

Date of issue: Friday, 24 March 2023

MEETING	COUNCIL
DATE AND TIME:	TUESDAY, 28TH MARCH, 2023 AT 7.00 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 07821 811 259

SUPPLEMENTARY PAPERS

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

* Items 4,6 and 9 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>
4.	Questions from Electors under Procedure Rule 9.	1 - 2	-
6.	Members Allowance Scheme - Recommendations of the Independent Remuneration Panel <ul style="list-style-type: none">• Appendix A – Report of the Independent Remuneration Panel• Addendum to the report	3 - 20	All
9.	To note Questions from Members under Procedure Rule 10	21 - 28	-

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COUNCIL MEETING – 28 MARCH 2023**QUESTIONS FROM ELECTOR UNDER PROCEDURE RULE 9****1. From Mr Hardeep Singh to Councillor Nazir**

“My question is straightforward, now we have fortnightly bin collections almost on us, but have you thought of the implications of this action in terms of hygiene and littering problems, which are already at catastrophic levels?”

2. From Mr Gurcharan Singh Manku to Councillor Anderson

“We all know now that this mega-financial crisis we faced was brought about by the Labour council's financial negligence and mismanagement at the top, it was a total disregard for their duty as public representatives. My question is that before making those investments that made our council go into a financial meltdown, what professional advice was sought, and what public consultations were done?”

3. From Mr Stuart Lawrence to Councillor Swindlehurst

“This Full Council is the ultimate decision making forum, where project proposals are signed off on our behalf.

For each current Cabinet member, how many project proposals / business cases have you created (within Council setting or outside), how many have received funding approval and how many have you tracked the benefits realisation post-delivery?”

4. From Mr Steven Gillingwater to Councillor Mann

“Can the cabinet member expand more on the new damp policy and what is happening to the current workload on the waiting list for repairs which are apparently caused by tenant behaviour, Is the question still adopting that tenants are to blame?”

5. From Ms Siobhan Dauti to Councillor Hulme

“In the online consultation regarding the closure of the Children's centres in Slough, we were given 3 options

1. Close 9 centres leaving one central centre open
2. Close 7 centres leaving three open across Slough
3. Close 8 centres leaving two open.

There was no option to allow people to object to the closure of any of the children's centres, nor to put forward any other ideas for consideration.

Given this fact, you can state that "most people included in the consultation preferred option 1/2/3"

Was this, as most of us believe, an effort to manipulate the outcome of the online consultation, and that the closure of our children's centres was a forgone conclusion before it was even open to consultation?”

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A Review

Of

Members' Allowances

(Chairs of Overview & Scrutiny, Audit & Corporate Governance and Standards Committees/Task & Finish Groups and Indexation)

For

Slough Borough Council

A Report

By the

Independent Remuneration Panel

Dr Declan Hall (Chair)
John Murtagh
Chris Stevens
Andrew Vallance

March 2023

EXECUTIVE SUMMARY

The IRP recommends the following, namely that:

The Chair of Corporate Improvement Scrutiny Committee

The Chair of the new Corporate Improvement Scrutiny Committee is paid an SRA of £10,404.

The Vice Chair of the Corporate Improvement Scrutiny Committee

The Vice Chair of the Corporate Improvement Committee is paid an SRA of £2,081.

The Chairs of the Scrutiny Task and Finish Groups

The Chairs of the Task and Finish Groups are paid a pro rata SRA of £2,312, paid according to the length of time acting as Chair measured from the date their Scrutiny Task and Finish Group is established until the date its report is received by the Corporate Improvement Scrutiny Committee.

The Chair of the Audit and Corporate Governance Committee

The Chair of the Audit and Corporate Governance Committee is paid an SRA of £4,624.

The Chair of the Standards Committee

The Chair of the Standards is paid an SRA of £1,156.

Issue arising – mileage rates when travelling by hybrid/electric vehicle

To future proof the allowances scheme the IRP recommends that the following clarification should be inserted in Schedule 3 of the Allowances Scheme:

Where a Member is claiming mileage allowance by travelling in a hybrid or electric vehicle then the normal HMRC rate is applicable

Continuation of Indexation

The IRP supports the continuation of indexation for allowances payable under the Slough Borough Council Members' Allowances scheme and recommends the following indices:

- **Basic Allowance, Special Responsibility Allowances, Co-optees' Allowances, the annual cap on the DCA and the remuneration of the Independent Person:**
 - Indexed to the annual percentage salary increase for local government staff as agreed by the NJC (at new spinal column 43) to be adopted from 1st April 2023 and to run for 4 years (31st March 2027).

- **Travel Allowances (Outwith Borough Only):**
 - **Mileage:** indexed to the HMRC rates
 - **Other Travel:** actual costs subject to most cost effective provisions

- **Travel Allowances (Co-optees within the Borough only):**
 - **Mileage:** indexed to the HMRC rates
 - **Other Travel:** actual costs subject to most cost effective provisions

- **Subsistence and Overnight Allowances (Outwith Borough Only):**
 - Indexed to the maximum rates payable under the South East Employers Subsistence scheme

Implementation

The recommendations contained in this report are implemented as follows:

- **Indices:**
 - From 1st April 2023

- **All other recommendations:**
 - From the date of the Council's Annual Meeting on 18th May 2023

Slough Borough Council

Report by the Independent Remuneration Panel

A Review of Members' Allowances

Chairs of the Overview & Scrutiny, Governance & Audit and Standards Committees/Task & Finish Groups

And

Indexation

March 2023

The Regulatory Context

1. This report contains the recommendations arising out of the independent review of certain Members' Allowances for Slough Borough Council by the Council's statutory Independent Remuneration Panel ('IRP' or 'Panel'). It also lays out the deliberations of the IRP so as to show elected Members, Officers and the public the rationale for the IRPs recommendations or where relevant non-recommendations.
2. The IRP was convened under The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021) (the 2003 Regulations). These regulations, arising out of the relevant provisions in the Local Government Act 2000, require all local authorities to maintain an independent remuneration panel to review and provide advice on the Council's Members Allowances. This is in the context whereby the Council retains powers to determine the scope and levels of Members' Allowances.
3. All Councils are required to convene their IRP and seek its advice before they make any changes or amendments to their members' allowances schemes and they must 'pay regard' to the IRPs recommendations before setting a new or amended members' allowances scheme.
4. In this particular instance, the IRP has been reconvened under the 2003 Regulations (paragraph 10. 5) which states:

Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.

5. This provision, known as the '4-year rule', is utilised to oblige all Councils to reconvene their independent remuneration panels at least every four years so that, in a context where councils retain final responsibility for determining their own allowances, they are subject to periodic scrutiny and accountability. It is under the requirement of the 4-year rule that the IRP has undertaken this review of Members' Allowances for Slough Borough Council

Terms of Reference

6. While the review was required to provide advice on the applicability of the indexation of allowances a number of other issues have arisen due to some recent and upcoming governance changes. Thus the IRP was presented with a specific terms of reference, namely whether an SRA should be paid, and if so at what level for:
 1. The Chair and Vice Chair of the Corporate Improvement Scrutiny Committee
 2. The Chairs of the Scrutiny Task & Finish Groups
 3. The Chair of the Audit & Governance Committee
 4. The Chair of the Standards Committees
 5. As to whether annual adjustments of allowance levels may be made by reference to an index, and if so, for how long such a measure should run

In arriving at its recommendations the IRP shall take into account:

- The views of relevant Members and factual briefings from relevant Officers
- The payment of SRAs to similar posts in comparable councils
- The requirement of the 2003 Regulations and 2006 Statutory Guidance
- The current economic climate facing local government in general and Slough Borough Council in particular

The IRP

7. Slough Borough Council reconvened its Independent Remuneration Panel, constituting of the following appointees:
 - Declan Hall PhD (Chair)
 - A former academic at the Institute of Local Government, the University of Birmingham and now independent consultant specialising in members' allowances and who was appointed by the Council as Chair of the IRP
 - John Murtagh
 - A civil servant and a member of the Bracknell Forest IRP
 - Chris Stevens:
 - A journalist and a member of the Windsor & Maidenhead IRP

- Andrew Vallance:
 - A retired Air Vice Marshall, formerly a civil servant providing guidance to UK media on the public discharge on sensitive security issues and a member of the Windsor & Maidenhead IRP
8. The IRP was supported by Nicholas Pontone, Democratic Services Lead, who acted as the 'Panellists' Friend' and whose role was to support the IRP, and take the organisational lead in facilitating the whole process

Process and Methodology

9. Due to the time constraints in organising and carrying out this review it was conducted in a 2 stage process. First the IRP Chair, (Dr Declan Hall) visited the Council Offices at Observatory House during the day on 15th March 2023, to interview relevant elected Members and receive factual briefings from relevant Officers, as well as consider the written material. Subsequently, the rest of IRP, which had been sent a relevant information pack in advance, convened on the evening of 15th March 2023 to receive feedback from the Chair regarding the interviews and to raise any queries that they may have had before arriving at the IRPs recommendations. When all IRP members agreed on the recommendations the Chair of the IRP led in the drafting of the report for further IRP comment and final agreement before being submitted to the Council for confirmation.
10. For details of Members/Officers interviewed and all other written information and evidence considered see
- Appendix 1: Information received and considered by IRP
 - Appendix 2: Member interviews and Officers who provided factual briefings
 - Appendix 3: Benchmarking data – all other SE England Unitary Councils

The Chair of Corporate Improvement Scrutiny Committee

11. As a central part of the Council's response to the directions from the Secretary of State, the Council will, from its Annual Meeting on 18th May 2023, reorganise how Overview and Scrutiny will operate. While the final details of that structure are not yet confirmed, Full Council has endorsed a range of recommendations by the Centre for Governance and Scrutiny which set out the overall structure, and a panel of councillors convened on behalf of Full Council has been working on the detail; their decisions-to-date about what to recommend back to Council have been shared with the IRP. It is expected that Council will agree at its AGM that the current Overview and Scrutiny Committee plus three standing Scrutiny Panels will be discontinued and replaced by a new Corporate Improvement Scrutiny Committee plus Task and Finish Scrutiny Groups which will meet as and when.

12. Corporate improvement has been identified as essential for the Council to recover and the Corporate Improvement Scrutiny Committee will be the prime public vehicle to deliver this goal. While the remit of the Committee is yet to be finalised it is expected to prioritise the following areas, which the Member Panel has agreed to recommend be included in the committee's Terms of Reference:
 - Monitoring and driving Improvement against any Directions by the Secretary of State and other external or internal inspections/reviews/performance information which the Chair/committee choose to prioritise.
 - Monitoring and driving progress of major corporate improvement initiatives eg transformation programmes, major programmes of savings delivery, culture change, governance improvement etc. which the Chair/committee choose to prioritise.
 - Scrutinising and inputting into the council's budget-setting cycle and monitoring the council's financial recovery progress, noting that this should not be allowed to conflict with or duplicate the work of the Audit Committee.
 - Scrutinising proposals for, and delivery of, major savings initiatives, including their impact on partners and residents.
 - Commissioning Task and Finish Groups to investigate specific discrete questions or issues on behalf of the committee, where an issue requires more attention than can be given inside a committee item.
13. This remit is in addition to the normal scope of Overview and Scrutiny, including responsibility for Crime and Disorder and Health scrutiny.
14. The Chair of the current Overview and Scrutiny Committee receives an SRA of £8,092, which has been set at 35% of the Leader's SRA. Clearly the role of the Chair of the new Corporate Improvement Scrutiny Committee will be larger than that of the Chair of the current Overview and Scrutiny Committee as the former will be central in delivering corporate improvement, as well having responsibility for the customary remit of Overview and Scrutiny.
15. Benchmarking shows that in the 7 out of 13 Councils in the comparator group (all Unitary Councils in South East England) have a main Overview and Scrutiny Committee the Chair is paid a mean SRA of £7,030 and median SRA of £7,239. However, as the context in Slough Borough Council is so atypical the IRP has not been driven by benchmarking.
16. In arriving at the recommended SRA for the Chair of the Corporate Improvement Scrutiny Committee the IRP considered whether it should be on a par with the SRA (£12,715) paid to Lead (Cabinet) Members. The IRP concluded that while the Chair of the Corporate Improvement Scrutiny Committee will have a remit across the Council and in all likelihood a workload at least equal to that of Lead Members there is an important constitutional distinction to be made. Lead Members exercise decision making powers, whereas the Chair of the Corporate Improvement Scrutiny Committee will not.

Moreover, the IRP was cognisant of the economic context and has sought to ensure that all recommendations will be broadly cost neutral.

17. Consequently, the IRP settled upon 45% of the Leader's SRA (£23,120) as an appropriate ratio to arrive at the recommended SRA for the Chair of the Corporate Improvement Scrutiny Committee, which equates to £10,404.
18. **The IRP recommends that the Chair of the new Corporate Improvement Scrutiny Committee is paid an SRA of £10,404.**

The Vice Chair of the Corporate Improvement Scrutiny Committee

19. Currently the Vice Chair of the Overview and Scrutiny Committee is paid an SRA of £1,619, which has been set at 20% of their Chair's SRA. It was paid on the basis that the Vice Chair of the Overview and Scrutiny Committee is given responsibility to lead on particular topics at the direction of the Chair, in addition to the normal Vice Chair duties of attending pre-meetings with the Chair, standing in when required and acting as a sounding board for the Chair.
20. Benchmarking is of limited value as only 3 out of the 13 Councils in the comparator group pay a Vice Chair of their main Overview and Scrutiny Committee, with a mean SRA of £2,376 and median SRA of £1,675. The general picture of not paying an SRA to Vice Chairs of main Overview and Scrutiny Committees is not particularly relevant in the Slough context due to the centrality of the Scrutiny corporate improvement agenda.
21. While the role and function of the Vice Chair of the Corporate Improvement Committee has yet to be settled the IRP received no evidence that indicated the role of the Vice Chair of the Corporate Improvement Committee will be that different. As such, the current ratio of 20% of the Chair's SRA is still appropriate. Thus, 20% of the recommended SRA (£10,404) for the Chair of the Corporate Improvement Committee equates to £2,081. The IRP may revisit this assessment in future once there is experience of the actual role.
22. **The IRP recommends that the Vice Chair of the Corporate Improvement Committee is paid an SRA of £2,081.**

The Chairs of the Scrutiny Task and Finish Groups

23. The Council will also establish Scrutiny Task and Finish Groups. A problem the IRP faced in settling on an SRA for the Chairs of the Scrutiny Task and Finish Groups is that the final details have yet to be determined. However, it is envisaged that they will be time limited, operating for a maximum of 4 months, unless an extension is granted by the Chair of the Corporate Improvement Scrutiny Committee. They will be flexible in the number of meetings they hold and in what format those meeting may take during their lifespan although it is expected that they will be fluid and dynamic depending on the nature of their scrutiny topic.

24. The Scrutiny Task and Finish Groups will most likely focus on the operational impacts of the council's change agenda while the Corporate Improvement Scrutiny Committee will focus on strategic and corporate issues. It is expected that a pool of 5 Scrutiny Task and Finish Group Chairs will be appointed who will rotate in chairing these groups.
25. In arriving at a recommended SRA for the Chairs of the Scrutiny Task and Finish Groups the IRP first considered a hybrid approach, namely a relatively low SRA to recognise the work done outside the Task and Finish Groups, including training, planning and preparing for Task and Finish Groups, liaising with other Chairs and relevant Officers as necessary, plus a small SRA on a per meeting chaired basis. However, due to the expected fluid and dynamic nature of their meetings there would be an issue in counting what constitutes a formal meeting. Much work could be done outside a formal meetings context.
26. Instead, the IRP settled on a pro rata approach in that a fixed annual SRA be established but paid to a Scrutiny Task and Finish Group Chair pro rata for the length of time they act as Chair measured from the date their Scrutiny Task and Finish Group is established by the Corporate Improvement Scrutiny Committee until the date its final report is received by the Corporate Improvement Scrutiny Committee.
27. In arriving at the appropriate SRA the IRP has settled on 10% of the Leader's SRA, which equates to £2,312. Thus if a Chair of a Scrutiny Task and Finish Group chaired it for 4 months their SRA would be £771 (£2,312 divided by 12 months and multiplied by 4 months). Of course a Scrutiny Task and Finish Group Chair may be expected to chair more than one Scrutiny Task and Finish Group, of varying lengths, in any given year.
28. The IRP recognises a possible administrative burden associated with handling pro-rata payments of this kind, it will be a matter for the council to consider how to do this most efficiently, and the IRP will need to review this arrangement once there is more evidence of this arrangement operating in practice.
29. **The IRP recommends that the Chairs of the Task and Finish Groups are paid a pro rata SRA of £2,312, paid according to the length of time acting as Chair measured from the date their Scrutiny Task and Finish Group is established until the date its report is received by the Corporate Improvement Scrutiny Committee.**

The Chair of the Audit and Corporate Governance Committee

30. From the date of the Council Annual Meeting in 2022 the Council discontinued the Audit and Standards Committee and replaced it with the Audit and Corporate Governance Committee plus the Standards Committee. The Chair of the new Audit and Corporate Governance Committee has simply been paid the SRA paid to the Chair of the old Audit and Standards Committee, which is £3,468 that was set at 15% of the Leader's SRA. Benchmarking shows that the Chairs of the equivalent committees in the comparator group of councils is paid a mean SRA of £4,824 and median SRA of £4,876, although it is noted that

- four of the benchmarked councils combine Standards with their Audit Committee.
31. On the face of it, separating the Standards function from the committee could have been expected to reduce the remit of the Audit and Corporate Governance Committee. However, the rationale behind the splitting of the old committee was the need to increase the focus on Audit and Corporate Governance. In light of the financial focus of the government intervention at Slough and the need to work through a number of historic statements of accounts, Audit has become a more critical function. As a sign of this the number of meetings of the Audit and Corporate Governance Committee has been increased to 6 per year.
 32. As a result of the enhanced importance of Audit and Corporate Governance function the IRP concluded that the Chair merited an uplift in their SRA. The IRP has applied a small uplift as it was cognisant of ensuring that the overall impact of all recommendations would be broadly cost neutral. Consequently it decided to reset the SRA at 20% of the Leader's SRA which equates to £4,624, which places it more in line with the benchmarked mean and median SRA paid to chairs of equivalent committees.
 33. **The IRP recommends that the Chair of the Audit and Corporate Governance Committee is paid an SRA of £4,624.**

The Chair of the Standards Committee

34. The Council has set up a separate Standards Committee to adopt the local Standards regime including the Code of Conduct, provide advice, train or arrange to train Members on matters relating to the Council's Ethical Framework and promote and maintain high standards of conduct by Members. It also has the power to determine written complaints made against a Member alleging a breach of the Code of Conduct and taking any action that is deemed appropriate and permitted under the Localism Act 2011 and Regulations thereafter. It is scheduled to meet 2 times per year and meetings dealing with complaints against Members have historically been few in number, no more than a few in the past 10 years.
35. As the Standards Committee is a new committee established at the Council's Annual Meeting 2022 the Chair does not receive an SRA. Benchmarking is of limited value in this context as only 4 out of the 13 comparator group of councils maintain a separate Standards Chair with a remunerated Chair. Out of this small comparison group, the mean SRA for the Chair of Standards is £3,988 and median SRA is £3,190. However, this mean/median figure is heavily skewed by Buckinghamshire, which pays its Standards Chair an SRA of £8,323. What is also unknown is how active the other Standards Committees are in dealing with complaints, which historically have been very few in Slough Borough Council.
36. Nonetheless, as a standing committee of the Council the IRP concluded that the Chair of the Standards Committee merited an SRA but set at the lowest end

of SRAs paid by the Council. As such the IRP has arrived at the recommended SRA of the Chair of the Standards Committee by setting it at 5% of the Leader's SRA, which equates to £1,156. The IRP will revisit this recommendation if in the future there is significant change in the number of complaints against Members that the Standards Committee has to deal with.

37. **The IRP recommends that the Chair of the Standards is paid an SRA of £1,156.**

Issue arising – mileage rates when travelling by hybrid/electric vehicle

38. During the course of the review the IRP noted one issue arising regarding the Travel Allowances. There is no provision for when a Member travels by hybrid or electric vehicle. The Office of Low Emission Vehicles points out when someone is claiming business mileage rates by travelling in a hybrid or electric vehicle then the normal HMRC rates apply, which is 45p per mile up to 10,000 miles. This provision should be inserted into the travel allowances section of the Members' Allowances Scheme for clarification purposes.
39. **To future proof the allowances scheme the IRP recommends that the following clarification should be inserted in Schedule 3 of the Allowances Scheme:**

Where a Member is claiming mileage allowance by travelling in a hybrid or electric vehicle then the normal HMRC rate is applicable

Continuation of Indexation

40. The representation received by the IRP was supportive of the principle of the continuation of indexation. It ensures that the allowances are not eroded over time thus avoiding the need for periodic substantial increases just to maintain their original value. Moreover, the current position of indexing the main allowances to annual percentage increase in Officers salary as agreed annually or bi-annually by the National Joint Council for Local Government Staff was accepted at the most fair and equitable index (also known as the NJC index). It treats Members and Officers equally; if Officers receive no annual increase then the same is applicable to the main allowances for Members. Finally, the majority of Members' Allowances schemes have indexation provisions including the NJC index.
41. The IRP supports the continuation of indexation for allowances payable under the Slough Borough Council Members' Allowances scheme and recommends the following indices:
- **Basic Allowance, Special Responsibility Allowances, Co-optees' Allowances, the annual cap on the DCA and the remuneration of the Independent Person:**
 - Indexed to the annual percentage salary increase for local

government staff as agreed by the NJC (at new spinal column 43) to be adopted from 1st April 2023 and to run for 4 years (31st March 2027).

- **Travel Allowances (Outwith Borough Only):**
 - **Mileage:** indexed to the HMRC rates
 - **Other Travel:** actual costs subject to most cost effective provisions

- **Travel Allowances (Co-optees within the Borough only):**
 - **Mileage:** indexed to the HMRC rates
 - **Other Travel:** actual costs subject to most cost effective provisions

- **Subsistence and Overnight Allowances (Outwith Borough Only):**
 - Indexed to the maximum rates payable under the South East Employers Subsistence scheme

42. It is pointed out that if the Council adopts all or any of the indices recommended it is under no obligation to implement a particular index each year. If adopted, the Council has a choice and retains the right not to implement an index or if it decides to implement an index then it can implement an alternative index. However, if the principle of indexation is not adopted by the Council then it cannot index its allowances and if any, even minor, uplifts for inflation are sought by the Council it must come back to the Panel for its advice. Having the principle of indexation in place removes the requirement to seek advice from the Panel for a maximum period of 4 years, unless the Council seeks a review sooner.

Implementation

43. **The IRP further recommends that its recommendations contained in this report are implemented as follows:**
- **Indices:**
 - From 1st April 2023

 - **All other recommendations:**
 - From the date of the Council's Annual Meeting on 18th May 2023

Appendix 1: Information Received & Reviewed by the IRP

1. IRP Terms of Reference
2. Slough Borough Council Members' Allowances Scheme 2022/23
3. Slough Borough Council, draft calendar of meetings, 2023/24
4. Remit of Audit & Corporate Governance (SBC Constitution Part 2 – Article 9)
5. Remit of Standards Committee SBC Constitution Part 2 – Article 9a)
6. Relevant benchmarking data/material namely spread sheets summarizing & comparing allowances paid in benchmarking group for the review (based on all English SE Unitary Councils) these were used previously
7. Slough Borough Council, Secretary of State for Levelling Up, Housing & Communities, Directions under Section 15(5) and (6) of the Local Government Act 1989
8. National Joint Council for Local Government Services, showing Local Government Staff Pay increase for 2022/23 – SCP 43
9. Statutory Guidance on Consolidated Regulations for Local Authority Allowances May 2006. (Extract)
10. Statutory Instruments: 2003 No. 1021 – The Local Authorities (Members' Allowances) (England) Regulations 2003
11. Office for Low Emissions Vehicles, Ultra Low Emission Vehicles Tax Benefits, 2018
12. Centre for Governance & Scrutiny, Slough Borough Council, Improvement Review, Feedback Report Letter, November 2022
13. Slough Borough Council, Scrutiny Improvement Report, Action Plan, 3rd November 2022
14. Overview & Scrutiny Committee, Minutes recording recommendations on Overview and Scrutiny governance changes, 17th November 2022
15. Slough Borough Council, Report on recommendations of the Overview and Scrutiny Committee (17th November 2022), 22nd November 2022 plus minutes recording Council decision
16. Decisions of the Member Working Group on Overview and Scrutiny, 22nd February 2022
17. Memorandum from Slough BC Labour Group to Alex Polak, Head of Governance & Scrutiny 23rd November 2022
18. Slough Borough Council, Draft Annual Scrutiny Report, 2022/23

Appendix 2: Representations and Briefings Received by the IRP

Members:

1. Cllr H. Gahir Chair Overview & Scrutiny Committee (Labour)
2. Cllr P. Man Chair Standards Committee (Labour)
3. Cllr D. Smith Leader of Majority (Conservative) Opposition Group
4. Cllr J. Swindlehurst Leader of Council & Labour Group and Cabinet Member
for Council Recovery, Forward Strategy & Economic
Development

Officers who provided a briefing to the IRP:

Alex Polak Statutory Scrutiny Officer

Appendix 3: Benchmarking data – relevant SRAs paid in SE Unitary Councils

BM1 Slough Council BM Group - All other SE Unitary Councils: Leaders, O&S, Audit + Standards SRAs (22/23)								
Comparator Council	Leader's SRA	Chairs Main O&S	Vice Chairs Main O&S	Chairs Scrutiny	Chairs Scrutiny T&F Groups/Subs	Chairs Audit & Governance	Chairs Standards	Other/Comment
Bracknell Forest	£28,654	£7,239	NA	£5,791	NA	£2,895	NA	
Brighton & Hove	£32,505	NA	NA	£4,876	NA	£4,876	NA	Audit & Standards combined
Buckinghamshire	£46,818	NA	NA	£8,323	NA	£8,323	£8,323	Chair Health & Social Care Scrutiny £5,026
Isle of Wight	£16,754	£8,377	£1,675	£4,189	NA	£3,351	NA	
Medway	£32,856	NA	£3,834	£10,952	NA	£7,667	NA	O&S Spokespersons £6,572
Milton Keynes	£33,495	£8,374	NA	£5,024	£5,024	£5,024	£3,340	Scrutiny T&F SRAs paid pro rata - length of time chaired
Portsmouth	£22,262	NA	NA	£3,092	NA	£6,430	NA	Audit & Standards combined
Reading	£18,500	NA	NA	NA	NA	£3,039	£3,039	
Southampton	£27,800	£6,950	NA	£3,475	NA	£6,950	NA	Audit & Standards combined
West Berkshire	£20,721	£5,179	NA	£3,108	NA	£3,108	NA	Audit & Standards combined
Windsor & Maidenhead	£25,416	NA	NA	£5,084	NA	£5,084	NA	
Wokingham	£20,000	£5,000	NA	£2,500	NA	£2,500	£1,250	
Slough	£23,120	£8,092	£1,619	£3,468	NA	£3,468	NA	
Mean	£26,839	£7,030	£2,376	£4,990		£4,824	£3,988	
Median	£25,416	£7,239	£1,675	£4,533		£4,876	£3,190	
Highest	£46,818	£8,377	£3,834	£10,952		£8,323	£8,323	
Lowest	£16,754	£5,000	£1,619	£2,500		£2,500	£1,250	
Mean Ratios	100%	26%	34%	19%		18%	15%	
Slough Ratios	100%	35%	20%	15%		15%	NA	

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Addendum to Item 6 - Recommendations of the Independent Remuneration Panel (IRP) following publication of Appendix A:

The Chair of the Independent Remuneration Panel, Declan Hall, is to be thanked for a very quick turnaround of the report since the 15 March Panel meeting, allowing for publication in advance of the Council meeting. Similarly the Panel members for reviewing the final report quickly. The following information could not be included in the covering report until Appendix A was available from the Panel.

Commissioner Review

Following receipt of Appendix A, the commissioners’ further comments are:

“The report is well written report and appendix is very useful. It is good that the additional responsibilities for the roles is outlined, providing context for the modest increase in allowance. In due course the Council should ensure that it has the means to judge whether these roles are being performed to a satisfactory level.”

Financial Implications

The recommended changes to Special Responsibility Allowances (SRAs) in the IRP’s proposed scheme create, in total, a £1,618 increase in the overall cost of Members Allowances as compared with the [current scheme](#). This is a negligible change and well within the 3% definition of ‘significant’ set out in the Financial Implications section of the covering report.

IRP PROPOSED:		CURRENT:	
Chair of Corporate Improvement Scrutiny Committee	£ 10,404	Chair of Overview & Scrutiny Committee	£ 8,092
Vice Chair Corporate Improvement Scrutiny Committee	£ 2,081	Vice Chair of Overview & Scrutiny Committee	£ 1,619
3x Scrutiny Task & Finish Chairs (total assuming maximum usage of T&F capacity in a full year)	£ 6,936	3x Scrutiny Panel Chairs (total)	£ 10,404
Chair of Audit & Governance Committee	£ 4,624	Chair of Audit & Governance Committee	£ 3,468
Chair of Standards Committee	£ 1,156	Chair of Standards Committee	£ -
TOTAL	£ 25,201	TOTAL	£ 23,583

Alexander Polak, Head of Governance & Scrutiny
2023-03-23

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COUNCIL – 28TH MARCH 2023
MEMBER QUESTIONS

RECEIVED FROM COUNCILLOR STRUTTON TO COUNCILLOR ANDERSON

Please can Cllr Anderson provide us with the following answers to how the use of the Electric Vehicle chargers at our Corporate site and the lower floor of Herschel Car Park are recorded and assigned as to the electric charged to vehicles that have used them since they were installed and as I had been previously informed were either for our own fleet of electric cars and not those belonging to Officers, Cllrs or Contractors since 2016; As I have seen private cars and vehicles using these points over this time frame and especially during and since covid I have seen both private & our contractor vehicles using them?

Reply

The basement car park is not a public car park. It is a car park for our Observatory House Offices and is intended to only be accessible via the access barrier at the side of Observatory House. Harris fencing was in place to separate the basement car park from the public car park, but this was removed in error. Arrangements have been made to resecure the private car park so that it is used solely for designated staff. Meanwhile it is used as a storage area and car park for building maintenance contractors' vehicles pending the decision of when / whether to sell Observatory House. The public entrance ramp to the Hershel MSCP enters at Level 3 and the ramp goes up so most paying customers park on the upper floors, very few people realise that there are lower floors. It appears it has mainly been Councillors who have parked in the basement. Any usage of the electric vehicle (EV) charging points will have been free, as is the case with all EV charging points in Hershel MSCP and Hatfield MSCP – also see response to Q2. When purchasing Observatory House, the basement car park was intended to house a fleet of electric pool cars which were to be purchased for use by Council Officers. This was to replace the employee cost per mile scheme for use of a private car for business usage and would have brought cost savings to the council while reducing our carbon footprint. The implementation of this scheme was delayed due to Covid lockdown and has been suspended indefinitely due to the s114 notice and the need to minimise the Capital Programme.

We have two bays served by rapid EV charging points accessible from the access/egress road to the basement carpark at Hershel. These were intended to be used by SBC Building Management electric vehicles and no tariff is charged. The implementation of this scheme was delayed due to Covid lockdown but is now being revisited. The Councils Building Maintenance contract, currently operated by Bouygues, is to return to become an in-house service in February 2023 and this will need vans to be procured by the Council for use by directly employee officers.

How is such a benefit in kind detailed to our accounts team and payroll teams in regards of such benefit in kind especially in regards the lower ground floor PodPoint Chargers which I have ask question regarding their use and availability over the last 4 years having now been told that these have been available for use for sometime but are not as yet had the software as is the case for the ones in our car park compound at 25 Windsor Rd to enable effective recording of what cars / drivers connect to them so as to apply any cross charging or even at point of use charging via a simple software app that Pod Point at similar sites such as Tesco's have

installed. Why has this not been done even though this was pointed out previously was promised to be addressed?

Reply

The EV charging units in the basement became available for use during 2021 following delays due to issues with the contractor. They were intended for Council use to charge a fleet of electric pool cars to be used by Council Officers on Council business.

Notwithstanding that use as a public car park was not intended for the basement car park, Council staff with their own electric vehicles ('EVs') can use the Council's EV charging points and it is **NOT a benefit in kind** providing that the following four HMRC qualifying conditions are satisfied, namely: -

1. The charging facilities are provided at or near the employee's workplace.
2. Charging is available to all of our employees generally.
3. The benefit is not offered in conjunction with an optional remuneration arrangement.
4. Charging facilities are for a battery of a vehicle in which the employee is either the driver or a passenger.

EV chargers are available to the public free of charge on the top floor of Herschel MSCP, on the ground floor of Hatfield MSCP and, temporarily and unintended, in the basement of Hershel MSCP.

With respect to Bouygues and other building maintenance contractors, it is for the employee and the employer of any contractor to determine whether free use of a public charging point for a company van and/or free use of a charging point for a company van in a private car park to which they have access is a benefit in kind.

Given the huge increase of SBC's electric bills due to cost increases of supply and this authorities huge financial burden this cannot be acceptable especially given previous messages to me re this lower floor was not open to public (as was due to making rental off floor space more attractive to renters of our HQ building) until as I am being now informed has been accessible since early summer 22 but not advertised to the public as to their availability and parking spaces to be used. It could be seen as somewhat concerning regarding transparency and delivering value for money to residents and tax payers of Slough given that it seems at present only to have been being used by Officers and odd Cllrs in the know! How do you and the Council Leader explain this?

For transparency since finding this out I have on 3 occasions parked and used the PodPoints on lower floor since 12th Jan 23 when the lead Cllr for Health informed me to my surprise at an evening training session at 25 Windsor Rd.

Reply

The basement car park is a private car park, also see response to Q1.

The commentary below shows that our EV charging network is poorly used and as such the costs and the incomes (where we have a tariff) are small. The number of unique users is low and occupancy is heavily influenced by a handful of users.

EV charging points at Herschel MSCP and Hatfield MSCP are currently free to use but require that you pay to use the car park irrespective of whether your vehicle is electric. Both car parks are poorly occupied and free EV charging both encourages electric vehicle usage and provides an incentive to electric vehicle owners to use our car parks rather than those of our competitors. EV bays were occupied for 12% (Herschel) and 17% (Hatfield) of the time that the car parks were open in 2022. Car Park charges at both car parks are: -

- Up to 1 hour - £1.00
- Up to 2 hours - £2.00
- Up to 3 hours - £3.00
- Up to 4 hours - £4.00
- 5 hours and over - £5.00

There were 566 charging events from 68 different users at Herschel Car Park in 2022 which consumed 11,982 kwh of electricity. These were spread over the year with different cost at different times of the year. We are waiting for the bill but worst case if we assumed the highest rate all year then £0.44 x 11,982 = £5,272.08. This compares with the car parking income if all users paid for 5 hours car parking of 566 x £5 = £2,830. It can be seen that, although the numbers are small, we must now apply a tariff for all of our public EV charging points to avoid subsidising car parking / EV charging given the increased cost of electricity.

It would be relatively straight forward for our technology at Hershel and Hatfield to be reset to charge users a tariff and the steps and costs needed to do this are being confirmed with the operator. The costs of implementing and administering the system will be considered against the relatively low costs which will be monitored.

Free parking is provided at all the Council’s leisure sites subject to maximum stay periods. Most of the EV charging points at these locations require payment of a tariff and occupancy rates are very low – see table below.

Site		No. of bays	Opening hours/ constraints	Occupancy (across 2022)	Occupancy (when available)
The Centre	Fast chargers	10	Only 8 bays in use in 2022 Parking stay restriction (3hrs), Charging restricted to 2 hrs	2.8%	3.50%
	Rapid charger	1		22%	22%
Langley Leisure Centre	Free	6	Reliability issues in 2022: Parking stay restriction (3hrs),	1.4%	2.2%

Site		No. of bays	Opening hours/ constraints	Occupancy (across 2022)	Occupancy (when available)
			Charging restricted to 2 hrs		
Ice Arena	Free post	1	Only worked Jan to Apr 2022 (2 nd socket is 3-pin)	14%	42%
	Tariff-based post	2	Reliability issues in 2022: only available for 9 months	8.9% (for all 3 bays)	17%
Salt Hill	Free post	1	Not operational since June 2021 (2 nd socket is 3-pin)	0%	0%
	Tariff-based post	2	Reliability issues in 2022: only available for 5 months	0.5%	1.3%
Britwell Community Centre	Free	2	Reliability issues in 2022: only operational in June & July 2022	1.8%	11%
Cippenham Library	Free	2	Car park is only open when library is open.	4.5%	65% *

Income from EV Charging Points at Leisure Sites:

Year/ Month	Langley Leisure Centre	Montem Ice Arena	Salt Hill Activity Centre	The Centre
2021				
November	£28.53	£42.44	£7.46	£576.24
December	£58.09	£120.25	£0.38	£1,198.90
2022				
January	£68.99	£32.68	£0.00	£1,464.06
February	£43.35	£80.30	£0.00	£1,751.23
March	£35.90	£104.78	£0.00	£1,743.29
April	£8.19	£61.05	£0.00	£502.96
May	£0.00	£0.00	£0.00	£734.83
June	£0.00	£0.00	£0.00	£1,086.72
July	£5.45	£0.00	£0.00	£1,013.63
August	£7.24	£31.50	£3.80	£721.14
September	£90.56	£45.53	£5.27	£1,079.79
October	£157.52	£44.81	£3.79	£1,006.19
Total	£503.82	£563.34	£20.70	£12,878.98

Low occupancy rates mean low energy costs and small incomes. If we introduce tariffs where we don't currently apply a tariff then occupancy rates are likely to fall further. If we increase charges where we currently apply a tariff then occupancy rates are likely to fall further.

The cost to the Council in 2022 for electricity used at our EV chargers started the year at 22p/kWh but climbed to 44p/kWh by the end of the year. There is also a 19p / transaction fee levied by the operator for each occasion that a charge point is used.

You were both happy to promote the Privately owned RAW/ ChargeMaster Rapid Charging Station just down from 25 Windsor Road but not our own facilities; Why? An explanation is needed for the Tax-Payers of Slough.

A electric vehicle using these point could get upwards of 25kw of electric in an 6 hour parking session which would cost £5 in parking but at a similar rate for a 7/25KW charging PodPoint at Tesco's would cost an extra £7 or more for the electric supplied. With Charges form £0.30p to £0.65p per kw being charged for the electric plus parking fees especially after 1st 1 to 3 hours at most public car parks.

Reply

Our 7kW chargers are designed for people to plug in for several hours to go to work, gym or the shops. The privately owned RAW / ChargeMaster Rapid Charging Station on Windsor Road has rapid and super rapid chargers designed to charge large batteries is less than an hour, the tariffs are higher but are focussing on a different EV market. Tesco recently moved from free to use on their 7kw network to a tariff of 28p/kwh.

Our EV charging points are advertised on the operator's app and website. We also use ZapMap to promote our EV charging points. ZapMap – is the market leading website and app providing searchable maps of EV charge points across all charge point operators. The following SBC charge points are present on ZapMap: -

- Hershel Top Floor
- Hatfield ground floor
- Centre
- Langley Leisure
- Salt Hill
- Ice rink
- Britwell

Cippenham Library and Chalvey Community Centre are not currently on ZapMap.

It is free to add a public charging point to the map. www.zap-map.com/live/ - [Map of electric charging points for electric cars UK: Zap-Map.](#)

Local promotion via free online channels could be established to supplement promotion via the charge point operator's app/ website and ZapMap

Officers are working on a new Car Park strategy and a new EV Charge Point operating model to make savings in 2023. This will investigate, review and balance a wide range of factors including: -

- Whether there is benefit in charging for parking at all our car parks.
- Interrelationship with our Leisure Centre contract.
- The opportunity to sell some or all our car parks.

- Whether and where to apply a tariff for EV charging points, and what the tariff should be.
- Whether to upgrade our charging points to make them more attractive to customers by giving a full charge in less time than currently.
- Whether we should sell our EV charging network to a commercial enterprise.
- Whether we should lease car parking bays with EV charging points to companies or residents as part of our car park strategy.
- How best to promote our car park and EV charge point network.

RECEIVED FROM COUNCILLOR GREWAL TO COUNCILLOR MANN

A number of recent cases to have highlighted that Slough Borough Councils Planning Enforcement seem to have adopted a punitive rather than a corrective/informative approach when dealing with planning breaches. My understating, from recent cases that I have dealt with, is that residents are sent a legal notice in the first instance rather than a letter highlighting the breach and offering advice on the options available, allowing the residents time to remedy the breach. This inevitably has financial implications for a Council that already faces financial issues, as legal action costs money.

Further, I understand that legal proceedings are continued even after the premises are inspected and found to be compliant. This approach, with the threat of legal action looming, appears to be negatively impacting the residents both physically and mentally, although they may have fallen into the trap of becoming non-complaint unknowingly.

I have looked at the general approach taken by other Councils which appear to indicate that a preferred approach is to issue a standard letter in the first instance which gives a clear explanation of the breach and the options that may be available for the resident to pursue. More importantly residents are allowed sufficient time. Whilst I understand that this course of action may be at the discretion of the enforcement officer (and allowed through SBC policies), would you agree that it would be more prudent to allow the resident to remedy the breach through the issuance of a general letter rather than to pursue legal action immediately upon identification of a breach of planning?

Reply

I thank Cllr Grewal for his question but must note that he is incorrect in the assertion that 'residents are sent a legal notice in the first instance' or that enforcement officers immediately pursue legal action.

It may be helpful to start at the beginning and set out the council's approach for dealing with enforcement. Firstly, it should be noted that once a complaint has been received, the council is legally obligated to investigate it. Furthermore, the Planning Act is very clear that naivety and lack of awareness is no defence on this matter and the onus is on the landowner to be aware of, seek appropriate advice on and adhere to planning controls. Notwithstanding this onus, as a council we do still seek to work in a collaborative manner with residents. As a general rule, initial breaches of planning are dealt with informally, working with residents to advise them, remedy any breaches and informally resolve the matter.

Only after this informal approach has not worked, or if the breach is extremely severe would we move to direct enforcement action. This is in line with the council's enforcement charter. The council offers a pre-application service for residents to assist with any prospective proposals to ensure they do not result in any planning breaches and the council's Enforcement Officer would similarly be happy to advise when approached whether something would constitute a planning breach. Given these services exist to assist homeowners, there is no excuse for breaches to occur – breaches that can often be distressing and cause real harm to neighbours and other residents.

A caveat to the above response is when there is already an enforcement notice on the site and where there has been repeated breaches over a protracted period of time. In these cases, we may take direct action quicker – an approach that I believe the majority of resident's support. In many cases, this helps to lead of compliance with the notice.

Without wanting to go into the specifics of a case, I believe that a case you may be referring to relates to a site where there have been previous breaches of planning, including where the Council has successfully prosecuted the homeowner years earlier. In this instance, despite successful prosecution of an earlier breach the homeowner later acted similarly which has resulted in a further breach over a protracted period of time. Under such circumstances the Councils decision to undertake a legal route to compliance would be appropriate and a justified course to take. I would be happy to discuss this in further detail with you.

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