplation with any officer at any level.

- 5.3 This requirement has come under consideration recently in connection with agreements that were under negotiation in respect of Officers and which were required to be concluded urgently before the next scheduled meeting of the Council. These agreements could only be progressed under the Scheme of Delegation to Officers allowing the Chief Executive to discharge all Council side functions in case of emergency or urgency and revealed the inherent undesirability of this becoming a common and default procedure for dealing with every such case as such agreements are almost invariably likely to need to be completed in circumstances of urgency.
- 5.4 This recent need for negotiation of settlement agreements has also raised considerations relating to the provisions of Section 111A of the Employment Rights Act 1996 and how these provisions may sit with the Council's resolution. Section 111A provides for the confidentiality of discussions in connection with a settlement agreement by making evidence of such discussions inadmissible in any subsequent proceedings. The purpose of this provision is to encourage the use of settlement agreements as a way of handling potentially difficult employment situations and may be proposed prior to undertaking any other formal process. They can assist to obviate costly legal and disciplinary proceedings. This is recognised by ACAS in their statutory code of practice relating to such agreements. This code is taken into account by Tribunals in relevant cases. The risk of such confidentiality being breached in the context of operating the reporting procedures to Council for any decision under their resolution is also a relevant matter for the Council to consider in the context of this Report.
- 5.5 The confidentiality provisions in Section 111A of the Employment Rights Act 1996 do not prevent matters being raised subsequently at a Tribunal if they relate to an automatically unfair reason for dismissal such as whistleblowing, union membership or asserting a statutory right. Neither do they prevent disclosure where claims are made on grounds other than unfair dismissal such as claims of discrimination, harassment, victimisation or other behaviour prohibited by the Equalities Act 2010. Additionally, these confidentiality provisions do not apply in instances of "improper behaviour" such as fraud, undue influence, perjury, blackmail, threats of physical assault and other criminal behaviour, victimisation, putting undue pressure such as threats of invocation of disciplinary process if a settlement agreement is not signed or, conversely, if any threat is made to undermine an organisation's public reputation if an agreement is not signed (unless the Public Interest Disclosure Act 1998, which protects whistle-blowers, applies).
- 5.6 The Council's resolution also sits incongruously with delegation D.30 in the Council's Scheme of Delegation to Officers. This delegation gives Officers at Service Lead level and above authority to settle any legal / Employment Tribunal claims in accordance with Council policy and procedures whereas they are not able to approve settlement agreements above statutory limits. The use of settlement agreements is likely to be practical only where a payment above statutory limits is under negotiation as there would be no incentive otherwise for such an agreement to be reached.
- 5.7 Statutory guidance issued by the Secretary of State under Section 40 of the Localism Act 2011 requires that any severance packages for staff leaving the

organisation in excess of £100,000 need to be subject to a vote of full council.

5.8 The Council's attention is also drawn, for the purposes of this Report, to Rule 8.27 of the Council's Financial Procedure Rules in Part 4.6 of the Constitution. This provides that Directors must refer to the Service Lead for People and to the Section 151 Officer any payments in relation to redundancy, early retirement or any other payments associated with an employee's termination of employment and that no commitment in these matters shall be entered into without their joint agreement.

5.9 In consideration of the matters outlined above, it is recommended that Council agree to

- (a) rescind their Resolution of 28 September 2017 set out in paragraph 5.1 above;
- (b) agree to procedures whereby payments in connection with termination of employment of officers in excess of £60,000 above statutory or contractual entitlements in any individual case require the approval of full Council;
- (c) that the amounts of all payments in connection termination of employment be reported to the Council annually; and
- (d) The Service Lead for Governance be instructed to arrange for any necessary changes to the Constitution to give effect to such procedures.

6 **Comments of Other Committees**

This Report has not been considered by any other Committees. Any changes to the Constitution require the Monitoring Officer's consent and this will be sought appropriately.

7 **Conclusion**

It is considered that the adoption of the resolutions recommended by this Report will enable procedures to be put in place which will lead to a more flexible and efficient procedure for dealing with settlement agreements for officers.

8 **Background Papers**

The Constitution, Minutes of the Council Meeting on 28 September 2017, ACAS statutory and non-statutory codes of practice on settlement agreements and supplementary statutory guidance "Openness and accountability in local pay: Guidance under Section 40 of the Localism Act 2011" (February 2013) issued by Secretary of State for Communities & Government