

Constitution

Slough Borough Council

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Contact:

Kunwar Khan - Democratic Services and Scrutiny Manager

Email: Kunwar.Khan@slough.gov.uk

Mobile No: 07988 522 219

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Part 1

Summary and Explanation

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The Council's Constitution

- 1 Slough Borough Council has agreed a new constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.
- 2 The Constitution is divided into 17 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

- 3 Article 1 of the Constitution commits the Council to provide clear leadership within the local community through involving others in a transparent and accountable process of effective decision-making which will support improvements in the delivery of services. Articles 2 - 17 explain the rights of citizens and how the key parts of the Council operate. These are:
 - Members of the Council (Article 2)
 - Citizens and the Council (Article 3)
 - The Council meeting (Article 4)
 - Chairing the Council (Article 5)
 - Overview and Scrutiny (Article 6)
 - The Executive (Article 7)
 - Regulatory and other committees (Article 8)
 - Audit and Corporate Governance Committee (Article 9)
 - Champions (Article 10)
 - Joint arrangements (Article 11)
 - Officer Roles and Statutory Officer Functions (Article 12)
 - Decision making (Article 13)
 - Finance, contracts and legal matters (Article 14)
 - Review and revision of the Constitution (Article 15)
 - Suspension, interpretation and publication of the Constitution (Article 16)
 - Petitions Scheme (Article 17)

How the Council operates

- 4 The Council is composed of 42 Members. With effect from May 2023, there are 21 Wards in Slough. All wards have two members representing them. These members are elected for a period of four years. Members are democratically accountable to residents of their ward. The overriding duty of Members is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 5 Each Member must give a written undertaking that he will observe the Council's code of conduct for the time being. The Monitoring Officer is responsible for training members in relation to the code of conduct.

- 6 Meetings of the Council shall be open to the public save where exclusion of the public is required or permitted. Here Members decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council, the Overview and Scrutiny Committee responsible for holding the Executive publicly accountable, the Regulatory Committees which deal with non-executive functions and other committees. The Leader appoints the Deputy Leader and Executive members who together comprise the Cabinet.

How Decisions are Made

- 7 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader elected by the Council and no more than nine members appointed by the Leader. When key decisions are to be made or discussed, these will be published in the Executive's forward plan in so far as they can be anticipated. Meetings of the Executive will be held in public. The public will be excluded where confidential information is to be discussed and may be excluded by the resolution of the Executive where exempt information is to be discussed. The public may also be excluded to maintain orderly conduct or prevent misbehaviour. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

- 8 There is one Overview and Scrutiny Committee which supports the work of the Executive and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public investigations into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The Council's Staff

- 9 The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

Citizens' Rights

- 10 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

- 11 Where members of the public use specific Council services they may have additional rights. These are not covered in this Constitution.
- 12 Citizens have the right to:
- vote at local elections if they are registered;
 - contact their local Member about any matters of concern to them;
 - view a copy of the Constitution on the Council's website;
 - attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
 - petition to request a referendum on a mayoral form of Executive;
 - participate in the meetings of the Council and contribute to overview and scrutiny investigations according to the Council's scheme;
 - find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
 - attend meetings of the Executive where key decisions are being discussed or decided;
 - see reports and background papers, and any record of decisions made by the Council and Executive;
 - complain to the Council about any aspect of the services provided by the Council. A leaflet will be provided on request;
 - complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
 - complain to the Monitoring Officer if they have evidence which they think shows that a Member has not followed the Council's Code of Conduct; and
 - inspect the Council's accounts and make their views known to the external auditor.
- 13 The Council welcomes participation by its citizens in its work.

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Part 2

Articles of the Constitution

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ARTICLE 1 – THE CONSTITUTION

1 Powers of the Council

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

2 The Constitution

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

3 Purpose of the Constitution

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

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

4 Interpretation and Review of the Constitution

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

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

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ARTICLE 2 – MEMBERS OF THE COUNCIL

1 Composition and Eligibility

- (a) **Composition.** The Council will comprise 42 Councillors, otherwise called Members, to be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission.
- (b) **Eligibility.** Only qualifying commonwealth citizens, citizens of the Republic of Ireland or relevant citizens of the European Union who have attained the age of eighteen years and who are registered voters of the Borough or who have occupied property or worked there for the whole of the preceding 12 months or lived there during those 12 months will be eligible to hold the office of Member .

2 Election and Terms of Members

Election and Terms. Members are elected every four years. Elections are held on the first Thursday in May every four years. The terms of office of Members will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

3 Roles and functions of all Members

- (a) **Key Roles.** All Members will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward and represent the ward as a whole;
 - (v) be involved in decision-making;
 - (vi) be available to represent the Council on other bodies; and
 - (vii) maintain the highest standards of conduct and ethics.
- (b) **Rights and Duties**
 - (i) Members will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law and the Protocol on Member/Officer relations in Part 5 of this Constitution.

- (ii) Members will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Member or officer entitled to know it.
- (iii) For these purposes “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.
- (iv) Members should attend any meeting of the Council where possible.

4 Conduct

Members will at all times observe the Local Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution and Members serving on the Planning and Licensing Committees will at all times observe the Code of Conduct for Councillor and Officers in relation to Planning and Licensing matters in part 5.2 of this Constitution.

5 Allowances

Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

ARTICLE 3 – CITIZENS AND THE COUNCIL

1 Citizens' Rights

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

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

2 Citizens' Responsibilities

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

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ARTICLE 4 – THE FULL COUNCIL

Council sets the budgetary and policy framework

(a) **Policy Framework:** The policy framework means the following plans and strategies:

- Crime and Disorder Reduction Strategy, also known as Community Safety Plan
- Development Plan documents (plans and strategies which together form the Local Plan)
- Local Transport Plan
- Youth Justice Plan
- Children and Young People's Plan
- Gambling Act 2005: Statement of Principles

In addition legislation requires that the following are approved by Full Council:

- Licensing statement of policy under the Licensing Act 2003
- Council Tax Support Scheme

The Council has also determined that the following policies and strategies should be determined by Full Council:

- Corporate Plan

(b) **Budget:** The budget includes:

- the allocation of financial resources to different services and projects
- proposed contingency funds
- setting the Council tax and decisions relating to the control of the Council's borrowing requirement
- the control of its capital expenditure and the setting of virement limits
- treasury management strategy
- capital strategy
- any strategy setting out control of the authority's borrowing, including determining the authority's minimum revenue provision
- the Medium Term Financial Strategy

Functions of the full Council

The full list of functions which are reserved to Council is set out in the Delegation Scheme (Part 3)

Council Meetings

There are three types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings;
- c) extraordinary meetings.

Meetings will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

Responsibility for Functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

ARTICLE 5 – THE MAYOR

The Mayor will be elected by the Council annually and will have the following responsibilities:

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community;
3. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and at which Members are able to hold the Executive to account;
4. To promote public involvement in the Council's activities;
5. To act in a neutral manner on matters that affect the Council;
6. To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

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ARTICLE 6 – OVERVIEW AND SCRUTINY

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

Committee/Sub Committee	Scope
Corporate Improvement Scrutiny Committee	<ul style="list-style-type: none">• All Overview and Scrutiny functions on behalf of the Council including statutory duties relating to Health, Crime and Disorder.• The co-ordination of the Overview and Scrutiny work plan including the allocation of issues to Task and Finish Groups.

General Role

- 2 Within its terms of reference, the Corporate Improvement Scrutiny Committee will:
- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - (ii) make reports and/or recommendations to the full Council and/or the Executive and/or any other Committee in connection with the discharge of any functions;
 - (iii) consider any matter affecting the Borough or its inhabitants; and
 - (iv) review decisions made but not yet implemented by the Executive and any other Committee, where these have been called-in.
- 3 The Committee will meet in public when it has formal business to conduct, unless confidential or exempt information is being considered.

Specific Functions

- 4 **Policy Development and Review** - The Corporate Improvement Scrutiny Committee may:
- (i) Assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iv) question Members of the Executive, other Committees and Directors about their views on issues and proposals affecting the area; and

(v) liaise with other external organisations operating in the area whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

5 **Scrutiny Functions** – The Corporate Improvement Scrutiny Committee shall:

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

6 **Improvement Functions** - The Corporate Improvement Scrutiny Committee shall:

- (i) Monitor and drive improvement against any Directions by the Secretary of State and other external or internal inspections, reviews, performance information at their own discretion.
- (ii) Monitor and drive progress of major corporate improvement initiatives.
- (iii) Scrutinise and contribute to the council's budget-setting cycle and monitor the council's financial recovery
- (iv) Scrutinise proposals for, and delivery of, major savings initiatives, including their impact on partners and residents

7 **Annual Report.** The Corporate Improvement Scrutiny Committee must report annually to the full Council.

Proceedings of Corporate Improvement Scrutiny Committee

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

Statutory Scrutiny Officer

9 The Statutory Scrutiny Officer will

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

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ARTICLE 7 – THE EXECUTIVE

Role

- 1 The Leader and Cabinet will carry out all of the Authority’s functions which are not the responsibility of any other part of the Authority whether by law or under this Constitution.

Form and Composition

- 2 The Executive will be known as the Cabinet and will consist of the Leader and at least two but not more than nine Members appointed to the Cabinet by the Leader.
- 3 The Cabinet cannot include the Mayor or Deputy Mayor.
- 4 Cabinet Members will be known as Lead Members.
- 5 Cabinet Members may not be Members of the Overview and Scrutiny Committee or any of its sub-committees or panels.

Leader

- 6 The Council will appoint the Leader of the Council. The Leader will determine the size and membership of the Cabinet, will appoint Members to the Cabinet and appoint one of those Members as the Deputy Leader. The Leader will determine the allocation of responsibilities for each Lead Member.
- 7 The Leader will hold office for a term of four years starting on the day of his or her election as Leader, unless his or her term of office as a Councillor is shorter, in which case his or her term of office as Leader will be the same as his or her term of office as a Councillor. If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such a vacancy.
- 8 The Leader’s term of office will cease:
 - (a) if he/she resigns from the office; or
 - (b) if he/she is no longer a Member (following an election in which the Leader loses his seat, his or her term will continue until the council meeting following the election); or
 - (c) by resolution of the Council, following which the Council will elect a replacement Leader at the same or subsequent Council meeting;
 - (d) he/she is suspended from being a councillor (although he/she may be re-appointed at the end of the period of suspension) or otherwise disqualified by law.

Other Cabinet Members (Lead Members)

- 9 Lead Members shall hold office until:
- (a) they resign from office; or
 - (b) they are no longer Members; or
 - (c) they are suspended from being a councillor (although they may be re-appointed at the end of the period of suspension) or otherwise disqualified by law
 - (d) they are removed from office by the Leader of the Council

Deputy Leader

- 10 The Leader will appoint the Deputy Leader at the first meeting of Cabinet held after his/her election as Leader. The Deputy Leader will hold office until the end of the Leader's term of office, or until:
- (a) he/she resigns from office, or
 - (b) he/she is removed from office by the Leader
 - (c) he/she is no longer a Councillor
 - (d) he/she is otherwise disqualified by law.
- 10.1 The Deputy Leader will act in place of the Leader if the Leader is unable to act

Proceedings of the Cabinet

- 11 Proceedings of the Cabinet shall take place in accordance with the Executive procedure rules set out in Part 4 of this Constitution.

Responsibility for Functions

- 12 Part 3 of this Constitution sets out where responsibility lies for the exercise of particular executive functions.

ARTICLE 8 – REGULATORY AND OTHER COMMITTEES

Regulatory and Other Committees

The Council will appoint the Committees set out in the left-hand column of the table, being table 2, entitled Responsibility for Council Functions contained in Part 3 of this Constitution, to discharge the functions set out in column 3 of that table.

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ARTICLE 9 – AUDIT AND CORPORATE GOVERNANCE COMMITTEE

The Council will appoint an Audit and Corporate Governance Committee.

Statement of Purpose

1. This Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Committee is to provide independent assurance to Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Terms of Reference

Governance, risk and control

3. To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
4. To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
7. To monitor the effective development and operation of risk management in the Council.
8. To monitor progress in addressing risk-related issues reported to the Committee.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

10. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
11. To monitor the counter-fraud strategy, actions and resources.
12. To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal audit

13. To approve the internal audit charter.
14. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
15. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
16. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
17. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
18. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
19. To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - a) updates on the work of internal audit including key findings, issues of concern and actions in hand as a result of internal audit work
 - b) regular reports on the results of the quality assurance and improvement plan (QAIP)
 - c) reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and the Local Government Application Note for the United Kingdom Public Sector Internal Audit Standards (LGAN), considering whether that non-conformance is significant enough that it must be included in the AGS.

20. To consider the head of internal audit's annual report:
- a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will include the reliability of the conclusions of internal audit.
 - b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the AGS.
21. To consider summaries of specific internal audit reports as requested.
22. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
23. To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.
24. To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.
25. To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the Committee.

External audit

26. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review any issues raised by Public Sector Audit Appointments (PSAA) or the authority's auditor panel as appropriate.
27. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
28. To consider specific reports as agreed with the external auditor.
29. To comment on the scope and depth of external audit work and to ensure it gives value for money.
30. To commission work from internal and external audit.
31. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

32. To provide free and unfettered access to the audit committee chair for the external auditor, including the opportunity for a private meeting with the Committee.

Financial reporting

33. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statement or from the audit that need to be brought to the attention of the Council.
34. To consider the external auditor's annual report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

35. To report to those charged with governance (including Cabinet) on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
36. To report to Full Council on a regular basis (and no less than once per annum) on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.
37. To publish an annual report on the work of the Committee.

Membership

38. The Committee will comprise:
- a) Seven Councillors, who should not be members of the executive, group leaders or chairs of Overview and Scrutiny Committees/Panels. The crossover of membership between Overview and Scrutiny Committee/Panels and this Committee should be limited to two. The Councillors should be selected following a skills audit of the committee and must complete the CIPFA self-assessment, as well as training on the work of the committee before they sit on the committee. The following skills and knowledge should be represented where possible:
- Financial management
 - Audit
 - Accountancy
 - Regulatory work
 - Corporate governance, including company board representation

b) Up to four co-opted (non-voting) Independent Members (there must be a minimum of one Independent Member appointed to the Committee). The Independent Members should have suitable experience and be selected following a fair and open process. Skills and knowledge to include:

- Demonstrated ability to support good governance principles
- Public sector financial management
- Corporate governance, including company board representations
- Financial management
- Accountancy
- Auditing
- Regulatory work
- Risk management

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

Working Arrangements

39. The Committee will meet four or more times per year.

40. The quorum of the Committee shall be a minimum of three voting members of the Committee.

41. The Committee may require Members of the Council, Chief Officers and the Statutory Governance Officers to attend before it to answer questions. The Committee may request the attendance of another officer. Such a request should be made to the relevant Chief Officer. The Chief Officer may decide whether to send that officer or to attend instead. Chief Officers may send substitutes to answer questions instead of attending in person, however the Committee may require the attendance of the Statutory Governance Officers upon providing at least 7 days' notice. If an officer is unable to attend, the Committee may adjourn the matter to a future meeting when the officer is able to attend.

42. The Committee and its Sub Committee may require the production of any document or record in the possession of the Council to be submitted to it, unless to do so would involve a breach of data protection or other statutory provisions.

43. The Committee may request that one of the Statutory Governance Officers investigate any concerns of impropriety, financial mismanagement or system failures and ask for a report to be brought back to the Committee at a future date.

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ARTICLE 9A – STANDARDS COMMITTEE

The Council will appoint a Standards Committee which will assist the Council to meet its duty under section 27 of the Localism Act 2011 to maintain high standards of conduct by members and co-opted members.

1. Statement of Purpose

The purpose of this Committee is to promote and maintain the highest ethical standards.

2. Terms of Reference

The core functions of the Committee are:

- (a) To promote and maintain high standards of conduct by Members (and this term includes co-opted Members)
- (b) To assist Members to observe the Council's Ethical Framework including the Code of Conduct
- (c) To advise the Council on the adoption or revision of the Council's Ethical Framework including the Code of Conduct
- (d) To monitor the operation of the Council's Ethical Framework including the Code of Conduct
- (e) To advise, train or arrange to train Members on matters relating to the Council's Ethical Framework including the Code of Conduct
- (f) To determine written complaints made against a Member (including a Parish Council Member) alleging a breach of the Code of Conduct and taking any action that is deemed appropriate and permitted under the Localism Act 2011 and Regulations thereunder
- (g) To exercise any of (a) to (f) above in relation to Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
- (h) To keep under review and make recommendations to Council on the Whistleblowing Policy and Procedure.
- (i) To decide any requests from a Member or Officer for indemnity as set out in the Council's adopted policy.
- (j) To receive bi-annual reports from the Monitoring Officer on Member Conduct Complaints received since the date of the previous Ordinary Committee meeting.
- (k) To receive an annual statistical report from the Monitoring Officer on declarations of interest.

3. Determination of Member Conduct Complaints

When a meeting is convened to determine allegations that a Member (Subject Member) has breached the Code of Conduct, the Committee may make one of the following findings:

- (a) That the Subject Member has not breached the Code of Conduct;
- (b) That the Subject Member has failed to comply with the Code of Conduct but that no action need be taken in respect of the matters considered at the hearing; or

(c) That the Subject Member has failed to comply with the Code of Conduct and that one or more of the following sanctions should be imposed:

- (i) Censure of the Subject Member
- (ii) Restriction for a period not exceeding six months of the Subject Member's access to the Council's premises or the Council's resources PROVIDED THAT those restrictions are a reasonable and proportionate response to the breach and do not unduly restrict the person's ability to perform the functions of a Member.
- (iii) That the Subject Member submits a written apology in a form specified by the Committee.
- (iv) That the Subject Member undertakes such training as the Committee directs.
- (v) That the Subject Member participates in such conciliation as the Committee directs.

4. Membership

The Committee will comprise:

- Seven councillors, no more than one of whom should be a member of the Executive; and none of whom should be a member of the Audit and Corporate Governance Committee.
- One Parish Council Member from each of the three Parish Councils within the Borough, who will be non-voting members on the Committee and entitled to speak only on matters that relate to parish councils.
- One Independent Person whose views must be sought and taken into account by the Committee when determining a complaint against a Member and before determining the appropriate sanction to impose upon a Subject Member.

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

5. Working Arrangements

Ordinary Meetings of the Committee will take place at least twice per year and the committee will consider an annual report on declarations of interest; and gifts and hospitality made by all Councillors, co-opted Members and Senior Officers of the Council, with summary reports on compliance by officers at other tiers of the organisation.

Extraordinary Meetings will be convened whenever necessary to allow the Committee to determine allegations that a Member has breached the Code of Conduct.

For Ordinary Meetings the quorum of the Committee shall be a minimum of three elected Members of the Council. For Extraordinary Meetings the quorum of the Committee shall be a minimum of three elected Members of the Council .

ARTICLE 10 – CHAMPIONS

1 Appointment of Champions

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

2 Term of Office

Councillors who are designated as Champions shall hold office until:

- (a) they resign from office;
- (b) they are no longer Councillors; or
- (c) until the commencement of the next Annual Meeting of the Council except that the Council may remove from office at its discretion.

3 Role and Functions

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

4 Key Tasks

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

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ARTICLE 11 – JOINT ARRANGEMENTS

Joint Arrangements

- 1 (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions, which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with the other local Authorities.
- (b) The Executive may establish joint arrangements with one or more local Authorities to exercise functions, which are executive functions. Such arrangements may involve the appointment of joint committees with these other local Authorities.
- (c) Except as set out below, the Executive may only appoint executive Members to a joint committee and those Members need not reflect the political composition of the Local Authority as a whole.
- (d) The Executive may appoint Members to a joint committee from outside of the Executive in the following circumstances:

The joint committee has functions for only part of the area of the Authority, and that area is smaller than two fifths of the Authority by area or population. In such cases, the Executive may appoint to the joint committee any person who is a Member for a Ward, which is wholly or partly contained within the area.

The political balance requirements do not apply to such appointments.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegations in Part 3 of this Constitution.

Access to Information

- 2 (a) The access to information rules in Part 4 of this Constitution apply.
- (b) If all the Members of a joint committee are Members of the Executive in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains Members who are not on the Executive of any participating Authority then the access to information rules in part V A of the Local Government Act 1972 will apply.

Delegation to and from Other Local Authorities

- 3 (a) The Council may delegate functions to another Local Authority or, in certain circumstances the Executive of another Local Authority.
- (b) The Executive may delegate executive functions to another Local Authority or the Executive of another Local Authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another Local Authority shall be reserved to the Council meeting.

Contracting Out

- 4 The Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 – OFFICER ROLES AND STATUTORY CHIEF OFFICER FUNCTIONS

1 Chief Officers

Post
Head of Paid Service (and Chief Executive)
Executive Director of Finance and Commercial
Executive Director of Housing, Planning and Property
Executive Director of People (Adults)
Executive Director of People (Children)
Executive Director of Place and Communities
Executive Director of Strategy and Improvement
Monitoring Officer

Statutory Chief Officers

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Monitoring Officer	Monitoring Officer
Executive Director of Finance and Commercial	Chief Finance Officer – S151 Officer
Executive Director of People – Children	Director of Children’s Services
Executive Director of People - Adults	Director of Adult Social Services
Joint Director of Public Health – East Berkshire Council	Director of Public Health

Such posts will have the functions described below.

Structure. The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

2 Functions of the Head of Paid Service

1. Duty to grant and supervise exemptions from political restriction from the authority's staff	Section 3 Local Government and Housing Act 1989
2. Duty to report on the following matters: a. the manner in which the discharge by the authority of their different functions is co-ordinated; b. the number and grades of staff required by the authority for the discharge of their functions; c. the organisation of the authority's staff; d. the appointment and proper management of the authority's staff	Section 4 Local Government and Housing Act 1989
3. To be the principal advisor on staffing matters to the council (except where there would be a conflict of interest in respect of his or her own pay and conditions of service)	Part 1 Local Government and Housing Act 1989
4. To ensure the appointment and proper management of the authority's staff and that all staff are appointed on merit.	Part 1 Local Government and Housing Act 1989

- (a) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

3 Functions of the Monitoring Officer

1. Report on contravention or likely contravention of any enactment or rule of law.	Section 5 & 5A Local Government and Housing Act 1989.
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3. Appointment of Deputy Monitoring Officer.	Section 5 Local Government and Housing Act 1989.
4. Report on resources needed to undertake Monitoring Officer functions.	Section 5 Local Government and Housing Act 1989.
5. Establish and maintain registers of member's interests and gifts and hospitality.	Sections 29 and 30 Localism Act 2011 The Relevant authorities (Disclosable Pecuniary Interests) Regulations 2012
6. Advice to Members on interpretation of the Code.	Members' Code of Conduct
7. Advice and determination of process for complaints under the Code of Conduct in accordance with the agreed complaints procedure.	Sections 28 – 34 Localism Act 2011
8. Advice to Members on Compensation or remedy for maladministration.	Section 92 Local Government Act 2000.

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

- (b) **Affixing the seal.** The Monitoring Officer will authorise in writing another officer, including legal staff within the London Borough of Harrow, to affix the common seal and execute under seal any deed or document

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

4 **Functions of Chief Finance Officer (S151 Officer)**

1. Oversight of proper administration of financial affairs.	Section 151 Local Government Act 1972
2. Duty to nominate a member of his/her staff as chief financial officer.	Section 114 Local Government Finance Act (LGFA)1988
3. Duty to report on a Council decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114 LGFA 1988
4. Duty to report if the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.	Section 114 LGFA 1988
5. Duty to report on an Executive decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114A LGFA 1988
6. Duty to report on the robustness of the authority's budget calculations.	Section 25 Local Government Act 2003
7. Duty to report on the adequacy of the authority's proposed financial reserves.	Section 25 Local Government Act 2003
8. Duty to report on previous years' financial reserves if it appears that controlled reserves is or likely to be inadequate, including recommendations for appropriate actions to rectify.	Section 27 Local Government Act 2003
9. Duty to assist the Council in carrying out regular budget monitoring.	Section 28 Local Government Act 2003

(a) **Restrictions on posts.** The s.151 Officer cannot be the Monitoring Officer.

5. Functions of the Director of Children’s Services

1. Responsible for functions conferred on or exercisable by the authority in their capacity as a local education authority	Section 18 Children Act 2004
2. Responsible for functions conferred on or exercisable by the authority, which are social services functions, so far as those functions relate to children.	Section 18 Children Act 2004
3. Responsible for functions under section 23C to 24D of the Children Act 1989, relating to looked after children.	Section 18 Children Act 2004
4. Improving well-being of children in the authority’s area.	Sections 10 and 18 Children Act 2004
5. Safeguarding and promoting the welfare of children.	Sections 11 and 18 Children Act 2004
6. Responsible for any function under section 75 of the National Health Service Act 2006 on behalf of an NHS body so far as those relate to children.	Section 18 Children Act 2004

6 Functions of the Director of Adult Social Services

<p>1. Responsibility for all social services functions (other than those for which the Director of Children's Services is responsible under section 18 of the Children Act 2004).</p>	<p>Section.6 and Schedule 1 of the Local Authority Social Services Act 1970</p>
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7. Functions of the Director of Public Health

Director of Public Health	Statutory Source of Function.
1. Responsibility for the functions under S2B National Health Service Act – taking steps to improve Health.	Ss 2B and 73A National Health Service Act 2006.
2. Responsibility for the functions under S111 National Health Service Act – dental public health.	Ss 111 and 73A National Health Service Act 2006.
3. Responsibility for the functions under S249 National Health Service Act – joint working in respect of prison health.	Ss249 and 73A National Health Service Act 2006.
4. Responsibility for compliance with regulations made under s6C(1) or (3) National Health Service Act 2006 –requirement to undertake functions of the Secretary of State	Ss 6C(1) and (3) National Health Service Act 2006
5. Responsibility for the functions under S7A National Health Service Act – arrangements to undertake Secretary of State’s functions.	Ss 7A and 73A National Health Service Act 2006.
6. Responsibility for the exercise by the authority of its functions under Schedule 1 National Health Service Act 2006 - inspection of school pupils.	Schedule 1 National Health Service Act 2006
7. Responsibility for any functions that relate to planning for or responding to emergencies involving a risk to public health.	S73A National Health Service Act 2006.
8. Responsibility for the functions under S325 Criminal Justice Act 2003 – arrangements for assessing risk of certain offenders.	S325 Criminal Justice Act 2003
9. To prepare an annual report on the health of the people in Slough	S73B(5) National Health Service Act 2006
10. To be a member of the Health and Wellbeing Board	S194(2)(d) National Health Service Act
11. Responsibility for the exercise of all other Local Authority’s public health functions specified in S73A(1) National Health Service Act 2006.	S73A National Health Service Act 2006.

8 Conduct

Officers will comply with the Officers' Code of Conduct for Employees in Part 5.3 and the Local Code Governing Relations Between Elected Members and Council Employees in Part 5.4 of this Constitution.

9 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

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ARTICLE 13 – DECISION MAKING

Responsibility for decision making

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

Principles of decision making

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

Types of decision

- 4 The following types of decision exist:

- (a) **Decisions reserved to full Council**

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

(b) **Key decisions**

A key decision is an Executive decision which:

(a) is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates;

or

(b) is likely to be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough.

A decision is significant for these purposes if it involves expenditure or the making of savings/receipt of income of an amount in excess of £1 million for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question. Revenue expenditure or savings should be calculated by reference to an annual figure, unless the expenditure will bind the Council for multiple years. Capital expenditure and capital receipts should be calculated based on total figures for the duration of the project or contractual term.

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

Decision making by the Council

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

Decision making by the Executive

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

Decision making by Overview and Scrutiny Committee

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

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

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

Decision making by Officers

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

Decision making by Council bodies acting as tribunals

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

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ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

Financial management

- 1 The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

Contracts

- 2 Every contract made by the Council will comply with the financial rules set out in Part 4 of this Constitution.

Legal proceedings

- 3 The Monitoring Officer and the London Borough of Harrow Head of Legal Practice are each authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

Authentication of documents

- 4 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or the London Borough of Harrow Head of Legal Practice or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Common Seal of the Council

- 5 The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer or a person authorised by him/her. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, which in the opinion of the Monitoring Officer or an officer authorised by him/her, should be sealed.

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ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

Duty to monitor and review the Constitution

- 1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for monitoring and review of Constitution by Monitoring Officer

- 2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

observe meetings of different parts of the Member and officer structure;

undertake an audit trail of a sample of decisions;

record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and

compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Approval

- 3 Changes to the Constitution will only be approved by the Council after consideration of the proposal by the Monitoring Officer.

Housekeeping changes

- 4 The Monitoring Officer is authorised to make housekeeping changes to the Constitution where it is not practical to wait until the next meeting of Council to seek authorisation for changes. All changes to the Constitution will be reported to a subsequent Council meeting and there will be an annual review of the Constitution reported to Council.

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ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

Suspension of the Constitution

- 1 **Limit to suspension.** The Articles of this Constitution may not be suspended. The Procedure Rules specified in Part 4 of the Constitution may be suspended only to the extent permitted within those Rules and the law.

- 2 **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Members is present. The extent and duration of suspension will be proportionate to the result to be achieved; taking account of the purposes of the Constitution set out in Article 1.

Interpretation

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

Publication

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

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ARTICLE 17 - PETITIONS SCHEME

The Council welcomes petitions and recognises that they are one way in which people can let the Council know of their concerns. This Scheme, made under Section 11 (1) of the Local Democracy, Economic Development and Construction Act 2009, is intended to establish a clear process for how petitions submitted to the Council will be dealt with.

A. INTRODUCTION

1 The Scheme was approved by the Council.

2 The Scheme covers:

- What constitutes a petition
- how people who live, work or study in the Authority's area can organise or sign a petition and secure a statutory response
- how specific responses can be triggered by achieving prescribed levels of Signatory support
- *who* will do *what* and to what performance standards
- how petition organisers can seek a review of the Council's response
- how the Council will monitor the effectiveness of this Scheme.

3 The officer responsible for this Petitions Scheme, and its operation is the Democratic Services Lead whose contact details are as follows: Democratic Services, Observatory House, 25 Windsor Road, Slough SL1 2EL email democracy@slough.gov.uk

B. WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION

4 Something will be treated as a petition if it is identified as being a petition, or if it seems to the Council, that it is intended to be a petition.

5 A valid Petition must:

- Be initiated by a Petition Organiser whose contact and address details have been supplied to the Council. The Council will not be able to deal with a petition if the Organiser cannot be identified.
- Relate to the Council's functions or to the economic, social or environmental well-being of the area to which any of the Council's partner authorities could contribute'.
- Contain a clear and concise statement covering the subject of the petition and should state what action the petitioners wish the Council to take.
- Include the name, address and signature of any person (including those under the age of 18) supporting the petition.
- Not be vexatious or abusive.
- Not be related to matters excluded from the Scheme. These include any matter relating to individual planning or licensing decisions, for which other established processes exist. See paragraph 13 below.

- Obtain a minimum of 10 valid signatories including verifiable address details that they live (home address), work (business address), or study (place of study address) in the Council area. Where it cannot be verified that a signatory lives, works or studies in the Slough Borough Council area, the entry will not be counted towards the total number of signatures
- Not be a duplicate or near-duplicate of a similar petition received or submitted under 6 months ago.

Where a petition is deemed invalid and cannot be accepted, the petition organiser will be informed and provided with the reasons why.

6 Petitions may be submitted to the Authority in the following ways:

- On paper
- Electronically, through the Council's own ePetition facility *
- Electronically by e-mail.

EPetitions submitted through the Council's ePetition website must state the starting and closing date of the petition and that individuals are not permitted to also sign a paper version of the same petition (if any). A paper petition can be run at the same time as an on-line petition but signatories are not permitted to also sign the ePetition (if any). The Council reserves the right to discount a signature which appears on both a paper and an ePetition. The organiser can send the paper petition to the Council at the same time as the closing date for the on-line petition so that the total number of signatures can be counted.

The name of the petition signatory will be displayed on the Council's ePetition website and in a public record of a paper petition. Signatures, email and postal addresses will not be disclosed and are used by the Council only to validate signatures.

C. DATA PROTECTION

The Council will use data contained in a submitted petition in accordance with its published privacy notices.

WHAT WILL THE COUNCIL DO WHEN IT RECEIVES A PETITION

- 7 The Council will normally acknowledge Petitions that meet the criteria shown in Paragraph 5 of this Scheme within **10 working days of receipt**.
- 8 The acknowledgement will indicate how the Council proposes to handle the issue, the name of the officer dealing with the petition and, where appropriate, outline what it may be possible for the Authority to do in response. If the Council is able to do what the petition asks for the Petition Organiser will be informed and the petition closed. If the petition has enough signatures to trigger a Council debate or a senior officer giving evidence the acknowledgement will confirm this along with the meeting date and time.

Petition	Signatory Threshold	Action Required
Any Petition above a set threshold will trigger a debate of full Council	1500	Debate at Council meeting
Any Petition above a set threshold which will call a senior council officer or lead member to give evidence at a public meeting	750	Lead Member or Senior Officer to attend Overview & Scrutiny Committee to give evidence
'Standard' Petition Any other petition requesting action or response by the Council	10	Acknowledge and respond in accordance with scheme

- 9 It may be inappropriate for the Council to deal with certain petitions during periods when they are subject to restrictions immediately before elections or referendums. In these circumstances the Petition Organiser will be informed of the date when the petition will be considered or when material relating to it will be published on the Council's Website.
- 10 To ensure the Council understands the level of local support for a Petition, it reserves the right to seek to verify each signature appended to a Petition. This can be significant when establishing whether a Petition has obtained the requisite number of signatures to trigger specific processes.
- 11 For any Petition relating specifically to a Council Ward or Wards, the relevant Elected Members will be formally notified and asked for comments.
- 12 The petition will be published on the Council website, except in cases where it would be inappropriate, for example if the petition was considered to be potentially libellous or unlawful. Whenever possible all correspondence relating to the petition (with personal details removed) will be published on the website.
- 13 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor) or on a matter where there is already an existing right of appeal such as council tax banding and non-domestic rates other procedures apply. Further information on these procedures and how you can express your views is set out in the Council's Procedure Rules (No. 11).

D. RESPONDING TO PETITIONS

- 14 The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:-
- Taking the action requested in the Petition
 - Considering the Petition at a Council Meeting
 - Holding an Inquiry
 - Commissioning relevant research
 - Organising a public meeting
 - Mounting a wider public consultation
 - Meeting with the Petition Organiser or representatives of signatories
 - Providing a written response outlining the Council's views on the subject
 - Referring the issue to the Council's Overview & Scrutiny Committee **OR**
 - Referring the issue to the relevant Committee/Cabinet
 - Consulting statutory partners and local service providers
 - Instigating discussions with the voluntary and community sectors
 - Making representations to Commercial or other Interests
- 15 If your petition is about something over which the council has no direct control (for example the local railway or hospital) the Council will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), the Petition Organiser will be advised of the reasons.
- 16 If your petition is about something that a different council is responsible for the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event the petition organiser will always be notified of the action that has been taken.
- 17 Under normal circumstances, the Council will expect to provide the Petition organiser with a response detailing which of the actions specified above or other initiatives it intends within 28 days of receipt.

E. COUNCIL DEBATE – 1500 SIGNATURES

- 18 If a Petition has, or acquires 1500 valid signatures the issue will be debated at a full Council meeting (i.e. a Meeting to which all elected members are invited). The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the next available meeting.
- 19 The Statutory Scrutiny Officer, in consultation with the Chief Executive and/or relevant Director will prepare a report detailing the subject of the petition and what action the council and/or partners is being asked to take.
- 20 At such a meeting, the Petition Organiser or someone nominated on his or her behalf will have the right to speak about the petition, normally for up to five minutes; reasonable advance notice will be provided to ensure that any preparation can be undertaken in time.

- 21 The petition will then be discussed by elected members at the meeting for a maximum of 15 minutes. The Mayor has discretion to extend this time taking account of the degree of public interest in the issue, the level of support given to the Petition and the number of elected members wishing to express their views on the subject.
- 22 The Council accepts that it will not normally be sufficient for such a meeting merely to 'take note' of the Petition and that there should be a decision taken as to what other steps (including but not restricted to the actions specified in Paragraph 4) should also be taken as a response.
- 23 Where the issue is one on which the Council's Executive (Cabinet) is required to make the final decision the Council will decide whether to make recommendations to inform that decision.
- 24 The Petition Organiser will normally be notified of the decision taken at the Council meeting within 5 working days of the meeting.

F. OFFICER EVIDENCE – 750 SIGNATURES

- 25 Petitions may request that a Lead Member or Senior Council Officer be required to appear and give evidence on an issue for which he or she is responsible as part of their job. If such a Petition has, or acquires 750 valid signatures, the relevant senior officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee, though the Council reserves the right to substitute a more appropriate officer for the name referred to in the Petition.
- 26 Officers who may be called to give evidence in this way as a result of a Petition are the Chief Executive and Directors or their nominees.
- 27 If in the opinion of the Council, an issue raised in a petition seeking to call a Senior Officer to account would be better considered through the attendance of relevant Senior Officers from a Partner Authority, the Council may, at its discretion request that such an individual be invited to give evidence to the Overview and Scrutiny Committee,
- 28 The Petition Organiser will be given reasonable notice of the meeting, and will be able to address the Committee for up to 5 minutes. There is no right to question the officer directly – this would be at the discretion of the Chair. Although able to attend, will not normally be able to participate in the meeting. The meeting Chairperson will normally be prepared to consider suggested lines of questioning from the Petition Organiser or Signatories and these would need to be notified to the Head of Democratic Services up to three working days before the meeting.
- 29 The Statutory Scrutiny Officer, in consultation with the Chief Executive and/or relevant Director will prepare a report detailing the subject of the petition. Following the meeting the Committee will prepare a report and/or make recommendations. These will be sent to the Authority Chief Executive and to the Leader of the Council, and a copy sent to the Petition Organiser. Unless the issue raises matters of confidentiality, the Council will normally publish this document on the Council's website.

G. FORMAL RESPONSE

- 30 At the end of the process of considering a Petition, the relevant Director (or nominated officer) will write to the Petition Organiser with a formal response. This communication will normally outline the steps taken by the Council to consider the issue and will refer to the involvement (where applicable) of the Authority's elected members.
- 31 This Formal Response will be despatched within one month of receipt or submission of a Petition if possible but no later than 90 days, and a copy will be published on the Council's website and included in the monthly Significant Decision schedule to Members.

H. REVIEWING THE RESULTS

- 32 If a Petition Organiser is not satisfied with the Council's response to the Petition, he or she may request a Review. Such a request should be made in writing within 28 days of the despatch of the Formal Response to the Petition Organiser and should give a short explanation of the reasons why the Council's response is not considered to be adequate.
- 33 Upon receipt of such a Request the Statutory Scrutiny Officer will identify a Reviewing Officer from among Senior Officers at the Council. This Officer will be given wide scope to reconsider whether the Authority should, in all the circumstances take additional steps to respond to the Petition. This will normally include reference to the Overview & Scrutiny Committee which will itself consider the adequacy of the initial response.
- 34 On some occasions, such as where the initial response took the form of the Overview & Scrutiny Committee's taking evidence from a Senior Officer it may be inappropriate for the same Committee to review the issue. The Statutory Scrutiny Officer will ensure that a suitable alternative process is followed to engage elected members in reviewing the petition.
- 35 At the end of the process of reviewing the Petition the Council's Chief Executive will formally write to the Petition Organiser to inform him or her of the results of the Review. This communication will normally outline the process followed to establish whether the initial response had been adequate and outline any additional steps taken by the Council as part of the Review. It will also refer to the involvement (where applicable) of the Authority's elected members. The letter will also identify the Reviewing Officer who handled the issue and highlight his or her involvement where appropriate. This Review Response will normally be despatched within 28 days of receipt or the request for Review and a copy will be published both on the Council website.

I. REPORTING

- 36 The Council will prepare an Annual Summary detailing all petitions submitted under this Scheme, the signatures each attracted, and the Council's response to each. This Report will be presented to the Overview & Scrutiny Committee each year and published on the Council's website. A list of petitions submitted under the Scheme will also be included in the Members' Weekly bulletin.

SCHEDULE 1: DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following part of this Constitution constitutes the executive arrangements:

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

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

Article 11 (Joint arrangements) ;

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

Part 3 (Responsibility for Functions).

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Part 3

Responsibility for Functions

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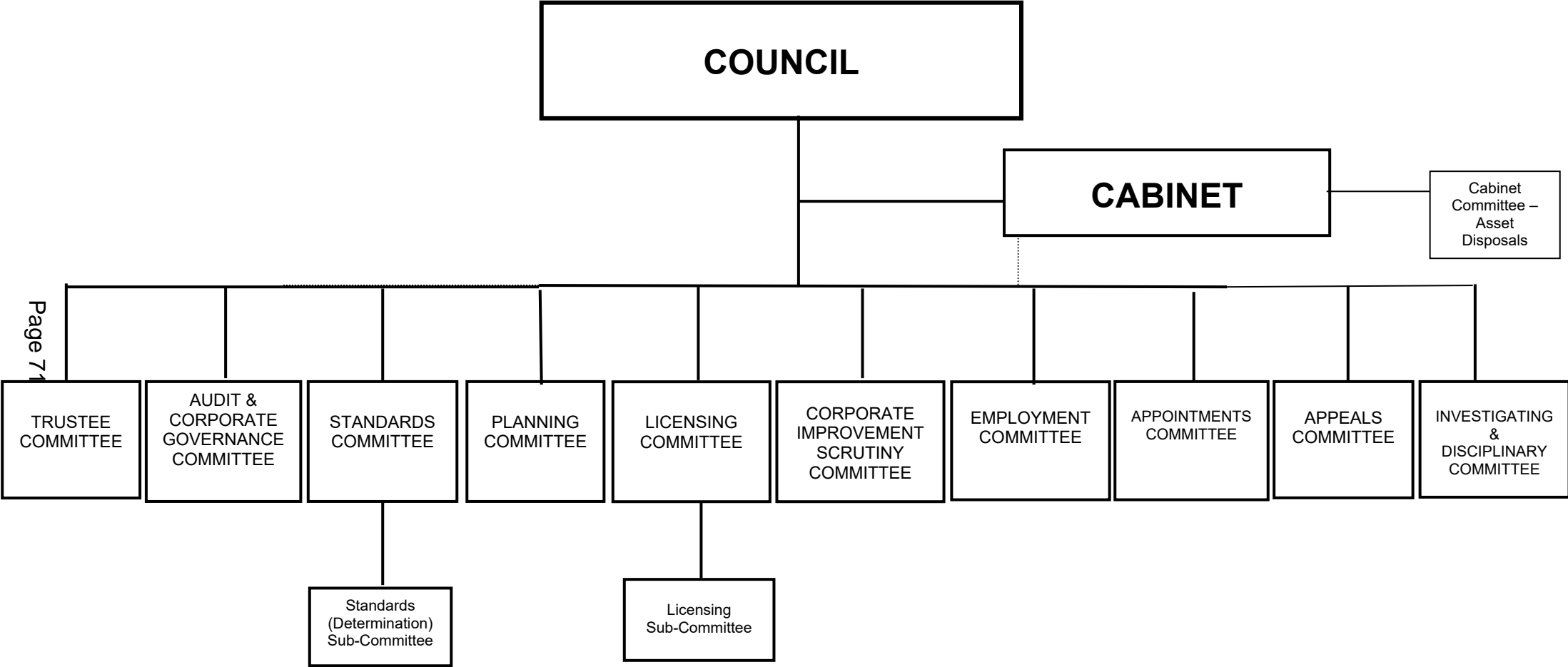
Part 3.1 Responsibility for Functions and Scheme of Delegation

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

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

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Part 3.2 Committee Structure



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Note – the Council also appoints to a number of panels and other bodies such as SACRE, Corporate Parenting Panel etc.

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Part 3.3 Responsibility for “Local Choice” Functions

TABLE 1:

Function	Responsible Body	Delegation of Functions
1. All functions under Local Acts (not specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	Cabinet	Operational decisions are delegated in accordance with the Scheme of Delegation to Officers.
2. Determination of an appeal against any decision made by or on behalf of the authority.	Council	2-12 (inclusive) General arrangements for dealing with appeals are delegated to officers in accordance with the Scheme of Delegation to Officers, except where these are the function of the Employment and Appeals Committee or Appeals sub-committee. Operational decisions are delegated in accordance with the Scheme of Delegation to Officers.
3. Arrangements for Admission Appeals.	Council	
4. Any function relating to contaminated land.	Council	
5. The discharge of any function relating to the control of pollution or the management of air quality.	Council	
6. Service of an Abatement Notice in respect of a Statutory Nuisance.	Council	

7. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council	
8. The inspection of the Council's area to detect any statutory nuisance.	Council	
9. The investigation of any complaint as to the existence of a statutory nuisance.	Council	
10. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	Council	
11. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council/Executive	Depending on whether the function the requested information relates to is executive or non-executive.
12. The making of agreements for the Execution of Highways Works.	Council	
13. Appointments/revocation of appointments of individuals to external offices/bodies.	Council	Not Delegated in relation to elected members, delegated authority to Chief Executive in relation to appointments of officers or other individuals.
14. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Council	Delegated in accordance with the Scheme of Delegation to Officers

Part 3.4 Responsibility for Council Functions

TABLE 2

Body Responsible	Functions	Delegation of Functions
Council	1. The functions specified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)- Schedule 2 (Local Choice Functions) to be the responsibility of the Council are set out in Table 1	Delegated in accordance with Officer Scheme of Delegation.
	2. Approval of and any amendment to the Constitution or any part thereof.	Not Delegated
	3. Appointment of the Mayor	Not Delegated
	4. Approval of the Policy Framework and Budget of the Council and any amendment to the framework strategies or plans therein.	Not Delegated
	5. The approval of any application to the Secretary of State in respect of any consent under s.32 of s.43 of the Housing Act 1985.	Not Delegated
	6. Matters incapable of being delegated by law.	Not Delegated
	7. Making, amending, revoking, re-enacting or enforcing byelaw.	Not Delegated
	8. Confirming the appointment and dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer.	Not Delegated
	9. Deciding on composition of committees of the Council and making appointments to them.	Not Delegated
	10. Approving the Scheme for Members' Allowances.	Not Delegated
	11. Matters relating to electoral or electoral boundary reforms and to local referendums.	Not Delegated
	12. Decisions to contract out and revoke contracting out of functions pursuant to an order under s.70 of the Deregulation and Contracting Out Act 1994 where the function is not an executive function.	Not Delegated

Body Responsible	Functions	Delegation of Functions
	<p>13. Proposals for the reorganisation of, or transfer between, statutory bodies.</p> <p>14. Receiving reports from the Council's Head of Paid Service, Monitoring Officer or Section 151 Officer in pursuance of their statutory responsibilities or on matters which they consider should be referred to the full Council's for consideration.</p> <p>15. Functions relating to name and status of areas and individuals, including changing name of the borough, a parish, conferring title of honorary alderman and freeman.</p>	<p>Not Delegated</p> <p>Not Delegated</p> <p>Not Delegated</p>
<p>Planning Committee (8 Members of the Authority) No Executive Member other than Lead Member with responsibility for strategic planning. Not the Mayor.</p>	<p>1 To determine applications for planning permission, listed building consent, advertisements and other planning related applications, made under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and associated legislation and regulations.</p> <p>Officers may exercise delegated authority for all applications except:</p> <ul style="list-style-type: none"> • The recommendation is approval or refusal and there are significant local public representations against the officer recommendation (defined as 5 or more written representations from different households based on relevant material planning concerns). • The recommendation is approval or refusal and a ward member in the relevant ward has set out written concerns, which have not been resolved following a meeting with planning officers. • The recommendation is approval or refusal and following consultation with the Chair of Planning Committee (and other members of the Committee as appropriate), the officer has declined delegation. 	<p>Officers may exercise delegation in accordance with the Scheme of Delegation to Officers unless it falls within the exceptions set out under each function.</p>

Body Responsible	Functions	Delegation of Functions
	<ul style="list-style-type: none"> • The recommendation would require a departure from statutory planning policy, Council policy and non-statutory guidance, except in the case of minor variations (variation to Council standards in respect of guidelines and policies that will result in a minor change in the nature and scale of the development, for example parking provision, garden size, distance between buildings). • The application relates to a strategically significant development or a major development (defined as 10 or more dwellings or 0.5 hectares if no numbers are given or where a building is 1000 square metres of floor space or the site is 1 hectare or more or a change of use involving creation of 10 or more residential accommodation units or non-residential buildings exceeding 1000 square metres). • Determination of applications relating to minerals and waste development except minor ancillary development to an existing use or minor variation or conditions associated with an existing approved application. • Determination of a deferred application which the Committee has specifically reserved to itself for determination. • The application relates to a Council owned site and the application is being made on behalf of the Council and at least one written objection has been made. <p>2 To confirm Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.</p> <p>3 To confirm town and village green registration applications under the Commons Act 2006 and associated legislation, including considering recommendations of a non-statutory inquiry chaired by an independent person.</p> <p>4 Making recommendations to full council for planning related matters including neighbourhood development and conservation areas, where these functions are not executive functions for cabinet to consider and make recommendations on.</p>	

Body Responsible	Functions	Delegation of Functions
	<p>5 To consider making an order to preserve and protect trees in the Borough.</p> <p>Officers may exercise delegated authority to make an order except:</p> <ul style="list-style-type: none"> • Where an objection has been received from more than three households. • The order is to protect a significant area of trees. • The decision would be contrary to agreed policy or significant issues have been raised by a ward councillor in a relevant ward. <p>6 To exercise the provisions of the Building Act 1984 and supporting Building Regulations with regard to the regulation of buildings, and to deal with plans and drawings submitted in connection therewith.</p> <p>Officers may exercise delegated authority for all applications except:</p> <ul style="list-style-type: none"> • The decision would be contrary to agreed policy. <p>7 To exercise functions in connection with high hedges.</p> <p>Officers may exercise delegated authority for all applications except where a formal notice is required under the Act and one or more of the following apply:</p> <ul style="list-style-type: none"> • Where wider neighbourhood issues are being raised, for instance there are complaints from at least 5 different households or the hedge has at least 5 owners and officers have been unable to resolve the matter informally. • A ward councillor in the relevant ward has submitted a written an objection of relevance to pursuant to the Act and following a meeting with officers, this remains unresolved. • The hedge is at least partly owned by the Council and officers have been unable to resolve the matter informally. 	

Body Responsible	Functions	Delegation of Functions
	<p>Public Participation Scheme for Planning</p> <p>Applications for planning permission are determined by either Officers acting under the Council’s Scheme of Delegation or the Planning Committee. Each application is subject to a statutory public consultation/notification process which includes the right to make written representations on an application before it is determined. Where a representation is relevant to a planning application, it is considered by the decision-maker before a determination is made.</p> <p>The following will be allowed to address the Planning Committee before an application is determined:-</p> <ul style="list-style-type: none"> (a) Objectors who have submitted a written representation and registered to speak at least 3 working days in advance of the committee meeting. (b) The lead petitioner in the event of a petition being submitted in response to a planning application. (c) Parish Council representatives. (d) The applicant (or his agent). (e) Ward Councillors or other appropriate elected representatives raising material planning issues on behalf of those they represent, having given written notice to the Chair of the Planning Committee in advance of the meeting. <p>The Public Participation Scheme will only apply to planning applications which are to be determined by the Planning Committee.</p> <p>The following time limits apply to those who have a right to speak on a planning application at Planning Committee:</p> <ul style="list-style-type: none"> (a) Four minutes in total for all public objectors/petitioners; (b) Four minutes in total for any Parish Council representations; (c) Four minutes in total for the applicant/agent; (d) Four minutes in total for ward councillors or other appropriate elected representative. 	

Body Responsible	Functions	Delegation of Functions
	<p>Speakers should restrict their comments to material planning considerations and are not permitted to send in or hand out any photographic or written material. Elected members who wish to speak may wish to seek advice from planning officers in advance of the meeting as to whether their representations constitute material planning considerations.</p> <p>The Public Participation Scheme does not apply to any matter where the Planning Committee is considering enforcement of any kind.</p> <p>The public participation scheme will operate in accordance with the guidance provided to residents in the explanatory leaflet “What happens to my objections to a planning application?”</p>	

Body Responsible	Functions	Delegation of Functions
<p>Licensing Committee (10 Members of the Authority) No Executive Member other than the Lead Member(s) with responsibility for Licensing functions. Not the Mayor.</p>	<ol style="list-style-type: none"> 1. To consider all matters which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council or reserved to Council. 2. To carry out functions in relation to health and safety, except where this relates to the Council in its capacity as employer. 3. To determine all functions not reserved to Full Council in connection with: <ul style="list-style-type: none"> • Private hire and hackney carriages, including where individuals have been convicted of offences, there is other cause for concern about suitability or officers consider it appropriate to refer the matter to the committee. • Setting conditions, fares and fees and charges for private hire and hackney carriage licensing. • Licensing Act 2003. • Gambling Act 2005. • Food safety and control • Animal health, welfare, safety and control • Other licensing and registration functions including caravan site licences, markets and street trading, scrap yards, sports grounds, special treatments and sex establishments. 4. To approve policy and fees and charges for the above functions where these are not executive functions or reserved to Council. 	<p>Functions can be delegated in accordance with agreed policy.</p> <p>A Licensing Hearing Sub Committee will be appointed to hear licensing applications referred to Committee.</p>

Body Responsible	Functions	Delegation of Functions
<p>Employment Committee (6 Members of the Authority)</p>	<p>To be responsible for all the functions relating to the Council's responsibilities as an employer and for Local Government Pensions.</p> <ol style="list-style-type: none"> 1. To determine matters relating to the conditions of service of Chief Officers and Deputy Chief Officers in accordance with the Council's Officer Employment Procedure Rules, with the exception of those functions that are the responsibility of the Investigating and Disciplinary Committee (for statutory governance officers), the Appointments Committee or the Appeals Committee. 2. To make recommendations to Full Council on roles over £100,000 and pay policy. 3. To consider and agree reports on major changes in Human Resource Management and to monitor performance in the following areas: <ul style="list-style-type: none"> • HR Policies and Practices • Equal Opportunities and Diversity in Employment • Workforce Planning and Monitoring • Learning and Development • Communication and Consultation • Employee Well Being • Risk, Health and Safety Management 	<p>Staffing matters generally are dealt with by Officers under the Scheme of Delegation</p>

Body Responsible	Functions	Delegation of Functions
<p>Appointments Committee</p> <p>(6 members of the Authority)</p> <p>Must include at least one member of the Cabinet</p>	<p>An Appointments Committee will be convened to make decisions (chief officers with exception of statutory governance officers) and recommendations to Council (Head of Paid Service, Chief Finance Officer/s.151 officer, Monitoring Officer) on appointment of chief officers.</p>	<p>Temporary arrangements may be determined by chief executive in accordance with Part 4.7 Officer Employment Procedure Rules.</p>
<p>Investigating and Disciplinary Committee IDC (6 Members of the Authority)</p> <p>Only one member of the Cabinet (not the Leader or Cabinet Member with responsibility for Human Resources or Finance)</p>	<p>To act in accordance with the Disciplinary Procedure for the Statutory Governance Officers and the Council's Officer Employment Procedure Rules.</p>	<p>In urgent circumstances short term suspension decisions can be made as set out in Part 3.6 Officer Scheme of Delegation and Part 4.7 Officer Employment Procedure Rules.</p>
<p>Appeals Committee</p> <p>(6 Members of the Authority)</p> <p>Only one member of the Cabinet (not the Leader or Cabinet Member with responsibility for Human Resources or Finance)</p> <p>Not a member of the IDC</p>	<p>To act in accordance with the Disciplinary Procedure for the Statutory Governance Officers and in accordance with the Council's Officer Employment Procedure Rules and HR policies.</p>	

Body Responsible	Functions	Delegation of Functions
<p>Trustee Committee</p> <p>6 members nominated by the Council chosen having regard to skills or interest in Property, Finance, Charity Law, Compliance or sector expertise e.g. education, health, recreation.</p>	<p>Act as corporate trustee in respect of all assets held by the Council as charitable trustee</p> <p>Make decisions in respect of those assets in the best interests of the relevant charity</p> <p>Ensure strict compliance with the relevant Trust document.</p> <p>Act in the best interests of the Charity when making decisions in respect of that charity</p> <p>Exercise reasonable skill and care when acting on behalf of the Council in discharging its duties as corporate trustee.</p> <p>Ensure that professional advice is sought when necessary and as appropriate with regard to buying and selling charity land</p> <p>Ensure Adherence to statutory accounting and reporting requirements.</p>	

Body Responsible	Functions	Delegation of Functions
<p>Health & Wellbeing Board</p> <p>Voting membership</p> <ul style="list-style-type: none"> • Lead Member for Children's Services • Lead Member for Social Care and Public Health • Other members nominated by the Leader and approved by the Council • Chair of the NHS Frimley Integrated Care Board (Slough Locality) (or other nominated representative) • NHS Frimley Integrated Care Board Accountable Officer • Representative of Healthwatch Slough • Representative of the Frimley Health NHS Foundation Trust • Representative from Slough's Youth Parliament <p>Non-voting membership</p> <ul style="list-style-type: none"> • Chief Executive of Slough Borough Council • Chief Executive of Slough Children First (SCF) • Executive Director of People (Adults) 	<p>The Health and Wellbeing Board is a Committee of the Council and set up under the Health and Social Care Act 2012. Full Council can choose to delegate additional functions to the Health and Wellbeing Board. These functions will be explicitly referred to in these terms of reference.</p> <p>Purpose of the Board:</p> <p>The Board has three main functions:</p> <ol style="list-style-type: none"> 1. To assess the needs of the local population and lead the statutory joint strategic needs assessment; 2. To provide collective leadership to improve health and wellbeing across Slough, enabling shared decision making and ownership of decisions in an open and transparency way. 3. To identify key priorities for health and local government commissioning, including joint commissioning and develop clear plans for best use of combined resources. <p>The purpose of the Board is to improve the health and wellbeing of the residents of Slough and reduce inequalities in outcomes. The Board will hold partner agencies to account for delivering improvements to the provision of health, adult and children's services social care and housing services.</p> <p>The Board will not conduct overview and scrutiny functions in relation to health, these will be performed by the Council's Corporate Improvement Scrutiny Committee.</p> <p>Key Responsibilities</p> <ul style="list-style-type: none"> • To prepare and publish a Joint Strategic Needs Assessment (JSNA) for Slough. • To prepare and publish a Joint Health and Wellbeing Strategy (JHWS) for Slough. • To provide support and constructive challenge to give its opinion to the NHS Frimley Integrated Care Board (ICB) on commissioning plans and their contribution to the delivery of the JHWS. • To respond to requests from the NHS England on ICB's level of engagement with the Board. • To encourage work in an integrated manner for the purpose of advancing the health and wellbeing of the area, including supporting the 	<p>Officers may exercise delegation in accordance with a Scheme of Delegation agreed by the Board or by specific delegation agreed by the Board on a case by case basis. The delegation can only be to a single named officer of Slough Borough Council and the significant officer decision process as set out in the Council's Scheme of Delegation to Officers must be followed.</p>

Body Responsible	Functions	Delegation of Functions
<ul style="list-style-type: none"> • Executive Director of People (Children) – if different from Chief Executive of SCF • Director of Public Health for Slough Borough Council • Local Police Area commander or other nominated representative • Chief operating officer of NHS Frimley Integrated Care Board • Nominated officer for Slough Borough Council housing service • Representative of Royal Berkshire Fire and Rescue Service • Representative of Slough’s voluntary and community sector • Representative of the Slough Jobcentre (Department for Works and Pensions) • Two local business representatives <p>In addition the board may invite representatives from key providers on a topic by topic basis. These individuals will not be members of the board, but will have the right to participate in</p>	<p>participation of the community and voluntary sectors, and other non-statutory agencies in the delivery of health and social care outcomes as a shared endeavour.</p> <ul style="list-style-type: none"> • To work with partners to identify opportunities for future joint commissioning. • To work with the ICB and Integrated Care Partnership to adopt a set of principles to develop effective relationships, including responding to consultation by the ICB and health partners on preparing or revising their 5 year forward plan and by the ICB on its annual report. • To review and sign off the Better Care Fund Plan. • To publish and maintain a Pharmaceutical Needs Assessment. • To give its opinion to the Council on whether it is discharging its duty to have regard to any Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy prepared in the exercise of its functions. • To respond to consultation by NHS England on the ICB’s contribution to the delivery of the JHWS. • To consider the ICB and health partners’ joint capital resource use plan to inform how to align local priorities and provide consistency with strategic aims and plans. • To ensure that strategic issues arising from Slough’s Adult Safeguarding Board and Local Safeguarding Children’s Board inform the work of the Board. • To consider opportunities for cross boundary workings with other health and wellbeing boards where appropriate to ensure effective commissioning decisions that deliver value for money in support of improved outcomes and to work collaboratively with the Integrated Care Partnership in the preparation of the system-wide integrated care strategy. • To produce an annual report which will be shared with all member organisations and published on the Council’s website. <p>Sub-committees</p> <p>The Board may establish a sub-committee, but its terms of reference must be approved by full Council and included in this part of the Constitution.</p>	

Body Responsible	Functions	Delegation of Functions
<p>the debate and ask questions at the discretion of the Chair.</p> <p>Voting rights:</p> <p>Voting members of the Board will be subject to the Council's Code of Conduct for Members, including the requirement to complete a register of interests and declare interests.</p> <p>Voting members may appoint named substitutes who may attend as voting members in the place of the named member.</p> <p>Decisions will be made on the basis of a show of hands of a majority of voting members present. The Chair will have a casting vote.</p> <p>A named representative of NHS England will join the Board to help in the preparation of the Joint Strategic Needs Assessment of Joint Health and Wellbeing Strategy.</p>	<p>The Board may set up working groups and task and finish groups to assist with its functions. These groups will have no decision-making powers.</p> <p>Information requests</p> <p>The Board may ask for information and reports from each of its member organisations and statutory partnerships.</p>	

Body Responsible	Functions	Delegation of Functions
<p>Chair:</p> <p>The Chair will be an elected member of Slough Borough Council. If the Chair is not appointed at Full Council, the Board can vote to appoint a Chair at its first meeting.</p> <p>The Vice-Chair will be an ICB member of the Board.</p> <p>If neither the Chair or Vice-Chair are present, the Board may appoint a Chair to preside over that meeting from amongst the voting members of the Board.</p> <p>The Board is bound by the Council's Constitution and procedure rules, except where these rules are contrary to the statutory requirements of the Board or are contrary to these terms of reference.</p> <p>Quorum</p> <p>Meetings will be deemed quorate is at least one third of voting members are present, however there must be attendance of at</p>		

Body Responsible	Functions	Delegation of Functions
<p>least one voting member from both the Council and the NHS Frimley Integrated Care Board.</p> <p>Frequency of Meetings</p> <p>The Board shall meet a minimum of three and a maximum of four times a year.</p>		

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Part 3.5 Responsibility for Executive Functions

TABLE 3

Who is responsible	Functions	Onward limits on delegations
Executive (Cabinet)	<p>The Cabinet will exercise all of the local authority functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. It will not exercise functions that are reserved to Full Council.</p> <p>The Cabinet is responsible for the following functions:</p> <p>Policy making</p> <ol style="list-style-type: none"> 1. Recommending new or amended policies listed under the Council's policy framework and implementing these as approved by Council. 2. Approving other policies and plans for implementation by lead members and officers. 3. Within the framework approved by full Council, determining the Council's overall priorities for services and projects. 4. Making key decisions as defined by Article 13 5. Making any other non-key decisions which either fall outside policy or have been referred to the Cabinet by a lead member or chief officer. <p>Financial management</p> <ol style="list-style-type: none"> 6. Development of proposals for the budget and the financial strategy for the Council. 7. Monitoring the implementation of the budget and financial strategy. 8. Management of the Council's capital programme and strategy. 9. Virements between budgets as required by the Financial Procedure Rules. 10. Financial decisions on write offs and other matters as reserved in Financial Procedure Rules <p>Other significant decisions</p> <ol style="list-style-type: none"> 11. Awards of contracts as reserved to Cabinet in the Contract Procedure Rules 12. Disposal, acquisition and/or appropriation of property for rationalisation of the Council property portfolio or for the facilitation of 	Onward delegation can be agreed by cabinet on a case by case basis.

<p>Cabinet Committee for Asset Disposals</p> <p>A maximum of five members of Cabinet are to be appointed to this committee. This should include the lead member for assets and financial management.</p>	<p>development initiatives outside of agreed disposal and acquisition policies.</p> <p>13. Disposal of property interest via lease at less than best consideration, except where this is required to fulfil a statutory obligation.</p> <p>14. Reorganisation of departments or services involving more than 20 redundancies or likely to give rise to operational disruption or interruption of services or involving a change from direct to indirect provision or vice-versa.</p> <p>15. Approval of annual business plans for the Council's companies.</p> <p>This committee will remain in existence for the period of the DLUHC statutory direction, unless it is agreed by commissioners that there is no longer a need for it.</p> <ul style="list-style-type: none"> • Monitor and review the Council's asset disposal programme. • Make recommendations to Cabinet on disposals that fall within the definition of a key decision or are otherwise reserved to Cabinet. • Make decisions on any disposals that are not reserved to Cabinet, where officers have declined to exercise delegation due to a need for the decision to be made by elected members. • To consider the roles and case for continuing with each company of the Authority (except Slough Children First); • To ensure that the Directors appointed by the Authority are appropriately skilled in either technical or company governance matters and that each Board functions effectively under the terms of an explicit shareholder agreement and a nominated shareholder representative; • To approve shareholder agreements, or changes to current agreements, on behalf of the Council; • To receive a report on their activities and performance, at least annually and in person, from any/all of the Directors, appointed by the Council to any council company under their remit; • To mandate the Council's shareholder representative to act in particular ways such as voting on resolutions; • To require the directors and officers of any council company to attend meetings of this Cabinet Committee to report on the current financial health and prospects of their company; and 	
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| | <ul style="list-style-type: none">• To establish a plan to internalise, close or sell as appropriate any council company which it is decided not to continue in its current form. | |
|--|---|--|

Managing conflicts of interests:

Due to the small size of the Cabinet Committee for Asset Disposals, members should be particularly cognisant of the risk of a conflict of interest. If any member of the Cabinet Committee for Asset Disposals has had contact with a prospective purchaser of land in advance of a meeting, they should seek advice from the Monitoring Officer and should declare the interest in the meeting and decline to participate and leave the meeting if there is a risk that a reasonable and informed member of the public would determine that the contact will influence their decision-making.

The member may continue to participate in the full Cabinet meeting, having declared the interest, as long as the proposed decision does not affect the member's financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected and a reasonable member of the public knowing all the facts would not believe that it would affect the member's view of the wider public interest.

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Part 3.6 Scheme of Delegation to Officers

Contents

Section 1. Guiding Principles

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Section 3. Proper Officer Functions

Section 4. Delegations to each Directorate

Chief Executive

Executive Director of Finance and Commercial

Executive Director of Housing, Planning and Property

Executive Director of People (Adults)

Executive Director of People (Children)

Executive Director of Place and Communities

Executive Director of Strategy and Improvement

Monitoring Officer

Section 1 - Guiding Principles

1.1. Introduction

This document sets out how the Council has delegated its executive and non-executive powers to officers. Its purpose is to ensure that there are sufficient properly authorised, officers to carry out the Council's business, lawfully and effectively and that everyone: officers, members and the public, knows who they are.

These delegations to officers are the last link in the chain of delegation which begins with the framework described in the Constitution. They must be read in conjunction with the Constitution itself, and in particular the arrangements for discharge of executive and non-executive functions set out in Part 3, and those delegations to Committees, sub-Committees and Directors.

General principles

Officers may exercise delegated powers provided that the matter:-

- is covered by an approved policy
- there are no unusual features
- there are no political or other significant issues,

otherwise the matter should be referred to Members to determine.

In exercising delegated powers officers must:

- Incur expenditure within approved estimates/limits.
- Comply with the Council's procedural rules and constitution, including the Contract Procedure Rules and Financial Procedure Rules in force at the time.
- Comply with any policy, plan or direction of the Council, Cabinet or Committee.
- Comply with the Council's internal policies, procedures and guidance.
- Consult where appropriate, and/or agree with other relevant officers.
- Consult or refer the matter to the Chief Executive, s.151 Officer and/or Monitoring Officer in appropriate cases.
- Keep appropriate records and registers of decisions and report to Council, Cabinet or Committee if required.

In using delegated powers, officers are accountable to the Council or Cabinet or the Committee from which those delegated powers derive.

Acts of officers done under delegated powers are deemed to be acts of the Council.

1.2. Structure of the Scheme

Section 2 of the Scheme is the **General Delegations**. These are delegated powers which are common to all parts of the Council and relate to the Finance, Procurement, Human Resources, Legal transactions and Property Management functions which support the main work of the Council.

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

Section 4 sets out the functions delegated to each Directorate. The Executive Director is responsible for maintaining a written internal scheme of delegation setting out particular posts or groups of posts can exercise functions and make decisions. The internal scheme is subject to restrictions set out in the constitution and where the two documents do not align, the constitution takes precedence.

1.3. Reserved Matters, deemed delegations and general authorities

Matters reserved to the Council, the Executive, and their Committees:

Functions may be specifically reserved to the Council, or a Committee of the Council, or to the Executive of the Council, either under the Articles of the Constitution, Part 3 of the Constitution (Responsibilities for Functions), Financial Regulations or Contract Procedure Rules. Functions may also be reserved under the Scheme of Delegations. These reserved functions may not be carried out by any officer unless they have been specifically delegated to him/her by the person or body holding the reserved power. The only exception is the urgency provision set out in paragraph 1.4 below.

Deemed delegations to officers:

- Any matter not specifically reserved in this way will be deemed to be within the delegated authority of the Chief Executive or the relevant Executive Director.

The Chief Executive may exercise any function delegated to any other officer, except those functions of the other statutory chief officer or where the delegation is to an officer with a required appointment process e.g. appointed health and safety inspector. Executive Directors may exercise any function outside their directorate delegations delegated to them by the Chief Executive.

- Statutory chief officers and proper officers should make arrangements to appoint an individual to undertake their responsibilities during period of absence.

- London Borough of Harrow has a delegation of function to:
 - commence, defend or settle any legal proceedings as necessary to protect the interests of the Council, whether or not specifically delegated under this scheme.
 - Take any action in order to protect the interests of the Council or of any person or property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council, including certifying documents as a copy of the original.
 - Sign any documentation to give effect to any resolution of the Council in any tribunal or court.
 - Sign any document necessary to give effect to any decision of the Council.

This delegation is exercised by the Head of Legal, London Borough of Harrow, who is permitted to delegate the function to any of her officers. The Monitoring Officer also has power to exercise these functions.

1.4. Urgency provisions – Non-Executive functions

The following provisions apply regardless of any specific reservations to Members:

- The Chief Executive has power to act in cases of emergency or urgency to discharge non-executive functions.
- In the absence of the Chief Executive, the Executive Director nominated to deputise will exercise emergency or urgency powers in the same way.

Urgency provisions – Executive functions

- Subject to consultation with the Leader of the Council (or in his/her absence the Deputy Leader) where possible, the Chief Executive (and his or her appointed deputy in the case of absence) shall have the power to exercise executive functions in cases of emergency or urgency.

When deciding whether a matter is an emergency or urgent, consideration should be given to the following:

- whether it is prejudicial to the Council's interest to delay
- whether it is practicable to call an emergency member meeting or use the Leader's Action procedure as set out in Part 4.4 – Executive Procedure Rules
- whether it is appropriate to refer the matter to a member meeting following the action
- compliance with the significant officer decision procedure set out below.

1.5. Incidental and ancillary functions, successor legislation, meaning of 'officer'

Incidental functions: any reference to officers being authorised to carry out or perform any functions in the schemes shall be deemed to include the authority to carry out any other functions which are necessary or incidental to, or required to facilitate or be conducive to the performance of the function in question.

Successor legislation: any reference in the Schemes to any legislation or to any Council procedure or rule shall be deemed to include a reference to any successor legislation, procedure or rule as may be introduced or enacted by way of substitution, revision or amendment.

If the Council acquires a new function responsibility will fall to the Chief Executive or Executive Director with responsibility for the relevant service area.

Restructure

If the Council restructures its organisation, delegated authority will be deemed to be held by the chief officer with responsibility for the service area.

1.6 Significant Officer Decisions

For certain significant officer decisions, to ensure transparency, a written record will be made and published on the Council's website. Officers are responsible for preparing the written record as soon as reasonably practicable after any significant officer decision. The record will include the decision, date it was made, reasons for the decision, details of any alternative options considered and rejected and where a specific delegation has been given, the names of any member of the relevant committee/cabinet who has declared a conflict of interest. Decisions that are deemed to be key decisions as defined in Article 13 are reserved to Cabinet and should only be made by an officer if the urgency procedures have been followed.

1. Tenders/Contracts over £50,000 or 'politically sensitive' excluding individual social services care packages and school placements.
2. Write-off of individual debts between £5,000 and £15,000.
3. Decisions arising from external report on significant Health and Safety at Work Act risk.
4. Compulsory Purchase Orders if under delegated authority.
5. Other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.
6. Appointments to casual vacancies on committees, sub-committees, Panels, and outside bodies
7. Decisions that grant a permission or licence or otherwise affect the rights of an individual and are not otherwise publicly recorded in accordance with other statutory requirements.
8. Specific decisions that have been delegated to a particular officer by resolution at a Cabinet meeting to be taken following consultation with the relevant Cabinet Member or be resolution of a committee or sub-committee of the Council.

Section 2 - General Delegations

Delegated Powers

General

Taking and implementing any decision required for operational effectiveness.

Taking any action necessary to ensure the effective development and implementation of the Council's key strategies and services relating to directorates.

Investigating and resolving complaints, including agreeing the payment of compensation, including payments or other benefits in cases of maladministration.

Responding to requests for data or information in accordance with information law procedures.

Attending and representing the Council on partnership boards.

To conduct criminal investigations, including exercising statutory powers, administering cautions and conducting financial investigations in relation to proceeds of crime.

Exercising proper officer functions where these are not specifically designated under section 3 below.

Financial – these are subject to limits within the Financial Procedure Rules

Preparation for member approval of the annual directorate budget

Monitoring of directorate budget

Authorise expenditure within approved revenue budget estimates.

Virement of revenue and capital in accordance with Financial Procedure Rules.

Authorise collection of income

Authorise expenses

To agree in-year variations to costs, fees and charges

- up to 3% plus inflation

Applying for grants

Disposing of non-land assets

Write off debts

Procurement – these are subject to limits within Contract Procedure Rules

Authorise tendering processes

Approve contracts

Approve variations in contracts

Approve use of consultants

Human Resources – these are subject to internal HR policies and procedures

To appoint, suspend and dismiss staff

To take any action under the Council's employment policies and procedures

To re-organise staff within their directorates, subject to budgetary implications

Consultation with trade unions on staff organisational changes

Maintaining an up-to-date staffing structure

Property - subject to budgetary provision and compliance with internal procedures and statutory processes

To authorise the granting, renewal, termination, assignment or sub-letting of leases, tenancies or other interests in land and property.

To approve variations in rent arising from rent reviews of land and property leased to or by the Council.

To authorise the acquisition of legal estates or interest in land and property in accordance with agreed policy and within the capital programme.

To authorise the disposal of legal estates or interests in land and property not required by the Council.

To authorise the taking, granting, revocation or termination of covenants, easements, wayleaves, licences and other rights or user.

To serve and respond to statutory notices in relation to land.

To authorise the appropriation of land, including appropriation by the HRA from the general fund.

Legal transactions

Instructing HB Public Law (London Borough of Harrow) or the Monitoring Officer in relation to legal matters and disputes.

Instructing external lawyers in relation to legal matters and disputes, where agreement has been sought from the HB Public Law or the Monitoring Officer that instructions are appropriate.

Authorising officers to attend court and appear on behalf of the Council under s.223 Local Government Act 1972 and the County Courts Act 1984, following consultation with the Monitoring Officer or HB Public Law.

Section 3 – Proper Officer and Statutory Officer designations (statutory chief officers are set out in Article 12) - this list is not exhaustive and the proper officer functions not specifically referred to will be designated to the chief officer managing the relevant service.

Post	Designation	Function
Chief Executive	Electoral Registration Officer and other proper officer election functions	Section 8 - Representation of the People Act 1983 Section 82 – Representation of the People Act 1983
Chief Executive	Returning Officer	Section 35 - Representation of the People Act 1983
Chief Executive	Acting Returning Officer	Section 28 - Representation of the People Act 1983
Superintendent Registrar	Proper Officer for Births, Deaths and Marriages	Registration Services Act 1953
Head of Governance and Scrutiny	Scrutiny Officer	Section 31 – Local Democracy, Economic Development and Construction Act 2009
Head of Virtual School, Slough Children First Ltd.	Virtual School Head	Section 22 Children Act 1989
ICT and Digital Service Manager	Data Protection Officer	GDPR
Chief Executive	Proper Officer for notices regarding councillor appointments and resignations	Section 83 to 99 Local Government Act 1972
Chief Executive	Proper Officer for notices of council meetings	Section 100 to 100G Local Government Act 1972
Monitoring Officer	Proper Officer for deposit of documents and certifying documents.	Section 225 Local Government Act and associated legislation
Monitoring Officer	RIPA Responsible Officer for register of authorisations	Section 28 and 29 of the Regulation of Investigatory Powers Act 2000

Section 4 – Specific Delegations

Chief Executive

To take any action necessary to ensure the effective and efficient management and operations of the Council and the effective development and implementation of the Council's key strategies and services. If following a Borough Election the Leader has not been elected as a councillor or, if re-elected, the political party of which they are a member does not have a majority on the Council, then until a Leader is appointed, the Head of Paid Service (in consultation with all Group Leaders) shall be authorised to take and implement any decision required for operational effectiveness of the Council but excepting any such responsibilities, duties and powers specifically reserved to any other person or body.

To promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council's officers in accordance with the Code of Conduct for Council Employees and to undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.

Approve minor and technical changes to the Council constitution in consultation with the Monitoring Officer.

Following consultation with the Leader and Leader of the Opposition, to suspend the Monitoring Officer or officer designated as Chief Finance Officer in exceptional circumstances for up to ten days pending the Chief Officer's Employment Panel being convened to consider the suspension in accordance with Part 4.7 of the constitution.

Following consultation with the Leader and Leader of the Opposition, to refer matters of discipline (as defined in the disciplinary procedure) in respect of the Monitoring Officer or officer designated as Chief Finance Officer to the relevant member panel.

Executive Director – Finance and Commercial

Functions in relation to:

Finance
Audit, risk and anti-fraud
Revenue and benefits
Procurement and commercial services

Following consultation with the Leader and Leader of the Opposition and the Monitoring Officer, to suspend the officer designated as Head of Paid Service in exceptional circumstances for up to ten days pending the Chief Officer's Employment Panel being convened to consider the suspension in accordance with Part 4.7 of the constitution.

Following consultation with the Leader and Leader of the Opposition, to refer matters of discipline (as defined in the disciplinary procedure) in respect of the officer designated as Head of Paid Service to the relevant member panel.

Executive Director – Housing, Planning and Property

Functions in relation to:

Housing needs
Tenant and leaseholder services
Housing allocations and social lettings
Planning services
Property asset management
Regeneration development and delivery

Executive Director – People (Adults)

Functions in relation to:

Adult social care operations
Adult social care commissioning
Mental health
Public health

Executive Director – People (Children)

Functions in relation to:

Children’s social care
Children’s centres and early help services
Early years
Access and inclusion
School effectiveness
Education services
Special educational needs and disabilities
Youth services

Executive Director – Place and Communities

Functions in relation to:

Cemeteries and crematoriums
Community safety
Transport and highway planning
Regulatory services
Community services, including registrars, leisure and libraries

Executive Director of Strategy and Improvement

Functions in relation to:

Human Resources
Communications
Data and insight
Business support
Customer services
Information governance
ICT
Programme management and transformation

Monitoring Officer

Functions in relation to:

Democratic governance
Scrutiny
Elections and electoral registration

Legal services

Following consultation with the Leader and Leader of the Opposition and the Chief Finance Officer, to suspend the officer designated as Head of Paid Service in exceptional circumstances for up to ten days pending the Chief Officer's Employment Panel being convened to consider the suspension in accordance with Part 4.7 of the constitution.

Following consultation with the Leader and Leader of the Opposition, to refer matters of discipline (as defined in the disciplinary procedure) in respect of the officer designated as Head of Paid Service to the relevant member panel.

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CABINET PORTFOLIOS

Leader – Improvement & Recovery, Performance, Governance and Young Futures	Deputy Leader – Finance, Council Assets, Procurement and Revenues & Benefits	Education and Children’s Services	Adult Social Care, Mental Health and Learning Disabilities
<ul style="list-style-type: none"> • Council Forward Strategies • Council Communications • Legal, Democratic & Member Services • Council Constitution, Policy & Scrutiny Support • Local Government Relationships • SBC Forward Plans (incl. Strategic Recovery/Improvement Plan) • Economic Development & Inward Investment (Including relationship with Thames Valley Berkshire LEP) • Human Resources • Organisational Development • Performance Management & Reporting • Slough Local Plan Preparation & Place Strategy • Equalities • Coroner, Crematorium & Registrar 	<ul style="list-style-type: none"> • Procurement • Budget Strategy & Financial Planning • Financial Governance & Oversight • Financial Recovery Planning • Fraud Prevention & Counter-Fraud Activity • Corporate Landlord Function • Capital Programme • Council Asset Planning & Asset Disposals • Commercial Companies and SBC Investments • Corporate Accounts (Including SBC Companies) • Audit (including Relationship with External Auditors) 	<ul style="list-style-type: none"> • Education & School Improvement • Early Years & SEND services • School Admissions. School Places & Pupil Attendance • Corporate Parenting, Foster Care, Adoption • Youth Engagement • Children’s Centres, Nurseries, Play Strategy • Children & Young People’s Safeguarding • Early Intervention • Unaccompanied Asylum Seekers • Slough Children’s Company (Slough Children First) • Lifelong Learning Skills Training 	<ul style="list-style-type: none"> • Adult Social & Community Care • Older People’s Services • Adult Safeguarding • Disabilities & Careline • Mental Health • Health & Wellbeing Partnerships • Relationships with NHS & Ambulance Services
Community Cohesion, Public Health, Public Protection, Leisure and Planning	Highways, Housing and Transport	Customer Service, Resident Engagement, Digital, Data and Technology	Environment, Environmental Services and Open Spaces
<div style="display: flex;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; padding-right: 5px;">Page 109</div> <div> <p>Town Centre Management and ‘Meanwhile’ Uses Regional & Sub-Regional Plans Planning & Development Management Leisure & Sports Facilities, Sports Development Community Centres, Halls & Facilities (operations)</p> <ul style="list-style-type: none"> • Community Cohesion & Faith Partnerships • Community Events & Engagement • Arts & Cultural Strategies • Partnerships with the Voluntary, Community/Charitable Sector & Social Enterprises • Enforcement Services • Overall Responsibility for Licensing Services • Building Control/Building Regulations • Emergency Planning • Private Sector Housing Regulation/standards • ASB, Community Safety, Crime Reduction, Prevent • Substance Misuse Services • Prevention & Public Health • Trading Standards and Food & Safety • Relationship with the Police • Fire Safety and relationship with the Fire Service • Taxi & Minicab Licensing </div> </div>	<ul style="list-style-type: none"> • Homelessness Prevention & Rough Sleeping • Social & Affordable Housing Supply • SBC Housing Companies (operational/housing matters) • Housing Repairs Services & Estate Management • Council-Managed Neighbourhood Shopping Parades • Public Transport & Active Travel • Council Fleet Management & Future Transport Planning • Cycling & Walking Strategies & Plans • Relationships with Bus & Rail Operators • Surface Access to Heathrow Airport • Highway Maintenance/Street-works & Street-lighting 	<ul style="list-style-type: none"> • Library Service, Careers Services and Apprenticeships • Resident & Customer Services • SBC Service recovery • Development of Digital Services & Digital Inclusion • IT & e-government 	<ul style="list-style-type: none"> • Parks, Open Spaces & Allotments • Grounds Maintenance & Public Realm Standards • Air Quality, Climate Change & Flood Prevention • Waste Management/Refuse Collection/Recycling • Energy Efficiency & Decarbonisation

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Part 3.8 Appeals Panels and Other Bodies

INDEX

- 1. Slough Standing Advisory Council on Religious Education (SACRE)**
- 2. Corporate Parenting Panel**
- 3. Slough Local Access Forum (LAF)**

1. SLOUGH STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE)

1.0 The SACRE is established in accordance with the Education Act 1996.

2.0 Membership

2.1 The Members of the SACRE shall be appointed by the Authority so that they shall represent the following groups. The Council shall take all reasonable steps to assure itself that an individual appointed to represent any religion, denomination or association is representative of the same.

Committee 1 – Christian denominations (except the Church of England) and other religions (12)

The Free Churches (1)
The Black Free Churches (1)
The Roman Catholic Church (1)
Hinduism (1)
Islam (4)
Judaism (1)
Sikhism (2)
Baha'is (1)

Committee 2 – The Church of England (4)

Committee 3 – Teachers (representing Primary, Secondary and Special Schools (6)

Committee 4 – The Authority (5)

2.2 Committee 4 shall be subject to the proportionality requirements of the Local Government and Housing Act 1989.

2.3 No Member appointed to the Cabinet shall be appointed to the SACRE.

The SACRE shall be appointed by the Council.

2.4 Members of the SACRE shall serve from the date of their appointment for a term of three years or until their successors are appointed by the Council. They shall be eligible for reappointment after each term for a further term by consultation, if necessary, with the group which they represent. The Council may remove any individual if, in its opinion, the individual ceases to be representative of the religion, denomination or association which they were appointed to represent or where appointed to Committee 4, a member of the Council.

2.5 Where a nominated representative fails to attend three consecutive meetings of the SACRE and fails to give their apologies s/he, shall cease to be a member of the SACRE and the nominating body shall be invited to nominate another representative provided that:

- (a) the Clerk to the SACRE has advised the member in writing of the provision of this clause following the second missed meeting and at least a 10 working days before the third meeting.
- (b) SACRE does not decide to disapply this rule for reasons of extenuating circumstances.

3.0 Terms of Reference

3.1 In accordance with Section 390 and 391 of the Education Act 1996 to advise the Council on:

- (a) such matters connected with religious worship in community or foundation schools which do not have a religious character and the religious education to be given in accordance with an agreed or other syllabus as the authority may refer to it or as it may see fit
- (b) To advise, in particular, on methods of teaching, the choice of materials and the provision of training for teachers.

On application made by a Head Teacher of any community or foundation school not designated as having a religious character, consider whether it is appropriate for the requirement for Christian collective worship to apply in the case of that school, or in the case of any class or description of pupils at that school. SACRE shall give the Head Teacher written notification of its decision.

- 3.2 The representative groups on the SACRE other than that representing the authority may at any time require a review of any agreed syllabus for the time being adopted by the authority.
- 3.3 The SACRE shall each year publish a report on its proceedings and those of its representative groups, the report to specify any matters on which the SACRE has given advice to the authority and the reasons for offering that advice.
- 3.4 On any question to be decided by SACRE, each of the four committee groups set out above are entitled to one single vote.

2 Corporate Parenting Panel

Purpose of the Corporate Parenting Panel

- 1.1 The Corporate Parenting Panel assists the Council to fulfil its legal obligations and responsibilities towards looked after children and care experienced young people, under the Children Act 1989 and associated legislation, including the corporate parenting principles set out in section 1 of the Children and Social Work Act 2017.
- 1.2 The Corporate Parenting Panel (the 'Panel') is a collaborative forum. It is not a decision-making body of Slough Borough Council. Its role is to advise the Lead Member for Children's Services and other elected member

bodies on how to deliver better outcomes for children and young people in care and care experienced young people.

1.3 In particular this includes ensuring the Council and its relevant partners comply with the corporate parenting principles:

- to act in the best interests, and promote the physical and mental health and wellbeing, of those children and young people;
- to encourage those children and young people to express their views, wishes and feelings;
- to take into account the views, wishes and feelings of those children and young people;
- to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
- to prepare those children and young people for adulthood and independent living.

2. Responsibilities of the Corporate Parenting Panel

2.1 The Panel should:

- Champion and provide clear strategic and political direction in relation to corporate parenting
- Support the development of a corporate parenting strategy and to monitor and review its implementation.
- Focus on improving outcomes for looked after children and care experienced young people.
- To consider recommendations from internal and external inspections and reviews.
- To hear the voice of looked after children and care experienced young people, including involving them in meetings.
- To monitor the education needs of care experienced children, promoting positive engagement of education partners in corporate parenting.
- To ensure the Council actively promotes opportunities for children looked after and care experienced young people across the whole Council
- To ensure that the voice and opinions of as wide a range of care experienced children and young people, including those with disabilities, are heard and that their views are used to co-produce services, shape policy and monitor performance.
- To advise the Lead Member for Children's Services, Cabinet and other relevant member bodies on issues relating to corporate parenting.
- To advise the Slough Children First board and other partners on issues relating to corporate parenting.
- To report annually to the Council on the work of the Panel.

3.0 Membership

3.1 Membership will be reviewed annually as follows:

(a) For the council by the relevant political groups, at the commencement of each municipal year.

3.2 All six elected member appointments to the Panel by the Council will be made on a politically proportionate basis.

3.3 Attendance at meetings

Looked after children and care experienced young people and carers will be invited to attend meetings on a topic by topic basis and provided with opportunities to facilitate their involvement, including informal meetings to allow views to be sought and represented to the panel by members. In addition the Panel members are expected to attend events to meet relevant children and young people and people associated with corporate parenting responsibilities.

Chairing the Panel

3.4 The Panel shall elect a chair at its first meeting each municipal year.

3.5 The Lead Member for Children's Services shall be entitled to attend the panel as a participating observer.

3.6 The co-opted members of the Panel shall be as follows:

- The council's Executive Director of People - Children
- Chief Executive, Slough Children First (if different to the Executive Director)
- Director of Education
- Foster carer
- The council's Service lead for strategic housing services
- Thames Valley Police representative (will attend when necessary)
- Designated Nurse for Children in Care
- Virtual School Headteacher
- The council's service lead for Communities and Leisure

The panel can elect to invite representatives of the children in care council, care experienced children and carers and other relevant representatives on a topic by topic basis or for the whole of a municipal year. Consideration should be given to a representative for specific groups of children and young people, for instance unaccompanied asylum-seeking children and children with disabilities.

4.0 Operation of the Panel

Meetings

- 4.1 The Panel will meet a minimum of four times a year.
- 4.2 Each meeting of the Panel will be based on one or more of the key corporate parenting principles set out in the Children and Social Work Act 2017.
- 4.3 Where possible the meetings should be available to view by the public, even if public attendance is not possible. Due to the nature of some of the work of the panel, some meetings are not held in public, however in these situation agenda papers and minutes should be made public where these do not disclose confidential information. The annual report must be published.
- 4.4 The Panel will provide an annual report to the Council and has the right to report to Cabinet or other elected member forums such as overview and scrutiny.

4. SLOUGH LOCAL ACCESS FORUM (LAF)

1.0 The LAF is a statutory advisory forum set up in accordance with s.94 of the Countryside and Rights of Way Act 2000. It provides advice and guidance to the Council, any body exercising functions under Part 1 of the Countryside and Rights of Way Act 2000 and other prescribed bodies as to the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed by legislation.

2.0 Membership of the LAF

2.1 The LAF consists of no fewer than 10 and no more than 22 members. Where membership is not more than 16 members, no more than 2 may be members of the Council. Where membership is at least 17 members, no more than 3 may be members of the Council.

2.2 The members of LAF must be persons who appear to the Council to be representative of users of local rights of way or rights of public in relation to access land, owners and occupiers of access land or land over which local rights of way subsist or any other interests especially relevant to the Council's area. A reasonable balance between the number of members who represent the interests of users of rights of way and those who represent owners or occupiers of land will be maintained.

2.3 Before appointing any members, the Council must advertise the vacancy in such local or regional newspapers as appropriate and on its website and consult such persons as they consider appropriate. This requirement does not apply to members of the Council appointed to the LAF.

2.4 A Chairperson and Vice-chairperson will be elected by the LAF from amongst those people appointed to be members. Their terms of office will be decided by the LAF, with a limit provided by the length of time that they were appointed to serve as members.

2.5 Membership of the LAF will be regularly reviewed by the Council, with formal reviews every 3 years. Each appointment of a member shall be for a period of 1 to 3 years, with the option of renewal on expiry in each case subject to compliance with regulations.

2.6 Members of the LAF must declare any direct or indirect interest in any matter being considered and must disclose the nature of the interest to the meeting.

3.0 Role and responsibilities of the LAF

3.1 To advise relevant organisations on the improvement of public access to land in the area for the purposes of open-air recreation and enjoyment. In particular, to have regard to:

- (a) the needs of land management,

- (b) the desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area, and
- (c) guidance given from time to time by the Secretary of State

- 3.2 The LAF must prepare an annual report on the discharge of its functions, which should be published by the Council on its website.
- 3.3 LAF meetings are open to the public, subject to powers of exclusion to prevent or suppress disorderly conduct or other misbehaviour, and advertised in advance.
- 3.4 Agendas and papers for the meetings will be available to the public at least 3 clear days before each meeting, except that when the meeting is convened at shorter notice, the agenda and papers will be open for inspection from the time that the meeting is convened.

Part 4

Procedure Rules

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Part 4.1 Council Procedure Rules

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- 5 Notice of and summons to meetings
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- 32 Application to Cabinet, Committees and Sub-Committees

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

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

The annual meeting will:

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

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

1.2 Appointment of Members to Committees and Outside Bodies

At the annual meeting, the Council will:

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

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

Casual Vacancies on Committees

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

1.3 Election of Committee Chairs

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

2. ORDINARY MEETINGS

2.1 Order of Business

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

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

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

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

2.2 Variations

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

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

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

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

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) The Chief Executive;

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

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

3.2 **Business of an extraordinary meeting**

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

3.2.1.1 the election of a person to preside if both Mayor and Deputy Mayor are absent (other than the any other member of the Executive) for the duration of the meeting (Local Government Act 1972, Schedule 12, Paragraph 5)

3.2.1.2 any item of business specified by the Council, Mayor or Monitoring Officer calling the meeting or specified in the requisition presented by at least five Members of Council;

3.2.1.3 any petitions relating to items of business on the agenda which the Mayor agrees to hear.

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

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

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

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

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

The Chief Executive will give notice to the public of the time and place of any meeting of the Council in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons

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

6. **CHAIR OF MEETING**

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

7. **QUORUM**

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

8. **DURATION OF MEETING**

8.1 If the Council has not completed its business by 10.30 p.m. the Mayor will stand up and move that the remainder of the business shall be dealt with under either Rule 8.2 or Rule 8.3. The motion shall be voted upon without debate.

8.2 That the Council resolve to continue past 10.30 p.m. to complete all or part of its business as specified by the Mayor. The business not dealt with under this Rule 8.2 shall be dealt with under Rule 8.3.

8.3 That the remaining business be completed in accordance with the following procedure:

- (i) recommendations of Committees/Cabinet shall be put to the meeting. If any are opposed the meeting shall stand adjourned to the following Thursday at 7.00 pm unless otherwise resolved;
- (ii) any minutes of proceedings of committees not yet received shall be moved, seconded and received forthwith;
- (iii) any motion of which notice was given under Rule 12 shall be formally moved and seconded and shall stand referred to the Cabinet or appropriate Committee without discussion for determination;
- (iv) any questions and answers from Members submitted under Rule 10 shall be noted; and
- (v) other formal business, including authority to seal documents shall be dealt with prior to closure of the meeting.

9. **QUESTIONS BY THE PUBLIC**

9.1 **General**

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

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

9.2 **Order of Questions**

Questions will be asked in the order they were received.

9.3 **Notice of Questions**

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

9.4 **Number of Questions**

Members of the public are limited to one question each.

9.5 **Scope of Questions**

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

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

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

9.6 **Record of Questions**

The Head of Democratic Services will send a copy of the question to the Member/Chair to whom it is to be put.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

9.7 **Asking the Question at the Meeting**

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

9.8 **Supplemental Question**

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

9.9 **Written Answers**

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

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

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

NOTE:

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

The Council has agreed that

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

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

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

10. **QUESTIONS BY MEMBERS**

10.1 **Council Matters**

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

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

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

10.2 **Notice of Questions**

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

10.3 **Scope of Questions**

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

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

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

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

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

11. **PETITIONS - GENERAL**

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

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

PLANNING MATTERS

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

LICENSING MATTERS

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

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

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

13. CONSIDERATION OF CABINET AND COMMITTEE RECOMMENDATIONS/ MINUTES

13.1 Recommendations of the Cabinet and Committees

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

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

13.2 Recommendations as Motions

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

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

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

13.3 **Withdrawal of Recommendations**

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

14. **MOTIONS ON NOTICE**

14.1 **Notice**

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

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

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

14.2 **Motion set out in agenda**

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

14.3 **Scope and wording of Motions**

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

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

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

14.4 Challenge to Inclusion

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

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

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

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

15. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice :

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

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

Motion of No Confidence in the Mayor

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

Moving and Seconding a Motion

Motion to be moved and seconded

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

Right to speak – Secunder of Motion

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

16. RULES OF DEBATE

16.1 Addressing the Mayor

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

16.2 No speeches until motion seconded

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

16.3 Right to require motion in writing

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

16.4 Seconder's speech

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

16.5 Content and length of speeches

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

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

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

16.6 When a Member may speak again

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

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

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

16.7 Amendments to motions

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

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

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

16.8 Alteration of motion

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

16.9 Withdrawal of motion

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

16.10 Right of reply for the Proposer of the Motion only

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

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

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

16.11 Closure motions

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

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

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

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

17. PREVIOUS DECISIONS AND MOTIONS – THE SIX MONTH RULE

17.1 Motion to rescind a previous decision

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

17.2 Motion similar to one previously dealt with

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

17.3 Points of order

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

17.4 Personal explanation

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

18. STATE OF THE BOROUGH DEBATE

18.1 Calling of debate

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

18.2 Form of debate

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

18.3 Chairing of debate

The debate will be chaired by the Mayor.

18.4 Results of debate

The results of the debate will be:

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

19. VOTING

19.1 Majority

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

19.2 Mayor's casting vote

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

19.3 Show of hands

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

19.4 Recorded vote

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

19.5 Right to require individual vote to be recorded

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

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

19.6 Voting on appointments

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

20. MINUTES

20.1 Signing the minutes

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

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

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

20.3 Form of minutes

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

21. RECORD OF ATTENDANCE

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

22. EXCLUSION OF PUBLIC

22.1 General

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

22.2 Motions affecting Council employees

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

23. MEMBERS' CONDUCT

23.1 Standing to speak

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

23.2 Mayor standing

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

23.3 Member not to be heard further

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

23.4 Member to leave the meeting

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

23.5 General disturbance

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

24. DISTURBANCE BY PUBLIC

24.1 Removal of member of the public

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

24.2 Clearance of part of meeting room

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

25. FILMING/RECORDINGS OF PROCEEDINGS

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

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

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

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

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

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

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

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

27. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

27.1 Suspension

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

27.2 **Amendment**

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

28. **APPOINTMENT OF DEPUTIES**

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

29. **COUNCIL-IN-COMMITTEE**

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

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

- 30.1 Subject to Rule 30.2 and 30.3 below, any Member can attend meetings of the Committees and Sub-Committees as an observer and may speak if given permission by the Chair (which should be previously notified), such permission not to be unreasonably withheld. If permission is withheld, the Chair shall state the reason for this and this reason will be recorded in the minutes of the meeting. The consent of the Audit & Corporate Governance Committee (majority resolution) is required for a Member to attend as an observer in Part II of that Committee. The right to speak does not extend to the Standards Local Determination Sub Committee and Licensing Sub Committee when it is dealing with applications under the Licensing Act 2003 and in Planning Committee is confined to individuals raising material planning issues pertinent to the application being determined by the Committee and are subject to the rules set out in Part 3.4 Responsibility for Council Functions.
- 30.2 A Member shall have the right to attend and speak at a meeting of the Committee or Sub-Committee to which a motion proposed by him/her has been referred. Non-committee members are not permitted to raise motions at Planning Committee.

- 30.3 A Member shall have the right to attend and speak at the Committee or Sub-Committee on a matter which directly and specifically affects his/her Ward. (The right to speak does not extend to the Licensing Sub Committee when dealing with Licensing applications under the Licensing Act 2003. The right to speak at Planning Committee is subject to the rules set out in Part 3.4 Responsibility for Council Functions).
- 30.4 Any Committee or Sub-Committee may allow representatives of employees to attend any of its meetings as observers. The Chair shall have discretion to invite employee representatives to speak.
- 30.5 Any Committee or Sub-Committee shall have discretion to specify a maximum number of employee representatives who may attend a meeting. The representatives within that maximum number shall be determined by the employees concerned or their representatives.

31. PANELS AND WORKING PARTIES

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

32. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to ordinary meetings of the full Council. All the Council Procedure Rules other than those determining business to be transacted apply to Extraordinary Council Meetings. Only Rules 4-8, 10-11, 15-16, 18-20, 21-26 (but not Rule 23.1), 30 and 31 apply to meetings of Committees and Sub-Committees. Executive Procedure Rules which apply to Cabinet and Cabinet Sub-Committees are in Part 4.4 of the Constitution.

PROCEDURE FOR DEALING WITH ALL MOTIONS/RECOMMENDATIONS

Motions

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

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

Amendments

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

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

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

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

PROTOCOL FOR FILMING/RECORDING OF COUNCIL MEETINGS

1. The Council supports the principle of transparency and allows the filming, recording and photographing at its meetings that are open to the public. It also welcomes the use of social networking websites, such as Twitter and Facebook, and micro-blogging to communicate and report on proceedings to the wider community.
2. To enable members of the public to be fully informed, anyone proposing to film, record or take photographs of a meeting is requested to advise Democratic Services before the start of the meeting.
3. The Mayor / Chair of the meeting has absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice or unduly disrupt proceedings at the meeting.
4. The circumstances in which termination or suspension might occur could include:
 - Public disturbance of the meeting.
 - When the press and public are excluded from the meeting due to the confidential or exempt nature of information to be discussed in Part II of an agenda.
 - Where it is considered that continued recording / photography / filming / webcasting might infringe the rights of any individual.
 - When the Chair considers that a defamatory statement has been made.
5. In allowing filming and recording, the Council asks those recording proceedings do not edit the film / record / photographs in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed / filmed / recorded, or misrepresent a Council discussion.
6. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The Council may adopt operational arrangements to facilitate the effective transaction of business at a meeting by designating certain areas of a meeting room to be available for those who wish to record the meeting; and/or designating certain areas of the meeting room for any members of the public who do not wish to be filmed.
7. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with Democratic Services prior to the meeting and agreement has been reached on how it can be done without disrupting the meeting.
8. The Council will advise the public that the meeting may be filmed, recorded or photographed via notices on the agenda for the meeting and in the meeting room.

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

Part 4.2 Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committee/Panels, the Audit and Corporate Governance Committee, Regulatory Committees, public meetings of the Executive (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law, in particular the public may have additional rights of access to information under the Freedom of Information Act 2000 and/or data protection legislation.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICE OF MEETING

The Council will give at least five clear working days notice of any meeting by posting details of the meeting at Observatory House, Windsor Road, Slough [the designated office] and on its website at Slough.gov.uk unless the meeting is called at shorter notice in accordance with the Provisions of the Local Government Act 1972.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at Observatory House and on its website at least five clear working days before the meeting (Subject to 4 above). If an item is added to the agenda later or a meeting is convened at short notice, the reports and agenda (including revised agenda) will be open to inspection from the time the item was added to the agenda or meeting convened. Where reports are prepared after the summons has been sent out the Head of Democratic Services shall make each such report available to the public as soon as the report is completed and sent to Members.

6. SUPPLY OF COPIES

At the meeting – The Council will make available to the public present at a meeting a reasonable number of copies of the agenda and of reports for the meeting (save during any part of the meeting to which the public are excluded).

The Council will supply copies / make available on its website the following:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Head of Democratic Services thinks fit, copies of any other documents supplied to Members in connection with an item

to any person on payment of a reasonable charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive, excluding any part of the minutes of proceedings which disclose exempt or confidential information; (see rules 10.3 and 10.4 below).
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The author of any report will set out in the report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10 below) and in respect of executive reports, the advice of a political advisor. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 background papers will be published on the Council's website and available for inspection at the Council offices.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC’S RIGHTS

A copy of these Rules containing a written summary of the public’s rights to attend meetings and to inspect and copy documents are incorporated into the Council’s Constitution which is publicly available on the Council’s website.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must by law be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any condition):

Category	Condition
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual.	

Category	Condition
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<p>Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under -</p> <ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes -	<ul style="list-style-type: none"> (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information which

- (a) falls within any of paragraphs 1 to 7 above; and

- (b) is not prevented from being exempt by virtue of the qualification to paragraph 3 or the above paragraph (proposed development for which the local planning authority may grant itself planning permission),

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Authority must release the information unless *“in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”*.

The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

- There is a distinction between the public interest and what merely interests the public.
- Does it further the understanding of and participation in the public debate of issues of the day?
- Does it promote accountability and transparency by public authorities for decisions taken by them or in the spending of public money?
- Does it allow individuals and companies to understand decision made by public authorities affecting their lives?
- Does it bring to light information affecting public health and public safety?

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

11.1 If the Head of Democratic Services thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” and the Agenda shall indicate the category of information likely to be disclosed.

11.2 The relevant body is requested in the agenda to confirm the action set out in 11.1 by resolution. Arrangements will be made to recall the press and public immediately should the motion not be passed.

12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 – 24 apply to the Executive. If the Executive, its Committees or single member meet to take a key Decision then it must also comply with

Rules 1 – 11 unless Rule 15 (General Exception) or Rule 16 (Special Urgency) apply. A key Decision is as defined in Article 13 of this Constitution.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (General Exception) and Rule 16 (Special Urgency), a Key Decision may not be taken unless:

- (a) a Notice of Key Decision (called here a Notification of Decisions) has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the Notification of Decisions; and
- (c) where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

14. NOTICE OF DECISIONS

14.1 Notification of Decisions

The Council will publish a Notification of Key Decisions and other decisions to be taken by the Cabinet over the next three months on a monthly basis. The Notification of Decisions will also contain Notice that a decision is likely to be taken in the confidential part of the meeting and the reason why.

14.2 Contents of the Notification of Decisions

The Notification of Decisions will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Executive, a Committee of the Executive, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) which body will take the decision and that body's membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- (e) the address from which, subject to any prohibition or restrictions on their disclosure, copies of, or extracts from any document listed is available;
- (f) that other documents relevant to those matters may be submitted;

- (g) the procedure for requesting details of those documents (if any) as they become available.
- (h) An indication if the decision (or part of it) is likely to be taken in the confidential part of the meeting and the reasons why.

Exempt information need not be included and confidential information cannot be included.

15. **GENERAL EXCEPTION**

If a Notice of Key Decision has not been published in the Notification of Decisions), then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- (b) the Head of Democratic Services has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter about which the decision is to be made;
- (c) the Head of Democratic Services has made copies of that notice available to the public at the offices of the Council and at Slough.gov.uk; and
- (d) at least 5 clear working days have elapsed since the Head of Democratic Services has complied with (a) and (b).

As soon as reasonably practicable after the Head of Democratic Services has complied with Rule 15 he must make available at Observatory House and publish on Slough.gov.uk the reasons why compliance with Rule 14 is impractical.

16. **SPECIAL URGENCY**

16.1 If by virtue of the date by which a key decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the Chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of Overview and Scrutiny Committee or he/she is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

16.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 he must make available at Observatory House and publish on Slough.gov.uk a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred.

17. **REPORT TO COUNCIL**

17.1 **When the Overview and Scrutiny Committee can require a report**

If Overview and Scrutiny Committee think that a key decision has been taken which was not:

- (a) The subject of a Notice of Key Decision; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the Chair of the Overview and Scrutiny Committee, or the Mayor/Deputy Mayor under Rule 16;

The Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies.

17.2 Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF EXECUTIVE DECISIONS

- 18.1 After any meeting of the Cabinet the Head of Democratic Services will produce a written record of every decision taken at that meeting as soon as practicable.

As soon as reasonably practicable after any key decision made by an officer a written record of the decision will be produced.

The record will include:

- (a) a record of the decision and the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision making body at the meeting at which the decision was made or in the case of a decision made by an individual at the time when he/she made the decision;
- (d) a record of any conflict of interest in relation to the matter decided which is declared by any Member of the decision making body which

made the decision or in the case of an officer decision any conflict of interest declared by any executive Member consulted; and

- (e) in respect of any declared conflict of interest a note of any dispensation granted by the Council's Monitoring Officer.

18.2 The statement required by 18.1 above shall be prepared by:-

- (i) in the case of decisions made by the Executive (or a Committee of the Executive), the Head of Democratic Services (or his/her representative) present at the meeting;
- (ii) in the case of a key decision made by an officer, the officer making the decision.

18.3 A record of significant officer decisions will be published on a monthly basis. The definition of a significant officer decision is contained in Part 3.6 Scheme of Delegation to Officers.

19. **MEETINGS OF THE CABINET TO BE HELD IN PUBLIC**

19.1 Meetings of the Cabinet and its committees will be held in public, unless it is likely that exempt or confidential information would be disclosed or whenever a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting. The public may only be excluded for the part or parts of the meeting during which it is likely that exempt or confidential information would be disclosed. If a meeting moves into Part 2 session any member of the public or press present will be asked to leave.

20. **NOTICE OF PRIVATE MEETINGS OF THE EXECUTIVE [MEETINGS THAT ARE LIKELY TO CONSIDER CONFIDENTIAL/EXEMPT BUSINESS]**

20.1 At least 28 clear days before a private meeting, the Cabinet must:-

- make available at the offices of the Council a notice of its intention to hold the meeting in private (a "Notice of Private Meeting"); and
- publish that notice on the Council's website.

20.2 At least five clear days before a private meeting, the Cabinet must:-

- make available at the offices of the Council a further notice of its intention to hold the meeting in private; and
- publish that notice on the Council's website.

20.3 A notice under paragraph 20.2 must include:-

- a statement of the reasons for the meeting to be held in private;

- details of any representations received by the decision-making body about why the meeting should be open to the public; and
- a statement of its response to any such representations.

20.4 Where the date by which a meeting must be held makes compliance with this Rule impractical, the meeting may only be held in private where the decision-making body has obtained agreement from:-

- the Chair of the Overview and Scrutiny Committee; or
- or if the Chair of the relevant overview and scrutiny committee is unable to act/absent, the Mayor; or
- where there is no chair of either the relevant overview and scrutiny committee and the Mayor is unable to act/absent, the Deputy Mayor,
- that the meeting is urgent and cannot reasonably be deferred.

20.5 As soon as reasonably practicable after the decision-making body has obtained agreement under paragraph 20.4 to hold a private meeting, it must:-

- make available at the office of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- publish that notice on the Council's website.

21. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

21.1 Notice and Attendance

- All members of the Cabinet will be served notice of all meetings of the Cabinet that are likely to consider confidential/ exempt information.
- All members of the Cabinet are entitled to attend meetings of the Cabinet that are likely to consider confidential/exempt information.

21.2 Officer Involvement

The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet.

22. INSPECTION OF DOCUMENTS AFTER EXECUTIVE DECISIONS

22.1 A copy of any report or part report considered by the Executive, when making a decision, will be open to inspection by the public for 6 years from the date the decision was made. Documents containing confidential or exempt information or the advice of a political adviser need not be disclosed. If a document is not disclosed because it contains exempt information, the Head of Democratic Services will prepare a statement. The statement will describe the category of exempt information. The statement will be open to inspection for 6 years from the date of the meeting.

23. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

23.1 Rights to Copies

Subject to Rule 23.2 below, the Overview and Scrutiny Committee and Panels will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to any business transacted at a public meeting of the executive or committee of the executive, a decision taken by an individual member and any decision made by an officer in accordance with executive arrangements.

23.2 Limit on Rights

A Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

Where the Executive determines that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document, it must provide a written statement of the decision to the Committee.

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 Material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business previously transacted at a meeting unless either (a), (b) or (c) below applies:-

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5, 7 of the categories of exempt information; or
- (b) in the case of information falling within paragraph 3 Members have a right to inspect any document unless the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract;
- (c) it contains the advice of a political adviser.

24.2 Material relating to key decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive which relates to any key decision unless paragraph 24.1 (a) or (b) above applies.

24.3 Nature of rights

These rights of a Member are additional to any other right he/she may have.

25. JOINT COMMITTEES

These Rules apply to the Council's Joint Committees as follows:

- 25.1 If all the members of a joint committee are members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.
- 25.2 If the joint committee contains members who are not on the Cabinet of any participating authorities then the access to information rules in Part VA of the Local Government Act 1972, as applicable to meetings of the full Council and its committees will apply.

Part 4.3 Budget and Policy Framework Procedure Rules

1. The framework for Cabinet decisions

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

2. Process for developing the framework

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

BUDGET AND POLICY FRAMEWORK PLANNING

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

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

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

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

3. Decisions outside the Budget or Policy Framework

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

4. Urgent decisions outside the Budget or Policy Framework

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

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

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

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

5. Virement

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

6. In-year changes to Policy Framework

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

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

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

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

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Part 4.4 Executive Procedure Rules

1. HOW THE EXECUTIVE OPERATES

1.1 Who may make Executive decisions?

The Executive is responsible for the discharge of executive functions as set out in this Constitution. Executive functions may be exercised by:

- (i) the executive as a whole (meeting as the Cabinet);
- (ii) a cabinet committee as set out in Part 3.5 Responsibility for Executive Functions
- (iii) an officer;
- (iv) An arrangement with another authority for the discharge of executive functions

1.2 Delegation by the Leader

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

- (i) the name, address and ward of the Member who will serve as Deputy Leader
- (ii) the names, addresses and wards of the Members appointed to the Executive
- (iii) The nature of the portfolio to be held by each Lead Member.

1.3 Sub-delegation of executive functions

The Executive may delegate functions for which it is responsible to a cabinet committee, as set out in Part 3.5 Responsibility for Executive Functions or individual officers. The delegation to officers can include a requirement to consult named Lead Members and officers in advance of a decision. Delegations to a cabinet committee will be subject to call in in the same way as decisions of cabinet are and must fully comply with the Access to Information Rules.

1.4 The Council's scheme of delegation and executive functions

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

1.5 Conflicts of Interest

- (i) Where the Leader or an individual Lead Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (ii) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (iii) If the exercise of an executive function has been delegated to an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by another executive director or the chief executive. If there is no suitable officer to exercise delegated authority, the decision should be referred to Cabinet.

1.6 Urgent Business

Urgent business may only be considered where:

- (i) The Access to Information Procedure Rules of the Constitution have been complied with; or
- (ii) a Member of the Cabinet or any Statutory Officer has requested that an item is placed on the agenda of the meeting at any time before the start of the meeting and the Executive agrees to the item being included on the grounds of urgency. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

1.7 Meetings of the Executive

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

Meetings of the Cabinet or a cabinet committee will be held in public. These meetings will be governed by the Access to Information Rules of this Constitution. Where the Cabinet or a cabinet committee is considering reports on matters which contain confidential or exempt information it may pass a resolution to exclude the press or public in accordance with the Access to Information Rules, having given 28 clear calendar days' notice of the intention to hold a private (or part private) meeting.

The date and time and location of a meeting of the Cabinet or cabinet committee may be changed by the Leader (or chairman for a committee) upon giving five clear working days' notice.

A special meeting of the Cabinet may be called in addition to ordinary scheduled meetings if requested by the following:

- (i) the Cabinet by resolution
- (ii) the Leader
- (iii) the Monitoring Officer or the Chief Financial Officer
- (iv) at least one-third of the Members of the Cabinet, if the Leader has failed to call a meeting within five clear working days of a written requisition by those Members.

Public notice of the time and place of the special meeting must be given. This should be five clear days before the meeting or where the meeting is convened at shorter notice, at the time the meeting is convened. Items of business can only be discussed if they are included on the published agenda.

1.8 **Quorum**

The quorum for the Cabinet and a cabinet committee shall be three.

1.9 **How decisions are taken**

- (i) Executive decisions which have been reserved to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (ii) Executive decisions which are to be taken or considered by a cabinet committee will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

2. HOW EXECUTIVE MEETINGS ARE CONDUCTED

2.1 **Who presides?**

For Cabinet if the Leader is present he/she will preside. In his/her absence, the Deputy Leader or a person appointed to do so by those present shall preside. For a cabinet committee, the appointed Chair will preside and in his or her absence, a person appointed to do so by those present shall preside.

2.2 **Who may attend?**

Any Member of the Council, members of the public and press may attend all meetings of the Cabinet subject to Rule 1.7 above. Statutory chief officers and chief officers can be requested to attend Cabinet meetings. Other officers of the Council may attend meetings as appropriate and as arranged by the Chief Executive and Executive Directors.

2.3 **Questions by Elected Members**

A Member of the Council wishing to speak at a meeting of the Cabinet should give advance written notice. The Leader (or alternative Chair of the Cabinet meeting) has discretion to allow any member of the Council to make a comment and may put a time limit on such comment. If a member of the Council wishes to ask a question of a lead member or the Leader, he should give written notice of the question by 10am on 2nd working day before the

cabinet meeting. The question must relate to an item of business on the Cabinet agenda and each member is limited to one question per agenda item. The Leader will decide who is most appropriate to answer the question. The member may ask one supplementary question. Questions will generally be asked before cabinet members debate the agenda item and the Leader (or alternative Chair) can decide to limit the number of members asking questions to ensure there is sufficient time for cabinet debate on each item.

These rules apply to a cabinet committee.

2.4 Questions by the General Public

At an ordinary meeting of the Cabinet, a resident or taxpayer of the Borough (not being a member of the Council) may ask a question in relation to any item on the agenda.

A maximum of 3 questions may be asked per agenda item and a maximum of 10 questions per meeting. If more questions are received, they will be asked in the order in which they are received. Questions not answered will be responded to in writing on the next working day.

Each questioner is limited to 1 question per agenda item.

Notice

A question may only be asked if notice of the question has been given in writing no later than 10am on the 2nd working day before the meeting (if the meeting is on a Wednesday, the question must be submitted by 10am on the Monday, if the meeting is on a Monday, the question must be submitted by 10am on the previous Thursday).

The notice must give the name and address of the questioner and must name the lead member to whom it is to be put. The questioner must be a resident or pay business rates within the Borough.

The question must be no longer than 100 words.

Record of questions

Copies of all questions asked and a written answer will be made available to cabinet members and the public at the meeting.

If a written answer will take more than 3 minutes, an oral summary will be given and a full response will be provided in writing.

Supplementary questions

A questioner who has put a question in person may also put one supplementary question arising directly out of the original question or reply. A supplementary question may be rejected by the Chair if it would have been

excluded if the question had been submitted in writing. The supplementary answer should take no longer than 3 minutes to answer.

Comments by the public

A resident or taxpayer of the Borough may give notice to make a public comment. Notice of the comment must be given in writing by 10am on the second working day before the meeting. The notice must give the name and address of the questioner, who must be a resident or pay business rates within the Borough. The comment must be no longer than 100 words.

Each resident/taxpayer is limited to one comment per meeting.

A maximum of 3 minutes will be given for comments on each agenda item. If there are more than one resident wishing to make a comment, the Chair can determine how the time will be split. Comments will be permitted in the order in which notice is given.

These rules apply to a cabinet committee.

Exclusions

- The question/comment does not relate to an item on the agenda
- The question/comment relates to an individual case
- The question/comment relates to a staffing matters or conditions of service
- The question/comment is not about a matter for which the Council has a responsibility or doesn't affect the Borough
- The question/comment could be deemed defamatory, frivolous, vexatious or offensive
- The question/comment is substantially the same as a question/comment asked or made in the previous 6 months
- The question/comment or answer would require the disclosure of confidential or exempt information
- The question/comment criticises or purports to criticise an officer's competence and conduct and the officer is identified by name, title or in any other way
- During periods of heightened sensitivity, questions/comments will be restricted if they are deemed to further the aims of a political party or candidate who is standing for election

The decision of the Monitoring Officer on whether a question should be excluded is final.

2.5 Order of business

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

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;

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

2.6 Who can put items on the executive agenda?

- (i) The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The Head of Democratic Services will comply with the Leader's requests in this respect.
- (ii) Any Lead Member may require the Head of Democratic Services to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the Head of Democratic Services will comply.
- (iii) The Head of Democratic Services will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Committee or one of its Panels or the full Council have resolved that an item be considered by the executive.
- (iv) The Monitoring Officer and/or the s.151 Officer may include an item for consideration on the agenda of an executive meeting and may require the Head of Democratic Services to call a meeting in accordance with the special meeting procedure in Rule 1.7 above.

2.7 Voting

The Cabinet will decide all matters by simple majority. The Chair will have a casting vote.

2.8 Guillotine

Meetings of the Cabinet will last not longer than two and a half hours after they start, and should not normally extend beyond 10pm, except in exceptional circumstances as determined under in accordance with this rule. Meetings of a cabinet commercial committee will not last longer than one and

a half hours after they start and if the meeting is scheduled immediately prior to a Cabinet meeting, will automatically end when the Cabinet meeting commences.

A meeting of the Cabinet (or cabinet committee) shall terminate as set out above, unless:

(l) by resolution passed before the closure time, the Cabinet resolves to extend the meeting beyond that time, in one of the following ways, which must be specified by resolution:

(a) to continue in the normal manner and complete the business remaining on the agenda or

(b) to determine a later time by when the meeting must close and, if the business is not completed by that later time, resolve that it be then put to the vote without debate or deferred to another meeting, as appropriate except where this would result in the cabinet committee continuing beyond the start time of a planned Cabinet meeting.

At the time of closure, the Chair will advise the Cabinet that the procedure to terminate the meeting is to be applied:

- (a) any speech commenced and then in progress shall be concluded;
- (b) the Chair will put any motion or recommendation then under consideration to the vote without further discussion;
- (c) all remaining business before the Cabinet shall be put to the vote without discussion or further amendment.

2.9 Implementation of Executive Decisions

In order to allow for Call-In, no executive decision taken by Cabinet or a Cabinet committee can be implemented until the expiry of five clear working days after the decision has been published, unless the decision-taker resolves as part of the decision that its implementation is urgent when the provisions contained in the Overview and Scrutiny Procedure Rules on the Call-In Procedure apply.

2.10 Members' Conduct

When the Chair speaks during a debate, any Lead Member or other speaker must stop speaking.

If any Member present persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member may not be heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

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

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

2.11 Disturbance by Public

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

Following an order by the Chair for one or more members of the public to leave the meeting, if they deem it necessary in the interests of public safety or for the safety of Members and officers present, the Chair may adjourn the meeting for as long as they think necessary.

2.12 Suspension and interpretation of rules

All of these rules of procedure (except the rules on confidential business, exclusion of the public and suspension of the rules) may be suspended by motion with or without notice if at least one half of all Members of the meeting are present and by where such motion is carried by a majority of those present.

The Chair's ruling on the interpretation or application of these rules is final.

2.13 Urgency procedure - Leader's Action

These rules will apply where a matter is reserved to Cabinet, but an urgent decision is required.

When an urgent decision needs to be taken in circumstances where to wait until the next scheduled meeting of the Executive would be prejudicial to the best interests of the Council, then:

The Leader (or in his/her absence, the Deputy Leader) may, after consultation with the relevant Lead Member, take the decision.

Before taking a Key Decision, the Leader (or Deputy Leader) must first consider whether the importance of the matter warrants the calling of a special meeting of the Executive.

The decision must be taken in a way that fully complies with the Access to Information Rules and in particular, if relevant, with the rules relating to "key decisions".

A copy of the minutes of the decision must be published within two clear working days of the decision and published on the Council's website with electronic notification given.

It should be noted that where a decision is deemed to be urgent, and where the Access to Information Procedure Rules has been followed, that decision will not be subject to the call-in procedure provided the Chair of Overview and Scrutiny Committee agrees.

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Part 4.5 Overview and Scrutiny Procedure Rules

1. **SCRUTINY COMMITTEES**

- 1.1 The Council will have a Corporate Improvement Scrutiny Committee with functions as set out in Article 6.

2. **MEMBERSHIP**

- 2.1 All Councillors except members of the Cabinet, the Mayor and Deputy Mayor of the Council shall be eligible for appointment as members of the Corporate Improvement Scrutiny Committee.
- 2.2 The Committee shall be appointed at Annual Council.

3. **CO-OPTees AND PARTICIPATING OBSERVERS**

- 3.1 The Committee shall be entitled to appoint a maximum of six people as non-voting co-optees either as standing members of the Committee or on a time limited basis. Voting co-optees may only be appointed to the Committee to meet statutory requirements (see section 4 below).
- 3.2 Co-optees, and their appointment terms, shall be decided by majority vote of the Committee, with the decision taken having consideration for the positive input an individual or organisation may make to the scrutiny process.
- 3.3 The Committee Chair may invite such participating observers as may be appropriate to support the delivery of Committee priorities on a meeting-by-meeting basis, for example to assist with expert questioning on a particular topic area for a particular agenda item. Participating observers will not have voting rights and the length of their appointment will be agreed at the time of appointment. Such arrangements will be reviewed on a regular basis.

4. **EDUCATION CO-OPTees**

- 4.1 The Committee shall include in its membership the following voting co-optees:
- 1 Church of England diocese representative (where there is at least one maintained Church of England school in the Borough);
 - 1 Roman Catholic diocese representative (where there is at least one maintained Roman Catholic Church school in the Borough);
 - 3 parent governor representatives
- 4.2 These co-optees will only be able to vote on education matters, and invited for those items, though they may stay in the meeting and speak on other matters at the discretion of the Chair.
- 4.3 The Committee shall also include in its membership the following non-voting co-optees:
- 1 Head Teacher representative

- 1 Primary School Teacher representative
 - 1 Secondary School Teacher representative
 - Up to 1 representative of other faiths, where the council maintains a school of that faith.
- 4.4 The Headteacher representative shall be nominated by the Slough Head Teachers at their relevant termly meeting.
- 4.5 The Teacher representatives shall be nominated by the teaching unions.
- 4.6 Any faith representative shall be nominated by the appropriate faith body falling wholly or partly in the Borough.
- 4.7 The parent governor representatives shall be elected from amongst parent governors in a process carried out by Slough Borough Council in accordance with procedures which shall be shared with all parent governors at the outset of such an exercise.
- 4.8 At least one parent governor representative must be from a primary school and at least one should be from a secondary school.
- 4.9 These non-voting co-optees will be invited for education items, although they may stay in the meeting and speak on other matters at the discretion of the Chair.

5. **TASK AND FINISH GROUPS PROTOCOL**

- 5.1 The Committee may, at any one time, commission up to three simultaneous Task and Finish Groups to carry out detailed examination of particular topics for reporting back to the Committee. The Terms of Reference, chairmanship and membership for such Groups shall be agreed by the Committee, and may only be amended by that Committee, although the detail of the scope of the review can be determined by the Task and Finish Group, subject to this being consistent with the Terms of Reference.
- 5.2 Membership of a Task and Finish Group may vary but must include between three and seven Members and may include any member of the Council (including co-opted members of the Corporate Improvement Scrutiny Committee). There is no requirement for political proportionality although cross-party representation is desirable.
- 5.3 Membership of a Task and Finish Group may also include individuals such as officers, members of the public or expert advisors, with specific knowledge of the topic to be examined. The members of the Task and Finish Group will be responsible for agreeing the final report and presenting this back to the Committee for debate and approval of any recommendations.
- 5.4 Forthcoming Task and Finish Groups on the Committee's work programme will be publicised to all members in advance to ensure that there will be enough councillors willing to serve on each Task and Finish Group.
- 5.5 The Corporate Improvement Scrutiny Committee will elect five of its members to be included in the 'Task and Finish Group chairs pool'. Membership of the pool should be politically proportionate as far as is reasonably practicable, but the pool is not subject to proportionality rules and does not count as a committee for the purpose of calculating proportionality. The Corporate Improvement Scrutiny Committee will

appoint Task and Finish group chairs from within this pool as and when Task and Finish Groups are set up.

- 5.6 All Task and Finish Groups shall have a standard maximum duration of 4 months at which point they must bring a final report to the next scheduled Committee meeting based on their progress up to that point, or forfeit the right to report to the committee. The Chair of the Corporate Improvement Scrutiny Committee, in consultation with the Statutory Scrutiny Officer, may agree an extension to this timeline by delaying the commencement of other scheduled Task and Finish Groups.
- 5.7 Task and finish Groups should operate in accordance with the following principles of best practice:
- Wherever possible Task and Finish Groups should be led and comprised of the most appropriate and interested members for that topic – volunteers should be highly valued and any expectations of proportionality or rotation of Task and Finish Group chairs should be applied flexibly where it helps to accommodate this.
 - Task and Finish Group members should feel like they are driving the whole process from scope to recommendations. Members are encouraged to produce drafts of reports and recommendations themselves.
 - External input and evidence into the work of the Task and Finish Group should always be sought.
 - A lead officer will be appointed by the authority to support the Task and Finish Group, supported in turn by the Scrutiny Officer.
 - Engagement with the relevant cabinet portfolio holder(s) about recommendations and the evidence for them should be early and open, in order to allow them to formulate an evidence-based response to recommendations in a timely manner.
 - Recommendations should be tracked and progress reported to Members periodically.

6. **MEETINGS OF THE COMMITTEE**

- 6.1 The Council may determine a cycle of meetings for the Committee, with the Committee meeting a minimum of four times per municipal year. The Chair, or in their absence the Vice-Chair, may change the date or cancel meetings, or call additional and/or extraordinary meetings as they consider necessary to deal with the Committee's work programme.
- 6.2 A meeting of the Committee may be called by its Chair (or in his/her absence, the Vice-Chair) or by the Head of Democratic Services, if he/she considers it necessary or appropriate, for example where senior officers or members of the Committee have requested an additional meeting.
- 6.3 Meetings of the Committee will be held in public and are subject to the Access to Information Rules.
- 6.4 Members of the Committee may be invited to informal meetings by the Scrutiny Officer or Head of Democratic Services to discuss issues relating to the functioning of Scrutiny and work programming.

7. **QUORUM**

7.1 The quorum for the Committee shall be 4 voting, elected Members.

8. **COMMITTEE CHAIR**

8.1 The Chair and Vice Chair of the Committee shall be appointed by Council.

9. **WORK PROGRAMME**

9.1 The Committee will set its own work programme, and in the course of deciding which items to prioritise shall consider the following criteria, in order of importance:

- It fulfil a statutory requirement eg scrutiny of health systems.
- It directly assists in the council's improvement and recovery.
- A scrutiny process will add evidenced value to the issue.
- It reflects public interest.
- It is a corporate priority (ie linked to the Corporate Plan).
- It does not duplicate work of other member bodies or work being undertaken by officers or external bodies.
- The impact of scrutiny involvement is capable of being measurable.

9.2 The committee will have a rolling programme of task and finish groups scheduled as part of its work programme, so as to minimise downtime between Task and Finish Groups.

10. **AGENDAS – REQUEST FOR ITEMS**

10.1 The work programme is to be reviewed annually and will be updated periodically throughout the year. Any member of the Committee shall be entitled to submit a request to the Chair that they wish an item relevant to the functions of that Committee to be included on its work programme. This request should include sufficient information to enable the Scrutiny Officer to advise about the nature and purpose of the item, with regard to the criteria set out above, and to have a discussion with the Chair of the Committee and wider membership. Members may be required to complete a form in order to assist them in this.

10.2 In finalising agendas for individual meetings of the Committee, the Scrutiny Officer shall liaise with the Chair of the Committee.

11. **RIGHTS OF THE COMMITTEE MEMBERS TO DOCUMENTS**

11.1 In addition to their rights as Councillors, Members of the Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

12. **MEMBERS AND OFFICERS GIVING ACCOUNT**

12.1 The Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet,

the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy; and/or
- their performance

and it is the duty of those persons to attend if so required.

12.2 Where any member or officer is required to attend the Committee under this provision, the Scrutiny Officer (under instruction from the Chair) shall inform them giving at least 7 working days notice of the meeting at which he or she is required to attend (unless agreed otherwise). Any notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.

12.3 Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

12.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Committee shall in consultation with the member or officer arrange an alternative date for attendance.

13. **ATTENDANCE BY OTHERS**

13.1 The Committee may invite people to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and representatives from other parts of the public sector and shall invite such people to attend. Representatives from Council companies and key contractors may be invited to attend and address or answer questions. Depending on the terms of the contract, the Council may be able to require attendance, but consideration should be given to whether any part of the meeting should be held in private if matters of commercial confidence are to be discussed.

14. **CALL-IN – CABINET DECISIONS**

14.1 As part of reviewing or scrutinising decisions made in connection with the discharge of executive functions, the Committee has the power to call in a decision where it has not yet been implemented. This permits the Committee to recommend that the decision be reconsidered or for it to be reviewed by Full Council. This is a power which should only be used for key strategic decisions.

14.2 It is important that the call-in process is not abused, nor causes unreasonable delay; the main tool of the Committee is to improve delivery of policies and services through pre-decision scrutiny, rather than call-ins.

14.3 A decision can be called-in when Members:

- Believe it may be contrary to the normal requirements for decision making.
- Believe it may be contrary to the Council's agreed policy framework and/or budget.

- Need further information from the decision-taker to explain why it was taken.

14.4 Exceptions to call-in are as follows:

- that no decision considered and determined by the Committee within the preceding 6 months shall be subject to call-in;
- that call-in can be invoked in respect of any one decision only once;
- where the decision is taken by the Cabinet as urgent and in accordance with urgency procedures, this will only be subject to post-implementation scrutiny.

14.5 Every Cabinet decision which is subject to call-in cannot be implemented until the end of the call-in period or the conclusion of any call-in process, whichever is later. The call-in period lasts for 5 working days after the publication of the decision. Notice of the decision shall be published within 2 working days of being made, and copies of the decisions will be sent to all Committee Members.

14.6 The notice of decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is called in under the provisions set out below.

14.7 Within the call-in period a collective of three elected Members of the Authority may sign a notice requesting that the decision is called in and submit the notice to the Statutory Scrutiny Officer and Head of Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 12 of this Constitution. Requests may also be submitted by email, and in this case, only one Member need submit the actual form, but individual emails in support of the request must be submitted by the other two members specified on the form before the end of the call-in period. A form setting out the information required when submitting a call-in is available from the Scrutiny Office.

14.8 On receipt of the notice of call-in the Statutory Scrutiny Officer will, as soon as possible, notify and seek the views of the Chair and the Monitoring Officer or in their absence, their deputies, as to the reasonableness of the request. The Monitoring Officer will assess the validity of the call-in, in consultation with the Committee Chair. If the Monitoring Officer is minded to reject the call-in, reasons will be given.

14.9 The Statutory Scrutiny Officer will submit a report to the next available meeting of the Committee giving details of the request and Monitoring Officer's reasons for refusing it.

14.10 If it is considered that the request for call-in is valid, the Statutory Scrutiny Officer will convene a meeting of the Committee, unless there is a normal meeting within a reasonable period. Committee members and the relevant lead member/senior officer are expected to make themselves available at short notice to attend the meeting and provide additional information.

15. **CALL-IN – OFFICER KEY DECISIONS**

15.1 The Committee has the power to call-in key decisions made under delegated authority by officers. The purpose is to consider whether to recommend that a decision be reviewed by the Cabinet. This is a power which should only be used in exceptional circumstances.

15.2 If a key decision is made by an officer, it will be recorded in a similar format to the cabinet template and details of the decision will be published and included on the schedule of significant decisions circulated to all Members on a monthly basis.

15.3 Within the call-in period a collective of three elected Members of the Authority may sign a notice requesting that the decision is called in and submit the notice to the Statutory Scrutiny Officer and Head of Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 12 of this Constitution. Requests may also be submitted by email, and in this case, only one Member need submit the actual form, but individual emails in support of the request must be submitted by the other two members specified on the form before the end of the call-in period. A form setting out the information required when submitting a call-in is available from the Scrutiny Office.

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

16. **CALL-IN – ACTIONS THE COMMITTEE CAN TAKE**

16.1 Where the Committee considers a call-in request, the format of the meeting will be as follows:-

- after the Chair opens the meeting the members who asked for the decision to be called-in will be asked to explain their reasons for the request and what they feel should be reviewed;
- the relevant portfolio holder (or holders if more than one is relevant) will then be invited to make any comments;
- the relevant Director or his/her representative will advise the Committee on the background and context of the decision and its importance to achieving Service priorities;
- Committee members will ask questions of members and officers in attendance (note: the call-in proposers would not be able to take part in the Committee's deliberations of the call-in);
- the portfolio holder(s) will be invited to make any final comments on the matter.

16.2 The Committee, after considering the evidence presented to the meeting, will make one of the following decisions:

- Agree to take no further action on the decision (reason for that decision to be recorded in the minutes and Members are advised).
- Refer the decision back to the decision-maker for re-consideration, or to Cabinet (in the case of an officer decision), making any recommendations in relation to the decision.
- Refer the matter to Full Council to scrutinise the decision.
- The Committee can make wider recommendations to Cabinet, including lessons learned as part of a recommendation to Cabinet, whilst also agreeing that no further action is required in relation to the specific decision.

17. **RESPONSE/ACTION THAT CAN BE TAKEN BY CABINET ON RECEIPT OF VIEWS OF THE COMMITTEE**

17.1 On receipt of a call-in report from the Committee, Cabinet/the officer can:

- Make the original decision without any changes.
- Reconsider the decision and reach a different decision – reasons must be given for reaching a different decision and it must be supported by evidence.
- For an officer, refer the matter to Cabinet for a decision.
- In addition to the above options, Cabinet can decide that it wishes to receive a further report on any wider learning points resulting from the Committee's recommendations, for instance a review of policy.

17.2 On receipt of a report from Committee for other matters, Cabinet can:

- Note and agree with the recommendations of the Committee (including agreeing to some but not all recommendations).
- Request officers to undertake further work in response to recommendations.
- Refer the matter to Full Council or a committee for action.
- Note and not accept the recommendations, giving reasons back to the Committee.

18. **URGENCY**

18.1 A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

18.2 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call-in.

19. **CONSIDERATION OF OVERVIEW AND SCRUTINY REPORTS BY THE CABINET**

19.1 The agenda for Cabinet meetings shall include a standing item entitled 'References from Overview and Scrutiny'. The reports of the Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Cabinet within two months, the Cabinet will give an explanation of the reasons to the Chair of the Committee as soon as practicable.

19.2 The Committee will have access to the Cabinet's forward plan and decision notices.

20. **COUNCILLOR CALL FOR ACTION**

20.1 The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council, via the Scrutiny process.

20.2 Any Member may request that an item is placed on the agenda of the Committee for consideration. The Member making that request does not have to be a member of the Committee.

20.3 The Call for Action should be an option of “last resort”. In considering whether to refer to a matter in accordance with these provisions, Members must have regard to relevant guidance issued by the Secretary of State. A Call for Action will only be included on the Committee agenda if the Chair, in consultation with the Monitoring Officer, is satisfied that:

- the Member has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners;
- the issue of concern is a matter in respect of which the Council has a statutory power or duty and is not precluded by adopted Council policy or legislation; and
- the issue of concern has a demonstrable impact on a part or the whole of the Member’s electoral ward.

and accordingly information to support the above matters should accompany the Call for Action request.

20.4 A Call for Action cannot, in any event, relate to:

- a planning decision;
- a licensing decision;
- any matter concerning an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Committee; or
- any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.

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

20.6 A valid Call for Action will be considered at the next ordinary meeting of the Committee or at a special meeting of the Committee within 14 days of validation whichever is the sooner.

20.7 The subject matter of the Call for Action will be the subject of a report from the relevant Director, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Committee meeting to provide that information, make representations and answer questions.

20.8 The Call for Action will be considered by the Committee in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules of the Constitution.

20.9 The Member who referred the matter under sub-paragraph 20.2 above may address the Committee in respect of the Call for Action for up to 10 minutes.

20.10 The Committee may also consider representations from any residents of the electoral ward affected by the Call for Action, subject to the discretion of the Chair.

20.11 If the Call for Action concerns issues that fall within the remit of the Cabinet, the relevant Cabinet Portfolio Member shall also attend the Committee to answer questions and make any representations.

21. REPORTS AND RECOMMENDATIONS ON CALLS FOR ACTION

21.1 Where the Committee makes a report or recommendations to the Council or the Cabinet as a result of a reference under paragraph 20.1 above, the Committee may publish the report, subject to the provisions of Part 5 of the Local Government Act 2000 ("the 2000 Act") in relation to confidential or exempt information.

21.2 The Committee will, by notice in writing to the Head of Democratic Services, require the Council or Cabinet:

- to consider the report or recommendations;
- to respond to the Committee indicating what, if any action the Council or Cabinet proposes to take;
- if the Committee has published the report or recommendations, to publish the response, subject to the provisions of Part 5 of the 2000 Act relating to confidential or exempt information;
- if the Committee provided a copy of its report or recommendations to the Member who referred the matter to the Board, to provide that Member with a copy of the response, subject to the provisions of Part 5 of the 2000 Act in relation to confidential or exempt information;

and to do so within two months of the date when the Council or Cabinet received the report or recommendations or (if later) the date when the Head of Democratic Services received the notice.

22. SCRUTINY OF CRIME AND DISORDER MATTERS

22.1 The Committee is designated as the Council's Crime and Disorder Committee (in accordance with section 19 of the Police and Justice Act 2006) with responsibility for scrutinising crime and disorder and community safety matters.

22.2 Any Member of the Council may give notice to the Scrutiny Officer that he/she wishes an item which he/she considers to be a crime and disorder matter to be included on the agenda for discussion at the Committee.

22.3 The procedure for dealing with such requests shall be the same as those for any request for an item to be added to the Committee's work programme.

22.4 The Call for Action and Call-in rules apply to crime and disorder matters in the same way as for other matters.

22.5 Where the Panel makes a report or recommendations to the Council it must:

- provide a copy of the report or recommendations to the Member who referred the matter to the Committee and
- provide a copy of the report or recommendations to such of:
 - (a) the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998); and
 - (b) the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998);

as it thinks appropriate.

22.6 Where the Committee makes a report or recommendations to the Council or provides a copy of a report or recommendations, the Committee must notify the Council, body or person to whom it makes or provides a copy of the report or recommendations that the Council, body or person must:

- consider the report or recommendations;
- respond to the Committee indicating what (if any) action it proposes to take;
- have regard to the report or recommendations in exercising its functions.

22.7 For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations, 2009, the Committee will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than once in every 12 month period.

22.8 Where the Committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the Police and Justice Act 2006, the Committee shall review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.

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Part 4.6 Financial Procedure Rules

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1 INTRODUCTION

1.1 PURPOSE OF THE FINANCIAL PROCEDURE RULES

- 1.1.1 The Financial Procedure Rules (FPR's) provide the framework for managing the financial affairs of the Council. These rules apply to all Members, officers, contractors and partners in the work they do for the Council.
- 1.1.2 The Executive Director of Corporate Resources, is the Chief Finance Officer, also known as the s151 Officer, and has statutory duties in relation to the financial administration and stewardship of the Council.
- 1.1.3 The Local Government Act 1972 (Section 151) makes the Chief Finance Officer ("CFO") responsible for the proper administration of the Council's financial affairs. These FPR's are issued in accordance with these responsibilities.
- 1.1.4 Slough Borough Council has been placed in the control of Commissioners appointed by the Department for Levelling Up Housing and Communities with effect from 1 December 2021. These Commissioners have taken on the responsibilities under s151 of the LGA 1972 for a period of up to 3 years.
- 1.1.5 The FPR's in this document form part of the Council's Constitution. The Constitution prescribes a framework to ensure:
- the effective management of the Council's activities
 - that high standards of integrity are exercised in the use of public funds.
- 1.1.6 The FPR's govern the way the Council undertakes financial forward planning, annual budget setting, budget monitoring and closing of the accounts.
- 1.1.7 The FPR's also govern the way day to day financial administration is conducted and financial controls are exercised.
- 1.1.8 The Scheme for Financing Schools, which follows the requirements of the School Standards and Framework Act 1998, governs School Governors, Headteachers and school staff of Maintained schools with delegated budgets. A local financial guide for schools supplements the Scheme for Financing Schools. In these cases, the FPR's do not apply. Each school is required to have a financial management policy and procedures document.
- 1.1.9 These procedures shall be reviewed regularly by the Chief Finance Officer but at least every three years. The Cabinet will recommend to Council for approval all amendments and summaries of changes resulting from the review.
- 1.1.10 The Chief Finance Officer is required to control and be responsible for the accounts and finances of the Council in every respect and ensure, as far as possible, that consistent financial systems operate throughout the entire operation of the Council.

1.2 ROLES AND RESPONSIBILITIES

1.2.1 All Directors (Executive Directors and Associate Directors to include the Chief Executive) of the Council have an obligation within their Directorates to promote and comply with the following:

- to formulate, allocate and manage capital and revenue budgets approved by Full Council.
- to be accountable for their Directorate's officers
- to ensure security, custody and control of all assets under their control including but not limited to:
 - Property, Plant and Equipment
 - Vehicles
 - Cash, stock and materials
 - Debtors and other receivables

Directors are responsible for maintaining the Council's system of controls, financial and otherwise. They are required to ensure the accuracy and integrity of financial information and other systems operating with their Directorates. This is to enable reasonable assurance to be provided to the Chief Finance Officer that the Council's financial regulations are being complied with.

1.2.2 Executive Directors (to include the Chief Executive) are responsible for ensuring that Lead Members are advised of the financial implications of all proposals.

1.2.3 Executive Directors (to include the Chief Executive) are responsible for keeping up to date any local and central finance systems and should provide the finance team with full access to any locally held financial records and systems.

1.2.4 Executive Directors (to include the Chief Executive) are responsible for maintaining an internal scheme of delegation, setting out delegation for financial decision-making.

1.2.5 Each Directorate will have a Strategic Finance Manager nominated by the Section 151 Officer to act as the finance representative for the respective Directorate. They are responsible for providing advice on financial matters to officers in each Directorate, ensuring a common understanding of requirements.

1.2.6 Executive Directors (to include the Chief Executive) will nominate Officers within their Directorates to act as budget holders. The primary responsibility of a budget holder is to administer the financial affairs of their allocated service area(s).

1.2.7 With regards to budgetary controls, budget holders will work with Strategic Finance Managers to:

- a. monitor transactions incurred or received against their budgets, forecast a full year position (monthly) and provide explanations for changes and variances against budget.
- b. ensure all accounts payable are settled within 30 days (unless separately agreed with the Section 151 Officer and other appropriate stakeholders)
- c. reconcile all cash received by their service on a monthly basis against bank account(s) and the relevant feeder system(s)

- d. ensure all monies due to the Council are recorded accurately and promptly recovered.
- e. identify commitments against their budgets for year-end accounting to recognise accruals and prepayments as required.
- f. reconcile their own records to the Council's financial information system on a regular basis and take corrective action promptly to deal with any problems that may arise.
- g. maintain and provide as requested robust, clear working papers and evidence for all transactions recognised against their budgets.
- h. comply with the guidance set out in these Regulations and any additional guidance issued by the Section 151 Officer.

1.2.8 Whilst budget holders will be responsible for much of the day-to-day operational responsibility, the Executive Directors (to include the Chief Executive) bear the ultimate responsibility for ensuring the proper management of the Council's resources within their Directorate including delivering the service within the agreed budget envelope; by taking appropriate action where an overspend seems likely; planning actions to ensure the budget is not exceeded and informing and agreeing remedial action with the s151 officer where exceeding the approved budget is looking likely.

1.2.9 All officers should be aware of these FPR's and relevant procedures for their directorate and team. If an officer is unclear about their authorisation or role, they should seek advice from their line manager or finance lead.

1.2.10 All officers (including temporary and agency staff and consultants) have a responsibility for use of the Council's assets and resources. These responsibilities are set out in the Local Code of Conduct for Employees. This includes a responsibility to report any concerns about financial irregularity, corruption or fraud to a line manager, finance lead, statutory officer or if needed, via the Council's whistleblowing procedure.

2. FINANCIAL PLANNING AND FINANCIAL MANAGEMENT

2.1 BUDGET STRATEGY

2.1.1 The Budget Strategy sets out the Council's proposed income and expenditure, both revenue and capital, and the level of council tax, for the following financial year, including the way in which corporate service priorities are considered, the level of balances and reserves, and the management of financial risks.

2.1.2 The Council's policies for the recovery of debt are separately approved by the Cabinet.

2.1.3 The Budget Strategy and Medium-Term Financial Strategy will normally be recommended by the Cabinet to Full Council for approval in the February preceding the start of each financial year.

2.2 MEDIUM TERM FINANCIAL STRATEGY

2.2.1 The Chief Finance Officer, in consultation with the Cabinet Member for Financial Oversight, Council Assets and Performance, will maintain a Medium-Term

Financial Strategy that covers a period of at least three financial years, including the current financial year.

- 2.2.2 The Medium-Term Financial Strategy will be produced and reported in conjunction with the annual budget, council tax and rent proposals to the Cabinet and Full Council before 11 March of the preceding financial year. Further updates on the Medium-Term Financial Strategy may be reported during the year.
- 2.2.3 The Financial Forward Plan will cover revenue and capital budgets and will highlight how resources are being re-directed to address Corporate Plan priorities.
- 2.2.4 In that the Medium-Term Financial Strategy spans a number of years; it is to be expected that figures in later years will often be preliminary estimates and/or aspirations of future decisions and changes in council policy.

2.3 ANNUAL BUDGET SETTING

- 2.3.1 The Council will publish a draft budget for consultation. Arrangements for budget consultation will be determined by the Council.
- 2.3.2 The Chief Finance Officer will set the council tax base for tax-setting purposes before 31 January of the preceding financial year and notify precepting and levying bodies of this figure by this date. The Chief Finance Officer will notify all Council Members via the Cabinet and Full Council.
- 2.3.3 The Cabinet will finalise its recommendations to Council on the revenue budget, council tax, capital programme and rent levels taking account of the results of budget consultation. This will normally be in February, following announcement of the Final Local Government Finance Settlement. Committees will work up proposals for consideration by the Cabinet in advance.
- 2.3.4 Cabinet's recommendations to Council must be made in time for Council to set the capital and revenue budget and council tax before 11 March of the preceding financial year.
- 2.3.5 The Chief Finance Officer shall advise the Council whether s/he is able to certify that the draft Budget contains robust estimates and reserves for the purpose of meeting the requirements of Section 25 of the Local Government Act 2003.

Fees and Charges

- 2.3.6 The budget recommended by Cabinet to Full Council will incorporate the latest projection of income from fees and charges. Full Council will approve all fees and charges as part of the budget report. All fees and charges are approved by Full Council as part of the budget setting process. Changes to fees and charges should be included in the budget proposals submitted as part of the budget setting process. The Cabinet reviews all fees and charges which then form part of the budget. There are delegated powers in place for Cabinet to make in-year changes to fees and charges under the scheme of delegation.

Capital Programme and Budget

2.3.7 The Capital Programme has been developed following these principles:

- To maintain an affordable five-year rolling capital programme.
- To ensure capital resources are aligned with the Council's strategic vision and corporate priorities.
- To undertake prudential borrowing only where there are sufficient monies to meet, in full, the implications of capital expenditure, both borrowing and running costs.
- To maximise available resources by actively seeking appropriate external funding and disposal of surplus assets.

Alternative Budget Motions

2.3.8 Any Member proposing to put forward to Council any amendment to the draft Budget or any alternative Budget should provide a copy of initial amendments to the Chief Finance Officer and Monitoring Officer as soon as possible and at least 10 clear working days before the Council meeting. These initial amendments should be validated and clearly laid out including all supporting assumptions. Final completed budget amendments in a format that can be presented to Council should be submitted to the Chief Finance Officer and Monitoring Officer at least 5 clear working days in advance of the Council meeting so that s/he may advise Council whether the resulting amended or alternative budget would provide robust estimates and reserves for the purpose of section 25 of the Local Government Act 2003.

2.4 BUDGET MANAGEMENT & MONITORING

2.4.1 Making changes to the budget

A virement is the transfer of budget from one specific area to another. This can either be a transfer within revenue budgets or capital budgets but not between revenue and capital.

2.4.2 The virement scheme is intended to enable the Executive Directors (to include the Chief Executive) and their officers to manage budgets with a degree of flexibility within the overall framework determined by the Council, and therefore optimise the use of resources.

2.4.3 Amendments to the revenue budget can only be made with approval as per the scheme of virement table below:

virements for allocation from contingency for amounts up to and including £500,000 must be approved by the Chief Finance Officer
virements for allocation from contingency for amounts over £500,000 must be approved by the Cabinet

virements within a service in a Directorate that do not alter the approved bottom line are approved by the Executive Director (to include the Chief Executive) of that Directorate and consulted on with Lead Members.
virements between services within the same Directorate (excluding contingency allocations) must be approved by the relevant Executive Director of that Directorate and Lead Member.
virements between different Directorates (excluding contingency allocations) up to £50,000 must be approved by the relevant Executive Directors (to include the Chief Executive) of both Directorates and subject to consultation with Lead Members.
virements between different Directorates (excluding contingency allocations) over £50,000 and up to and including £500,000 must be approved by the relevant Executive Directors (to include the Chief Executive) and Chief Finance Officer in consultation with the Cabinet Member for Financial Oversight, Assets and Performance and subject to consultation with Lead members
Virements between different Directorates (excluding contingency allocations) over £500,000 must be approved by Cabinet.
Revenue budget virements between approved budget heads of expenditure and /or income in excess of £500,000 in any one case or in aggregate in any year or approval of funds from reserves or from windfall receipts must be considered and approved by Cabinet.

1.4.5 No revenue virement is allowed between the following budgets without approval of the Chief Finance Officer:

- Financing charges,
- Rates and other taxes,
- Recharges and Insurances
- Reserves and contingencies
- HRA / General Fund.

2.4.6 Amendments to the capital budget can only be made with approval as per the table below:

Capital Virements
Cabinet approval is required for all capital budget and funding virements and yearly profile changes (slippage or accelerated spend) between approved capital programmes i.e., as per the budget book. The report must show the proposed: <ul style="list-style-type: none"> (i) Budget transfers between projects and by year. (ii) Funding transfers between projects and by year; and (iii) A summary based on a template approved by the Chief Finance Officer
The Chief Finance Officer can approve virements of capital monies up to £1m under delegated responsibilities but these must be reported to Cabinet on a quarterly basis.
Cabinet approval is required for all capital additions to the capital programme. All Capital additions are reviewed by senior officers prior to being recommended for approval to Cabinet. Capital additions should also be included in the quarterly budget monitoring report to Project Review Board for noting.

Funding substitutions in order to maximise funding are the responsibility of the Chief Finance Officer.
Cabinet can approve spend on new capital projects up to £5m where expenditure is covered by external grant, is in accordance with the Council's treasury management strategy, has no full year revenue implications and does not exceed £20m in total in any one year
The Chief Executive can approve virements between projects of up to £1m following consultation with the Chief Finance Officer and the Lead Member
The Chief Finance Officer can approve virements between projects of up to £500k following consultation with the Lead member
Executive Directors can approve virements between projects of up to £250k following consultation with the Chief Finance Officer and the Lead Member.

Budget Monitoring

- 2.4.7 Executive Directors (to include the Chief Executive) are required to notify the Chief Finance Officer of all underspends, over-recovery of income or windfall benefits arising within their revenue and capital budgets. Where these occur, they should in the first instance be transferred to the contingency budget unless regulations specify restrictions on their use which make this inappropriate or the under spend, additional income or other financial benefits are to be used to offset uncontrollable overspends elsewhere within the service. The Executive Directors (to include the Chief Executive) are responsible for notifying the Chief Finance Officer that this is to occur. Approval to these budget variations will be in line with the scheme of virement.

Budget Monitoring – Revenue

- 2.4.8 Executive Directors (to include the Chief Executive) should ensure that their revenue cost centre managers do not enter into commitments before satisfying themselves there is sufficient approved budget provision. Executive Directors (to include the Chief Executive) have no authority to overspend revenue budgets, or under-recover income budgets under their control, and are responsible for monitoring their budgets to ensure this situation does not arise.
- 2.4.9 It is the responsibility of Executive Directors (to include the Chief Executive) to notify the Chief Finance Officer of forecast revenue budget or capital project overspends regardless of whether offsetting savings or additional income have been identified.

Budget Monitoring – Capital

- 2.4.10 Forecast overspends on approved capital projects must be communicated through the Chief Finance Officer to the Cabinet as soon as possible with options for offsetting the forecast overspend.

Central Contingency

- 2.4.11 The Chief Finance Officer will determine which budget risks and uncertainties are to be held within the central contingency.
- 2.4.12 Allocations from the central contingency relating to planned developments will be approved by the Chief Finance Officer, following the receipt from an Executive Director (to include the Chief Executive) of a fully costed proposal to incur expenditure that is in line with planned development (including full year effect). Where there is a significant increase in the full year effect (over £250,000), the contingency allocation must be approved by the Cabinet.
- 2.4.13 Allocations from the central contingency for unplanned expenditure, including proposals to utilise underspends previously generated within the service and returned to central contingency, will be approved by the Chief Finance Officer. Where there are competing bids for use of under spends, additional income or windfalls previously returned to central contingency, an assessment of priority will be undertaken by the Chief Finance Officer to determine allocation of the funds. Allocations for unplanned expenditure over £500,000 must be approved by Cabinet.

Balances and Reserves

- 2.4.14 Allocation to and from the balances and reserves will be the responsibility of the Chief Finance Officer in line with the principles that Full Council have agreed.
- 2.4.15 Any significant change in the planned use of a reserve greater than £500k must be approved by the Cabinet.

Budget Monitoring – reporting

- 2.4.16 The Chief Finance Officer will report in detail to Cabinet at the end of each quarter as a minimum, on the revenue and capital budgets and wider financial standing and will make recommendations for varying the approved budget (revenue and capital) where necessary.

2.4.17 Full Year Effects

In preparing any estimates of expenditure and income, Executive Directors (to include the Chief Executive) and Assistant Directors must give proper consideration to full year effects.

2.4.18 Annual Governance Statement

Executive Directors (to include the Chief Executive) must support the work on corporate risk management contributing to the production of the Annual Governance Statement that has to be published alongside the Statement of Accounts.

2.4.19 Partnership Working

Before entering into a partnership with another organisation that involves pooling some of the Council's revenue and/or capital budgets, the Executive Directors (to

include the Chief Executive) in consultation with the Chief Finance Officer and after approval by Lead Member(s) must ensure that adequate financial controls are in place. A financial risk assessment must also be prepared and monitored over time.

The Chief Finance Officer should maintain a register of all such partnership arrangements and the authorised signatories for approving expenditure.

2.4.20 Authorisation of Non-Budgeted Expenditure (Emergency Payments)

2.4.21 Emergency payments may arise as a consequence of unforeseen circumstances (e.g. as a consequence of a natural disaster, a civil emergency or a court order etc.) where budget provision has not been made and the payment cannot be covered within the relevant service's existing budget.

2.4.22 Emergency payments greater than £50k can only be made by decision of the Executive Directors (to include the Chief Executive) in line with guidance issued by the Chief Finance Officer. All such emergency payments should be reported to the next meeting of the Cabinet.

2.5 CLOSING OF ACCOUNTS & STATEMENT OF ACCOUNTS

2.5.1 The Chief Finance Officer is responsible for making arrangements for closing the Council's accounts and producing the annual Statement of Accounts, as well as all matters relating to their audit and public inspection.

2.5.2 Executive Directors (to include the Chief Executive) are responsible for ensuring that staff adhere to the timetable and requirements set out by the Chief Finance Officer for the closing of accounts, and provide any information and evidence required in relation to this.

2.5.3 In accordance with International Standard on Auditing (ISA) 260, the external auditor is required to issue detailed reports to those charged with governance on matters arising from the audit of the Council's accounts. There is also an Annual Audit Letter which includes the external auditor's report and opinion on the audit of the accounts, as well as a conclusion on the Council's arrangements for providing Value for Money. These reports will be considered by the Audit and Corporate Governance Committee as part of the completion of the annual audit of the financial statements.

2.6 TREASURY MANAGEMENT FRAMEWORK

2.6.1 Cabinet will approve and maintain a Treasury Management Policy Statement, stating the policies and objectives of its treasury management activities based upon the relevant CIPFA Codes.

2.6.2 The Cabinet will receive reports on its treasury management policies, practices and activities. These reports will incorporate the prudential borrowing limits and performance indicators. Cabinet will receive an annual strategy and plan in advance of the year, and an annual report after its close in the form prescribed in the Treasury Management Practices.

- 2.6.3 The Chief Finance Officer has the delegated authority to undertake all borrowing on behalf of the Council in line with the Treasury Management Strategy agreed by the Council each year and will report all activity to Lead Members on a quarterly basis and on at least an annual basis to the Cabinet.

3. FINANCIAL ADMINISTRATION, SYSTEMS AND PROCEDURES

3.1 ACCOUNTING

- 3.1.1 All accounting arrangements across the Council shall be in a manner approved by the Chief Finance Officer, taking into account best practice guidance issued by relevant external bodies, such as CIPFA and national guidance.
- 3.1.2 There must be adequate separation of duties to ensure that no one officer is able to handle any financial transaction from start to finish without there being some mechanism for independent checking. By finish is meant the completion of the accounting for the transaction.
- 3.1.3 All accounting should occur on the Council's Accounting System and any exceptions must be specifically authorised by the Chief Finance Officer.

3.2 BANKING ARRANGEMENTS

- 3.2.1 The Chief Finance Officer must approve all banking and card acquiring arrangements across the Council and must be satisfied with the safe keeping of all controlled banking stationery.
- 3.2.2 The Chief Finance Officer will maintain a register of all bank and card acquiring contracts.
- 3.2. The Chief Finance Officer will be responsible for ensuring that the Council's banking arrangements are reviewed on a regular basis and that the banking contract is reviewed every three years.
- 3.2.5 Chief Officers are responsible for ensuring that the any staff in their areas that use the Procurement Cards adhere to the requirements of the SBC Purchasing Card Guide and Terms and Conditions.

3.3 ASSETS

- 3.3.1 Executive Directors (to include the Chief Executive) are responsible for the proper security of all buildings, stocks, furniture, equipment and cash etc. within their service. The Chief Executive shall exercise a co-ordinating role on security issues and shall be consulted where it is felt that security is inadequate or in special circumstances.
- 3.3.2 Maximum limits for cash holdings (imprest accounts) shall be set by the Chief Finance Officer, which may not be exceeded without prior authority. Areas where

cash is counted and held must be secure and with access restricted only to authorised staff.

3.3.3 Executive Directors (to include the Chief Executive) are responsible for the sale or disposal of non-property/land assets employed in their service, and for accounting for these transactions. All disposals are to be reported to the Chief Finance Officer on a quarterly basis. All property or land sales and purchases are to be managed in accordance with disposal and acquisition strategies. Certain land transactions are reserved to Cabinet as set out in the Part 3.5 of the Constitution – Responsibility for Executive Functions.

3.3.4 Executive Directors (to include the Chief Executive) are responsible for implementing a system for the maintenance of stocks and stores including regular stock checks and write offs when required.

3.4 IMPREST ACCOUNTS

3.4.1 The Chief Finance Officer must authorise all imprest accounts and the imprest account holder must comply with the rules set by the Chief Finance Officer.

3.5 INCOME

3.5.1 The Council will usually charge for all services, where allowable, and have charging policies in place.

3.5.2 Officers should encourage payment in advance or at point of service delivery wherever possible as per the Council's Debt Management Policies and minimise the amount of credit given to customers.

3.5.3 All records relating to income due to the Council, accounts raised, and receipts issued shall be in a format agreed by the Chief Finance Officer.

3.5.4 Officers responsible for controlled stationery must keep it secure. Methods of payment must be agreed by the Chief Finance Officer.

3.5.5 The Chief Finance Officer, or officer nominated by the Chief Finance Officer, may authorise payment by instalments if full payment cannot be obtained immediately, in accordance with the Debt Management Policy.

3.5.6 Officers receiving monies shall keep an accurate and chronological account of all receipts and banking.

3.5.7 Monies received must be banked on the day of receipt wherever possible, and not later than the next working day. All amounts paid in must be referenced to enable subsequent identification of the accounts to which they relate. All cheques, postal orders etc. shall be crossed with the crossing stamp provided.

3.5.8 No deductions may be made from monies received.

- 3.5.9 Executive Directors (to include the Chief Executive) must notify the Chief Finance Officer of all monies due to the Council under contracts, leases or other agreements and the cessation of use or change of user affecting this income.
- 3.5.10 Invoicing & Debt Recovery
- 3.5.11 Officers responsible for raising invoices must ensure that VAT has been properly accounted for.
- 3.5.12 The Council's Debt Management Policies, should be subject to regular review and approved by Cabinet every three years, and set out the Council's policy and procedures in relation to the billing, collection and recovery of monies owed to the Council and is to be adopted across all services within Slough Borough Council.

3.6 INSURANCE

- 3.6.1 The Chief Finance Officer is responsible for maintaining the Insurance Strategy arranging adequate insurance cover for the Council and keeping comprehensive records of all risks covered and will report any changes to Cabinet.
- 3.6.2 Executive Directors (to include the Chief Executive) must notify the Chief Finance Officer immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks.
- 3.6.3 Any incident which could give rise to an insurance claim must be promptly notified to the Chief Finance Officer by the relevant officer, who shall also inform the Police if appropriate.
- 3.6.4 The Chief Finance Officer will handle all insurance claims, in conjunction with the insurance company if proceedings are issued.
- 3.6.5 Officers must obtain advice from the Chief Finance Officer, Monitoring Officer and Insurance officer as appropriate in relation to granting any indemnity.
- 3.6.6 Officers in receipt of a motor vehicle allowance must produce registration documents, insurance policy, certificate of insurance and test certificate if required by the Chief Finance Officer. Insurance policies must be comprehensive and cover use on official business.

3.7 INVESTMENTS, BORROWING, CAPITAL FINANCING & TRUST ACCOUNTS

- 3.7.1 The Chief Finance Officer shall ensure that the Council's money is properly managed and controlled in a way which balances risk with return but with the overriding consideration being given to the security and liquidity of the Council's investment.
- 3.7.2 All investments, except bearer securities, controlled by the Council shall be registered in the Council's name or in the name of nominees approved at a Cabinet.
- 3.7.3 All securities shall be held securely by the Council's bankers, or custodians approved by the Cabinet.

- 3.7.4 The Chief Finance Officer shall ensure that all borrowing is registered in the name of the Council. The Chief Finance Officer is responsible for trust funds and ensuring that funds are only drawn down for the purposes intended as set out in the Trust deed and that accounts are prepared and audited each year. Any trust funds must be separately identified and accounted for, but otherwise should be managed in accordance with these procedural rules
- 3.7.5 The Chief Finance Officer will also provide regular monitoring reports to Cabinet and report any breaches or amendments of the Prudential Code to Council.

3.8 ORDERING OF SUPPLIES, WORKS & SERVICES

- 3.8.1 All contracts are subject to the Contract Procedure Rules and Executive Directors (to include the Chief Executive) must have systems in place to ensure that only authorised officers are allowed to place purchase orders, and that purchase orders are only raised when there is sufficient budget available. As a result of the section 114 notice all payments over £500 are required to be approved by the Expenditure Control Panel.
- 3.8.2 **Creation of a purchase Order (PO):** Once the purchase has been agreed, a purchase order must be raised on the council's accounting system.

Payment of an invoice: Authorised officers must ensure that a purchase order has been raised on the accounting system and successfully communicated to the supplier. Invoices in respect to works, supplies and services will be paid by the Central Accounts Payable Team, but only after the authorising officer has, where necessary, first receipted the supply on the accounting system.

- 3.8.3 All invoices must reference a valid purchase order number, otherwise the Central Accounts Payable Team reserves the right to refuse payment of an invoice.
- 3.8.4 To enable the Council to comply with the Late Payment of Commercial Debts Regulations, no amended invoices will be accepted and a new invoice with a revised date will be required.
- 3.8.5 The Central Accounts Payable Team will perform a three-way match against the purchase order, goods receipt and invoice, prior to making a payment. Invoices from trusted suppliers, (as advised by the Corporate Commercial Team) will only require a two-way match. Invoices that do not pass these criteria will be returned to the service for amendment.
- 3.8.6 **Payments in advance:** Payments in advance should be the exception rather than the norm. Executive Directors (to include the Chief Executive) prior to authorising payments in advance, must undertake a risk assessment of the supplier or service provider defaulting. All payments in advance must be notified to the Chief Finance Officer for approval before payment.

3.9 TAXATION

- 3.9.1 The Chief Finance Officer is responsible for ensuring compliance with all relevant taxation regulations and guidance that affect the Council either directly, as a consequence its own activities, or indirectly, as a consequence of service delivery through external partners.

3.10 AMENITY & UNOFFICIAL FUNDS

- 3.10.1 Amenity or Unofficial Fund relates to all sums of money other than those which are required to be paid into the Council's General Bank Account (or such other account so authorised by the Chief Finance Officer) or Trust Fund monies outside the authority of the Council.
- 3.10.2 All accounts can only be opened by the Chief Finance Officer and their names shall include the name of Slough Borough Council and the establishment concerned. There is no exception to this rule.
- 3.10.3 Provided the Chief Finance Officer approves and is satisfied with accounting and security arrangements, separate accounts need not be opened for funds of small amounts.

4 RISK MANAGEMENT AND CONTROL OF RESOURCES

4.1 RISK MANAGEMENT

- 4.1.1 The Cabinet and Audit and Corporate Governance Committee are responsible for approving the Council's risk management framework and for reviewing the effectiveness of risk management. Individual services are responsible for ensuring the proper management of risk.
- 4.1.2 The Chief Finance Officer is responsible for
- a. Preparing and promoting the Council's Risk Management Strategy
 - b. Developing risk management controls in conjunction with other Executive Directors
 - c. Reporting to Members of the Audit and Corporate Governance Committee on the effectiveness of the risk management process and any changes to it in the Annual Governance Statement.
- 4.1.3 Executive Directors and their officers are responsible for the identification of risk and the associated mitigating actions to reduce that risk in their service areas, and the implementation of the mitigating actions

4.2 INTERNAL CONTROL

- 4.2.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

- 4.2.2 The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 4.2.3 It is the responsibility of Executive Directors (to include the Chief Executive) to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets. The Executive Directors are responsible for the implementation and maintenance of sound systems of internal control in their service areas
- 4.2.4 The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.
- 4.2.5 Slough expects all members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 4.2.6 Slough also expects that individuals and organisations (e.g., suppliers, contractors and service providers) with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.
- 4.2.7 The Chief Finance Officer is responsible for developing and maintaining the Council's Anti-Fraud and Corruption Policy which is available at Part 5 of the Constitution, and they must ensure that, where appropriate, suspected irregularities are reported to the Head of Internal Audit, the Chief Executive, the Monitoring Officer, the Corporate Leadership Team and the Audit and Corporate Governance Committee.
- 4.2.8 All officers are responsible for ensuring that all suspected irregularities are reported in accordance with the Council's Anti-Fraud and Corruption Policy and its Confidential Whistleblowing Code. Executive Directors (including the Chief Executive) are responsible for ensuring that there is an appropriate investigation and disciplinary action in the event of evidence of improper behaviour.
- 4.2.9 Executive Directors (to include the Chief Executive) are responsible for maintaining a register of interests.

4.3 INTERNAL AUDIT

- 4.3.1 Under the Accounts and Audit Regulations 2015 the Council has a statutory obligation to have an adequate and effective system of internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.
- 4.3.2 Internal Audit is an assurance function that provides 'an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by

bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

- 4.3.3 Internal Audit has unrestricted access to all information (including records, computer files, databases, systems, property and personnel) across any service and/or activities undertaken by the Council, or partners on the behalf of the Council where council information is held in order to review, appraise and report as may be necessary.
- 4.3.4 The Chief Finance Officer shall:
- a. Ensure that an Internal Audit function is maintained by the Council and that they comply with the CIPFA Code of Practice for Internal Audit in Local Government in the United Kingdom.
 - b. Approve the strategic and annual audit plans prepared by internal audit, which take into account the characteristics and relevant risks of the activities involved.
 - c. Ensure that internal auditors have direct access to all assets, records, documents, correspondence and control systems.
- 4.3.5 The Head of Internal Audit has direct access to all Managers and other Officers and to elected members. They will report on internal control no less frequently than annually in line with the Accounts and Audit Regulations (2015).
- 4.3.6 Executive Directors (to include the Chief Executive) and all other Officers are responsible for:
- a. Ensuring that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that they consider necessary for the purpose of their work.
 - b. Ensuring that auditors are provided with any information and explanations that they seek in the course of their work.
 - c. Considering and responding promptly to recommendations in audit reports and ensuring that any agreed actions arising from those recommendations are carried out in a timely and efficient manner.
 - d. Notifying the Head of Internal Audit immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources; and taking all necessary steps to prevent further loss pending investigation and reporting.

4.4 EXTERNAL AUDIT

- 4.4.1 Public Sector Audit Appointments Limited is responsible for appointing external auditors to each local authority. The duties of the external auditor are governed by Local Audit and Accountability Act 2014. Their work will assess the Council's:

- a. Financial arrangements in respect of corporate governance
- b. Statement of Accounts and Whole of Government Account return
- c. Arrangements for the use of resources in terms of ensuring economy, efficiency and effectiveness

In addition, the Council is required to make arrangements for the

- d. Certification of various grant claims as specified by Government Departments e.g., Housing Benefit Subsidy.

- 4.4.2. The Chief Finance Officer will be responsible for preparing and publishing the audited accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement for the Council, or its delegated committee, to approve the statement of accounts within a timescale determined by legislation.
- 4.4.3. The Chief Finance Officer shall be responsible for the submission of the Council's accounts to the external auditor in accordance with the requirements of the Local Audit and Accountability Act (2014) and the Accounts and Audit (Amendment) Regulations 2021.
- 4.4.4. The Chief Finance Officer shall work with the external auditor and advise Council, Audit and Corporate Governance Committee and Executive Directors (to include the Chief Executive) on their responsibilities in relation to external audit. Similarly, the Council may be subject to audit, inspection or investigation by other external bodies such as the Department for Levelling Up, Communities and Housing (DLUCH) and HM Revenue and Customs, who have statutory rights of access.
- 4.4.5. All Council officers have a collective responsibility to:
 - a. Ensure that the appointed auditors and other external bodies with statutory rights of access are provided with all documents and records for the purposes of their work and are afforded all facilities, co-operation and explanation as necessary.
 - b. Cooperate in the production of annual audit plans by highlighting any areas of risk that may benefit from audit review.
 - c. Implement audit recommendations within agreed timescales.

5. TRADING ACCOUNTS

- 5.1 It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts and business units, where appropriate.
- 5.2 The Executive Directors (to include the Chief Executive) must observe all statutory requirements in relation to trading accounts, including the maintenance of a separate revenue account to include all relevant income and expenditure, including overhead charged and an annual report in support of the final accounts.

5.3 The Executive Directors (to include the Chief Executive) must ensure that the same accounting principles are applied in relation to trading accounts as for other service units.

6. EXTERNAL ARRANGEMENTS

6.1 PARTNERSHIPS

6.1.1 Partnerships include any arrangements where the Council agrees to undertake, part fund or participate in a project with other bodies; either as a beneficiary of the project, or because the nature or status of the project gives the Council a right or obligation to support it. Where the Council is simply providing funding without assuming any obligation or risk relating to delivery of the project, this is not a partnership.

6.1.2 It is important to understand and distinguish between a partnership in this context and a supplier who the Council may refer to as a 'partner' due to the status that the Council has contractually awarded to it. Irrespective of the title applied to it, this latter type of partnership is a supplier relationship, which will be entered into in accordance with, and governed by, the Council's Procurement Policy and Contract Procedure Procedures.

6.1.3 Executive Directors (to include the Chief Executive) are responsible for ensuring that appropriate work is undertaken, and approvals are obtained in line with Contract Procedure Rules before any negotiations are concluded in relation to work with external bodies.

6.1.4 The approval of both the Chief Finance Officer and the Monitoring Officer must be obtained prior to the Council entering into any formal partnership agreement. The approval of the Chief Finance Officer must also be obtained where it is proposed that the Council adopts the role of 'Accountable Body' for a partnership.

6.1.5 A written partnership agreement must be produced that clearly establishes the responsibilities of the respective partners for managing the arrangement and the resources made available to the partnership. The document must also set out the arrangements in respect of unspent funding at each year end, unless this is to be returned to the Council as unspent money, and for addressing any overspend.

Delegation of budget to a partnership

6.1.6 The delegation of budget to a partnership (whether or not the arrangement is binding on the parties), where the Council's share of the money is normally spent in accordance with the wishes of a group of individuals or organisations, is subject to approval as follows:

Limit	Responsibility
Up to £500k	Executive Directors (or named equivalent) following consultation with the Finance Officer.

Over £500k and up to £1m	Chief Executive Officer or Chief Finance Officer following consultation with the Leader of the Council and Lead Member(s).
More than £1m	Cabinet following consultation with all of the above.

6.1.7 Where the Council is the ‘accountable body’ for a partnership, these Financial Procedure Rules apply to decisions relating to the expending of that money. All expenditure must be authorised by an appropriate Slough Borough Council officer, or by someone else who has a statutory power to authorise expenditure.

6.2 EXTERNAL FUNDING

6.2.1 External funding covers bids to Government and other organisations that are offering funding for projects that meet certain criteria. It also covers contributions being sought from participating organisations and individuals, from either public or private sources.

6.2.2 The Chief Finance Officer and Executive Directors (to include the Chief Executive) are responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council’s accounts.

6.2.3 Executive Directors (to include the Chief Executive) must provide the Chief Finance Officer with details of all bids for external funding. Bids will follow the requirements of the Council’s investment appraisal process.

6.2.4 Executive Directors (to include the Chief Executive) must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed and approved by Cabinet.

6.2.5 Executive Directors (to include the Chief Executive) must advise the Chief Finance Officer of all grant and subsidy notifications as soon as they are received. Where the amount notified is greater than the budget, the excess will be deemed a windfall and should in the first instance be returned to the central contingency unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where the amount notified is less than the budget, the Executive Directors (to include the Chief Executive) or Head of Service must notify the Chief Finance Officer of options for containing any potential overspend.

6.3 WORK FOR THIRD PARTIES

6.3.1 Work can only be undertaken for third parties where the Council has the legal powers to undertake the work.

6.3.2 With regard to the financial aspects of third-party contracts, Executive Directors (to include the Chief Executive) will:

- (i) Comply with any guidance issued by the Chief Finance Officer and will ensure that the appropriate insurance arrangements are made.
- (ii) Ensure that all costs arising from the provision of services to a third party are recovered and hence that there is no subsidy included within the contract.
- (iii) Ensure that the Council is not unnecessarily exposed to the risk of bad debts or other associated liabilities.

6.3.3 A written agreement must be put in place between the Council and the third party, which details the services to be provided, over what period and at what price; this will be signed by both parties to the agreement. Executive Directors (to include the Chief Executive) will provide information on the contractual arrangements to the Chief Finance Officer in order that the appropriate disclosures can be made within the Council's annual statement of accounts.

6.3.4 Cabinet are responsible for monitoring the contractual arrangements for any significant work for third parties or external bodies in line with the Contract Procedure Rules. For this purpose, significant is deemed to be contracted annual income from a body that is greater than £180,000.

6.4 ALTERNATIVE DELIVERY MODELS

6.4.1 Services may be commissioned from retained services within the Council or via alternative delivery models. There are various types of alternative delivery model, including, but not limited to:

- (i) Local Authority Controlled Companies
- (ii) Joint Ventures - set up as separate corporate entities joining two or more parties for the purpose of executing a business undertaking.
- (iii) Charitable incorporated organisation - a corporate entity which is regulated by the Charities Commission
- (iv) Social Enterprises - businesses trading for social and environmental purposes.
- (v) Outsourcing – a contractual arrangement between the Council and a private provider for the delivery of an agreed service.
- (vi) Social Impact Bonds – contract to achieve agreed social outcomes through a programme of interventions delivered by a number of service providers.
- (vii) Joint Committee – joint bodies set up, by agreement, to discharge or carry out activities in conjunction with others.
- (viii) Unincorporated association
- (ix) Inter authority arrangements

6.4.2 Any proposal to commission services via an alternative delivery vehicle must be developed through the Council's business case governance framework and using

the business case template, to ensure that there is a robust planning and decision-making process in place.

- 6.4.3 Executive Directors (to include the Chief Executive) are responsible for ensuring that Cabinet approval is obtained before any contract negotiations and/or financial transactions are entered into, and that all agreements and arrangements are properly documented.
- 6.4.4 Executive Directors (to include the Chief Executive) are responsible for ensuring that Cabinet approval is obtained before the closure or termination of any alternative delivery model agreements and arrangements and that these are properly documented.

7. TRANSPARENCY

- 7.1.1 To provide transparency in its stewardship of public funds the Council makes information available to the public in relation to its spending, regardless of value. Monthly payment transactions made via purchase card, employee expenses and accounts payable are available to download via the Council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://slough.gov.uk/>

SLOUGH BOROUGH COUNCIL

CONTRACT PROCEDURE RULES¹

As approved by the Council on 22 November 2022

Operative with effect from 23 November 2022

Updated draft with clarificatory amendments – 2 November 2023 as approved by Council
on 25th January 2024

UK Procurement Thresholds from January 2023 ²	
Works Contracts	£5,336,937
Light Touch Regime Services	£663,540
Supplies Contracts	£213,477
Services Contracts	£213,477

¹ **Legal Status of these Contract Procedure Rules**

Slough Borough Council is required by section 135 of the Local Government Act 1972 to maintain Contract Procedure Rules.

The Head of Commercial Services is the custodian of these Contract Procedure Rules and is responsible for keeping them under review. If the UK Directives or any other Law is changed in a way that affects these Contract Procedure Rules then the Head of Commercial Services will issue a notice and the change must be observed until the Contract Procedure Rules can be revised.

² The UK Thresholds will need to be updated in line with relevant Crown Commercial Service Procurement Policy Notes. Please note as of 1st January 2022 thresholds are inclusive of VAT.

UK Procurement Thresholds from 1 st January 2024 ³	
Works Contracts	£5,372,609
Light Touch Regime Services	£663,540
Supplies Contracts	£214,904
Services Contracts	£214,904

Document Control

Version	Date	Lead Author	Main Changes
1.0	28 October 2021	HB Public Law Commercial Team	Final draft following review and approval at Strategic Finance board
1.1	03 November 2021	Commercial Team	Updated draft following Member Panel on the Constitution
1.2	17 January 2022	Commercial Team	Updated UK procurement thresholds (PPN 10/21)
1.3	5 October 2022	HB Public Law Commercial Team	Updated draft to reflect procedural changes and minor clarifications
1.4	11 November 2023	HB Public Law SBC Procurement	Updated draft with minor clarificatory amendments and new thresholds

³ The procurement thresholds for 2024 have been released via the Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2023 which were laid before Parliament on 26 October 2023. The new procurement thresholds will apply from 1 January 2024 to all procurements commenced on or after that date. Please note as of 1st January 2022 thresholds are inclusive of VAT.

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**Slough Borough Council Procurement Application and Authorisation Table⁴
(Services)**

Total Aggregate Contract Value⁵	How many quotes are required?	How should SBC approach the market?	Who leads the procurement?	Should the Contract be formally advertised?	What type of Contract is required?	Governance Process	Who must approve contract award? This is in line with the Governance Scheme of Delegation⁶
Less than £25,000	3 quotations where possible signed off by the Authorised Officer in accordance with the Scheme of Delegation.	3 quotations where possible. Authorised Officer to complete quotation proforma.	Authorised Officer in the Service Area	No	Purchase Order Standard Terms and Conditions	Quotation proforma must be signed off by the Authorised Officer (Scheme of Delegation) Quotation proforma must be sent to procurement for recording on contract register as per government transparency requirements.	Authorised Officer in accordance with the Scheme of Delegation (Section 3.6 of the Constitution)
£25,000 – £180,000	Minimum of 3 quotations. OR Consider accessing local/national framework agreements where	Obtain and retain a minimum of three quotes. These quotes must be obtained through the SE Shared	Authorised Officer in accordance with the Scheme of Delegation.	All Contract Values over £25,000 must be published on the SE Shared Services E-portal and contracts finder as per	Please seek advice from the Procurement Team. The contract used will depend upon the value and complexity of the procurement.	Mini business case to be approved by Strategic Procurement Review Board Following Strategic Procurement	Authorised Officer in accordance with the Scheme of Delegation (Section 3.6 of the Constitution)

⁴ All procurements and transactions must fall within the powers delegated to the relevant officer and must have been approved by a decision (in accordance with the Council's Constitution) of the Executive, the Council or one of its committees or sub-committees. No contract, agreement or other document shall be signed or sealed unless it gives effect to a decision or resolution (in accordance with the Council's Constitution) of the Cabinet, or one of its committees or sub-committees or in accordance with the Scheme of Delegation.

⁵ Contracts should not be artificially underestimated or disaggregated into two or more separate Contracts where the intent is to avoid the application of the Contract Procedure Rules or Public Procurement Regulations.

⁶ Scheme of Delegation, Part 3.6 of the Slough Borough Council Constitution.

Total Aggregate Contract Value ⁵	How many quotes are required?	How should SBC approach the market?	Who leads the procurement?	Should the Contract be formally advertised?	What type of Contract is required?	Governance Process	Who must approve contract award? This is in line with the Governance Scheme of Delegation ⁶
	permitted and running mini competitions or call offs.	<p>Services E-portal.</p> <p>Please seek advice from the Procurement Team for advertising.</p>		<p>government requirements.</p> <p>All contract values over the UK Procurement Thresholds will also need to be advertised on the UK Find a Tender Service.</p>	Contracts over £100,000 must be sealed and HB Law advice sought from outset.	<p>Review Board approval, full business case and quotation paperwork to be submitted to Procurement Review Board (Procurement, Legal and Finance) before submission to the Authorised Officer (Scheme of Delegation)</p> <p>Information Governance board Approval required for IT projects with a contract value in this value band and where the full business case has specified that there are information governance implications.</p> <p>Capital Monitoring Board Approval required for all capital projects that fall within this value band.</p>	

Total Aggregate Contract Value ⁵	How many quotes are required?	How should SBC approach the market?	Who leads the procurement?	Should the Contract be formally advertised?	What type of Contract is required?	Governance Process	Who must approve contract award? This is in line with the Governance Scheme of Delegation ⁶
£180,000 to £500,000 – Goods/Services	<p>Formal tender process using: (1) SE Shared Services E-portal; (2) contracts finder; and (3) the UK Find a Tender Service where the contract value exceeds the relevant UK Procurement Thresholds.</p> <p>OR</p> <p>Consider accessing local/national framework agreements where permitted and running mini competitions or call offs.</p>	<p>Most economically advantageous tender must be selected, achieving Best Value and Value for Money for Council.</p> <p>The Procurement Team must be contacted for guidance and support.</p> <p>Use of SE Shared Services E-portal, Contracts Finder and the UK Find a Tender Service system is mandatory.</p> <p>Principles of fair access to public contracts must be followed, ensuring that local, SME and other suppliers have opportunity to compete.</p>	Authorised Officer in accordance with the Scheme of Delegation.	<p>Yes</p> <p>Use of SE Shared Services E-portal procurement system is mandatory.</p> <p>Procurement Must be advertised on Contracts Finder and the UK Find a Tender Service.</p>	<p>Services:</p> <p>Please seek advice from the HB Public Law and the Procurement Team.</p> <p>All contracts to be sealed by HB Law.</p>	<p>Project must be on the forward procurement plan to Cabinet each April.</p> <p>and</p> <p>Mini business case to be approved by Strategic Procurement Review Board</p> <p>and</p> <p>Following Strategic Procurement Review Board sign off, full business case and quotation paperwork to be submitted to Procurement Review Board (Procurement, Legal and Finance) before submission to an Executive Director.</p> <p>Information Governance Board Approval required for IT projects with a contract value in</p>	<p>Executive Director in accordance with the Scheme of Delegation (Section 3.6 of the Constitution)</p> <p>Note: Cabinet may request any project on the forward plan to be presented to Cabinet before award.</p>

Total Aggregate Contract Value ⁵	How many quotes are required?	How should SBC approach the market?	Who leads the procurement?	Should the Contract be formally advertised?	What type of Contract is required?	Governance Process	Who must approve contract award? This is in line with the Governance Scheme of Delegation ⁶
						<p>this value band and where the full business case has specified that there are information governance implications.</p> <p>Capital Monitoring Board Approval required for all capital projects that fall within this value band.</p>	
Over £500,000	<p>Formal tender process using: (1) SE Shared Services E-portal; (2) contracts finder; and (3) the UK Find a Tender Service where the contract value exceeds the relevant UK Procurement Thresholds.</p> <p>OR</p> <p>Consider accessing national framework agreements where permitted and running mini competitions or call offs.</p>	<p>Most economically advantageous tender must be selected, achieving Best Value and value for money for Council.</p> <p>The Procurement Team must be contacted for guidance and support.</p> <p>Use of SE Shared Services E-portal, Contracts Finder and the UK Find a Tender Service</p>	<p>Authorised Officer in accordance with the Scheme of Delegation with support from the Procurement Team.</p>	<p>Yes</p> <p>Use of SE Shared Services E-portal system is mandatory.</p> <p>Procurement must also be advertised on Contracts Finder and the UK Find a Tender Service.</p>	<p>Please seek advice from the HB Public Law and the Procurement Team.</p> <p>All contracts to be sealed by HB Law.</p> <p>All Contracts to be sealed.</p>	<p>Project must be on the forward procurement plan to Cabinet or separate Cabinet authority and/or may require a Cabinet Report to be submitted for Cabinet approval. (Please seek advice from the Procurement Team or HB Public Law.)</p> <p>and</p> <p>Mini business case to be approved by Strategic Procurement Review Board</p>	<p>Cabinet approval is required.</p> <p>Any contract over £500k is a significant decision and must be approved prior to procurement and prior to any contract award.</p>

Total Aggregate Contract Value ⁵	How many quotes are required?	How should SBC approach the market?	Who leads the procurement?	Should the Contract be formally advertised?	What type of Contract is required?	Governance Process	Who must approve contract award? This is in line with the Governance Scheme of Delegation ⁶
	<p>Principles of fair access to public contracts must be followed, ensuring that local, SME and other suppliers have opportunity to compete.</p>	<p>system is mandatory.</p> <p>Principles of fair access to public contracts must be followed, ensuring that local, SME and other suppliers have opportunity to compete.</p>				<p>and</p> <p>Following Strategic Procurement Review Board approval, full business case and quotation paperwork to be submitted to Procurement Review Board (Procurement, Legal and Finance) before submission to Executive Director.</p> <p>Information Governance Board Approval required for IT projects with a contract value in this value band and where the full business case has specified that there are information governance implications.</p> <p>Capital Monitoring Board Approval required for all capital projects that fall within this value band.</p>	

**Slough Borough Council Procurement Application and Authorisation Table⁷
(Works)**

Total Aggregate Contract Value ⁸	How many quotes are required?	How should SBC approach the market?	Who leads the procurement?	Should the Contract be formally advertised?	What type of Contract is required?	Governance Process	Who must approve contract award? This is in line with the Governance Scheme of Delegation ⁹
Less than £25,000	3 quotations where possible signed off by the Authorised Officer in accordance with the Scheme of Delegation.	3 quotations where possible. Authorised Officer to complete quotation proforma.	Authorised Officer in accordance with the scheme of Delegation.	No	Purchase Order Standard Terms and Conditions	Quotation proforma must be signed off by the Authorised Officer (Scheme of Delegation) and the Strategic Procurement Review Board (where appropriate) before accepting quotation and raising purchase order. Quotation proforma must be sent to procurement for recording on contract register as per government transparency requirements.	Authorised officer in accordance with the Scheme of Delegation (Section 3.6 of the Constitution)

⁷ All procurements and transactions must fall within the powers delegated to the relevant officer and must have been approved by a decision (in accordance with the Council's Constitution) of the Executive, the Council or one of its committees or sub-committees. No contract, agreement or other document shall be signed or sealed unless it gives effect to a decision or resolution (in accordance with the Council's Constitution) of the Cabinet, or one of its committees or sub-committees or in accordance with the Scheme of Delegation.

⁸ Contracts should not be artificially underestimated or disaggregated into two or more separate Contracts where the intent is to avoid the application of the Contract Procedure Rules or Public Procurement Regulations.

⁹ Scheme of Delegation, Part 3.6.2 of the Slough Borough Council Constitution.

Total Aggregate Contract Value ⁸	How many quotes are required?	How should SBC approach the market?	Who leads the procurement?	Should the Contract be formally advertised?	What type of Contract is required?	Governance Process	Who must approve contract award? This is in line with the Governance Scheme of Delegation ⁹
£25,000 to £1,000,000	3 quotations where possible signed off by the Authorised officer in accordance with the Scheme of Delegation.	3 quotations where possible.	Authorised Officer in accordance with the Scheme of Delegation.	Yes Use of SE Shared Services E-portal system is mandatory.	For Construction / Works Contracts, please seek advice from the HB Public Law and the Procurement Team. An appropriate model form contract such as JCT or NEC should be used.	Mini business case to be approved by Strategic Procurement Review Board and Following Strategic Procurement Review Board approval, full business case and quotation paperwork to be submitted to Procurement Review Board (Procurement, Legal and Finance) before submission to the Executive Director Capital Monitoring Board Approval required for all capital projects that fall within this value band.	Authorised Officer in accordance with the Scheme of Delegation (Section 3.6 of the Constitution).

Total Aggregate Contract Value ⁸	How many quotes are required?	How should SBC approach the market?	Who leads the procurement?	Should the Contract be formally advertised?	What type of Contract is required?	Governance Process	Who must approve contract award? This is in line with the Governance Scheme of Delegation ⁹
Over £1,000,000p	<p>Formal tender process using: (1) SE Shared Services E-portal; (2) contracts finder; and (3) the UK Find a Tender Service where the contract value exceeds the relevant UK Procurement Threshold.</p> <p>OR</p> <p>Consider accessing national framework agreements where permitted and running mini competitions or call offs.</p> <p>Principles of fair access to public contracts must be followed, ensuring that local, SME and other suppliers have opportunity to compete.</p>	<p>Most economically advantageous tender must be selected, achieving Best Value and value for money for Council.</p> <p>The Procurement Team must be contacted for guidance and support.</p> <p>Use of SE Shared Services E-portal, Contracts Finder and the UK Find a Tender Service system is mandatory.</p> <p>Principles of fair access to public contracts must be followed, ensuring that local, SME and other suppliers have opportunity to compete.</p>	<p>Authorised Officer in accordance with the Scheme of Delegation with support from the Procurement Team.</p>	<p>Yes</p> <p>Use of SE Shared Services E-portal system is mandatory.</p> <p>Procurement must also be advertised on Contracts Finder and the UK Find a Tender Service.</p>	<p>For Construction / Works Contracts, please seek advice from the HB Public Law and the Procurement Team. An appropriate model form contract such as JCT or NEC should be used.</p>	<p>Project must be on the forward plan to Cabinet or separate Cabinet authority and/or may require a Cabinet Report to be submitted for Cabinet approval. (Please seek advice from the Procurement Team or HB Public Law)</p> <p>and</p> <p>Mini business case to be approved by Strategic Procurement Review Board</p> <p>and</p> <p>Following Strategic Procurement Review Board approval, full business case and quotation paperwork to be submitted to Procurement Review Board (Procurement, Legal and Finance) before submission to the Executive Director</p>	<p>Cabinet approval is required.</p> <p>Any contract over £1,000,000 is a significant decision and must be approved prior to procurement and prior to any contract award.</p>

Total Aggregate Contract Value ⁸	How many quotes are required?	How should SBC approach the market?	Who leads the procurement?	Should the Contract be formally advertised?	What type of Contract is required?	Governance Process	Who must approve contract award? This is in line with the Governance Scheme of Delegation ⁹
						Capital Monitoring Board Approval required for all capital projects that fall within this value band.	

1. SCOPE

- 1.1 These Contract Procedure Rules provide the governance structure for the Council to procure works, goods and services.
- 1.2 The Contract Procedure Rules are designed to ensure that Authorised Officers obtain Best Value Services and Value for Money from purchasing arrangements. The Council has a responsibility to do this in a transparent way that offers best value for residents.
- 1.3 These **mandatory** Contract Procedure Rules apply to everyone who commissions or procures contracts on behalf of the Council, including external consultants and third party providers.
- 1.4 These Contract Procedure Rules should be read in conjunction with the Council's Financial Procedure Rules which set out mandatory financial procedures to be followed. These can be found by following the link. [Constitution \(slough.gov.uk\)](https://www.slough.gov.uk/constitution)
- 1.5 All procurement activity must be undertaken with regard to high standards of probity and in accordance with the relevant provisions of the ethical framework contained in Part 5 of the Council's Constitution.
- 1.6 All Officers must ensure that the Council's approved processes and standards for Procurement, as set out in these Contract Procedure Rules and the accompanying Procurement and contract management guidance are adhered to. Failure to comply with the requirements in these Contract Procedure Rules may result in disciplinary action in accordance with the Local Code of Conduct for Employees.
- 1.7 All information governance, insurance, safeguarding, social value, conflict of interest and business continuity requirements must also be adhered to in line with the Procurement and contract management guidance and the Council's Information Governance Policies.
- 1.8 These Contract Procedure Rules are designed to ensure compliance with the Council's Constitution, the Council's Financial Procedure Rules, Council policies, the Public Procurement Regulations 2015 (PCR15) and English law.
- 1.9 The Procurement Application and Authorisation Table set out within these Contract Procedure Rules provides a summary of the key requirements that must be adhered to for all procurements. However, all Council Officers are strongly advised to read the rest of these Contract Procedure Rules for further guidance and to seek the advice and support of the Procurement Team and HB Public Law as appropriate.
- 1.10 Where the Council is entering into a Contract as an agent and/or in collaboration with another public body or organisation, these Contract Procedure Rules apply only in so far as they are consistent with the requirements of the organisation with whom the Council is collaborating. Where the Council is acting as principal in such collaboration, then these Contract Procedure Rules will take precedence.
- 1.11 Framework Agreements that have been established by other Public Sector Bodies that are lawfully accessible to the Council should be used strictly in accordance with the terms and conditions of the relevant Framework Agreement. Please consult with the Procurement Team when procuring from a Framework Agreement.
- 1.12 The following are out of scope of the Contract Procedure Rules:

- 1.12.1 Any purchase or sale of a property, interest in land, transaction in land and or lease transaction is excluded from the Contract Procedure Rules but must be authorised in accordance with the requirements set out in the Constitution;
 - 1.12.2 Inter-authority arrangements and Inter-agency payments;
 - 1.12.3 Subscriptions/memberships;
 - 1.12.4 Emergency temporary accommodation for vulnerable people;
 - 1.12.5 Procurement of Services from other public bodies where it can be evidenced that the body is the only supplier of the goods or service;
 - 1.12.6 The receipt by the Council of grant funding e.g. from central government; and
 - 1.12.7 The award of grants by the Council to third parties.
- 1.13 However, in relation to grants:
- 1.13.1 When procuring goods, works or services using grant funding received, officers must comply with the terms of any related grant agreement and, where relevant, with public procurement rules and these Contract Procedure Rules; and
 - 1.13.2 When awarding Council grants, officers should ensure that principles of openness, fairness, equal treatment and value for money apply.
 - 1.13.3 Please contact the Procurement Team and/or HB Public Law for advice if required.
- 1.14 **Section 75 Agreements** - Partnership arrangements between NHS bodies and the Council under section 75 of the National Health Services Act 2006 are not subject to these Contract Procedure Rules, however, please note that procurement activities undertaken under any such arrangements will be subject to these Contract Procedure Rules unless such procurement activities are with an NHS body or another contracting authority.

2. APPLICATION

- 2.1 The Contract Procedure Rules provide the governance structure within which the Council may procure Supplies, Services and Works. The aims of these Contract Procedure Rules are to ensure:
- 2.1.1 Commitment to the principles of transparency, fairness, proportionality and equal treatment within the procurement process;
 - 2.1.2 Value for Money and propriety in the spending of public money;
 - 2.1.3 Supplies, services and works are delivered effectively and efficiently without compromising the Council's ability to take strategic decisions;
 - 2.1.4 The Council is not exposed to unnecessary risk or challenge arising from non-compliant procurement activity;

2.1.5 Compliance with legislation, and relevant guidance including Procurement Policy Notes issued by the Crown Commercial Service; and

2.1.6 The delivery of economic, environmental and social value through Procurement.

2.2 Changes to the Council's financial thresholds set out in these Contract Procedure Rules which are below the UK Thresholds may, from time to time, be recommended by the Head of Commercial Services and Monitoring Officer.

2.3 The Head of Commercial Services and the Monitoring Officer shall maintain and issue the Contract Procedure Rules and the Procurement and contract management guidance. The Contract Procedure Rules take precedence over the Procurement and contract management guidance. Please report any inconsistencies in writing to the Head of Commercial Services.

2.4 The Procurement and contract management guidance provides a more detailed explanation of Procurement best practice, procedures, processes, associated Council policies and required Contract terms.

2.5 Unrestricted and full direct online access free of charge to the procurement documents must be available from the date of the publication in the Find a Tender Service of a Contract Notice or the date on which an invitation to confirm interest is sent.

2.6 Where there is inconsistency between these Contract Procedure Rules and the Financial Procedure Rules, the latter take precedence. Please report any inconsistencies in writing to the Monitoring Officer.

3. COMPLIANCE WITH CONFIDENTIALITY AND CONFLICTS OF INTEREST REQUIREMENTS

3.1 All officers must take appropriate measures to protect confidentiality and effectively prevent, identify and remedy conflicts of interest arising in the conduct of Procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all suppliers. They should also comply with the Local Code of Conduct for Employees. If a conflict of interest is suspected or identified, such conflict should be immediately notified to the Monitoring Officer.

3.2 Should an Officer identify any actual or potential breach of the requirements of the Local Code of Conduct for Employees in connection with the formulation, procurement or administration of a contract (whether in relation to that of their own role or that of any other Officer) the Officer shall immediately notify the Monitoring Officer in writing. The Monitoring Officer will investigate the matter and recommend what action should be taken in consequence in connection with the contract concerned.

3.3 Where a Supplier or an undertaking related to a Supplier, has advised the Council, or has otherwise been involved in the preparation of the procurement process, the Council must take appropriate measures to ensure that competition is not distorted by the participation of that Supplier in the Procurement.

4. ROLES AND RESPONSIBILITIES

Each Director and Group Manager is accountable for all Procurement activity in their respective departments. **Their role is to ensure:**

- 4.1 Compliance with the Constitution, Financial Procedure Rules, Contract Procedure Rules and the Procurement and contract management guidance;
- 4.2 Compliance with the Public Contract Regulations 2015 (the “**PCR**”);
- 4.3 Compliance with the Local Government Transparency Code October 2015 issued by the Department for Communities and Local Government;
- 4.4 That no commitment to enter into a Contract with a Supplier is made without the required Authorisation as set out in the Procurement Application and Authorisation Table in these Contract Procedure Rules;
- 4.5 That the 10 day Standstill Period between the Contract award decision and Contract signature/sealing is observed where required to do so. Please seek advice from the Procurement Team;
- 4.6 That the appropriate Council template contract has been used in the Procurement, or where such template contract is not applicable, that the alternative terms and conditions have been approved by HB Public Law. Input from Procurement must be sought for contracts over £25,000 to determine if legal advice is required from HB Public Law. (For the avoidance of doubt, the proper use of Framework Agreements is permitted under the Contract Procedure Rules in accordance with the Procurement Application and Authorisation Table.)
- 4.7 That no contract commences prior to the terms and conditions of contract being signed and, where necessary, sealed;
- 4.8 That all Contracts are awarded on the basis of the *Most Economically Advantageous Tender (MEAT)*. The MEAT shall be assessed from the Council's point of view, namely that a tender shall be identified on the basis of the price or cost, using a cost-effectiveness approach, such as Life-Cycle Costing, and may include the best price-quality ratio, which shall be assessed on the basis of criteria, such as qualitative, environmental and/or social aspects, linked to the subject-matter of the Contract;
- 4.9 All risks have been identified, evaluated, recorded and appropriately mitigated (e.g. provision of performance bond, parent company guarantee and appropriate payment provisions and termination clauses within Contracts);
- 4.10 That all Invitation to Tender documents clearly describe the Evaluation Criteria, sub criteria and weighting and that the tender evaluation is based strictly on the published criteria and weighting;
- 4.11 That Evaluation Criteria require the bidders to state how they will meet social value considerations which are clearly linked to the subject matter of the contract (i.e. employment, training, apprenticeships, use of SME's and local Suppliers);
- 4.12 Immediate corrective action is taken in the event of a breach of the Contract Procedure Rules and that any such breach is reported immediately to the Procurement Team; and
- 4.13 That Contracts are not artificially underestimated or disaggregated into two or more separate Contracts where the intent is to avoid the application of the Contract Procedure Rules or Public Procurement Regulations.

5. AUTHORISATION

- 5.1 Please refer to the Procurement Application and Authorisation Table contained within these Contract Procedure Rules.

- 5.2 For procurements with an anticipated value above £25,000, a detailed business case should be prepared and submitted for review to the board consisting of Procurement, Legal and Finance, before submission for approval in accordance with the Application and Authorisation table contains within these Contract Procedure Rules.
- 5.3 All transactions must fall within the powers delegated to the relevant officer and must have been approved by a decision (in accordance with the Council's Constitution) of the Executive, the Council or one of its committees or sub- committees.
- 5.4 No contract, agreement or other document shall be signed or sealed unless it gives effect to a decision or resolution (in accordance with the Council's Constitution) of the Cabinet, or one of its committees or sub committees or in accordance with the Scheme of Delegation.
- 5.5 Any Procurement must be authorised in accordance with the Application and Authorisation table within these Contract Procedure Rules and Scheme of Delegation as published within Part 3.6 of the Constitution.
- 5.6 A Member shall not, either orally or in writing, enter into any contract on behalf of the Council.
- 5.7 A member shall not negotiate personally on behalf of the Council for the purchase of goods or services or the sale of any land, property, plant rights, or commodities or for any lease or tenancy.
- 5.8 Where appropriate, an Equalities Impact Assessment should be completed. Please refer to the Procurement Team for guidance.
- 5.9 The Council is a Regulated Activity Provider. The Council has ultimate responsibility for the management and control of Regulated Activities provided under Contracts procured pursuant to these Contract Procedure Rules for the purposes of the Safeguarding Vulnerable Groups Act 2006. The Relevant Officer must consider whether there are any Safeguarding aspects to their procurement and, if so, consult with the Safeguarding Lead for input.
- 5.10 The Council is committed to the need to identify and prevent all forms of modern slavery in Slough. Modern slavery is the illegal exploitation of people for personal or commercial gain. Appendix 1 sets out the Council's commitment to supply chain management regarding modern slavery. Officers must give due regard to this statement when conducting procurement.
- 5.11 A partnership arrangement must not be used as a means of avoiding the Contract Procedure Rules or Public Procurement Regulations. All new partnership arrangements are required to be reported as required by the Financial Procedure Rules. This clause is not applicable to the award of grant payments.

6. PROCUREMENT METHOD

- 6.1 Authorised Officers must treat Suppliers equally and without discrimination and must act in a transparent and proportionate manner.
- 6.2 Before commencing a Procurement procedure Authorised Officers may conduct market consultations with a view to preparing the Procurement and informing Suppliers of their Procurement plans and requirements provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency. Officers may, for example, seek or accept advice from

independent experts or authorities or from market participants. Please consult with the Procurement Team before commencing market consultation.

- 6.3 The default position in acquiring Supplies, Services and Works should always be open competition through competitive tendering. Please refer to the Procurement Application and Authorisation Table set out within these Contract Procedure Rules to determine the Procurement process that should be used.
- 6.4 The Procurement Team must be consulted on promoting opportunities to local companies through Business Newsletters and Supplier Events.
- 6.5 All tender opportunities for Supplies, Services and Works over £25,000 will be advertised on the SE Shared Services E-portal system in accordance with the Procurement Application and Authorisation Table. In addition, all tender opportunities for Supplies, Services and Works over £25,000 must be advertised on Contracts Finder. Procurement over the UK financial threshold must be advertised in the Find a Tender Service (FTS) and on Contracts Finder. A Contract Award Notice must also be published on Contracts Finder. Please consult with the Procurement Team.
- 6.6 The use of Selection Questionnaires (“SQs”) can only be used for contract values above the UK financial Threshold. Suitability Assessment Questions may be asked as appropriate for contract values below the UK financial Threshold. Please contact the Procurement Team for the appropriate procurement document template.
- 6.7 The Procurement Team must approve accessing externally established Framework Agreements. Approval for subsequent call-offs from the approved Framework Agreements will be subject to the requirements of these Contract Procedure Rules and compliance with the rules for call-off set out in the Framework Agreement.
- 6.8 Procurement activity for Contracts for certain health, social, community, educational and cultural related services, “Light-Touch Regime Services”, whose value is equal to or over the threshold of £663,540 must be tendered and awarded in compliance with the PCR. Please seek input from the Procurement Team in connection with the procurement and award of Light-Touch Regime Services Contracts. For the avoidance of doubt, procurements for such Light-Touch Regime Services below the threshold of £663,540 must still be conducted in accordance with the principles of these Contract Procedure Rules. The Procurement Team must be contacted for guidance and support on such procurements.
- 6.9 Authorised Officers may decide to award a Contract in the form of separate lots and may determine the size and subject-matter of such lots. The Authorised Officer must document the main reasons for their decision not to subdivide into lots.

7. ENGAGEMENT OF CONSULTANTS

- 7.1 An Authorised Officer may only appoint an external consultancy or advisory firm providing professional or consulting services if such services are not available within the Council or if Council officers providing them do not have the resources to meet the needs of the service.
- 7.2 Appointment of individual consultants and individual advisors must be procured through the Council’s corporate contract for temporary agency resources where appropriate.
- 7.3 Subject to the corporate contract not meeting the service needs, and the resources not being available across the Council, the Authorised Officer shall seek to procure an external consultancy or advisory firm providing professional or consulting services. Such

procurement shall comply with the appropriate threshold/process as set out in the Procurement Application and Authorisation Table contained within these Contract Procedure Rules.

8. SINGLE TENDER ACTION

- 8.1 A Single Tender Action is the awarding of a Contract to a Supplier without undertaking a competitive tendering exercise. This is permitted only in exceptional circumstances. Procurement advice should be sought in all cases from the Procurement Team. Exceptional circumstances may include where the works, supplies or services can only be supplied by a particular Supplier.
- 8.2 Where a competition has been undertaken and only a single bid has been received, the award of a Contract subject to an appropriate review being undertaken and an audit trail being available for inspection, can be approved by an Authorised Officer and or Cabinet.

9. CONCESSION CONTRACTS

- 9.1 Concession Contracts are contracts under which the Council outsources works or services to a Supplier, who then has the right to commercially exploit those works or services in order to recoup its investment and make a return. The key feature is that the Supplier bears the operating risk of the arrangement and so has no guarantee of recouping its investment or operating costs.
- 9.2 Concession Contracts must meet certain requirements and advice should be sought from the Procurement Team and HB Public Law.

10. INFORMATION GOVERNANCE

- 10.1 When procuring, the responsible Officer must ensure Due Diligence checks are carried out to provide sufficient guarantees that the Supplier's technical and organisational security measures for handling and protecting information and data are appropriate, suitable and lawful. This is a requirement under Data Protection Legislation¹⁰.
- 10.2 Evidence of these checks, copies of policies and guarantees provided by the Supplier must be retained by the Officer responsible for management of the Contract and be regularly reviewed throughout the life of the Contract. Please refer to the Procurement and contract management guidance for more detail or contact the Information Governance Officer.
- 10.3 Contract managers must ensure appropriate security measures are applied to prevent the unauthorised or unlawful processing of personal data or accidental loss or destruction of, or damage to, personal data.
- 10.4 Officers must ensure that contracts with providers that involve the processing of personal data contain clauses as required by the Data Protection Legislation. The Council's Standard Contracts contain these clauses.

¹⁰ Data Protection Legislation means (i) the Data Protection Act 2018; (ii) the GDPR, the Law Enforcement Directive and any applicable national implementing Laws as amended from time to time; and (iii) all applicable Law about the processing of Personal Data and privacy.

11. ACCEPTANCE

- 11.1 Acceptance of Contracts must be in accordance with the Constitution, and in all cases is subject to:
 - 11.1.1 Confirmation of budgetary provision as initially identified and allocated prior to any Procurement activity;
 - 11.1.2 A compliant Procurement process having been carried out; and
 - 11.1.3 Confirmation of the acceptable financial status of the contractor.
- 11.2 All contracts entered into by the Council must be in writing in a form approved by HB Public Law. Where a Council template contract is used, or such template contract is to be amended, this shall be prepared and/or ratified by HB Public Law.
- 11.3 Acceptance thresholds for Contract extensions and variations of all values are subject to further conditions as set out in Section 13 (Extensions and Variations) of these Contract Procedure Rules.

12. CONTRACT SIGNING AND SEALING

- 12.1 Every Contract must be in the contract form specified in the Procurement Application and Authorisation Table set out within these Contract Procedure Rules.
- 12.2 Every contract novation, contract extension or contract variation must use the appropriate SBC template. Please refer to the Procurement Team for such templates and seek advice from HB Public Law.
- 12.3 Contracts with an Estimated Procurement Value greater than £100,000 must be sealed on behalf of the Council unless the Monitoring Officer or delegated officer directs otherwise. Legal input from HB Public Law should be sought on such Contracts.
- 12.4 In exceptional circumstances, where an IT Contract term is not fixed, the Estimated Procurement Value is calculated by multiplying the monthly spend value by 48 in accordance with Regulation 6 of the Public Contracts Regulations 2015. Please refer to the Procurement Team for advice on any such IT Contracts.
- 12.5 In the case of Framework Agreements or Dynamic Purchasing Systems the Estimated Procurement Value is calculated to include the total estimated value, net of VAT, of all the individual contracts envisaged for the total term of the Framework Agreement or the Dynamic Purchasing System.
- 12.6 Where the Monitoring Officer or delegated officer considers it desirable that a Contract should be sealed other than as specified above, then such Contract must be sealed.
- 12.7 All Contracts should have a clear start and end date and detail any extension options permissible.

13. EXTENSIONS AND VARIATIONS

- 13.1 Contracts may only be extended if the following provisions are met:
 - 13.1.1 The original Contract was awarded on a Contract Procedure Rules compliant competitive tender or quotation process and includes an option to extend;

- 13.1.2 The extension or variation is in accordance with the terms and conditions of the existing Contract. Input from the Procurement Team should be sought to confirm this is the case and to support the drafting of the extension and/or variation documents;
 - 13.1.3 If the initial Contract was subject to UK Threshold procurement procedures (or EU procedures prior to January 2020), that the extension option was declared within the Find a Tender Service Notice or OJEU Contract Notice if prior to January 2020;
 - 13.1.4 The Contract has not been extended beyond the approved extension period; and
 - 13.1.5 Approval has been sought and obtained as per the Application and Authorisation Table within these Contract Procedure Rules following submission of a Business Case detailing the Contract Extension requirements.
- 13.2 In the event that the provisions of 13.1.1 to 13.1.5 are not met then an Exemption must be sought in accordance with section 14 (Exemptions) or alternatively a new Procurement must commence.
- 13.3 Regulation 72 of the Public Contracts Regulations 2015 permits an amendment, extension or renewal of an existing Contract without triggering a new Procurement exercise in the following cases:
- 13.3.1 The original Contract includes a “clear, precise and unequivocal review clause”. The overall nature of the Contract must not be altered as a result of the change;
 - 13.3.2 New Services, Supplies and Works need to be purchased from the Supplier and a change of Supplier cannot be realistically made for economic or technical reasons and would cause significant inconvenience or substantial duplication of the Council’s costs. This is subject to the provision that each change does not increase the Contract’s value by more than 50 per cent as a result;
 - 13.3.3 Circumstances have arisen that the Council could not reasonably have foreseen and that require an amendment to the existing Contract. The Contract’s overall nature must not be altered and the Contract’s value must not increase by more than 50 per cent as a result of any change;
 - 13.3.4 A new Supplier is required to replace the Supplier originally party to the Contract, either because this is the result of corporate restructuring, including takeover, merger, acquisition or insolvency leading to a universal or partial succession of the original Supplier, or because this change was envisaged in a review clause in the original Contract. This provision cannot be relied on if the Supplier is being replaced for a different reason;
 - 13.3.5 The value of the modification is both below the UK Procurement Thresholds and is less than 10 per cent of the initial Contract value (where the contract is for Supplies or Services) or less than 15 per cent of the initial Contract value, in the case of a Works Contract. More than one change can be made under this provision provided the cumulative value of the modifications does not exceed UK Procurement Thresholds.
 - 13.3.6 The proposed modifications are insubstantial. This does not include any modifications that result in any of the following:
 - i. The Contract would become materially different;

- ii. The scope of the Contract would extend considerably;
- iii. The outcome of the initial Procurement procedure would have been different had the modification been implemented at that time. For example, other tenders would have been accepted or other candidates would have been admitted;
- iv. The economic balance would shift in favour of the Supplier; or
- v. A new Supplier would replace the original Supplier in a circumstance not provided for in paragraph 13.3.4 above.

13.4 Officers must consult with the Procurement Team to confirm if any of the circumstances set out in section 13.3 above apply, permitting a Contract amendment, extension or renewal and must also comply with the Procurement Application and Authorisation Table.

13.5 A Contract Variation Notice needs to be sent to Find a Tender Service in the case of Contract variations permitted and made in accordance with paragraphs 13.3.2 and 13.3.3 above.

13.6 In the event that the provisions of paragraph 13.3 are not met then an exemption must be sought in accordance with section 14 (Exemptions) or alternatively a new Procurement must commence.

14. EXEMPTIONS

14.1 Circumstances may arise where permission is required to waive one or more of the Contract Procedure Rules. Exemptions are reserved for exceptional circumstances and will only be approved where good and sufficient reason has been demonstrated. An Exemption will not be granted simply on the grounds of convenience or because of inadequate forward planning.

14.2 The Council can only waive the rules established by the Council. The Council cannot waive UK law or UK Procurement Regulations.

14.3 Exemptions (in whole or in part) from the requirements set out in these Contract Procedure Rules may only be obtained by completing a Procurement Business Case.

14.4 The Business Case must be submitted to the Review Board for Procurement, Legal and Finance for initial consideration. If the Review Board is satisfied that the Exemption request meets the requirements of this section of the Contract Procedure Rules, the Business Case shall be submitted as per the Application and Authorisation table in these Contract Procedure Rules.

14.5 Exemption requests being sought due to an emergency (definition 14.10 c) below) may be approved outside of the Review Board. In such circumstances, a business case or report detailing the situation and proposed rectification must be submitted to the

Executive Director Finance and Commercial for approval in consultation with the monitoring officer.

- 14.6 The Review Board must be satisfied that special circumstances exist which warrant an exemption being permitted. Such Exemption requests must set out in detail the terms of any exemption from the requirements set out in these Contract Procedure Rules.
- 14.7 Exemptions to any of the Council's rules must be sought in advance of any contractual agreement, order placement, use of Works, Services or purchase of Supplies.
- 14.8 Any Exemption can only be granted for a maximum period of 12 (twelve) months unless it can be demonstrated that any longer period is in the best interest of the Council.
- 14.9 Any Exemption can only be granted where the value of the exemption is below the relevant UK Threshold.
- 14.10 The circumstances under which an Exemption can be agreed are limited to the following circumstances:
- a) **Sole Supplier:** It can be proven that there is only one Supplier who can deliver the Supplies or Services. (It is considered better practice to issue a tender to evidence that there is only one Supplier capable of delivering such Supplies or Services);
 - b) **Demonstrable Best Interest:** It can be demonstrated that it is in the Council's best interest and this is clearly demonstrated in the Exemption report. (For example, the Council is seeking to redesign service provision or exploring internal / external collaboration opportunities and therefore direct award to the incumbent provider is required for intervening period only);
 - c) **Emergency:** There is a clear need to provide a service or a product immediately in the instance of a sudden unforeseen crisis; the immediate risk is to health, life, property or environment (for example, Natural Disaster; Civil Unrest; Provider going into administration);
 - d) **Service Imperative: Demonstrable circumstance that is exceptional:** For example, an unanticipated delay during the tender process or Strategy and / or Spec and service design not completed when tender needed to begin for unforeseen reasons. For the avoidance of doubt, an Exemption will not be granted simply on the grounds of convenience or because of inadequate forward planning; and/or
 - e) **Extension as an Exemption:** Where an extension to a Contract is being sought but it is not possible under the current terms and conditions of the Contract.

For any queries not covered within these Contract Procedure Rules, please contact the Head of Commercial Services.

Appendix 1 – Modern Slavery Statement Supply Chain Management

This Statement sets the Council actions to understand all potential modern slavery risks related to its activities and to put in place steps to eliminate acts of modern slavery and human trafficking within its business and in its supply chains, sub-contractors and partners. As part of local government, the Council recognises its responsibilities to take a robust approach to slavery and human trafficking.

The Council's Commercial services team employ best practice to ensure that effective contract management is applied to suppliers and their supply chains to deliver the Council's requirements in the most cost-effective manner. This includes the identification and management of risks in relation to modern slavery and human trafficking and is done by:

- Increasing openness, transparency and efficiency in the management of supply chains
- Improving ability to identify strengths, weaknesses, opportunities and threats in supply chains
- Improving communications with suppliers
- Enhancing relationships with suppliers

Contract managers are responsible for ensuring that suppliers comply with the terms of each contract.

The Commercial services team is continuing to review how modern slavery can be better incorporated into the contract management process by:

- Facilitating refresher training for the Council Procurement team on implementing supply chain due diligence, followed by a wider programme of staff awareness raising to support Modern Slavery Act implementation;
- Continue to review standard tender questions that require bidders to evidence their compliance with the Modern Slavery Act, and support bidders who fail to evidence their compliance and are potentially excluded from participating further in the tender process;
- Continue to strengthen clauses within the Council's standard contract terms that specify the supplier's contractual obligations concerning Modern Slavery;
- Continue to work with suppliers to improve the transparency of end-to-end supply chains and to better understand higher risk spend categories; and

- Continue to work in partnership with a wide range of agencies to reduce the risk of human rights abuse, to detect and report occurrences and to support victims.
- To review relevant organisational policies and strategies to ensure that they underpin the objectives of the Council in supporting the victims of modern slavery and human trafficking.

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Part 4.7 Officer Employment Procedure Rules

1. Definitions

1.1 In these Rules, the following definitions apply:

"the 1989 Act" means the Local Government and Housing Act 1989

"the 2000 Act" means the Local Government Act 2000

"Chief Finance Officer" means the officer having responsibility, for the purposes of—
(a) section 151 of the Local Government Act 1972 (financial administration).

"Chief Officer" means:

- a) the Head of Paid Service;
- b) the Chief Finance Officer;
- c) the Monitoring Officer;
- d) a Statutory Chief Officer;
- e) a Non-Statutory Chief Officer

"Deputy Chief Officer" has the same meaning as in s.2(8) of the 1989 Act

"Head of Paid Service" ("HOPS") means the officer designated under Section 4 (1) of the 1989 Act (designation and reports of Head of Paid Service)

"member of staff" means a person appointed to or holding a paid office or employment under the authority

"Monitoring Officer" ("MO") means the officer designated under section 5(1) of the 1989 Act (designation and reports of monitoring officer)

"Proper Officer" means the Head of Democratic Services.

"Statutory Chief Officer" has the same meaning as in section 2(6) of the Local Government and Housing Act 1989

"Non-statutory Chief Officer" has the same meaning as in section 2(7) the Local Government and Housing Act 1989

2. Recruitment and Appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing member or officer of the Council; or of the partner of such persons, or are otherwise known to them in any capacity. Anyone who fails to do this may be disqualified or, if

appointed, liable to summary dismissal on the grounds of gross misconduct.

- (ii) No candidate so related to a member or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking Support for Appointment

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any members for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No member will seek support for any person for any appointment with the Council. Members should not provide references in support of applications for employment by the Council.

(c) Selection and Appointment Process

- (i) Any member or officer who may be involved in the selection or appointment process shall immediately declare any relationship to a candidate as soon as it becomes known to them and shall not take part in the selection/appointment process of any candidates for the post to which the candidate to whom they are related has applied.

3. Recruitment Chief Officers including the Head of Paid Service

3.1. Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned;
 - (ii) any qualifications or qualities to be sought in the person to be appointed; and
 - (iii) The terms and conditions within which any appointment may be made.

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply or it: and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3.2 Following the process in paragraph 2.1, the Council shall:

- (a) Interview all qualified applicants for the post, or select a short list of such qualified applicants and interview those included on the short list.

- (b) Where no qualified person has applied, make further arrangements for advertisement.

The Head of Paid Service is authorised to make interim arrangements for filling chief officer posts from among existing officers pending permanent recruitment, however the appointment notification process must be followed before an offer can be made. It is not expected that such interim arrangements be in place for more than 6 months.

4. Appointment of Head of Paid Service, Monitoring Officer and Chief Finance Officer

4.1 Full Council will approve the appointment of the Head of Paid Service, Monitoring Officer and Chief Finance Officer following the recommendation of such appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.

4.2 Full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

5. Appointment of Chief Officers

5.1 A committee or sub-committee of the Council will appoint chief officers with the exception of those covered by paragraph 3.1. That committee or sub-committee must include at least one member of the Cabinet.

5.2 An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.

6. Other Appointments

Deputy Chief Officer and Officers below Deputy Chief Officer

6.1 The appointment of Deputy Chief Officer and officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee and may not be made by councillors. All such appointments will be carried out in accordance with the Council's human resources policies and procedures.

6.2 For appointments of Deputy Chief Officers, the appointment notification requirements set out below must be followed and an offer can only be made where no well-founded objection from any member of the Cabinet has been received.

Assistants to Political Groups

6.2 In accordance with section 9 of the 1989 Act a political assistant may be appointed to a post which:

- is made for the purpose of providing assistance to Council members of a political group in their role as members of the authority;

- is made at or below the maximum salary prescribed in the relevant regulations in force at that time;
- is or a term fixed by reference to the relevant regulations in force at the time;
- is allocated to a political party that qualifies for such a post.

6.3 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group. Not more than one post will be allocated to any one political group.

7. Appointment Notification and Offer Requirements

7.1 In this paragraph “appointor” means, in relation to the appointment of a person as an officer of the Council, the Council, or where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, or sub-committee or officer as the case may be.

7.2 An offer of an appointment as a Chief Officer or Deputy Chief Officer must not be made by the appointor until-

(a) the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer of appointment and any other particular which the appointor considers are relevant to the appointment.

(b) the Proper Officer has notified every member of the Cabinet of:

- the name of the person to whom the appointor wishes to make the offer;
- any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
- the period of 3 working days within which any objection to the making of the offer is to be made by any member of the Cabinet to the Proper Officer: and

(c) Either-

- the each member of the Cabinet has, within the period specified in 7.2(b) above, notified the appointor that s/he has no objection to the making of the offer;
- the Proper Officer has notified the appointor that no objection was received by him within that period from any member of the Cabinet; or
- the appointor has determined that any objection received from any member of the Cabinet within the period is not material or is not well-founded.

8. Disciplinary action

Head of Paid Service, Monitoring Officer and Chief Finance Officer (“the statutory governance officers”)

8.1 Any disciplinary action taken against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (“the statutory governance officers”) will be in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended and the authority’s disciplinary procedure for the statutory governance officers.

8.2 The dismissal of a statutory governance officer may only be confirmed where no well-founded objection has been made any member of the Cabinet.

8.3 The dismissal of a statutory governance officer requires the approval of full Council before a notice of dismissal can be given.

8.4 Consideration of disciplinary action which could result in dismissal or any disciplinary action short of dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer will be the responsibility of the Investigations and Disciplinary Committee (IDC) set up for this purpose. The IDC shall include at least one Member of the Executive when consideration is being given to dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.

8.5 The IDC is responsible for determining whether there is a case that requires further investigation. If it determines that there is, an Independent Investigator should be formally appointed from the list maintained by the National Joint Secretaries.

8.6 The IDC will consider the report of the Independent Investigator, give the employee an opportunity to state his/her case and question any witnesses, where relevant, before making a decision. The IDC may:

- Take no further action.
- Recommend informal resolution or other appropriate procedures.
- Refer back to the Independent Investigator for further investigation and report.
- Take disciplinary action against the employee short of dismissal.
- Propose dismissal of the employee to the Council.

Action short of dismissal

8.7 Where the IDC recommends an action short of dismissal, the action shall be taken by the Committee itself. If the employee wishes to exercise their right of appeal, they will present this to the Appeals Committee, whose role it is to hear appeals against action taken short of dismissal. Its power is to confirm the action, impose no sanction or impose a lesser sanction.

Dismissal

8.6 Where the IDC recommends dismissal, the dismissal notification procedure will be followed, providing members of the Cabinet an opportunity to object. The IDC is responsible for determining whether any objection is both material and well-founded.

8.7 If the IDC has determined there are no material and well-founded objections, the matter will be referred to the Independent Panel who will prepare an independent report and recommendations to Full Council for consideration and final determination of Full Council. The Independent Panel will review the decision and prepare a report for Council.

8.7 Before the taking of a vote at the relevant Council meeting on whether or not to approve such a dismissal, Full Council must take into account, in particular:

- a) any advice, views or recommendations of the Independent Panel;
- b) the conclusions of any investigation into the proposed dismissal; and
- c) any representations from the employee.

8.8 Where the IDC has made a proposal to dismiss a statutory officer, a hearing by the Council will fulfil the appeal function. The decision of the Council will be final.

Suspension pending decision

8.9 Suspension: The Head of Paid Service, Chief Finance Officer or Monitoring Officer may be suspended by resolution of the IDC on normal pay while a disciplinary investigation and disciplinary proceedings are conducted into alleged misconduct or gross incapability.

8.10 Urgent suspension: As set out in Part 3.6, the statutory governance officers have distinct and limited powers to temporarily suspend the Head of Paid Service, Chief Finance Officer or Monitoring Officer for up to ten days pending the Appointments and Disciplinary Committee being convened to consider suspension.

Other Chief Officers

8.11 A committee or sub-committee of the Council will discharge the function of dismissal of the other chief officers (i.e. excluding the statutory governance officers). That committee or sub-committee must include at least one member of the Cabinet.

8.12 Any disciplinary action taken against the other chief officers shall be in accordance with the authority's disciplinary procedure for these officers.

8.13 The dismissal of the other chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.

Officers below Chief Officer level

8.14 Disciplinary action in relation to officers below chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee and may not be made by councillors. Such disciplinary action will be carried out in accordance with the Council's human resources policies and procedures.

9. Dismissal Notification Requirements

9.1 In paragraph 10 below "dismissor" means, in relation to the dismissal of a person as an officer of the authority, the authority, or where a committee, sub-committee is discharging the function of dismissal on behalf of the authority, that committee, or sub-committee as the case may be.

10.1 A notice of dismissal of the statutory governance officers or the other chief officers must not be given by the dismissor until-

(a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particular which the dismissor considers are relevant to the dismissal.

(b) the Proper Officer has notified every member of the Cabinet of:

- the name of the person who the dismissor wishes to dismiss;
- any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
- the period of 3 working days within which any objection to the dismissal is to be made by any member of the Council to the Proper Officer: and

(c) Either-

- all members of the Council have, within the period specified in 10.1(b) above notified the dismissor that s/he has no objection to the dismissal;
- the Proper Officer has notified the dismissor that no objection was received by him within that period;

(d)Or-

- the dismissor is satisfied that any objection received from a member of the Cabinet within the specified period is not material or is not well founded.

10.2 Where the dismissor is satisfied that a material objection has been raised under this procedure, the Appointments and Disciplinary Committee will be reconvened to consider the objection and satisfy itself as to whether any of the objections are both material and well-founded.

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Part 5

Ethical Framework

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Part 5.1 Councillors' Code of Conduct

Introduction

The Localism Act 2011 requires this Council to promote and maintain high standards of conduct by its Members and Co-opted Members. In discharging its duty, the Council is required to adopt a Code of Conduct which sets out the conduct expected of its Councillors. This code shall be reviewed by the Council at least once every year.

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

1. the Rules of Conduct
2. the Complaints process

Parish Councils

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

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

Part 1 – Rules of Conduct

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;

- ii. I am required by law to do so;
- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- iv. the disclosure is:
 - 1. reasonable and in the public interest; and
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 - 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned

about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10.10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However,

there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also

allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative, close associate; or
- c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

General Dispensations

Dispensations from the restriction from participating and voting in meetings

A Member may apply for a dispensation from the requirement not to participate in or vote in respect of a matter at a meeting by written request to the Monitoring Officer. The Monitoring Officer (or in his/her absence the Deputy Monitoring Officer) may grant a dispensation where s/he considers, after having regard to all relevant circumstances that:

- a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- c) granting the dispensation would be in the interests of persons living in Slough;
- d) without the dispensation each Member of the Cabinet would be prohibited from participating in any particular business to be transacted by the Cabinet;
or
- e) it is otherwise appropriate to grant a dispensation.

A dispensation will be granted in writing setting out the ground or grounds on which it is agreed and it will be published on the Council's website within 7 days of the decision. The dispensation must be for a fixed time not exceeding a period beyond the next Council elections and will normally cover only a specific matter or meeting.

General Dispensations

A general dispensation is granted to all Members to be present, speak and vote where they would otherwise have a Disclosable Pecuniary Interest on the grounds that it is appropriate to grant a dispensation to allow all Members to participate fully in the following matters:

- a) Housing: where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not only relate to the Member's particular tenancy or lease*.
- b) School meals or school transport and travelling expenses where the Member is a parent or guardian of a child in full time education, or is a parent governor of a school, provided that the matter does not only relate to the particular school which the child attends.
- c) Housing Benefit: where the Member (or spouse or partner) directly receives housing benefit in relation to their own circumstances.
- d) Allowances, travelling expenses, payments or indemnity for Members (this is included for the avoidance of doubt even though they are not a DPI)
- e) Setting the Council Tax or a Precept;
- f) Decisions in relation to Council Tax Benefit; and
- g) where the member has been nominated or appointed by the Council to an outside body and who has registered the interest. The dispensation does not

apply to quasi-judicial functions where the body is applying to the Council for a licence, consent or approval. The member should still declare the interest at all meetings where matters relating to the body in question are to be discussed, but is permitted to participate in the discussion and decision making, unless this would involve a breach of this code.

* Any general housing related dispensations afforded to Members will not negate the need for Members to declare a Personal Interest, particularly where the Member or spouse holds a tenancy or lease with the Council and a matter requiring a decision may/will impact their own Council tenancy.

For example, in cases where the matter particularly affected their local neighbourhood and was considered to affect their own tenancy more than other people in the authority's area, the Member should consider whether it is appropriate to participate in the decision making process.

For the avoidance of doubt and to ensure adherence to the Member Code of Conduct, Members should seek guidance from the Council's Monitoring Officer.

Dispensations do not affect a Member's obligation under Section 106 of the Local Government Finance Act 1992 to declare and not vote on the Council's budget if they are two months or more in arrears with their Council Tax.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#)

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. Any unpaid directorship.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- 'director' includes a member of the committee of management of an industrial and provident society.
- 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

DBS CHECK PROTOCOL

You must:

- (a) consent to the Council making an application to the Disclosure and Barring Service on your behalf for the issue of a certificate of criminal conviction (basic check) and, if you hold portfolios relating to vulnerable adults or children, for the issue of an enhanced criminal record certificate (enhanced check), and to renewal of such checks not more frequently than once in any municipal year, whilst you remain a Member;
- (b) provide to the Head of Democratic Services within 7 days of a request, such information as may be required to enable the Council to make such an application;
- (c) such co-operation as may reasonably be required by the Head of Democratic Services to monitor the progress of any application lodged with the Disclosure and Barring Service by the Council on your behalf;
- (d) provide to the Monitoring Officer, within 7 days of receipt, any certificate received by you from the Disclosure and Barring Service pursuant to any application made by the Council on your behalf;
- (e) consent to the Monitoring Officer disclosing to the leader of your party group, or to the Chief Executive if you are an independent Member, the contents of the certificate received from the Disclosure and Barring Service, to enable the leader of your party group, or the Chief Executive in the case of an independent Member, to determine, after consultation with the Monitoring Officer and the Independent Person, what action may be appropriate to safeguard children and vulnerable adults;
- (f) you will comply with any action determined by your group leader or the Chief Executive to be appropriate; and
- (g) you consent to the fee payable in respect of such an application being deducted from your Members' allowance.

PART 2: THE COMPLAINTS PROCESS

This Part of the Code of Conduct sets out how the Council will deal with allegations of a failure to comply with the Council's Code of Conduct.

The Monitoring Officer may investigate a specific matter relating to a Member's adherence to the Rules of Conduct under the Code or a complaint made against a member for breach of the Council's Code of Conduct. Members shall cooperate, at all stages, with any such investigation by or under the authority of the Council. No Member shall lobby a member of the Standards Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.

Complaints against Members

All complaints against members must be in writing and on the Council's prescribed form. The Council will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will consider complaints according to the Code of Conduct's "Member's Complaint Assessment Criteria" contained at Appendix C of the Code. **Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.**

The Monitoring Officer will acknowledge receipt of a complaint within 5 working days of receiving it and seek further information as required to enable the assessment criteria to be applied. Once sufficient information has been obtained and the complainant has been informed that details of the complaint will be passed to the Subject Member, the Subject Member will be advised that a complaint has been made, together with a short summary of the complaint and the name of the complainant. If the complainant has indicated that they wish to remain anonymous, the Monitoring Officer will consider the impact this will have on the fairness of the process.

The Monitoring Officer will determine every complaint received and shall consult the Independent Person as to whether a formal investigation should be undertaken and shall give him the opportunity to review and comment upon any complaint which the Monitoring Officer is minded to dismiss as being without merit, vexatious, or trivial. This decision will normally be taken within 14 days of receipt of a complaint. Where the Monitoring Officer has taken a decision, he will inform the Complainant and the Subject Member of his decision and the reasons for that decision.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies

PART 3: INVESTIGATION & DETERMINATION OF COMPLAINTS

If the Monitoring Officer decides that a complaint merits formal investigation, he may either appoint an Investigating Officer to investigate the complaint or investigate the complaint himself.

The Investigating Officer would normally write to the Subject Member.

The Subject Member will be provided with a copy of the complaint. The Subject Member will be requested to provide any relevant information the Investigating Officer needs to investigate the Complaint.

In exceptional cases, where it is appropriate to keep the identity of the Complainant confidential or disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer will withhold the Complainant's details or delay notifying the Subject Member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer/Monitoring Officer will produce a draft report. This draft will be sent in confidence to the Complainant and the Subject Member, to give them an opportunity to identify any matter in that draft report which is either factually incorrect or which may require further consideration. Having received and taken account of any comments on the Draft Report, the Investigating Officer will send the Final Report to the Monitoring Officer.

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the Subject Member and the Complainant notifying them of either:

- (a) he is satisfied that no further action is required, and provide them both a copy of the Investigating Officer's final report, or
- (b) following review of the Investigating Officer's report that either the complaint will be
 - (i) sent for determination before a Standards Committee or,
 - (ii) after consulting the Independent Person, seek a local resolution.

Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and the Complainant and seek to agree fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Subject Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

Process for the Determination of Complaints

If the Monitoring Officer considers that local resolution is not appropriate, then the Monitoring Officer will convene a Standards Committee to determine the complaint. It will conduct a hearing which will decide whether the member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the member.

The set up and structure of the Standards Committee is provided for by the Council's Constitution

The Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and may issue directions as to the manner in which the hearing will be conducted.

Conduct of a Committee hearing

The Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Subject Member has failed to comply with the Code of Conduct. The Subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Committee, with the benefit of any advice from the Independent Person, concludes

- (a) that the Subject Member did not fail to comply with the Code of Conduct, then they can dismiss the complaint
- (b) that the Subject Member did fail to comply with the Code of Conduct, the Chair will inform the Subject Member of this finding and the Committee will then consider what action, if any, the Committee should take as a result of the Subject Member's failure to comply with the Code of Conduct. In doing this, the Committee will give the Subject Member an opportunity to make representations to the Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

The Council has delegated to the Committee powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Committee may authorise the Monitoring Officer to –

- (a) Publish on the Council's website any findings in respect of the Subject Member's conduct which shall include a brief statement of the facts, the provisions of the Councillors' Code of Conduct which have been breached, the view of the Independent Person, the reasons for the findings made and details of the sanctions applied;
- (b) Report the findings to the Standards Committee for information;

- (c) Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (d) Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (e) Arrange training for the Subject Member;
- (f) Remove from all outside appointments to which the Subject Member has been appointed or nominated by the Council;
- (g) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- (h) Exclude the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Committee has no power to suspend or disqualify the Sub Member or to withdraw members' or special responsibility allowances.

At the end of the hearing, the Chairman will state the decision of the Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Committee resolves to take.

The Monitoring Officer will issue a decision notice, in consultation with the Chairman of the Committee. The decision notice will be sent to the Complainant and the Subject Member. Thereafter a summary of the decision may be available for public inspection and the decision will be reported to the next convenient meeting of the Standards Committee.

Appeals

There is no right of appeal against a decision of the Monitoring Officer or of the Standards Committee to the Council.

The complainant may complain to the Local Government and Social Care Ombudsman if he or she is concerned that there has been a service failure or maladministration and they have been directly affected by the matter.

Independent Person

The Independent Person is invited to attend all meetings of the Committee and his/her views are sought and taken into consideration before the Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Revision of these arrangements

In the interests of fairness, the Monitoring Officer may vary any of these arrangements as appropriate. The Chair of the Standards Committee may depart from the arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Appendix C

MEMBERS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for a referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
11. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

Complaints which may be referred to the Standards Committee

1. It is serious enough, if proven, to justifying the range of actions available to the Standards Sub-Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation.
3. When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or

4. The complaint is about a high profile Member such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate.

5. Such other complaints as the Monitoring Officer considers it would not be appropriate for him to investigate.

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Part 5.2 Code of Conduct for Members in relation to Planning matters

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

Do

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

Do not

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

1. INTRODUCTION

- 1.1 This Code has been written to advise all those concerned with discharge of the Council's statutory planning functions. The Code applies to all elected members and is relevant to officers, potential developers and the public in setting out the high standards of ethical conduct that can be expected of the Council in the exercise of planning functions. This Code compliments the Code of Conduct for Members.
- 1.2 If elected members have any doubts about how to comply with this Code, they should seek early advice from the planning team, democratic services, legal services or the Monitoring Officer. Advice should be sought well in advance of any meeting to allow for a proper consideration of the facts.

Within this code the following terms are defined as follows:

Elected members/members	All members of the authority
Committee member	Member of the Planning Committee
Ward councillor	Local ward councillor for the ward affected by the application in question

Planning

- 1.3 The planning process has the potential to deliver sustainable planned growth aspirations for the Borough and planning decisions are often based on balancing competing interests (social, economic and environmental). It relies on informed judgement within a firm policy context. It can also be highly contentious because its decisions affect the daily lives of everyone and the private interest of individuals, landowners, and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions) and the statutory framework, which includes a combination of national and local planning policies and guidance. It is important, therefore, that the process is characterised by open and transparent decision-making.
- 1.4 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that the Council should make planning decisions affecting these interests openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no grounds for suggesting with any justification, that a decision has been partial, biased, or not well-founded.
- 1.5 Thus the successful operation of the planning system in Slough depends upon the Council always acting in a way which is clearly seen to be fair and impartial. This requires a shared understanding of the respective roles of elected members (including the differing roles of committee members, ward councillors, cabinet members and the wider group of members) and officers.

2. GENERAL PRINCIPLES

- 2.1 The seven principles of public life, also known as the Nolan Principles, apply to all public office-holders. This includes elected members and officers. By law the Council must promote and maintain high standards of conduct and adopt a local code of conduct, which should set out the rules for registering pecuniary interests, investigating alleged breaches of the code and imposing sanctions. In addition to the Code of Conduct for Members, the Council has published this Code related specifically to planning and this should be read alongside the substantive Code of Conduct for Members.
- 2.2 Officers who are chartered town planners are regulated by the Royal Town Planning Institute's Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute. All officers are bound by the Council's Employee Code of Conduct and by law must always act in a politically neutral manner.
- 2.3 Officers and elected members should not act as agents for people pursuing planning matters within their own authority, even if they are not involved in the decision making on this. Advice should be sought from the Monitoring Officer if an elected members is employed or has a business involved with development in the local area.
- 2.4 A key principle is that Councillors should seek to represent all their constituents in a fair way and make decisions in the public interest. Councillors should take account of all views expressed, they should not be biased or appear to be partial towards any person, company, group or locality. A political party whip cannot be used to direct committee members on how to vote on a planning committee and planning decisions cannot be made on a party political basis. Evidence supporting the use of a party whip is likely to be regarded as maladministration and lead to a successful appeal or judicial review.

3. GENERAL ROLES OF MEMBERS AND OFFICERS

- 3.1 Members and officers have different, but complementary roles. Effective communication and a positive working relationship between officer and members is essential to deliver a good planning service.
- 3.2 Members of Cabinet set the Council's planning policies and committee members will determine planning applications and other matters which are not delegated to officers. Members in their ward councillor role also have an important role in raising issues of local concern. Most councils delegate certain planning decisions to officers to determine. These officers are bound by the same policies and standards as committee members, but will deal with the more routine applications. Effective delegation can help ensure that decision on applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on applications of greatest significance to a local area. These are the most complex, larger and potentially controversial applications.

- 3.3. When making decisions, officers and committee members must:-
- (a) Act fairly and openly
 - (b) Approach each application with an open mind.
 - (c) Carefully weigh up all relevant issues.
 - (d) Determine each application on its own merits.
 - (e) Avoid contacts with interested parties which might be taken to indicate that they were unduly influenced by one party or another.
 - (f) Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.
 - (g) Seek and follow professional advice.
- 3.4 Members who also serve on parish councils may need to clarify their separate roles in each authority. The public and other interested parties should be clear at all times when the member is acting as a parish councillor and when they are acting in their role as an elected member, including a committee member. Advice should be sought in advance of a meeting if a committee member is concerned about whether their role on another public body will affect their ability to be a committee member when determining particular applications.

4. DECLARATIONS OF INTEREST

- 4.1 Elected members are required to keep a register of interests with all disclosable pecuniary interests and other registrable interests. This register must be kept up to date throughout their term of election. It is a criminal offence to fail to register a disclosable pecuniary interest, give false or misleading information on registration or to participate in discussion or vote in a meeting on a matter in which the member has a disclosable pecuniary interest. A member with an interest that is not a disclosable pecuniary interest, must declare this at the meeting and they may be able to participate, speak or vote on the item depending on the circumstances. However, the potential for conflicts of interest and need to withdraw from the decision-making process can apply to these interests as well, therefore early advice should be sought. Members should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the member's involvement would be appropriate or not.
- 4.2 Gifts and hospitality give rise to particular problems in respect of the credibility of the planning process. The Code of Conduct for Members sets out the requirements in relation to whether to accept and to register any gifts and hospitality. Members involved in planning decisions should not accept over-frequent or over-generous hospitality and should always ensure that the acceptance of such does not give rise to a conflict of interest.

5. PRE-APPLICATION DISCUSSIONS

Planning

- 5.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties, and is regarded as best practice. Discussions can take place for a variety of reasons, for example: to establish whether an application can be improved in design, to overcome planning objections, meet relevant neighbour concerns or concerns on matters relating to owner and disorder or noise or the presence of children.
- 5.2 It should always be made clear at the outset that pre-application discussions will not bind the Council to making a particular decision and that any views expressed are provisional, until all relevant information is submitted and consultations on it have taken place.
- 5.3 Officers will ensure that their advice is neither partial, nor seen to be and is in line with Council policy. This is because a consequent report could be seen as advocacy for a particular point of view. A written attendance note should be made of pre-application discussions, and important telephone conversations and placed on the relevant file.
- 5.4 Committee members may be encouraged to participate in pre-application submissions on specific applications, including through officer briefings, public forums and meetings. Committee members should ensure that an officer is in attendance and a written note is made of the meeting and placed on the case file. Other ways of members being involved in pre-application stages include committee information reports, all councillor briefings, informal committee briefings, developer presentations to committee, such presentations will normally be held in public and ward councillor briefings.
- 5.5 For the avoidance of doubt, committee members are prohibited from negotiating with the applicant and no elected member should seek to present themselves as having authority to negotiate on behalf of the Council.

6. PREDETERMINATION, PREDISPOSITION AND BIAS

- 6.1 Committee members need to avoid any appearance of bias or having “predetermined” views when making a decision on a planning matter. Clearly expressing an intention to vote in a particular way before the meeting could be indicative of a closed mind and be seen as predetermination.
- 6.2 Predisposition is where a committee member has a pre-existing opinion or attitude but remains open to listening to all the arguments and changing their mind in response to these. A reasonable bystander test should be applied to determine whether a member who has expressed a view should continue to take part in the decision-making process.

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

7. RESPONSE TO LOBBYING OF MEMBERS

- 7.1 Lobbying is a normal part of the planning process. An effective way of a local resident or developer of raising issues is via the local elected representative. Lobbying, however, can lead to the impartiality and integrity of a member being called into questions.
- 7.2 If they are approached, committee members should use all reasonable endeavours to refer the person to another member who is not a committee member or to officers. If, however, the lobbying persists then committee members should expressly state that whilst they can listen to what is said, they will only be in a position to take a final decision after they have heard all the relevant arguments and have taken account of all relevant material and planning considerations at the committee meeting.
- 7.3 Other than for formal site visits, committee members should not enter premises or sites (if the visit is in relation to the application) which are, or are likely to be, the subject of a planning application.
- 7.4 Elected members should not organise support, opposition or put undue pressure on other councillors or officers for a particular decision/recommendation.

8. REPORTS BY OFFICERS

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

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

- 8.2 Officers may supply written information at the Planning Committee to take account of additional relevant matters that arise between the publication of the agenda and the date of the meeting. Plans of the proposed development will be available for inspection at Committee. The Chair, at the request of any Member of the Committee, shall adjourn the meeting for a reasonable period of time to enable the Committee Members to have an opportunity of reading any information which has been tabled by the officers at the meeting.
- 8.3 As a general rule the Members of the Committee will not take into account any written information at the meeting which has not been submitted by the developer/applicant or any consultees (including local residents) as part of the application process. However in exceptional circumstances the chair, in consultation with the officers present, may exercise his/her discretion to consider new information if it is appropriate to do so.
- 8.4 The relevant planning officer must be available at the Committee to answer any questions or clarify any queries raised by committee members.

9. SITE VISITS

General

- 9.1 Site visits are:-
- (a) fact finding exercises
 - (b) not part of the formal consideration of the application and therefore public rights of attendance do not apply
 - (c) to enable Officers and the Applicant to point out relevant features
 - (d) to enable questions to be asked on site for clarification. However, discussion on the application will only take place at the subsequent Committee as all relevant parties may not be in attendance on site.
- 9.2 At the site visit committee members shall be accompanied by an officer who will record what takes place at the inspection. Committee members may ask questions of the officers and the applicant/agent. However, representations on the merits of the application will not be heard.
- 9.3 The site visit shall take place during normal working hours as far as is practicable unless there are exceptional reasons which dictate otherwise (which should be minuted). The Chairman or planning officer shall explain the purpose of the visit and how it will be conducted to all persons present at the site visit. Where possible, all committee members should attend the site visit,

however an inability to attend should not be used as a reason by an individual committee member to defer the application.

- 9.4 The Planning Officer who attended the site visit will prepare notes for the Planning Committee on the planning issues and any relevant information obtained by committee members. Whilst on site, members should not express an opinion on the planning application or its merits and should avoid making any comments or acting in a way which makes it clear that they have a closed mind.
- 9.5 The Officer attending the site visit will ensure that all correspondence in relation to site visits clearly identifies the purpose of the site inspection, the format and conduct of the inspection and the appropriate procedure for the applicants, agent to address committee members. The purpose of a site visit is not to be exposed to local opinion, therefore local objectors should not be present and committee members should not engage in any discussions with any local residents or interested parties who may have a view on the application.

10. TRAINING

- 10.1 No councillor should be appointed to the Planning Committee without having agreed to participate in educational training programmes directed towards the role of councillors in making decisions.
- 10.2 The Council will, from time to time, consider and review the form of education and training that is most appropriate.
- 10.3 Training sessions for Planning Committee by the Council's Solicitors and Planning Officers will cover the following topics:-
- The Role of the Government in Planning
 - The Development Plan and Material Considerations
 - Section 106 Planning Obligations/Planning Conditions
 - Enforcement of Planning Control
 - Permitted Development
 - Planning Procedures
- 10.4 This training will be open to all elected members and brief handouts will be provided where appropriate.

11. PLANNING APPEALS

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

- 11.2 If a Councillor wishes to attend a public inquiry or informal hearing as a Ward Councillor or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the chief planning officers to ensure that they are aware of the process and that they do not act in a manner which compromises their position as a Member of the Council, brings the Council into disrepute or puts the decision made at risk of challenge. RE Members' Planning Code of Practice – January 2018
- 11.3 Where the Planning Committee or an Area Planning Committee refuses an application against the officer's recommendation one Member of the Committee should attend any appeal on behalf of the Council and other Members may attend as observers if they so wish. The decision of the Committee will be documented in the minute and set out in the decision notice. The planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision with such assistance from the nominated Committee Member as may be required. The inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed.
- 11.4 Where the decision of planning committee members is contrary to the officer's recommendation, officers are generally able to present the Council's case in a satisfactory manner. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.

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Part 5.3 Local Code of Conduct for Employees

STATUS: This Code is binding on all Council employees other than those based in Schools whose employment terms are determined by Governing bodies. Any breach of the Code and the standards it sets will result in disciplinary action as could be an accessory to such a breach. The Authority requires that all employees operate within the law, as unlawful or criminal behaviour, even away from work, will lead to action against you. A breach of some rules can be so serious as to be deemed to be gross misconduct. This will entitle the Authority to dismiss you for a first offence without notice under the Authority's Disciplinary Procedure.

CONTACT: It is your responsibility to read this Code and work in accordance with it. If you are unsure about any aspect, check it with your line manager or Human Resources.

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CODE OF CONDUCT FOR EMPLOYEES

1. Introduction

- 1.1 This Code of Conduct is incorporated into your contract of employment. It sets out the responsibilities and standards Slough Borough Council (the Authority) expects of you and the values it expects all staff to uphold. In carrying out your duties you are expected

To promote:

- The highest standards in public life
- Harmonious working relationships
- The Council's values and priorities

2. Principles

- 2.1 This code meets the recommendations of the Nolan Committee on Standards in Public Life. The seven principles for those working in Slough Borough Council to observe are:

- **Selflessness** – you should act solely in terms of the public interest.
- **Integrity** – you must not place yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not take decisions in order to gain financial or other material benefits for yourself, your family or your friends. You must declare any interests and relationships and take steps to resolve any conflicts arising in a way that protects the public interest.
- **Objectivity** – you must act and take decisions impartially, fairly and on merit using the best evidence and without discrimination.
- **Accountability** – you are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.
- **Openness** – you should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** – you should be truthful.
- **Leadership** - you should promote and support these principles by leadership and by example and be willing to challenge poor behaviour wherever it occurs.

2.2 Whilst working for the Authority

You must:

- Comply with the Authority's constitution, service requirements, policies, standards, relevant legislation and professional standards which apply to your role.
- Comply with the procurement rules and financial regulations on the award of contracts and orders.
- Declare to your Director any potential or actual conflicts of interest or relationships that may impact on your work or that of the Authority.
- Report any concerns or breaches of this Code to your manager or in accordance with the Authority's whistleblowing policy.
- Ask your manager if you are unsure of what is required of you.

3. Breach of this Code

- 3.1 Breaches of this Code (inside or outside of work) will be investigated and may result in disciplinary action. Serious breaches of the Code may be considered gross misconduct and result in dismissal without notice.

4. Political Neutrality

4.1 When working for the Authority

You must:

- Remain politically neutral and objective in your work role.
- Not allow your personal or political opinions to interfere with your work.

5. Working with Elected Members

- 5.1 You serve the Authority as a whole and not just Members of the ruling political group.

You must:

- Work for all Members and give them appropriate and impartial advice;
- Deal with Members with respect and in a fair and even handed manner.
- Ensure that working relationships are kept on a professional basis.

6. Politically Restricted Posts

- 6.1 To ensure political impartiality, certain posts are by law politically restricted. This means that if you hold such a post:

You must not:

- Stand as a candidate for election to a local authority, Parliament or the European Parliament.
- Hold office in a political party.
- Canvass at any election for a political party or candidate.
- Speak or write publicly on politically controversial issues or demonstrate support for a political party or candidate.

6.2 Human Resources holds a list of the posts that are politically restricted. This includes posts where employees regularly advise Committees or Sub-Committees; and where employees regularly deal with the media on behalf of the Authority.

7. Working Relationships

7.1 You must demonstrate your commitment to diversity and equality in carrying out the full requirements of your role and behave at all times with respect, courtesy and in a reasonable manner.

- **Elected Members** – In addition to this Code there is a Local Code Governing Relations Between Elected Members and Council Employees that governs your working relationship with Elected Members
- **Local community and service users** – You must remember your responsibility to the community that you serve and ensure courteous, efficient, impartial service delivery to all groups and individuals within the community in accordance with the Authority's policies.
- **Work Colleagues** – your relationship with your work colleagues must be professional, supportive, cooperative and respectful. You should not have day to day managerial responsibility or decision making responsibility relating to pay, discipline, and promotion for someone to whom you are related or with whom you have a close personal relationship. You must comply with the Authority's human resources policies and procedures.
- **Contractors and suppliers and other partners in service provision** – all your relationships of a business or private nature with external or potential contractors/suppliers/partners must be made known in writing to your Director and you must comply with the Authority's procedure for declaring interests. Orders and contracts must be awarded on merit, by fair competition against tenders and no special favour should be shown in the tendering process to businesses run by friends or relatives. No part of the local community should be discriminated against.
- **Candidates for jobs** – whether for temporary, fixed term or permanent roles candidates must be appointed on merit, You should not be involved in the recruitment, selection, promotion or appointment of a spouse, partner, close family member i.e. mother, father, sibling, offspring or other person with whom there is a close personal relationship.

- **Dealing with the media** – only authorised officers may speak, write or give interviews to the media on behalf of the Authority. Otherwise all media requests should be referred to the Communications Office. This does not apply to an employee acting as a spokesperson for one of the Authority’s recognised trades unions in the pursuit of legitimate industrial relations activities

8. Duty to Declare Interests (pecuniary and non-pecuniary)

8.1 You are responsible for declaring in writing to your Director any interest (financial or non-financial) relating to yourself, a family member or friend which conflicts or appears to conflict with the Authority’s interests and the requirement for you to conduct yourself with integrity, impartiality and honesty. This includes interests, relationships and associations related to:

- The award of contracts
- The supervision of contracts
- The recruitment, promotion and management of personnel
- The provision of services to members of the community
- The awarding of grants to any voluntary organisation with which you are connected
- Access to confidential information
- The sponsorship of community organisations or events

8.2 You must declare membership of any organisation or pressure group which may seek to influence the policies of the Council.

8.3 You must declare membership of any organisation whose membership is not open to the public and that has a commitment of allegiance or whose rules or membership or conduct are secret. This includes the freemasons.

8.4 Your actions during your off duty hours can impact on your employment with the Authority. Subject to the Rehabilitation of Offenders Act 1974, you must declare any criminal charges, criminal prosecutions and sentences including cautions

8.5 You must declare if a family member, partner or close friend becomes a Councillor.

8.6 Employees fall into two categories in relation to declarations:

- **Category A staff** – those staff in a position to influence: the selection of contractors/consultants; the granting of planning and licence consents; negotiations affecting land and property; and the disclosure of confidential information concerning commercial dealings and third parties. These staff must complete an annual return to be given to their Director and included in the confidential register maintained by the Monitoring Officer.
- **Category B staff** – all other staff who may have a conflict of interest are required to make a written declaration to their Director who will maintain a confidential departmental register.

9. Outside Work (paid, unpaid or voluntary)

9.1 You are not prohibited from undertaking outside work whether paid or unpaid providing that, in the Authority's view, this does not conflict with or be to the detriment of your role with the Authority or conflict with the Authority's interest.

9.2 You must obtain written consent from your Director in advance, if seeking to undertake outside work.

9.3 Where outside work has been authorised, you must not use the Authority's facilities (including telephone, photocopies, computers/software, accommodation) for such work unless authorised to do so.

9.4 Examples of outside work include, but are not limited to:

- Being a director, agent or professional advisor to a company.
- Consultancy work.
- Lecturing.
- Being a school governor, special constable or magistrate.
- Volunteer with a charity/voluntary organisation.
- Driving a mini cab.

10. Gifts and hospitality

10.1 As a Council Officer it is important that you treat any offer of gifts or hospitality with great care as acceptance may call into question your integrity. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community.

You must:

- Make sure that the acceptance of any modest gifts or hospitality is authorised by your Director in accordance with the Authority's procedures.
- Report in writing to your Director all offers of gifts or hospitality even if not accepted by you

You must not:

- Accept personal gifts (monetary or otherwise), loans, fees, rewards, favours, invitations to social, sporting or other events or any advantage from potential or existing contractors, outside suppliers, planning applicants or their agents, grant applicants, Councillors or service users. All such officer must be reported in writing to your Director in accordance with the Authority's procedures.

- Accept gifts or favours from vulnerable service users to whom you may provide care or support. Offers of such gifts or favours from their relatives and friends must also be refused. You must refer to the Social Services procedure regarding such gifts.
- 10.2 Where the refusal of an unsolicited gift may cause offence, the gift may be donated to the Mayor's official charity and the donor informed in writing.
- 10.3 The offering, giving, soliciting or acceptance of an inducement or reward for doing or not doing anything or showing favour or disfavour to any person in your official capacity is to act corruptly and is a serious criminal offence.

11. Handling Authority Money

- 11.1 The Authority is a publically funded organisation. When dealing with the Authority's funds you must be familiar with Procurement Rules, Financial Regulations, the Financial Scheme of Delegations and any other relevant procedures.

You must:

- Use Authority funds in a responsible, accountable and lawful way.
- Comply with Financial Regulations and any other relevant procedures.
- Take legal and financial advice where appropriate.
- Seek value for money.
- Report any suspected financial irregularity, corruption or fraud to your manager or via the whistleblowing procedure.

12. Intellectual Property

- 12.1 The Authority retains the intellectual property rights in all work undertaken by its employees. Research, reports, designs, drawings, software development or similar work remain the property of the Authority and should not be passed onto a third party without the express consent of the Authority in writing.

13. Protecting Confidential Information

- 13.1 The Authority supports open government. The law requires that certain types of information are available to Elected Members, auditors, government departments, service users and the public. Guidance is given in the Constitution on the disclosure of information including the Access to Information Rules and the Local Code Governing Relations between Elected Members and Council Employees.
- 13.2 Unless the individual/organisation gives informed consent to its release, certain information must be kept confidential.

This includes:

- Personal information relating to service users or third parties.
- Personal information relating to employees or candidates for employment.
- Financial or other information which could prejudice the Authority's interest, if revealed.
- Information provided by contractors relating to their bids or tenders for a contract. Such information is commercial in confidence both during and for a time after the tender process.

13.3 Maintaining confidentiality of sensitive information is essential. Any such breach could lead to the Authority being fined by the Information Commissioner.

You must:

- Comply with the Authority's policies and procedures on information security.
- Report any suspected breach of information security.

You must not:

- Use any information obtained in the course of your employment for your personal gain.
- Pass on any such information to third parties.
- Access or attempt to access information for which you have no access authorisation.

13.4 All requests under the Freedom of Information Act 2000 and the Data Protection Act 1998 must be forwarded to your Director.

14. Working Safely

14.1 The Authority meets its statutory obligations by taking all reasonable and practicable steps to provide a safe and healthy working environment and to ensure that all reasonable steps are taken to protect the health and safety of its service users.

14.2 All employees are expected to know and to follow the appropriate health and safety requirements in their work area.

14.3 Managers are responsible for arranging appropriate health and safety training for employees.

14.4 Any health and safety problems must be reported immediately to the manager responsible for the area concerned.

15. Use of Facilities

15.1 The facilities and equipment provided as part of your work belong to the Authority.

You must:

- Comply with health and safety regulations and use personal protective equipment as required.
- Take care of Authority property and equipment; keeping it secure; and reporting any breakages or breaches in security.
- Use equipment, vehicles and facilities including stationery, printing, photocopying, and computers for authorised purposes only.

16. Reporting Concerns

16.1 The Authority expects its employees to act in the public interest and to report impropriety, breach of procedure or failure in the manner in which services are being provided.

You must:

- Report any activity which you believe is illegal, improper, unethical, dangerous or a breach of this Code.
- Your report should be to your line manager or if more appropriate to a more senior manager or in accordance with the Authority's whistleblowing policy.

16.2 The whistleblowing policy gives protection to employees who raise concerns that are in the public interest.

16.3 Concerns about your own employment should be raised with your manager or if more appropriate to a more senior manager or in accordance with the Authority's grievance policy.

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Part 5.4 Member Officer Relations Protocol

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1. INTRODUCTION

1.1 This Protocol aims to:

- clearly describe the respective roles of elected Members and Council staff (Officers).
- help all those concerned to understand the relationship between Members and Officers.
- offer a guidance framework on the issues which most commonly arise.
- Ensure high standards of conduct is maintained, the Council is not brought into disrepute and Council business is transacted in a transparent, effective and efficient manner.

1.2 This Protocol is to a large extent a written statement of current practice and convention and forms part of the Ethical Framework adopted by the Council as part of the Constitution. It seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and Officers and to which it is inextricably linked. The shared object of these documents is to enhance and maintain the integrity (real and perceived) of local government and thus the Codes demand very high standards of personal conduct. Accordingly this Protocol should be read in association with the Council's Constitution and, in particular, the Members' and Officers' Codes of Conduct.

1.3 The Protocol seeks to promote greater clarity and certainty as to working relationships between Members and Officers. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are not subject to accusations of bias and any undue influence from Members. Monitoring compliance with this Protocol is the responsibility of the Standards Committee and the Monitoring Officer. Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

2. THE ROLES OF MEMBERS AND OFFICERS

2.1 The respective roles of Members and Officers can be summarised as follows:-

Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give professional advice to Members and to the Council as a whole, and to carry out the Council's work under the overall direction of the Council and Cabinet and in accordance with approved policies and strategies and the terms of the schemes of delegation.

Mutual respect between Members and Officers is essential to good local government.

2.2 **Members' Role**

Members have four main areas of responsibility:

- determining the budget and policy framework of the Council and giving it political leadership,
- monitoring and reviewing the performance of the Council in implementing that policy and delivering services, including ensuring best value use of Council resources.
- representing the Council externally, and
- acting as advocates on behalf of their constituents.

It is not the role of Members to involve themselves in the day to day management of the Authority's services.

2.3 **Officers' Role**

The Role of Officers is to:-

- manage the organisation
- initiate policy proposals which accord with the overall framework set by Members
- manage the implementation of policy
- give professional advice in the course of policy development
- take action under delegated powers
- ensure the Council acts lawfully and with financial propriety

3. **EXPECTATIONS**

3.1 **Members can expect from Officers:**

- (a) A commitment to the Council as a whole, and not to any political group.
- (b) A working partnership.
- (c) An understanding of and support for respective roles, workloads and pressures.
- (d) Timely response to enquiries and complaints.
- (e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers.
- (f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- (g) Awareness of and sensitivity to the political environment.
- (h) Respect, dignity and courtesy.
- (i) High quality training and development in order to carry out their role effectively.
- (j) Integrity, mutual support and appropriate confidentiality.
- (k) Not to have personal issues raised with them by Officers outside the agreed procedures.
- (l) That Officers will not use their relationship with Members to advance their personal interests or to influence decisions improperly.
- (m) That officers will at all times comply with the relevant Codes of Conduct.

- (n) Support for the role of Members as the local representatives of the Authority, within any scheme of support for Members which may be approved by the Authority.

3.2 Officers can expect from Members.

- (a) A working partnership.
- (b) An understanding of and support for respective roles, workloads and pressures.
- (c) Political leadership and direction.
- (d) Respect, dignity and courtesy.
- (e) Integrity, mutual support and appropriate confidentiality.
- (f) Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Members and Officers, and the potential vulnerability of Officers, particularly at junior levels.
- (g) That Members will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly.
- (h) That Members will at all times comply with the relevant Code of Conduct.
- (i) Members' attendance and commitment to training and development offered by officers, including attendance at mandatory training events.

3.3 The distinct roles of Members and Officers necessarily impose limitations upon behaviour. These are referred to and explained below.

4. PERSONAL RELATIONSHIPS

- 4.1 Mutual respect between Members and Officers is essential to good local government. Close personal familiarity in public between individual Members and Officers can damage this relationship and should be avoided as it can prove embarrassing to other Members and Officers.
- 4.2 However, the Council recognises that there may be close social or personal relationships between Members and Officers that have commenced before, or after, a Member is elected to the Council or before, or after, a person becomes employed by the Council. In a large organisation this may be inevitable. In order to maintain the integrity of the individuals concerned and the Council, such relationships should never be hidden. To do so can lead to suspicion and mistrust.
- 4.3 Accordingly, the Member must declare, in writing, to the Monitoring Officer and his/her Leader/Party Whip any relationship with an Officer which might be seen as influencing his/her work as a Member and the Officer must notify their Director in writing. This includes any family relationships.
- 4.4 The Group Leaders and Directors will endeavour to ensure that neither the Member nor the Officer are placed in a position where such relationship between the two will be seen to conflict with the provisions of this Protocol.

5. CONTACT BETWEEN MEMBERS AND OFFICERS

- 5.1 Contact between Members and Officers should normally be at a Senior Officer level since junior officers might feel unduly pressurised to comply with requests from Members and this might disrupt work programmes already agreed with their managers. For the purposes of this Protocol 'Senior Officer' means Chief Executive, Executive Directors, Directors and Heads of Service.
- 5.2 Members have the right to contact directly a Senior Officer when they feel it necessary to do so. Equally, when it comes to routine matters, such as giving apologies for absence from meetings, it is quite in order for Members to contact more junior staff directly. Particular members may have contact with more junior staff due to their role, for instance members of Overview and Scrutiny Committee may contact the statutory scrutiny officer and other staff involved in scrutiny support and chairs of committees may have contact with subject specialists as part of their role. Any other matters should be referred to Senior Officers including any occasion when a Member feels that the action being taken is wrong or is not being pursued with sufficient vigour.
- 5.3 Members are elected to represent the interests of their constituents, but they should not seek special treatment for any individual or group. This includes seeking support or action outside of the agreed systems. Part of a Member's role is to assist constituents to use the Council's systems to report concerns and Members are given training and support to enable them to direct residents and service users to the right system. When dealing with Officers, Members must declare any family, business or other close relationships they have with the constituents concerned.
- 5.4 The role of Officers is to give advice and information to Members and to implement the policies determined by the Council. In giving such advice to Members, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. Whilst an Officer may report the views of individual Members on an issue, if the Member wishes to express a contrary view s/he should not seek to pressure the Officer to make a recommendation contrary to the Officer's professional view.
- 5.5 Certain officers e.g. Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to implement decisions of the Council and Members must respect these obligations, must not obstruct Officers in the discharge of these responsibilities, and must not victimise Officers for discharging them.
- 5.6 Members should not bring or attempt to bring undue influence to bear on an Officer to take any action that is:
- against an adopted policy or procedure
 - a breach of the Code of Conduct for Officers
 - in conflict with the Council's Procedural Rules or Financial Regulations
 - capable of being interpreted as intimidation or bullying.
- 5.7 Officers have a duty to report any attempt to exert undue pressure or influence to their Director who in turn will refer the matter to the Chief Executive.

5.8 A note will be taken of all meetings dealing with matters of significance between Members and Officers, setting out where appropriate, (1) advice given by officers, (2) decisions taken by officers, and (3) actions arising from the meeting. If a decision is required at a Member level, this must be dealt with in accordance with constitutional procedures. This note will be kept by the Officer on the appropriate case system as a record of the discussion and will be shared within 10 working days or longer period as agreed.

6. LEAD MEMBERS/CHAIRS AND SENIOR OFFICERS

- 6.1 It is clearly important that there should be a close working relationship between a Lead Member or Chair of a Committee/Sub-Committee and the Director and other senior officers of any Department which falls within the Lead Member's portfolio or report to that Committee/Sub-Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members. Officers must ensure their political neutrality is not compromised.
- 6.2 While a Lead Member, Chair of a Committee/Sub-Committee will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a Director will be under a duty to submit a report on a particular matter. Similarly, the named author will always be fully responsible for the contents of any report submitted by their Department.
- 6.3 This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report or other officer providing advice on the report. Any issues arising between a Lead Member/Chair and a Director in this area should be referred to the Chief Executive for resolution in consultation with the Leader of the Council.
- 6.4 In addition to the Chair's briefing before any Council/Committee/ Sub-Committee meeting, minority group representatives will also be afforded the opportunity of a briefing through their appropriate spokespersons.
- 6.5 In relation to action between meetings, it is important to remember that, under the executive arrangements adopted by the Council, decisions (relating to the discharge of any of the Council's functions) are taken by the Cabinet, Full Council, a Committee, a Sub-Committee or an Officer under delegated authority. There is no provision for such decisions to be taken by a Chair, a Lead Member or indeed by any other single Member with the exception of decisions being taken by the Leader under urgency procedures.
- 6.6 At Cabinet/Committee/Sub-Committee meetings, a resolution may be passed, which authorises named Officers to take action between meetings in consultation with the Chair or a named Lead Member. It must be recognised that it is the Officer, rather than the Chair/Lead Member, who takes the action and it is the Officer who is accountable for it.
- 6.7 Finally, it must be remembered that Officers within a Department are accountable to their Director and that whilst Officers should always seek to assist a Chair (or

indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director. Members should not put staff in a position where there would be conflict between themselves and their line manager, or other Senior Officer.

7. RELATIONSHIP BETWEEN OFFICERS AND THE EXECUTIVE

- 7.1 As individual Members, all Councillors have the same rights and obligations in their relationship with Officers and should be treated equally. This principle is particularly important in the context of overview and scrutiny and non-executive functions. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between Officers, particularly those at a senior level in the organisation, and the administration will differ from that of other elected members.
- 7.2 Non-executive members should not be treated more favourably or have more access to information due to being a member of the political party which has formed an administration.

8. POLITICAL GROUPS

- 8.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council. Special rules apply to Political Group Assistants and those postholders have been made aware of them through separate guidance.
- 8.2 There is statutory recognition for party political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by political groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 8.3 The support provided by Officers can take many forms, ranging from a briefing meeting with the Leader of the Council, a Lead Member/Chair/ Spokesperson prior to a Council, Cabinet, Committee or Sub-Committee meeting to a presentation to a political group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever political group is in control of the Council at the time, such assistance is available to all political groups.
- 8.4 Certain points, however, must be clearly understood by all those participating in this type of process. In particular:
- (a) Requests for Officers to attend any political group meeting must be made through the appropriate Director. The Director will advise the Chief Executive of any requests made.
 - (b) Unless otherwise agreed in advance with the Chief Executive, Officers will not attend political group meetings that include persons who are not Members of the Council. However, where the Chief Executive has authorised such

attendance special care needs to be exercised by Officers involved in providing information and advice to such political group meetings. Persons who are not elected Members will not be bound by the Code of Conduct and for this reason Officers may not be able to provide the same level of information and advice as they would to a Member only meeting.

- (c) Officer support (whether in the form of a written report or otherwise) must not extend beyond providing information and advice in relation to matters of Council business. Officer support will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Council. Reports or other support will not deal with any political implications of the matter or any option, and Officers will not make any recommendations to a political group. Officers (with the exception of Political Group Officers) are not expected to be present at meetings or part of meetings when matters of party business are to be discussed.
- (d) Political group meetings, whilst they form part of the preliminaries to Council decision making are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
- (e) It must not be assumed by any political group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- (f) Any request for advice, together with the advice given to a political group or Member will be treated with strict confidentiality by the Officers concerned and will not be accessible to any other political group. It is acknowledged, however, that factual information upon which any advice is based will, if requested, be available to all political groups.
- (g) Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group or Member thereof. However, Members should be aware that this would not prevent Officers from disclosing such information to other Officers of the Council so far as is necessary to perform their duties or otherwise to comply with the law.
- (h) Where Officers provide information and advice to a political group meeting in relation to a matter of Council business, it should be understood that the Officers have a duty to provide all necessary information and advice to the Cabinet or relevant Committee/Sub-Committee when the matter in question is considered.

8.5 Any particular cases of difficulty or uncertainty in this area of Officer advice to political groups must be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

9. CONDUCT AT MEETINGS AND SOCIAL EVENTS

9.1 Officers and Members should address each other formally at meetings of the Council, Cabinet, Committees, Sub-Committees and other formal meetings which

both attend. On such formal occasions Officers should refer to Members by the office they hold:

- Leader, or
- Chair, or
- Vice-Chair, or
- Councillor

and, where they are aware of it, respect an individual Member's preference for a particular type of formal address.

- 9.3 Members should avoid excessive informality at formal meetings and other official civic events and refer to Officers either by their job title or by their surname and the title Mr, Mrs, Miss or Ms, as appropriate. This is particularly important in public meetings, including webcast meetings, to ensure that the public understand the distinct roles and responsibilities of Members and Officers.
- 9.4 At formal meetings and official civic events Members and Officers should dress and behave in a manner in keeping with the occasion and their position. This requires them to listen to proceedings and show respect and courtesy to all those present (including members of the public).
- 9.5 The same degree of formality is not necessary at any informal meetings or social events that Members and Officers may attend. Nonetheless, by virtue of their role with the Council if Members and Officers are attending an event they should avoid close personal familiarity or any action which would embarrass others or damage their relationship with other Officers or Members.

10. CONSTRUCTIVE CRITICISM/COMPLAINTS

- 10.1 It is important that in any dealings between Members and Officers they should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 10.2 Members and Officers should not criticise or undermine respect for the other at meetings of the Council or in any public forum. This would damage effective working relationships and the public image of the Council.
- 10.3 Members should not raise matters relating to the conduct or capability of an individual Council Officer or of Officers collectively at meetings held in public. Members should not criticise individual officers in correspondence with the public. This is a long-standing tradition in public service as Officers have no means of responding to criticisms like this in public.
- 10.4 If Members feel that they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Officer or group of Officers they should raise the matter with the Director of the Department in question.
- 10.5 If the Member is not satisfied that action has been taken within a reasonable period by the Director they should raise the matter with the Chief Executive who will look into the matter afresh.

- 10.6 Where an Officer feels that they have not been properly treated with respect and courtesy or is concerned about any action or statement relating to her/himself or a colleague by a Member they should raise the matter with their line manager, or other Senior Officer as appropriate.

11. CORRESPONDENCE BETWEEN MEMBERS AND OFFICERS

- 11.1 Correspondence between an individual Member and an Officer on a matter relating to a single constituent should not normally be copied (by the Officer) to any other Member. Where, exceptionally, it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of “silent or blind copies” should not be employed. Where the Member/Officer has legitimately copied in others it is in order for the Member/Officer replying to copy in those individuals with the response.
- 11.3 In some cases issues are raised by, or with, individual Members relating to a matter of general interest in a Council Ward or individual Parish. Recognising that it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their Ward or Parish, copies of correspondence will normally be sent to all Members for the particular area unless the Member specifically requests that correspondence is not copied to other Members or, there is another reason, why this is not appropriate. Where correspondence is copied to other Members this will be made clear to the original Member.
- 11.4 Officer letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

12. LOCAL ISSUES

- 12.1 Whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be informed or involved, as appropriate, not later than at the outset of the exercise. Similarly whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting.

13. CEREMONIAL EVENTS

- 13.1 The Mayor, or in his/her absence the Deputy Mayor, will be the appropriate person to lead Council ceremonial events which are of particular significance and to represent the Council at ceremonial events of other organisations.
- 13.2 Subject to the above paragraph, Lead Members, Chairs of Committees or Vice-Chairs in that order of preference are the appropriate representatives for ceremonial events within the scope of their portfolios/Committee’s terms of reference. Where neither the Lead Member/Chair nor Vice-Chair of a Committee are available then any other Member may be nominated by the appropriate Lead Member/Chair.

- 13.3 Local Members should always be informed of, and, where possible, invited to ceremonial events taking place within their own Wards, as should the Chair of the relevant Parish Council as appropriate.
- 13.4 Any Member taking part in a ceremonial event must not seek disproportionate personal publicity nor use the occasion for party political advantage bearing in mind that the Member is representing the Council as a whole.

14. RECRUITMENT, APPOINTMENT AND OTHER STAFFING MATTERS

- 14.1 A Member will not seek support for any prospective employee of the Council nor provide references in support of applications for employment by the Council.
- 14.2 Anyone who may be involved in the selection or appointment process for a post with the Council shall immediately declare any relationship to a candidate as soon as it becomes known to him/her to the Director responsible for Human Resources who shall record the declaration and determine whether or not the Member may take any further part in the selection/appointment process for that post.
- 14.3 If a Member is called upon to take part in selecting and appointing an Officer, with the exception of the appointment of assistants to political groups, any appointment decision must be solely basis on merit and which candidate would best serve the whole Council. A Member should not let his/her political preferences influence their judgement.
- 14.4. With the exception of those Members formally involved in appointment and dismissal decisions for specific Senior Officers, Members should not seek to influence decisions relating to redundancy, disciplinary, redeployment or promotion of individual Officers.
- 14.5 If, in the course of performing their duties, Members are concerned about or receive allegations of misconduct or capability by an Officer these should be referred with any supporting information to the appropriate Head of Service. If the complaint relates to a Senior Officer then it should be referred to the relevant Director or the Chief Executive.
- 14.7 Officers are entitled to reasonable privacy and respect for their private lives and Members should not seek or request personal information about individual Officers. Such a request could be seen as threatening particularly by junior Officers. Similarly Members should not seek to contact Officers outside of working hours or at home unless by prior agreement with the relevant Officer or under an existing provision or arrangement related to the Officer's employment with the Council. If a Member has reasonable grounds for believing matters related to an Officer's personal life have a bearing on their employment with the Council then the Member should report these concerns to the relevant Director. Similarly Officers must show similar respect for the private lives of Members.

15. EQUALITY

- 15.1 The Council has legal obligations in relation to compliance with the Equality Act 2010 as an employer, service provider and public body. Members and officers are required to comply with these legal obligations and to adhere to Council policies and procedures. If members or officers believe they have been subjected to unlawful

discrimination or treated in a manner that contravenes the Council's policies and procedures, this should be reported to the Monitoring Officer.

16. PUBLIC RELATIONS AND PRESS RELEASES

- 16.1 The Council's Corporate Communications Officers serve the Council as a whole and must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to affect public support for a political party.
- 16.2 Council press releases are drafted by Officers and will often contain quotations from the Leader and/or Deputy Leader of the Council, a Lead Member, the Chair and Vice-Chair of the Committee or Sub-Committee whose service is involved and from the Mayor or Deputy Mayor about ceremonial events. Such press releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party political affiliation.
- 16.3 Further guidance on the legal constraints placed on the Council is contained in the Code of Recommended Practice on Local Authority Publicity 2011. Whilst the Code applies at all times, there is specific guidance during periods of heightened sensitivity before elections and referendums.

17. MEMBERS' ACCESS TO INFORMATION AND COUNCIL DOCUMENTS

- 17.1 The following paragraphs identify the rights of Members and the procedures that they must comply with when applying for access to Cabinet/Committee/ Sub-Committee reports and other documents/information.
- 17.2 It is important to note that access rights apply to enable Members to carry out their role as elected representatives. Where a Member has a pecuniary or other personal interest in a matter the Member will only be entitled to the same access as would be the case for a private individual. In these circumstances, the Member must make it clear that s/he is acting in his/her private capacity and not as a Member of the Council.

Confidential/Exempt Information

- 17.3 Members of the Council have additional rights over and above those of the public in order for the Member to fulfil their role. This includes access to internal and confidential/exempt information in specific situations.

Confidential information is:-

- (i) Information furnished to the Council by a Government Department on terms which forbid the disclosure of the information to the public, and
- (ii) Information which may not be disclosed by or under any enactment or by a Court Order.

Exempt information is information to which the public may be excluded but do not have to be. The categories of exempt information are set out in Schedule 12A to

the Local Government Act 1972 and are set out in Part 4.2 of the Constitution (Access to Information Procedure Rules).

Requests by Members – Procedures

- 17.4 The following procedure should be used when requesting documentation/information which is not available in the public domain and is required in order to for a Member to fulfil their responsibility as a Member of the Council.
- (i) the Director or Head of Service of the Department concerned should be approached.
 - (ii) If access is denied or the Director/Head of Service is in doubt, the matter must be referred to the Monitoring Officer.
- 17.5 Any requests for information made by Political Group Officers on behalf of Members of their Group should be treated in exactly the same way as if those Members had made the request themselves. The Political Group Officers, when making such requests should clearly indicate on which Member's behalf they are acting.
- 17.6 Requests for information not readily accessible will not be acceded to where the cost is unreasonably high or would unreasonably disrupt the work of the Council. If required to establish a legal right to information, the Member may be asked to complete a request for information form setting out why the information is required. This form is available from Democratic Services.

Access to Cabinet/Committee/Sub-Committee Papers (including Background Papers) – Forthcoming Meetings

- 17.7 The rights of Members can be summarised as follows:-
- (i) Same access rights as members of the public in respect of Part I reports. These rights are set out in Part 4.2 – Access to Information Procedure Rules.
 - (ii) All Members have a statutory right of access to exempt information if its falls under Paragraph 3, except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, and Paragraph 6 of Schedule 12A of the Local Government Act 1972.
 - (iii) Members of the Overview & Scrutiny Committee have a statutory right of access to documents in certain circumstances. This right is set out in Part 4.2 Access to Information Procedure Rules.
 - (iv) All Members have a right to access information if they can demonstrate a “Need to Know” as set out below.

Access to Other Documents/Information – “The Need to Know”

17.8 Under common law, Members are entitled to see such documents as are reasonably necessary to enable them to carry out their duties. This is in addition to the statutory rights to information set out above. In order to exercise this right, the Member must demonstrate a need to know, a mere curiosity or wish to see information is not sufficient. Access to information will be denied where the Member is considered to be “fishing” for information or seeks access for an ulterior/improper purpose (e.g. for a private purpose).

17.9 Case law has determined the following principles:

- The common law right arises from a councillor’s common law duty to keep themselves informed of all matters necessary to enable him properly to discharge their duty as a councillor. This is limited to access to such documents as might reasonably be necessary to enable them to properly perform their duties.
- There must be a link to the Member’s role on the Council as opposed to an indirect motive or purposes, such as a desire to assist a member of the public wishing to challenge a Council decision.
- Being strongly opposed to a decision to defend an action does not establish a need to see information submitted for the purpose of legal advice.
- The need to know may permit access to historic confidential documents related to the past affairs of a committee if this is relevant to the current functions and potential future decisions of the committee.
- Information may be redacted to remove irrelevant information, including information that may amount of gossip or rumour and which may, if disclosed, lead to legal action being taken against the Council, including defamation action. This can include redaction of personal data when this information is not necessary in order to comply with the need to know request.
- Members have no automatic right to access documents of a committee to which he / she is not a member, but could establish that information was needed to enable proper discharge of duties on another committee.
- A need to know does not extend to a need to attend an internal or operational meetings. Members should, in general, not involve themselves in operational matters, including staffing matters.
- A duty of confidentiality applies to information provided under the need to know and a Member would be in serious breach of the Code of Conduct if they were responsible for inappropriate disclosure of information in breach of this duty. This duty is of paramount importance when the information contains personal data about individuals, including staff, residents and service users.
- A need to know cannot be allowed or refused for party political reasons.

Use of Council Information – Confidentiality

17.10 Members and Officers have duties to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and Code of Conduct. Members are bound by their Code of Conduct and disclosure of confidential information could lead to action being taken in accordance with that Code. Disclosure of confidential information can lead to serious action being taken against the Council and in the case of personal information, can negatively impact on the individual whose information has been disclosed.

18. WHEN THINGS GO WRONG

18.1 Procedure for Officers

From time to time the relationship between Members and Officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior Officer (including the Monitoring Officer) the Member or his or her group leader, Officers have the same rights as the public to raise complaints under the Code of Conduct for Members. If it preferable if this is utilised after seeking to resolve matters via the informal process.

18.2 Procedure for Members

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate manager. Where the Officer concerned is a Senior Officer, the matter should be raised with the appropriate Director or with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer. A Member can utilise the procedures in the Whistleblowing Code set out at Part 5.5. of the Constitution in certain prescribed circumstances.

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PART 5.5 Confidential Whistleblowing Code

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1. INTRODUCTION

The council is committed to the highest possible standards of openness, honesty and accountability. It is not prepared to tolerate malpractice and/or wrongdoing. In line with that commitment we expect employees, and others that we deal with, who have any serious concerns about any aspect of the council's work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant council procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis, but this should be the exception.

This document makes it clear that employees and others can voice concerns without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the council rather than overlooking a problem or 'blowing the whistle' outside.

I hope that the improvements made to this process inspire confidence and enable employees and others to feel able to raise concerns so that the Authority can address them appropriately and improve standards within the organisation.

James Swindlehurst Leader, Slough Borough Council

1.1 What is the Code about?

1.1.1 Employees can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within Slough Borough Council (the council). However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or to the council. They may also fear the threat of harassment or victimisation and in these circumstances, they may feel it easier to just ignore their concern rather than report what may just be a suspicion of malpractice.

1.1.2 'Whistleblowing' is the term used when an employee passes on information concerning wrongdoing. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

1.2 Who does the policy apply to?

1.2.1 This code applies to all employees except for school-based employees. Schools need to give consideration to their own code adopted by the governing body, but are strongly recommended to adopt this policy.

1.2.2 The code also applies to former employees, agency staff working for the council, home workers, contractors and their staff, suppliers, volunteers, elected members and members of the public.

- 1.2.3 The code is recommended as good practice to all other groups associated with the council who have the discretion to adopt our policies. Apart from schools, this will include such groups as voluntary sector organisations.
- 1.2.4 The term “employee” within this document is used to describe any of the above.
- 1.2.5 These procedures are in addition to the council’s complaints procedures and other statutory reporting procedures applying to some services. If asked, employees should make service users aware of the existence of these procedures.

2. AIMS AND SCOPE OF THE CODE

2.1 Aim of the code

This code aims to:

- 2.1.1 encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- 2.1.2 provide avenues for you to raise those concerns and receive feedback on any action taken;
- 2.1.3 ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- 2.1.4 reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest;
- 2.1.5 ensure consistency and fairness in dealing with whistleblowing across the Council.

2.2 Scope of the code

- 2.2.1 An employee who makes a disclosure under this code must reasonably believe:
 - (a) That they are acting in the public interest;
 - (b) That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - (i) criminal offences;
 - (ii) failure to comply with an obligation set out in law;
 - (iii) miscarriages of justice;
 - (iv) endangering of someone’s health and safety;
 - (v) damage to the environment;
 - (vi) deliberate concealment of any of the above.

- (c) Examples of the above could include:
- (i) conduct which is an offence or a breach of law;
 - (ii) health and safety risks, including risks to the public as well as other employees;
 - (iii) the unauthorised use of public funds;
 - (iv) negligence;
 - (v) unauthorised disclosure of confidential information;
 - (vi) possible fraud and corruption;
 - (vii) sexual or physical abuse of children and/or vulnerable young people/adults;
 - (viii) deliberate concealment of the above matters.

2.2.2 The above list is neither exclusive nor exhaustive.

2.2.3 Thus, any serious concerns that you have, which are in the public interest, about any aspects of service provision or the conduct of officers or members of the council or others acting on behalf of the council can be reported under the Confidential Whistleblowing Code.

2.2.4. Councillors and Officers, by nature of working in the public sphere, are always likely to face a conflict between their own personal interest and the public interest. That is why the Council has codes of conduct for Councillors and Officers which require each of them to act in the public interest rather than in their own personal interest. Councillors are subject to the Councillors' Code of Conduct in part 5.1 of the Constitution and Officers are subject to the Officers are subject to the Local Code of Conduct for Employees in Part 5.3 of the Constitution. These codes guide Councillors and Officers on how to act in the public interest in certain circumstances where this conflicts with their own personal interest. Any breach of these codes could in extreme circumstances lead to the disqualification of a Councillor or the dismissal of the Officer. If you become aware of any breach of these codes by a Councillor or another Officer you must report this to the Monitoring Officer.

2.3 Which procedure should I use?

2.3.1 There are existing employee policies and procedures designed to resolve many concerns you may have. The procedures to be followed in raising issues under these policies can be found on SBCinsite by clicking on People. They include

- (a) Incident Reporting and Investigation Guidelines
- (b) Grievance Policy & Procedure
- (c) Equal Opportunities Policy

- (d) Disciplinary Policy & Procedure
- (e) Capability Procedure
- (f) Drug & Alcohol Policy
- (g) Probationary Policy & Procedure

2.3.2 If one of these procedures is relevant that process should be used unless you have genuine concerns, at either the outset or the end of the procedure, about following the relevant process in which case this Policy & Procedure should be used. The procedure is not an appeal mechanism for other procedures, unless, exceptionally, you think when you have been through another procedure, that process was compromised. If you are unsure which procedure you should use, then please seek advice from your trade union representative or an HR Adviser or your line manager.

2.3.3 The Confidential Whistleblowing Code is for all other cases involving conduct which appears likely to harm the reputation of the Council.

2.3.4 Schedule 1 shows some examples of situations in which employees might blow the whistle and the procedure to use.

3. SAFEGUARDS

3.1 The Council's Assurances to you

3.2 The council is committed to good practice and high standards and wants to be supportive of employees.

3.3 The council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement being made is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.4 It is understandable that whistleblowers are sometimes worried about possible repercussions. The council aims to encourage openness and will support employees who raise genuine concerns under this code, even if they turn out to be mistaken. However, please see Paragraph 6 regarding untrue allegations.

3.5 The council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest. This action will depend on the type of concern and specific service arrangements.

3.6 Employees must therefore not suffer any detrimental treatment as a result of raising a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a disclosure.

3.7 Employees must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

3.8 On occasions, you may be asked whether you would be prepared to obtain further information. This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.

3.9 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, it is possible that we will be unable to resolve the concern raised without revealing identity (eg because your evidence is needed in Court) but if this occurs we will discuss this with you as to how we can proceed). Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

4.2 All information will be handled sensitively and used only for its proper purpose.

4.3 Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

5. ANONYMOUS ALLEGATIONS

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 If you don't tell us who you are, it will be much more difficult for us to look into the matter, protect your position and give you feedback.

5.3 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account will include:-

5.3.1 The seriousness of the issues raised

5.3.2 The credibility of the concern

5.3.3 The likelihood of confirming the allegation from attributable sources.

6. UNTRUE ALLEGATIONS

If you make an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against you. However, the Council will view very seriously any false or malicious allegations or allegations made for personal gain and disciplinary action may be taken against you under the Council's Disciplinary Policy.

Similarly if an agency worker, external secondee, volunteer etc makes malicious or vexatious allegations or allegations made for personal gain, then the Council will consider dispensing with their services.

7. HOW TO RAISE A CONCERN - INTERNALLY

7.1 Any concerns that you have may be raised orally or in writing and those who wish to make a written statement should set out the background and history of the

concern (giving relevant dates) and the reasons why you are particularly concerned about the situation. The earlier you express your concern the easier it will be to take action. **REMEMBER – IF IN DOUBT RAISE IT.** You must make it clear that you are using this procedure.

- 7.2 The Council will not expect you to prove that your concern is true but you will need to demonstrate to the person contacted that there are reasonable grounds for you to raise the issue.
- 7.3 It is perfectly acceptable for you to discuss your concern with a colleague and you may find it more comforting to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.4 If you have a concern about any malpractice/wrongdoing, we hope you will feel able to raise it first with your Line Manager or their superior. If you feel unable to raise the matter with your Line Manager or their superior, then please raise the matter with your Chief Officer.
- 7.5 If the above channels have been followed and you still have concerns or if you feel that the matter is so serious that you cannot discuss it with your Line Manager, their superior or your Director or you consider that it is not appropriate (e.g. you are a contractor, supplier, Councillor or member of the public), then you can contact the Council's Monitoring Officer MonitoringOfficer@slough.gov.uk .
- 7.6 Where your complaint relates to the Monitoring Officer and/or the Section 151 Officer you should contact the Chief Executive. If you are unhappy about raising your concern internally then you are at liberty to whistleblow externally under Paragraph 10 below.
- 7.7 Where your complaint relates to the Chief Executive you should contact the Monitoring Officer on MonitoringOfficer@slough.gov.uk.
- 7.8 Where Council members have concerns, they may wish to first discuss matter with their Group Leaders.
- 8. HOW THE COUNCIL WILL HANDLE THE MATTER (See flowchart at Schedule 3)**
- 8.1 Within 5 working days, the person with whom the concern was raised will acknowledge its receipt in writing, irrespective of how the concern was raised.
- 8.2 Where the concern has been raised with a manager, (s)he together with an HR Adviser (or other relevant representative eg from Audit or Child Protection Unit) will decide whether the matter needs to be referred to a more senior officer e.g. Director, Section 151 Officer, Monitoring Officer or Chief Executive.
- 8.3 Investigation does not imply either acceptance or rejection of an individual's concerns
- 8.4 The initial enquiry will be undertaken, wherever possible within 10 working days, by the most appropriate Officer(s). This will not involve a detailed investigation, however, sufficient information will need to be gathered in order that a decision can be made as to whether further investigation will take place.

- 8.5 Where appropriate, the matters raised may:
- 8.5.1 be investigated by management, internal audit, or through the disciplinary process
 - 8.5.2 be referred to the police
 - 8.5.3 be referred to the external auditor or other external investigation
 - 8.5.4 form the subject of an independent inquiry
 - 8.5.5 be investigated under another procedure e.g. child/adult protection
 - 8.5.6 be investigated under other forms of prosecution and inspection e.g. to protect public health and safety
- 8.6 In order to protect individuals and those accused of misdeeds or possible malpractice or wrongdoing, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.7 Within fifteen working days of a concern being raised, the person with whom the concern has been raised will write to the individual who raised the matter:
- 8.7.1 indicating how they propose to deal with the matter
 - 8.7.2 giving an estimate of how long it will take to provide a final response
 - 8.7.3 informing them whether any initial enquiries have been made
 - 8.7.4 supplying them with information on staff support mechanisms, and
 - 8.7.5 informing them whether further investigations will take place and who will conduct that investigation, or
 - 8.7.6 explaining the reasons why no investigation is to be carried out.
- 8.8 It may be necessary, as part of the investigation, to obtain additional information from the individual who raised the concern.
- 8.9 The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the concern until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud.
- 8.10 The Council accepts that individuals who raise a concern need to know that the matter has been properly addressed. Thus, subject to legal constraints, the employee will be given feedback on any action taken. However, it will not include information relating to specific individuals, which will remain confidential.

9. HOW THE MATTER CAN BE TAKEN FURTHER

- 9.1 This policy and procedure is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes employees will be satisfied with any action taken. If not, and they feel it is right to take the matter outside the Council, the matter can be raised with the relevant organisation(s) as listed in Schedule 2.
- 9.2 There may be circumstances where an employee considers that (s)he needs to raise the matter externally. This may be because, for example, there is a need to involve the appropriate external regulatory body, or the employee considers that the matter has not been properly addressed, or that an employee reasonably believes that the matter will be covered up.
- 9.3 If an employee is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at helpline@pcaw.co.uk. Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice or wrongdoing at work.
- 9.4 Further information can also be obtained from the website of the employment service, ACAS (the Advisory, Conciliation and Arbitration Service) at www.acas.org.uk.
- 9.5 In circumstances where an employee decides to raise the matter externally, (s)he will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the PIDA. This means that the disclosure must fall under one of the categories listed in paragraph 4 above and must be made in one of the following ways:
- 9.5.1 in the course of obtaining legal advice
 - 9.5.2 to a prescribed regulatory body (listed in Schedule 4) provided the employee reasonably believes the prescribed body is responsible for the matter of concern and that the allegations are substantially true;
 - 9.5.3 to other third parties where the employee makes the disclosure:
 - (a) with reasonable belief that the information and allegations are substantially true, and
 - (b) does not make the disclosure for personal gain, and
 - (c) has already raised the matter with the Council or prescribed regulator, unless the employee reasonably believes that (s)he will suffer a detriment, or there is not prescribed regulator and (s)he reasonable believes that evidence will be concealed or destroyed if (s)he makes the initial disclosure to the Council, and
 - (d) in all of the circumstances it is reasonable to make the disclosure.
 - 9.5.4 The disclosure is of an exceptionally serious nature and the whistleblower makes the disclosure:

- (a) with reasonable belief that the information and allegations are substantially true, and
- (b) does not make the disclosure for personal gain, and
- (c) in all of the circumstances it is reasonable to make the disclosure.

9.5.5 Council employees who wish to take the matter outside the Council should check with their Trade Union/Professional Association Representative, Human Resources or statutory body that they are not in breach of the Council's Code of Conduct.

Important:

All employees must not, under any circumstances attempt to obtain any further information covertly either directly or indirectly without first having complied with the Council's procedures in relation to staff surveillance which can be found in the Regulation of Investigatory Powers (RIPA) Policy – a copy of this is available on the intranet. Failure to do so may infringe Human Rights and render the Council liable to legal action.

10. SUPPORT FOR EMPLOYEES RAISING A CONCERN AND OTHERS AFFECTED BY THE RAISING OF A CONCERN

- 10.1 The Council is committed to good practice and high standards and wants to be supportive of individuals who raise concerns.
- 10.2 The Council will also support individuals affected by the raising of a concern as appropriate.
- 10.3 Council employees experiencing stress as a result of their involvement in this process can seek counselling and support through the Council's Employee Assistance Programme.
- 10.4 Council employees can also approach their Trade Union or a statutory body such as the General Medical Council (GMC) or Nursing and Midwifery Council (NMC) for advice/support throughout the procedure.
- 10.5 Council employees may also approach their Employee Support Group for support throughout the procedure.
- 10.6 The employee may find it helpful to involve his or her manager, particularly if they can identify specific support that would be helpful and which the manager feels are reasonable.
- 10.7 The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern, eg if they are required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure and, if necessary, be fully prepared for a Court appearance.
- 10.8 Where the raising of a concern affects a group of staff, the relevant manager will, having made an assessment, take appropriate action to support the workgroup.

11. RESPONSIBILITIES

11.1 Staff and others working at the Council

11.1.1 To be aware of this policy and procedure.

11.1.2 In making any disclosure to tell us if you have a direct personal interest in the matter.

11.2 Managers

11.2.1 To make their staff aware of this policy and procedures.

11.2.2 To encourage a positive open working culture for staff and others working at the Council to express easily their concerns.

11.2.3 To take concerns seriously

11.2.4 To guide staff to the most appropriate route.

12. REVIEW OF THIS POLICY

This policy will be reviewed annually by the Council. The Responsible Officer for the maintenance and operation of the policy is:

The Monitoring Officer
Slough Borough Council
Observatory House
25 Windsor Road
SLOUGH
SL1 2EL

MonitoringOfficer@slough.gov.uk

SCHEDULE 1 – SITUATIONS IN WHICH EMPLOYEES MIGHT BLOW THE WHISTLE

1. EXAMPLE ONE

You are working in an area which regularly engages outside contractors. You have noticed how the one which has been named Council's preferred supplier doesn't deliver on time or to budget. Your Chief Officer who is very friendly with one of the staff in the contracting firm, doesn't appear to share your concerns, but is quick to make excuses for them. Senior management seem to have accepted these explanations and don't seem to be concerned. You suspect your Director may be receiving inducements. What should you do?

Report the suspicion to the Monitoring Officer.

2. EXAMPLE TWO

You are in the gym within a Council leisure facility and you notice that everyone using a piece of equipment is now complaining of back trouble. You see that one part of it is loose, but, despite reporting it to the manager of the leisure facility, nothing had happened. What should you do?

Report the matter immediately to the Head of Health & Safety under the Health & Safety policy. Allow a reasonable time for the problem to be resolved and ask about progress. If you have genuine concerns that nothing is being done, contact the Monitoring Officer.

3. EXAMPLE THREE

You work for a contractor in the staff restaurant, and over the past few weeks you notice a member of staff who doesn't seem to be paying for their food. You put this down to your error or their genuine mistake. However recently you notice the same person doing this on a daily basis. You are not sure what to do and you are worried because you did not report it the first time. What should you do?

Report the incident immediately to your Line Manager or their superior. If the concern involves your Line Manager or their Superior or your Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Monitoring Officer.

4. EXAMPLE FOUR

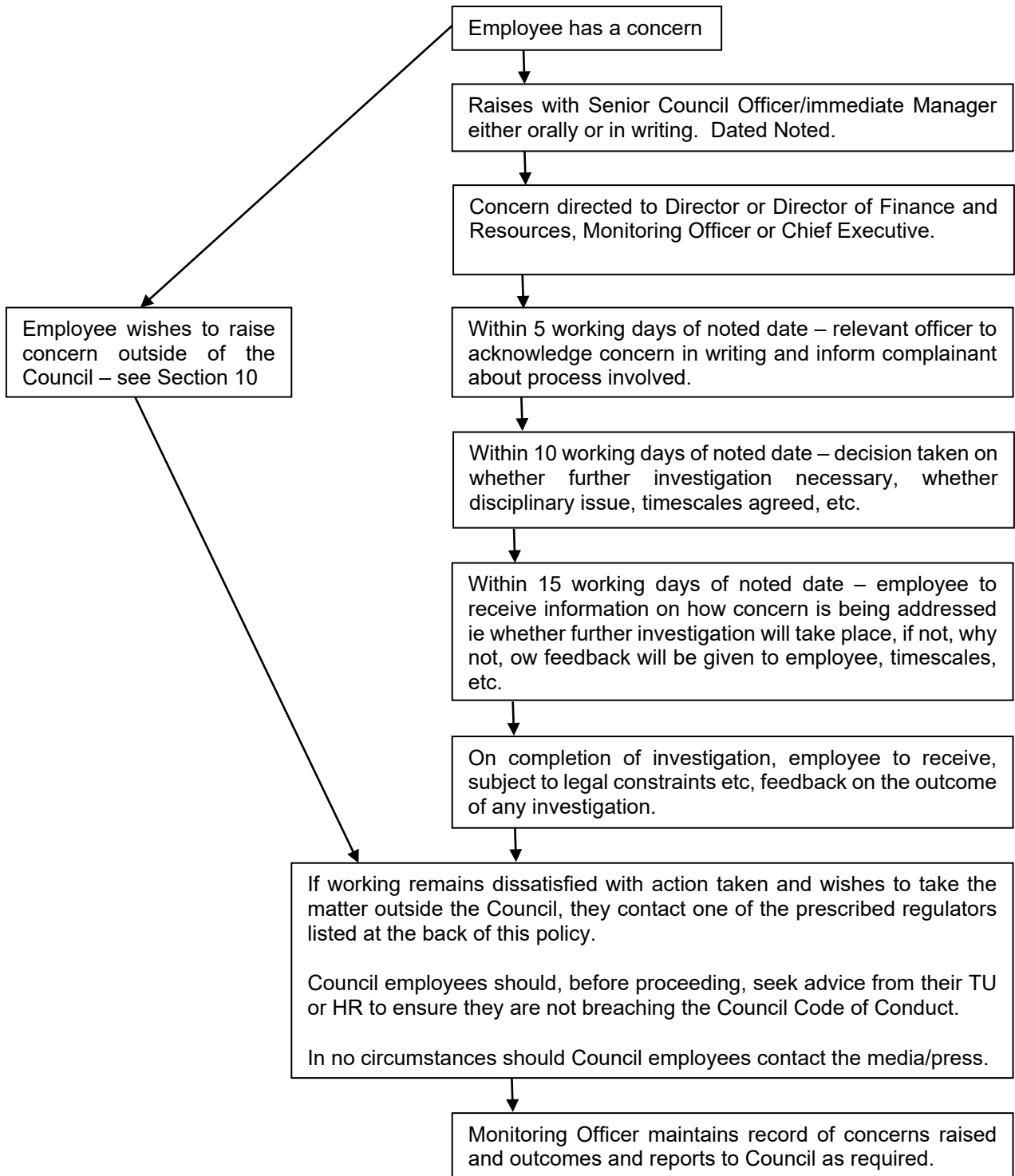
You start work at the Council in an administrative role. It isn't long before you become aware that false claims for expenses are being made by certain people in your department. What should you do?

Report the incident immediately to your Line Manager. If the concern involves your immediate Line Manager or their Superior or Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Monitoring Officer.

SCHEDULE 2 – LIST OF EXTERNAL BODIES

<u>NAME & ADDRESS</u>	<u>AREA OF CONCERN</u>
Public Concern at Work Suite 306, 16 Baldwins Gardens London, EC1N 7RJ (Tel. No. 0207 404 6609)	All matters of malpractice and/or wrongdoing.
Local Government Ombudsman The Commission for Local Administration in England 10th Floor Millbank Tower Millbank London, SW1P 4QP (Tel. No. 0207 217 4620)	Maladministration – causing injustice to a member of the public.
Thames Valley Police Windsor Road Slough, Berkshire (Tel. No. 08458 505 505) or CRIMESTOPPERS Tel. (0800 555 111)	Breach of the Criminal Law
Headquarters: Fraud Squad Thames Valley Police c/o Loddon Valley Police Station Rushey Way Lower Earley, Reading Berkshire, RG6 4PS (Tel. No. 01189 181 818)	Fraud and Public Sector Corruption
The Health & Safety Executive Priestley House Priestley Road Basingstoke, Hants (Tel. No. 0845 300 9923)	Health & Safety dangers
National Customer Contact Centre P O Box 544 Rotherham S60 1BY	Environmental dangers.
Inspection Unit Unit 6, Commerce Park Brunel Road Theale (Tel. No. 01189 306 000)	Poor care practice/abuse in registered establishments, including care homes.

SCHEDULE 3 – Flowchart showing how whistleblowing matters will be handled



Part 5.6 Monitoring Officer Protocol

1. Introduction

- 1.1 Section 5 of the Local Government and Housing Act 1989 (the 1989 Act) requires local authorities to appoint a Monitoring Officer. This protocol provides some general information on the statutory role the Monitoring Officer undertakes and how the functions will be discharged within Slough Borough Council.
- 1.2 A summary list of the Monitoring Officer's functions appear in Appendix A to this protocol. The Monitoring Officer's ability to discharge these responsibilities will depend, to a large extent, on Members and Officers:-
- (a) complying with statute and common law (including any relevant Codes of Conduct which form part of the Ethical Framework Section of the Council's Constitution).
 - (b) complying with any statutory guidance and other guidance/advice issued by the Audit & Corporate Governance Committee and the Monitoring Officer from time to time.
 - (c) not doing anything that would bring the Council or their offices into disrepute.
 - (d) making lawful and proportionate/reasonable decisions.
- 1.3 The role of the Monitoring Officer within the Council rests with the Service Lead Governance.
- 1.4 The Monitoring Officer undertakes to discharge the responsibilities outlined in this protocol with determination and fairness and in a manner which will enhance the reputation of the Council. He is assisted from time to time by staff within Legal Services and Democratic Services but the responsibility of discharging the functions is a personal one. In general terms his ability to discharge his duties depends on good working relations with Members and Officer colleagues, particularly Directors, and also access to information and debate during the decision making process.
- 1.5 The term 'Director' in this protocol means the members of the Corporate Management Team ('CMT') which includes the Head of Paid Service (the Chief Executive) and the Chief Financial Officer (Section 151 Officer).

2. Working Arrangements/Understandings

- 2.1 The following arrangements and understandings between the Monitoring Officer, Members and Directors are designed to help ensure the effective discharge of the Council's statutory powers and duties.
- (a) **Appointment of Deputy** – The Monitoring Officer will appoint a Deputy and keep him/her briefed on any relevant issues that s/he may be required to deal with where he is unable to act.

- (b) **Resources** – The Monitoring Officer will make a report to the Council from time to time on the staff, accommodation and resources required to discharge his functions.
- (c) **Counsel's Opinion** – Where the Monitoring Officer requires specialist advice on any matter concerning his statutory responsibilities he will seek Counsel's Opinion and must have control of a budget to enable him to do so.
- (d) **Training** – The Monitoring Officer is responsible for preparing and implementing a training programme for Members on the Council's ethical framework subject to the approval of the Audit & Corporate Governance Committee.
- (e) **Registers** – The Monitoring Officer will compile and maintain the Council's Registers for Members' Interests and Gifts and Hospitality (offered and received).
- (f) **The Council's Constitution** – The Monitoring Officer will monitor and review the operation of the Constitution in consultation with the Head of Paid Service and the Chief Financial Officer where appropriate to ensure that the aims and principles of the Constitution are given full effect.
- (g) **General Advice** – The Monitoring Officer will give general advice on the interpretation and application of the Council's Constitution to Members and Officers alike (i.e. responsibility for functions, procedural rules, codes and protocols and member allowances scheme).
- (h) **Lawfulness etc** – Members and Directors must alert the Monitoring Officer to all emerging issues that may become a concern to the Council e.g. lawfulness (ultra vires), probity, procedural or other constitutional matters and give advance notice of meetings (whether formal or informal) where these issues are likely to arise.
- (i) **Attendance at meetings** – The Monitoring Officer will have the right to attend and be heard at any meeting of the Council (including CMT) before any binding decision is taken (including a decision not to take action).
- (j) **External Relations** – The Monitoring Officer will develop good and effective working relations with the Standards Board for England, the Audit Commission/District Audit, the Local Government Ombudsman and the Clerks to the three Parish Councils within the Borough (including the giving and receiving of relevant information whether confidential or otherwise).
- (k) **Internal Relations** – The Monitoring Officer will have a special relationship of mutual trust and respect with the Mayor, Deputy Mayor and the Chairs of the Cabinet, Audit and Corporate Governance Committee, Regulatory and Overview and Scrutiny Committees with a view to ensuring the effective and efficient discharge of the Council's functions.

- (l) **Complaints/Investigations** – The Monitoring Officer will
- Consider complaints against Members in accordance with the Councillor’s Code of Conduct.
 - have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions when carrying out any investigation.
- (m) **Deferral of Report** – In consultation with the Mayor of the Council and the Standards Board for England the Monitoring Officer may defer the making of a formal report under Section 5 of the 1989 Act where another investigative body is involved.
- (n) **The Statutory Officers** – The Monitoring Officer will meet with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise.
- (o) **Maladministration** - Directors must consult the Monitoring Officer prior to making any compensation payments for alleged or actual maladministration found against the Council.
- 2.2 To ensure the effective and efficient discharge of the above working arrangements/understandings Members and Directors will report any breach of statutory duty or material breach of Council policy/procedures and other vires or constitutional concerns to the Monitoring Officer as soon as practicable.
- 2.3 The Directors agree to inform and explain the terms of this protocol to their senior managers so that they understand the issues highlighted in paragraph 2.1 above and report concerns accordingly.
- 2.4 The Chief Financial Officer will ensure that adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer’s role.

3. **Breach of the Local Code of Conduct for Members and this Protocol**

- 3.1 Complaints against any breach of the Council's Local Code of Conduct for Members must be referred to the Monitoring Officer in accordance with the Council's Code of Conduct procedures. Complaints against any breach of this protocol by a Member will be referred to the Audit and Corporate Governance Committee and to the relevant Leader and/or the Political Party Group Whip.
- 3.2 Complaints against any breach of this protocol by an Officer may be referred to the relevant Director and/or the Chief Executive.

4. **Approval of this Protocol**

- 4.1 This Monitoring Officer protocol was approved by the Standards Committee at its meeting on 27th November 2003.
- 4.2 The Council adopted the protocol at its meeting on 16th December 2003.

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description		Key Source
1.	Appointment of Deputy	Section 5 1989 Act
2.	Report on resources	Section 5 1989 Act
3.	Establish and maintain Registers of Members' Interests and Gifts and Hospitality	Section 81 LGA 2000 and Local Code of Conduct
4.	Advice to Members and Officers on the interpretation and application of the Constitution	Article 11, SBC Constitution
5.	Receive copies of whistleblowing allegations of misconduct	Article 11, SBC Constitution
6.	Key role in promoting and maintaining high standards of conduct through support to the Audit & Corporate Governance Committee	Statutory Guidance paragraph 8.20
7.	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	DETR guidance
8.	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 1989 Act
9.	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 1989 Act
10.	Liaison with Standards Board for England and Ethical Standards Officers	Section 66 LGA 2000
11.	Investigate misconduct in compliance with Regulations (when made) and directions of Ethical Standards Officers	Section 66 (1) + (6) LGA 2000 and Regulations made thereunder
12.	New ethical framework functions in relation to Parish Councils.	Section 83(12) LGA 2000
13.	Compensation for maladministration	Section 92 LGA 2000

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**Part 5.7 Anti Fraud and Corruption Strategy
and Policy**

SLOUGH BOROUGH COUNCIL

**COUNTER FRAUD AND
CORRUPTION STRATEGY**

Links and Dependencies

Council Constitution
Local Code of Conduct for Employees
Members Code of Conduct
Disciplinary Policy and Procedures
Sanctions Policy
Anti-money Laundering Policy
Anti-bribery Policy
The Email and Internet Usage Policy
Slough Safer Partnership
Local Government Transparency Code 2014
UK Anti Corruption Strategy 2014
Fighting Fraud Locally Strategy 2016
Protecting the English Public Purse 2016
Regulatory Enforcement Policy 2015

Related Forms

Money Laundering; Legal and Regulatory Framework
Money Laundering Report Form
Fraud Referral Form
Financial Investigation Report Form

Section

1. Counter Fraud and Corruption Strategy
2. Anti-money Laundering Policy
3. Anti-bribery Policy
4. Anti-Fraud Response Plan
5. Sanction Policy
6 Policy on Donations and Sponsorships

The Council has had a number of anti-fraud policies and procedures in place for many years. To ensure that policies and procedures remain effective and up to date, it is good practice to review them on a regular basis, and revise them where necessary to ensure they continue to be fit for purpose.

1. Anti-fraud Policy Statement

- 1.1 Slough Borough Council operates a 'zero tolerance' approach towards fraud and corruption and we will use the full range of sanctions available against any individual or organisation found to be committing fraud. Every pound taken by theft or fraud reduces our ability to provide services to the people who need them the most.
- 1.2 We want to protect against, detect and respond to fraud and corruption in order to protect the interests of our clients, partners, employees and other stakeholders while retaining a high ethical standing within the community.
- 1.3 This policy applies to all parts of the Council and to all our employees, volunteers, contractors and consultants in relation to their work with/for us. We rely on the support of employees, businesses and the community to deliver the services we provide to people in need. Loss of confidence in the Council as a result of fraud or corruption could have an adverse impact on our funding and investment in the area, leading to a more severe impact on the services we deliver than the initial theft.
- 1.4 We expect all our Councillors, employees, consultants, contractors, partner organisations and service users, to act with integrity and without intent to commit fraud or corruption and to comply with the legal requirements and policies of the Council including the obligation to report all reasonable suspicions of fraud. In return, we will:
 - take appropriate measures to prevent, investigate and deter fraud;
 - introduce and maintain procedures to detect fraud;
 - encourage employees to report any suspicions of fraud;
 - provide resources to train our staff about fraud risk and investigate fraud;
 - take appropriate disciplinary, civil or criminal proceedings; and
 - report suspected fraud to the police and all relevant organisations.
- 1.5 It is in everyone's interests to prevent fraud and corruption from happening. Report any suspected incident immediately to your manager (unless you suspect your manager may be involved) and the Risk & Assurance Manager. This strategy and response plan sets out what we mean by fraud; how we tackle fraud; what you should do if you suspect fraud; and how we will respond.
- 1.6 We recognise that donations to the Council and sponsorship of Council events in money or in kind may be used as a means to launder funds contrary to money laundering regulations and as a cover for fraudulent or corrupt practices and may bring the Council into disrepute. As a consequence we have adopted a policy on donations and sponsorships as a part of this Counter Fraud and Corruption Strategy which is set out in Section 6 of this document which we will apply to donations to and sponsorship of Council events in money or in kind.

	<p>If you have any concerns about fraud, we want to know: <u>Call free and in confidence : 01 753 787876</u> <u>Email: _investigations@slough.gov.uk</u> <u>www.slough.gov.uk/benefitsand money/form to report fraud.aspx</u></p> <p><u>Write to: Slough Borough Council Corporate Fraud Team -</u> <u>Observatory House, 25 Windsor Road, Slough, SL1 2EL marking</u> <u>it private and confidential</u></p>
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Anti-fraud Strategy

2. Definition of Fraud – what we want to know about

- 2.1 The **Fraud Act 2006** introduced the first legal definitions of fraud, which are used for the criminal prosecution of fraud offences. The Fraud Act of 2006 defines fraud as the intention to make gain or cause loss by false representation, failing to disclose information, or abuse of position. Fraud is not restricted to monetary or material benefit. In addition fraud can be distortion of statement or records to mislead or misrepresent and for the purposes of this strategy covers theft and failure to disclose an interest in order to gain financial or pecuniary gain.
- 2.2 **Corruption** is defined as: ‘The offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person.’
- 2.3 The following are some examples of fraud or corruption, which you may come across:
- providing false identity or right to remain/work documents, references, or any other information when applying for a job;
 - making false claims for expenses, overtime, flexitime, or any other allowance;
 - not declaring a conflict of interest e.g. owning properties which are leased to us, or receiving benefits from us; you or your family owning companies which we do business with; or working for organisations which receive grant funding from us;
 - allocating housing, or any other benefits, to people who are not entitled to them;
 - misusing Blue Badges, residential, business or any other parking permits;
 - fraudulently claiming any benefits we the DWP or HMRC provide, including housing benefits, working/child tax credits, disability benefits, and council tax benefits;
 - fraudulently making, or exaggerating, an insurance claim against the Council;

- using our vehicles, IT equipment (outside the scope of the Council’s Email and Internet Policy), offices/buildings, stocks, materials, or any other resources for personal use, or to run a private business;
- stealing money, materials or other resources from us, our partners, or our clients;
- raising orders, or submitting invoices for payment when the work hasn’t been done;
- working for another organisation, running a business, or being self-employed during contracted hours, including working whilst off sick;
- accepting gifts or hospitality from contractors, or organisations who are bidding for work, or who we have contracts with, or who receive grants from us.

2.4 The above list cannot cover every example of fraud or corruption. If you have any questions, please contact the Risk & Assurance Manager for further advice.

3. Responsibilities

3.1 We expect all individuals, groups and organisations that receive services from, or provide services on behalf of the Council to be honest in their dealings with us and our clients and customers.

3.2 We expect our Councillors and employees, including any temporary, agency and consultancy resources, to lead by example in preventing, deterring and advising of suspected fraud and corruption and these responsibilities are summarised below.

Individual/Group	Role/Responsibility
Committees	<ul style="list-style-type: none"> • Approving and monitoring corporate counter-fraud policies. • Reviewing reports relating to fraud risks and investigations from internal and external auditors.
Directors/ Assistant Directors/ Programme Managers/ Heads of Service	<ul style="list-style-type: none"> • Introducing and maintaining effective controls to prevent fraud or corruption from happening in their service area, or service plan. • Notifying all suspected fraud or corruption incidents within their service area/ programme to the Monitoring Officer. • Approving follow up action to be taken in response to actual incidents of fraud or corruption. • Ensuring that their employees receive appropriate fraud awareness training relevant to the roles they carry out.
Risk & Assurance	<ul style="list-style-type: none"> • Consulting with Directors/Assistant Directors about the best course of action when suspected fraud or corruption incidents are raised. • Allocating an investigator, consulting with appropriate senior managers and HR personnel at agreed stages during any investigation into fraud or corruption, and completing the investigation within agreed timescales.

Individual/Group	Role/Responsibility
	<ul style="list-style-type: none"> • Notifying the police, and other organisations, as appropriate • Facilitating fraud and corruption awareness training. • Providing regular reports to the Audit Committee on fraud, pro-active and responsive investigations. • Providing advice and guidance on internal controls to prevent fraud or corruption. • Undertaking pro-active projects to identify possible fraud or corruption.
Employees	<ul style="list-style-type: none"> • Their own conduct including compliance with the Council's Codes of Conduct, declaration of interest, declaration of outside work and whistleblowing • Informing their manager or Assistant Director and Risk Assurance manager of any suspected fraud or corruption. • Acting with propriety in the use of Council resources • Informing their manager, or Assistant Director and Risk and Assurance Manager of any suspected fraud or corruption incidents
Members	<ul style="list-style-type: none"> • Complying with the Council's Codes of Conduct and Constitution. • Raising concerns with The Monitoring Officer.

4. Our approach to preventing, detecting and investigating fraud and corruption

4.1 We have aligned our fraud prevention and detection approach to the governments recommended 'acknowledge, prevent, pursue' strategy in their [Fighting Fraud Locally](#) publication and the Chartered Institute of Public Finance and Accountancy's 'Managing the Risk of Fraud and Corruption' Code of Practice.

5. Preventing fraud and corruptions

5.1 We want to try and prevent fraud and corruption from happening in the first place. In order to do this our strategy includes:

- undertaking a regular assessment of the fraud risks faced by the Council and ensuring our managers and counter-fraud teams carry out checks on high risk areas;
- completing pre-employment screening of our employees, volunteers, contractors and consultants including confirming their right to remain and work in the UK as appropriate;
- requiring employees to declare potential conflicts of interest and any gifts offered and accepted;
- scanning and verifying identity documents of all applicants for housing and other benefits;

- making sure quotes and tenders from contractors are opened by different employees to those who asked for the quotes; and
- controlling our IT systems e.g. to ensure that individual employees aren't responsible for setting up and authorising payments.

6. Detecting and investigating fraud and corruption

6.1 As well as having systems in place to prevent fraud, we have procedures that detect and investigate fraud effectively, which include:

- fraud reporting mechanisms such as the confidential Freephone telephone number, website address and email facility;
- whistleblowing, Anti-Money Laundering and Anti-bribery policies in place, together with our complaints process, and regular reviews of personnel and financial information e.g. on Right to Buy applications;
- an annual counter-fraud plan which includes projects to look at high risk and high spend areas;
- undertaking regular data matching and analysis of information held on our systems to identify e.g. fraud in housing tenancies, payroll and pensions, Blue Badges, benefits, planning applications and payments to suppliers;
- sharing information on identified frauds and risks with other local authorities and agencies, including the police and the Home Office visa and immigration services;
- joint working with the Department for Work and Pensions (DWP), in accordance with National and Local Service level agreements, regarding benefit fraud and associated fraud arising from the same set of circumstances.
- receiving regular data analysis and fraud information alerts from the National Anti-Fraud Network;
- having a dedicated and suitably trained counter-fraud and financial investigation team in place, with links to the police and other enforcement agencies, to investigate allegations of fraud and undertake prosecutions.

6.2 This policy and strategy should be read in conjunction with our **Fraud Response Plan** which sets out how we will tackle the risk of fraud and investigate allegations of fraud and the Council's **Whistleblowing Policy** (Part 5.6 of the SBC Constitution), which is intended to encourage and enable employees to raise serious concerns.

6.3 We will use all sanctions available to us to deal with anyone committing fraud or corruption including, as appropriate, internal employment disciplinary proceedings, referring cases to the police, offering a simple caution, prosecuting offenders and

seeking recovery of monies and/or other assets obtained by fraud or corruption. Our **Sanctions Policy** is attached, which describes the process in more detail.

- 6.4 We also need to have arrangements in place where any instances of suspected money laundering or bribery are reported. Our **Anti-money Laundering Policy** explains what money laundering is, and what we do to manage the risks associated with crime and money laundering. Our **Anti-bribery Policy** explains the legal position for the Council and employees; and how to report any concerns.
- 6.5 This strategy is aligned with the Council's Code of conduct and HR policies, which require employees to declare any potential conflicts and any gifts or hospitality offered. The strategy is also consistent with the Council's IT Security Policies.

7. Monitoring

- 7.1 This policy and the appendices will be monitored and reviewed on an annual basis. We will consult with all the relevant services areas to ensure that all relevant legal, financial and personnel issues are included in the review processes.
- 7.2 The Council's s151 Officer has overall responsibility for the Corporate Fraud Team and this policy will be presented for approval when any review takes place.

Anti-Money Laundering Policy.

1. What is money laundering?

- 1.1 Money laundering is the term used for several offences involving the proceeds of crime, or terrorism. This includes possessing, or in any way dealing with, or concealing, or converting the proceeds of any crime, as well as funds likely to be used for terrorism and the proceeds of terrorism. Money laundering is used to describe the activities of criminals who convert the proceeds of crime into legitimate activities, with the intention of hiding the true sources of their income.
- 1.2 In relation to the Council, money laundering would be the attempt to conduct legitimate business with the Council e.g. buying/leasing property, or paying for goods and services using assets or money derived from the proceeds of crime or terrorism.

This policy applies to all employees and members of the Council and aims to maintain the high standards of conduct, which currently exist within the Council by preventing criminal activity through money laundering. The Policy sets out the procedures that must be followed (for example the reporting of suspicions of money laundering activity) to enable the Council, its members and employees to fulfil the Council's intention to voluntarily comply with the legal requirements of the Regulations.

2. Laws covering money laundering

2.1 Legislation has shifted the burden for identifying acts of money laundering from police and government agencies to organisations and their employees. The principal legislation and regulation relating to money laundering are: the Proceeds of Crime Act 2002 (POCA), the Terrorism Act 2000 (TA), and the Money Laundering Regulations 2007.

2.2 There are two main offences that may be committed:

- Money laundering offences
- Failure to report money-laundering offences.

2.3 The main types of money laundering offences are:

- acquiring, using or possessing criminal property;
- handling the proceeds of crimes, such as theft, fraud and tax evasion;
- investing the proceeds of crim in other financial productions;
- being knowingly involved, in any way, with criminal or terrorist property;
- entering into arrangements to facilitate laundering criminal or terrorist property;
- transferring criminal property;
- failing to report a suspicion that money laundering offences are taking place;
- tipping off someone who is, or is suspected of being, involved in money laundering, in such a way as to reduce the likelihood of being investigated, or prejudicing an investigation.

2.4 Depending on the severity of the suspected offence, the Magistrates' Court can issue fines of up to £5,000, or sentences of up to 6 months in prison (or both), and, in the Crown Court, fines are unlimited, and sentences of up to 14 years may be handed down.

3. The obligations of the council

The risk of the Council contravening the legislation is, however relatively low and some aspects of the legal and regulatory requirements do not apply to Public authorities.

The Terrorism Act 2000 (TA) and the Proceeds of Crime Act 2002 (POCA) place obligations on all of us. The statutory provisions relating to money laundering, in so far as they affect the Council, are summarised in **Appendix 1** to this policy, together with references to further information

3.1 The main requirements of the legislation are as follows:

- to appoint a Money Laundering Reporting Officer (MLRO);
- maintain client identification procedures in certain circumstances;
- adapt a risk based approach to prevent money laundering;
- implement a procedure to enable suspicions to be reported (Appendix 2)
- maintain robust record keeping procedures.
- Report any suspicious of money laundering to the National Crime Agency (NCA) this is a personal obligation for the MLRO

3.2 The Council's MLRO is the Monitoring Office. In the absence of the designated MLRO, the Corporate Fraud Manager should be contacted.

3.3 The Council has developed formal client identification procedures, which must be followed when Council land or property is being sold. These require individuals (and companies) to provide proof of identity, current address and provenance for the derivation of funds used in any proposed transaction. If satisfactory evidence is not obtained, the transaction must not be progressed and guidance should be sought from the MLRO. All records maintained in respect of suspected money laundering activity must comply with the Data Protection Act

4. Examples of potential money laundering situations

4.1 It is not possible to provide a definitive list of possible situations involving money laundering; or how to decide whether to report suspicions to the MLRO. However, the following are risk factors, which may, either individually or cumulatively, suggest possible money laundering activity:

- payment of a substantial sum of money in cash (over £1000) either in a single transaction or a number of smaller transactions that total more than £10,000;
- payment of cash sums where cash is not the usual means of payment;
- a new customer, or use of a new/shell company, with no financial history;

- a customer who refuses to provide requested information without a reasonable explanation;
- concerns about the honesty, integrity, location, or identity of a customer;
- unnecessarily complex transactions e.g. routing or receipt of funds from third parties, or through third party accounts;
- involvement of an unconnected third party without any reasonable explanation;
- overpayments by a customer, or payments of deposits subsequently requested back;
- absence of an obvious legitimate source of funds;
- purchase of assets beyond known sources of legitimate funds;
- movement of funds overseas, particularly involving a higher risk country, or tax haven;
- the cancellation, or reversal, of a previous transaction;
- requests for the release of customer account details, other than in the normal course of business;
- transactions at substantially above or below current market values;
- poor business or financial records;
- a similar previous transaction (completed or requested) from the same customer;
- an inability to trace the customer, or organisation
- individuals or companies that are insolvent but have funds.

5. Reporting procedure

5.1 If you have any questions or doubts about an individual, company, or transaction that you have been dealing with, then it is important to get advice from the MLRO, or Corporate Fraud Manager as soon as possible – **do not delay reporting your concerns, as this may make you subject to criminal prosecution.**

5.2 Your report to the MLRO should include as much details as possible including: **see Appendix 2 for report**

- full details of the people involved e.g. name, address, company name, directorships, contact details, etc.;

- full details of their (and your) involvement;
- the type(s) of money laundering activity suspected;
- the date(s) of the suspected money laundering activity, including whether the transactions have happened, are ongoing, or are imminent;
- where they took place;
- how they were undertaken (cash payment, bank transfer etc.);
- the (likely) amount of money or assets involved;
- why, exactly, you are suspicious.

5.3 Your report should also provide the MLRO with copies of any related supporting documentation. If you are acting in a legal capacity and consider that legal professional privilege may apply, you should set this out in the report to the MLRO and state why. The MLRO will determine whether the information should be exempt from any reports to the National Crime Agency (NCA).

5.4 Once you have reported your concerns to the MLRO, you must not undertake any further enquiries into the matter. The MLRO will refer the matter on to the NCA, if required, in order for them to undertake further investigation. No further action must be taken in relation to the transaction(s) until either the MLRO, or NCA, has given their consent in writing.

5.5 You should not voice any suspicions to the person(s) who you suspect of money laundering; or make any reference on IT systems, or client/hard copy files that you have reported your concerns to the MLRO. If an individual requests access to information, any notes will need to be disclosed, which may “tip them off” and may make you liable for prosecution.

5.6 A record will be maintained, including details of the customer due diligence, which will be kept for five years after the end of the business relationship; together with a record of the transactions also kept for five years. Guidance on performing the required due diligence checks can be obtained from the Head of Audit.

6. Review of disclosures by the MLRO

6.1 When the MLRO received a report of suspected money laundering they will receive the information and any relevant information including:

- reviewing any other transactions patterns and volumes;

- the length of any business relationship involved;
- the number of any one-off transactions and any linked one-off transactions;
- any identification evidence held.

6.2 The MLRO will complete their review, which may include speaking to the person who made the referral, in order to determine whether there is sufficient evidence of actual/suspected money laundering and whether there are reasonable grounds to know (or suspect) that this is the case. The MLRO will then determine whether the NCA needs to be involved and their consent obtained for a transaction to proceed. In these circumstances, the transaction must not proceed until the NCA consent has been formally received (or if no consent has been received from the NCA after 7 working days).

6.3 If the MLRO concludes that there are no reasonable grounds to suspect money laundering, they will record their decision on the report and give their consent to proceed with the transaction.

6.4 In cases where legal professional privilege may apply, the MLRO will liaise with the Council's s151 Officer to decide whether there is a reasonable reason for not reporting the matter to the NCA

7. Additional requirements for finance and legal employees

7.1 In addition to the reporting procedure in Section 5 above, employees providing certain finance and legal services must also comply with 'due diligence' requirements:

Simplified due diligence: Required when there is low risk of money laundering e.g. new business with a company; when checks on company and director registration details would represent sufficient due diligence

Enhanced due diligence: Required when there is a higher risk of money laundering e.g. an asset purchase beyond the purchasers known legitimate means or remote transactions where the customer is not present to be identified

If satisfactory evidence cannot be provided, then the transaction cannot proceed.

7.2 Customer identification processes must be undertaken when the council:

- forms a business partnership with a customer;
- Undertakes a one-off transaction relating to property or debt of more than £10,000;

- knows, or suspects, that a transaction or a linked series of transactions involved money laundering

7.3 Customer identification must be completed before any business is undertaken with the individual in relation to accountancy, procurement, audit and legal services with a financial or real estate transaction. In order to complete customer identification the following processes should be undertaken:

- identify the person who wants to form the business relationship or complete the transaction;
- verify their identity using independent sources of information;
- identify who benefits from the transaction;
- monitor transactions to make sure that they are consistent with what is understood about the individual or country;
- understand the source of their funds;
- ensure there is a logical reason why they would want to do business with the Council.

8. Training

8.1 The MLRO and Head of Legal Services will ensure that training on the law relating to money laundering and the Council's procedures is provided to all relevant employees on a regular and ongoing basis.

8.2 The legislative requirements concerning anti-money laundering procedures are lengthy and complex. The policy and these procedural guidance notes have been written to enable the Council to meet the legal requirements in a way that is proportionate to the Council's risk of contravening the legislation.

9. Monitoring

9.1 The Council's Monitoring Officer is responsible for the maintenance and operation of this policy. The Council's Monitoring Officer will liaise with the s151 Officer and The Head of Human Resources when the policy is subject to review in order to ensure all relevant employment requirements are taken into account.

Anti-Bribery Policy

1. Policy Statement

Bribery is a criminal offence and is covered by the Bribery Act 2010 and Section 117 of the Local Government Act 1972. Slough Borough Council has a zero-tolerance towards bribery, and we are committed to its prevention, deterrence, detection and investigation.

Slough Borough Council does not, and will not pay bribes, or offer improper inducements to anyone for any purpose; nor do we or will we accept bribes or any improper inducements. In regards to facilitating contracts on behalf of the authority, Section 117 (2) of the Local Government Act 1972 states '*An officer of a local authority shall not, under colour of his office or employ, accept any fee or reward whatsoever other than his proper remuneration*'.

1.1 The Council, and all those organisations and individuals acting on its behalf (including employees, members, temporary and agency staff, consultants and contractors), must not:

- **offer** or **give** any financial or other advantage which is intended to improperly influence a third party in connection with the Council's activities; or
- **accept** any financial or other advantage from a third party which is intended to improperly influence the Council or any of its representatives in connection with the Council's activities.

The Council prohibits both direct and indirect bribery that is, using a third party to offer or accept financial or other advantages on the Council's behalf.

2. What is bribery?

2.1 Bribery is the offering, promising, giving (or acceptance) of a financial or other advantage which is intended to induce a third party (or the Council) to take an improper decision or action. These advantages can be anything of value and can take many different forms including cash, holidays, event tickets, meals, sponsorships, charitable and political donations, and community investments, offers of employment or internships, and use of assets. Decisions could relate to recruitment, the award of contracts, planning consents and other awards that involve the exercise of discretion.

Unacceptable transactions or actions are any that could lead to an offence under the Bribery Act 2010 and/or a breach of Council policies and procedures. It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the

expectation or hope that a business advantage will be received, or to reward a business advantage already given;

- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions. Facilitation payments are not tolerated and are illegal;
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;
- engage in activity in breach of this policy.

2.2 Bribery is a criminal offence under the Bribery Act 2010 (the Act). There are four substantive bribery offences under the Act:

- bribing another, also known as "active bribery" (section 1);
- accepting a bribe, also known as "passive bribery" (section 2);
- bribing a foreign public official (section 6); and
- failure of a commercial organisation to prevent section 1 or section 6 bribery, also known as the "corporate offence" (section 7).

Individuals found guilty of an offence may be imprisoned for a maximum term of ten years and face an unlimited fine. Commercial organisations that are found to have committed a section 7 offence are subject to unlimited fines. Apart from any criminal sanctions that may apply any employee found guilty of bribing another or of accepting a bribe will be considered to be guilty of gross misconduct and liable to be dismissed with immediate effect.

2.3 For the purposes of the Bribery Act 2010, the council may be classed as a "commercial organisation". Failure by a "commercial organisation" to prevent bribery is a corporate offence. A statutory defence is available to the commercial organisation, if it has in place "adequate procedures" designed to prevent bribery by "associated persons" (i.e persons that perform services for or on behalf of the organisation).

3. Scope of the policy

- 3.1 This policy provides a coherent and consistent framework to enable all our employees and those acting on our behalf to understand and implement arrangements to enable compliance with the Act. In conjunction with related policies and key documents, it also enables employees to identify and effectively report a potential breach.
- 3.2 This policy applies to all of our activities, employees and those acting on our behalf, including all permanent, temporary and agency staff, contractors, agents, members (including independent members), volunteers and consultants. For our partners, joint ventures and suppliers, we encourage the adoption of standards consistent with the principles set out in this policy.

4. Our Commitment to Anti-Bribery

- 4.1 In support of our commitment to anti-bribery compliance, we will:
- adopt a clear anti-bribery policy which is supported at the highest levels of our organisation;
 - maintain appropriate procedures to help prevent bribery;
 - undertake bribery risk assessments and perform due diligence, where appropriate;
 - make all employees and those acting on our behalf aware of their responsibilities to comply with this policy and the Act at all times through communication and training;
 - maintain appropriate gifts and hospitality procedures;
 - encourage employees to report any bone fide suspicions of bribery;
 - investigate instances of alleged bribery and co-operate with the police and other authorities in their investigations;
 - take a robust line against anyone found to have breached this policy or to have committed or facilitated bribery; and
 - periodically review this policy and its associated procedures.
- 4.2 As part of our commitment to comply with the Act, the Council considers it unacceptable for any Council employee or representative to:
- give, promise to give, or offer to any third party anything of value to obtain an improper advantage, or to reward an advantage already given;
 - give, promise to give, or offer to a government or public official, agent or representative anything of value to 'facilitate' or expedite a routine procedure;
 - accept anything of value from a third party that you know, or suspect, is offered with the expectation that it will result in an improper advantage for them;

- retaliate against or threaten a person who has refused adhere to this policy (including making or accepting a bribe) or who has raised concerns under this policy; and
- engage in activity in breach of this policy or the Act.

5. Contracts and failure to prevent bribery

5.1 Under the Public Contracts Regulations, an organisation is automatically barred from competing for public contracts where it is convicted of a bribery offence. Commercial organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. The Council has the discretion to exclude organisations convicted of this offence and you should get advice from our Procurement team on this issue.

6. Raising a concern

6.1 We want everyone who has any concerns, bribery or corruption is being committed, to have the confidence to be able to report these confidentially and effectively. Our Whistleblowing policy (**Part 8.1**) sets out how to do this, including making an anonymous referral

7. Monitoring

7.1 The Council's Monitoring Officer, is responsible for the maintenance and operation of this policy. The Monitoring Officer will liaise with the Head of Human Resources when the policy is subject to review in order to ensure all relevant employment requirements are taken into account.

Anti-Fraud and Corruption Response Plan

INTRODUCTION

- 1.1 This Anti-Fraud and Corruption Response Plan compliments the Council's response to suspected or apparent irregularities affecting resources belonging to or administered by the Council or offences perpetrated by contractors and suppliers against the Council.
- 1.2 It is important that all staff know what to do in the event of encountering fraud so they can act appropriately and without delay. The Anti-Fraud and Corruption Response Plan provides guidance to ensure effective and timely action is taken. It also shows that the organisation acts in an effective and lawful manner and that it does not tolerate fraud.

Other documents that should be referred to when reading the Plan:

Anti- Fraud and Corruption Policy
Anti-Bribery Policy
Anti-Money Laundering Policy
Whistleblowing Policy
Prosecutions and Sanction Policy
Local Code of Conduct for Employees
Disciplinary Procedure
Financial Procedure Rules
Constitution

- 1.3 This document provides guidance to all employees of the Council in the event of them becoming aware of :-
- Offences being committed against the Council by a Council member or another Council employee;
 - Offences being committed against the Council by a member of the public;
 - Offences being committed against the Council by a contractor or supplier to the Council;
 - A Council Member or an Officer carrying out a corrupt Act.

It is in 4 parts;

Part A - General: this explains the reasons for having the document and what the document should be used for;

Part B – Employee responsibilities; this explains how employees should react if they suspect fraud or corruption;

Part C – Contractor and third party responsibilities; this explains how contractors and third party suppliers should react if they suspect fraud or corruption;

Part D - Management responsibilities; this explains what managers need to do if they receive an allegation of fraud or corruption. It also outlines the position of managers in the overall control framework of the Council.

This document is available to all employees of the Council by being accessible through the Council's Intranet and Internet pages.

PART A – GENERAL

2 Objectives

2.1 The objectives of a fraud and corruption response plan are to ensure that timely and effective action can be taken to:

- Prevent loss of funds or other assets where fraud has occurred and to maximise recovery of any loss;
- Minimise the occurrence of fraud by taking rapid action at the first signs of a problem;
- Deter people from committing fraud against the Council;
- Identify offenders and maximise the success of any disciplinary and/or legal action taken;
- Be open with members and the public about fraud;
- Demonstrate that the Council acts to protect the public purse when fraud is identified, which in turn will help minimise any adverse publicity for the Council;
- identify any lessons which can be acted upon in managing fraud in the future;
- Reduce adverse impact on the business of the Council.

3.1 Fraud

Fraud is commonly defined as:

'dishonestly making an untrue or misleading statement to another person knowing that the statement might be untrue or misleading or dishonestly failing to declare information to another person which one has a legal duty to disclose or dishonestly abusing a position one occupies where one is expected to safeguard the financial interests of another person all with intention of making a gain for oneself or causing loss to another'

Below are some potential indicators of fraudulent activity. Be aware that not all circumstances where these signs are exhibited will necessarily constitute fraud and nor is this an exhaustive list:

- Employees, consultants or agency workers who never take leave;
- Employees, consultants, agency workers or contractors who work outside normal working hours for no obvious reason;
- Employees, councillors, consultants, agency workers or contractors with serious personal financial problems;
- Employees, councillors, consultants, agency workers or contractors whose lifestyle is disproportionate to their income;
- Unusual concerns or nervousness about visits by senior managers and/or internal auditors;
- Employees, councillors, consultants, agency workers or contractors who often break rules or fail to comply with procedures;
- Complaints about members of staff, councillors, consultants, agency workers or contractors from customers or other employees;
- Lack of effective internal control;
- Undocumented activities;
- Unexplained falls in income levels or increases in expenses;
- Deliveries of goods to premises other than official Council buildings;
- General disregard by management and employees, consultants or agency workers towards security;

In addition, the Fraud Act 2006 introduced three offences of fraud, namely:

- Fraud by false representation (s.2);
- Fraud by failing to disclose information (s.3);
- Fraud by abuse of position (s.4);

These offences sit alongside other existing legislation that can be used to prosecute 'fraud' offences.

3.2 Corruption

Corruption is commonly defined as:

'Corruption is the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.'

In addition, the Bribery Act 2010 created four new bribery offences, namely:

- Bribery of another person (section 1);
- Accepting a bribe (section 2);
- Bribing a foreign official (section 6);
- Failing to prevent bribery (section 7);

3.3 Irregularity.

Irregularity is quite a vague term, and indeed, there are many other terms that may be used in its place or in addition to it, for example, malpractice, wrongdoing, misconduct, misdemeanour, etc. all of which are used to describe behaviour or actions that fall short of expectations.

Behaviour or actions that fall short of expectations is also quite a broad description but generally covers an act, which is unlawful; or is against the Council's Standing Orders or policies; or is not in accordance with established standards of practice; or amounts to improper conduct by an employee, councillor, consultant, agency worker or contractor. It may provide evidence of fraud or corruption, or be a breach of a statutory or corporate code in itself.

Potential examples would be:

- Breaches of statutory or professional codes of practice;
- Breaches of, or failure to implement or comply with any policy determined by the Council or any of its Committees;
- Actions which are likely to cause physical danger to persons, or give rise to a significant damage to property;
- Failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to the Council, or would otherwise seriously prejudice the Council;
- Abuse of power, or the use of the Council's powers and authority for any unauthorised or ulterior purpose;
- Unlawful discrimination in the Council's employment or services.

4 Review

4.1 This plan will be reviewed at least annually and whenever experience dictates a need for a revision.

Part B – EMPLOYEES AND ELECTED MEMBERS.

5. Employee and Elected Member Responsibilities

5.1 It is the responsibility of all staff and members of the Council to report suspected fraud or corruption whenever they come across it within their work or in connection with their duties. This could be by an employee, their manager, a contractor or agency worker, councillor or an external organisation. It is not acceptable to turn a blind eye to suspected wrongdoing and disciplinary action may be instituted if a

member of staff or member has been complicit in ignoring a fraud or instance of bribery. As a result, the Council wants to make reporting fraud and corruption as easy as possible and to reassure staff and members that their identity will be protected as far as possible.

5.2 In addition to reporting fraud, staff and members have a duty to report instances where they believe that the Council's assets are at risk, failure to do so exposes the Council to risk through the misuse of such assets. For example this may be because there is physical security risk and an asset could be stolen or it may be a breach in IT system and it is information that is vulnerable.

5.3 Staff and members must always report instances of breaches in IT security to their Manager (or the Chief Executive for Members). The IT security available on the Intranet sets out specific requirements on how staff and members should maintain a secure IT environment.

5.4 For information on reporting suspected fraud, corruption or irregularity please see Part D.

PART C – CONTRACTOR AND OTHER THIRD PARTY SUPPLIER RESPONSIBILITIES

6. Contractor and other Third Party Supplier Responsibilities.

6.1 It is a contractual obligation for all contractors and third party suppliers of the Council to report fraud or corruption whenever they come across it within their work, or in connection with their duties. It is not acceptable to turn a blind eye and action may be taken if a contractor or third party supplier has been complicit in ignoring a fraud or instance of bribery. As a result, the Council wants to make reporting fraud and corruption as easy as possible and to reassure contractors and third party suppliers that their identity will be protected as far as possible.

6.2 In addition to reporting fraud, contractors and third party suppliers have a duty to report instances where they believe that the Council's assets are at risk, failure to do so exposes the Council to risk through the misuse of such assets. For example this may be because there is physical security risk and an asset could be stolen or it may be a breach in IT system and it is information that is vulnerable.

6.3 Where a Contractor or third party supplier has access to Council systems they must ensure usernames and passwords provided are kept secure. Any breach in IT security must be reported The Council's IT Policies and User Guides set out specific requirements about how system users should maintain a secure IT environment. Where a Contractor or third party has no access to the Intranet the Policies should be provided.

6.4 For information on reporting suspected fraud, corruption or irregularity please see Part D.

PART D REPORTING SUSPECTED FRAUD, CORRUPTION OR IRREGULARITIES

7 To whom should you report suspected fraud, corruption or irregularities.

7.1 The route you should take will depend on whether you are reporting a suspected fraud or corrupt act by a member of the public, by another Council employee or by an elected Member. When you report a fraud or a corrupt act ,you should not discuss it with any other work colleagues, either before or after reporting it to the appropriate person.

7.2 *Fraud or corrupt act by a member of the public*

If you suspect the fraud or corrupt act is being committed in your service area then under normal circumstances you should report the matter to your line manager. If it is not in your service area or you feel you cannot report the matter to your line manager then report the matter to the Corporate Fraud Manager emailing it to:

[_investigations@slough.gov.uk](mailto:investigations@slough.gov.uk)

7.3 *Fraud or corrupt act by a Benefit Claimant*

If a member of the public claiming Housing Benefit , Council Tax Benefit and/or Universal Credit is committing benefit fraud you should report the suspected fraud or corrupt act directly to the *Department for Work and Pensions(DWP) on 0800 854 440.*

7.4 *Fraud or corrupt act by a person in receipt of Council Tax Support.*

If a person is claiming Council Tax Support fraudulently you should report the suspected fraud to The Corporate Fraud Team emailing it to:

[_investigations@slough.gov.uk](mailto:investigations@slough.gov.uk)

7.5 *Fraud or corrupt act by a Social Housing Tenant*

If you suspect the fraud or corrupt act is being committed by a social housing tenant such as the unlawful sub-letting of a Council or Housing Association property you should report the fraud or corrupt act to the Corporate Fraud Team of the Council or by emailing: [_investigations@slough.gov.uk](mailto:investigations@slough.gov.uk)

7.6 Fraud or corrupt act by another Council Employee

If you suspect a work colleague is committing fraud or a corrupt act, then you should report it to your line manager. You may not wish to report directly to your line manager. You may report your concerns to the Corporate Fraud Manager or refer to the Whistleblowing policy.

7.7 Fraud or corrupt act by an Elected Member

Suspected fraud or a corrupt act by an elected member should be reported to the Council's Monitoring Officer (8.6 Whistleblowing Policy). If you are unable to do this then you may report a fraud or corrupt act by an elected member to any of the following officers in the Council:

The Chief Executive

Finance and Audit 151 Officer

8.0 What happens when you report a fraud or corrupt act?

8.1 When a fraud or corrupt act is reported to an appropriate officer they will decide if the allegation requires a full investigation this is usually based on the information provided at the time of referral. If it is decided that a further investigation is required the allegation will be passed to the Corporate Fraud Team Internal Auditor or another law enforcement agency outside of the Council if the nature of the allegation warrants this. Any allegation of fraud or corruption by an elected member must be reported to The Monitoring Officer and will be dealt with under the Council's Code of Conduct for elected members or serious cases will be reported directly to the Police. In the course of an investigation your identity will remain confidential.

8.2 Investigations often have to be carried out without alerting the person being investigated. Depending on the type of the allegation the case may have to be investigated for disciplinary proceedings, civil court proceedings or criminal court proceedings. Strict rules apply to investigations carried out for any type of court/tribunal proceedings and compliance with these is essential. Sometimes the process can appear slow.

9.0 Whistle-blowing policy

9.1 The Council has developed a Whistle-blowing policy in accordance with the provisions of the Public Interest Disclosure Act 1998. All Council employees and members can access the Whistle-blowing policy on the Council's Intranet. Staff and members may find it difficult to raise their concerns and would sometimes welcome the opportunity to discuss them with someone in confidence in the first instance. The independent charity –Public Concern at Work (2.1 Whistleblowing Policy) are available to give independent advice at any stage (www.pcaw.co.uk).

9.2 Subject to the constraints of the Council's duty of confidentiality to employees and elected Members, staff will be given as much information as possible about the outcome of any investigation.

9.3 The Responsible Officer for the maintenance and operation of the Whistleblowing policy is The Monitoring Officer Slough Borough Council St Martins Place 51 Bath Road Slough SL1 3UF. (linda.walker@slough.gov.uk).

PART E- MANAGEMENT RESPONSIBILITIES

10 Defined by the Council's Financial Regulations.

10.1 The Council's Financial Procedures Rules form part of the Council's Constitution and set out a range of responsibilities that apply to management. Some of these relate to the prevention of fraud and corruption, while others relate to internal control and safeguarding of assets, which include the loss or misuse of assets as a result of fraudulent or corrupt activity.

10.2 All Council Members and employees are personally responsible for ensuring integrity in the conduct of the Council's business and in particular by ensuring that they are aware and abide by:

- The Council's Anti-Fraud and Corruption policies.
- The Whistleblowing Policy
- The Anti-Money Laundering Policy
- The Council's Codes of Conduct for Employees and Members.
- The Anti-Bribery Policy

10.3 Directors are responsible for ensuring that managers have adequate systems of internal control to prevent or detect fraudulent activity.

11 Evaluation and Investigation of allegations.

11.1 As soon as an allegation is received Managers should assess the information and make initial enquiries to ascertain the facts. Managers should determine the factors that give rise to the suspicion and examine factors to assess if a genuine mistake has been made or whether any irregularity has occurred. These enquiries should be carried out as quickly as possible.

Consideration should also be given to a review with HR in line with the Council's Disciplinary Policy (3.1).

11.2 Following a preliminary enquiry a more detailed investigation may be needed, if results indicate this, Managers should contact the Corporate Fraud Manager immediately for advice and guidance.

Managers must inform the Corporate Fraud Team of the following:

- All the evidence that they have gathered including notes of conversations conducted with employees.
- Actions they have taken with regard to the employee (suspension or re-deployment) or any other measures to prevent further loss.
- Managers should be aware that they have a primary role in securing evidence and minimising any further losses.

11.3 Specialist services may be commissioned to assist with an investigation for example IT specialists to preserve and secure information held on computer systems; Legal Services; surveyors to assess building works etc. In all cases the Corporate Fraud Team will liaise with the Manager.

11.4 The Corporate Fraud Team will carry out any further investigation with the Line Manager or other appointed person.

Remember: Make a note of anything which made you think a fraud was happening; keep things confidential initially; do not confront the suspect(s); only take away any evidence if there is any risk that it will be destroyed or thrown away. Leave the investigation to the Corporate Fraud Team.

11.5 All cases referred to the Corporate Fraud Team are evaluated and risk assessed prior to investigation.

11.6 It is not uncommon for allegations of irregularities, fraud or corruption to be received from an anonymous source. These allegations may be malicious but initial enquiries should be carried out on the assumption that there is a substance to the allegation.

11.7 When anonymous allegations are received managers are advised to seek the advice and guidance of the Corporate Fraud Manager at an early stage.

12 Regulation of Investigatory Powers Act 2000

12.1 The investigation of suspected fraud and corruption can involve surveillance of the suspect or suspects. This will often be a breach of a suspects rights under the Human Rights Act (HRA) 1998.

12.2 To protect the Council from such breaches, certain types of surveillance can be authorised under the Regulation of Investigatory Powers Act 2000(RIPA).

12.3 There are also powers to obtain communications data.

12.4 There is clear and detailed authorisation process under RIPA that must be followed to undertake any form of surveillance. If you need advice please speak to The Corporate Fraud Team.

13.Proceeds of Crime Act 2002

13.1 The Proceeds of Crime Act 2002 (POCA) was put in place to demonstrate that crime does not pay. We will use POCA (and its predecessor legislation, such as the Criminal Justice Act 1988 (as amended)) wherever we can, to obtain confiscation orders, including compensation, as well as recovery of the full overpayment of benefits. We will use our own Accredited Financial Investigator (AFI) or those employed by an external partner, such as the Police or DWP.

13.2 All monies recovered using POCA or predecessor legislation (excluding compensation), will be distributed by the Home Office to SBC under the “Asset Recovery Incentivisation Scheme” (ARIS).

The ARIS scheme apportions funds in the following way:

- 50% to HM Treasury;
- 18.75% to the investigating body;
- 18.75% to the prosecuting authority; and
- 12.5% to Her Majesty’s Court Service.

13.3. All monies recovered through ARIS will be used, in accordance with Home Office guidance, namely:

- funding the cost of asset recovery;
- crime reduction initiatives;
- community projects;
- miscellaneous activities supporting the above.

13.4 Chief Finance/151 Officer will determine the allocation of funds.

14.0 Determining the type of investigation

14.1 Allegation against an Employee

If an allegation is substantiated after the preliminary enquiry and further investigation is needed, consideration should be given to two objectives that will determine the

progress of the case. The investigation should be conducted in line with the Council's Disciplinary Policy and the Code of Conduct for Employees, or if there is evidence that an employee has committed fraud against the Council or has committed a corrupt act, the employee should be the subject of a criminal investigation, undertaken by the Corporate Fraud Team.

Where it is clear that the issues being investigated fall into both categories the management investigation and the Corporate Fraud Team investigation should be carried out at the same time. However, it is unlikely that they will be concluded at the same time as fraud investigations can take some time, particularly if the outcome results in a prosecution through the courts. As it is possible that an employee may have been suspended on full pay, it is important for the investigation teams to work in harmony to ensure that the management investigation is undertaken promptly, arrives at a timely outcome, and reduces the cost of the suspension to the Council.

Where the police are involved, and this decision must be taken in accordance with the Anti-Fraud Prosecution and Sanctions Guidelines it will be the responsibility of the Corporate Anti-Fraud Team Manager to provide the liaison and ensure that they are appraised of the investigation at the earliest opportunity so that the above objectives are not jeopardised.

14.2 Allegation against a member of the public

If an allegation is substantiated after the preliminary enquiry and further investigation is needed, the type of investigation will very much depend on the nature of the allegation, and whether the allegation relates to criminal or civil offence(s).

The decision to prosecute will be taken by Chief Finance /151 Officer and will be subject to the provisions of the Council's Guidance for Prosecution and other Sanctions as well as the Crown Prosecution Services' 'The Code for Crown Prosecutors'.

In most cases the Council may bring the prosecution for a criminal offence, if the relevant legislation provides for this, without reference to the police. The Council's Guidance for Prosecution and other Sanctions is available on the Council's Intranet and Internet pages.

14.3 Allegation against an Elected Member

In these cases, the Chief Executive and the Monitoring Officer must be informed in order for them to determine the nature and type of investigation, and who will carry it out.

An allegation against a member may also need to be considered as an allegation that they have breached the Members' Code of Conduct or constitute one of the offences relating to the Code of Conduct and the declaration of pecuniary interests in the Localism Act 2011.

It should be noted that electoral offences (including corruption) must be reported to the Police and are not investigated by the Council or the Chief Executive in their role as Returning Officer.

In addition to the criminal route, wherever applicable, investigations will also follow a civil route. This will be with a view to recovering and/or withdrawing any service and/or monies from the person who has committed an offence.

It is the responsibility of the Manager, with the advice of the Corporate Fraud Team Manager, to ensure that this recovery takes place.

15.0 Preservation of Evidence

15.1 When the initial enquiry has revealed that further investigation needs to take place, it may be necessary to preserve the available evidence. Evidence may take various forms. The most common forms of evidence and a brief note of how they should be preserved is given below:

- **Original documents.**

This is the best form of evidence and original documents should be obtained and retained if possible. The documents should be handled as little as possible and should be put in a protective folder. Under no circumstances should they be marked in any way. One person should be responsible for keeping these documents and should keep a record of how and where they were obtained.

- **Computer held data.**

When evidence is held on a computer, the computer should be secured and the Corporate Fraud Team Manager should be consulted about the most appropriate way of retrieving the data in accordance with the rules of Court evidence. Under no circumstances should the computer be switched on or files viewed by anyone.

- **Cash.**

It may be necessary to count cash. If possible this should be counted by the person responsible for it in the presence of his/her manager. The person should then sign a statement confirming the amount of cash held and the manager should sign it as a correct record. If the person responsible for the

cash is not available, two people should count the cash and sign a statement confirming amount held. The cash should be kept secure at all times, preferably in a locked safe.

- **Stock or shares.**

As far as possible, these should be recorded in the presence of the person responsible for them who should sign a statement confirming the amount held. If the person responsible for assets is not available, two people should record the amount held and sign a statement confirming it. For large stock holdings, however, this will be impractical.

- **Video evidence.**

There may be video evidence available, which may indicate a problem, for instance CCTV footage or static security cameras. If you suspect that a video may have information of value, secure the recording so that it can be treated in accordance with the rules of evidence. Under no circumstances should it be viewed by anyone. Advice can be sought from the Corporate Fraud Team about how to proceed.

16.0 Suspension of an Employee

Suspension or temporary removal of an employee from the workplace may be necessary in serious cases pending completion of an investigation and any disciplinary hearing. This will be undertaken in line with The Councils Disciplinary Policy and Procedures (4.1- 4.5)

The Council has an Employee Assistance Programme which can be called at any time for legal advice and counselling as well as the option to approach Human Resources.

17 Management responsibilities regarding the investigating officers

17.1 The need to investigate thoroughly and as quickly as possible may put undue stress on the investigating officer. Managers should be supportive throughout an investigation; make sure that the investigating officer is given the necessary co-operation, allowed sufficient time to undertake the investigation.

18 Press and Publicity

18.1 The Communications Team will deal with the press and publicity in all matters regarding fraud and corruption. If any officer speaks to the press without the express authority of the Communications Manager it may be regarded as a breach of the Employee Code of Conduct. The Council will actively encourage the publicising of all successful investigations and prosecutions so as to deter those considering committing an offence against

the Council. The Corporate Fraud Team Manager will work with the Communications Section to produce press releases and anti-fraud material using as many opportunities and resources as possible.

19.0 The control framework to minimise and prevent fraud and corruption

19.1 It is the responsibility of management at all levels to ensure that effective internal control systems are in place and operating to minimise the potential for fraud and corruption.

The Council has approved Financial Procedure Rules and Contract Procedure Rules, which between them set out the control frameworks that must exist to minimise and prevent fraud and corruption. These regulations apply to all employees and must be complied with in relation to all financial, procurement and contractual transactions.

When fraud or corruption has been identified, management, in consultation with the Corporate Fraud Team Manager and the Head of Internal Audit should review the control procedures to ensure that the opportunity to repeat the fraud or corrupt act is minimised.

20.0 Asset Recovery

20.1 Whenever fraud has been proven, the Council will make every effort to recover any loss. The method used will vary depending on the type of loss and the regulations and powers available. All means of recovery, including attachments to earnings, civil court proceedings, proceeds of crime legislation and criminal court compensation will be used as appropriate to the offence.

21.0 Training

20.1 Being aware of fraud issues that can affect the Council and how to identify and prevent them are key elements to building an anti-fraud culture within the Council.

20.2 The level and extent of any additional fraud awareness training required by service units will depend on the work those individual employees, consultants, agency workers and contractors carry out. Ensuring that the Council's Investigators are appropriately trained is the responsibility of the Corporate Fraud Team Manager. All investigating officers will be trained to a recognised professional standard.

Sanctions Policy

1. Policy Statement

- 1.1 We will use the full range of sanctions available to us, including, simple caution, criminal prosecution, civil recovery, internal disciplinary procedures and referral to regulatory bodies in order to deter fraud, bribery and corruption.
- 1.2 Slough Borough Council Legal Services (or our designated legal service provider, in accordance with the scheme of delegation) and or the Crown Prosecution Service will be used to undertake prosecutions; and we will refer all relevant cases to the appropriate professional bodies and other law enforcement agencies. We will assist external organisations if they decide to bring their own prosecution cases.
- 1.3 Our fraud and corruption strategy states that we will seek the full range of sanctions against anyone found to have committed fraud against the Council: and they will apply to any fraud committed either, against the Council or, against money or services for which the Council has responsibility.

2. Deciding what sanction to apply

- 2.1 We have a range of sanctions that we can use, including internal disciplinary procedures, simple cautions and criminal and civil prosecutions; and we have this policy to make sure that we apply all available sanctions:
 - consistently;
 - efficiently;
 - robustly; and
 - in a transparent manner.
- 2.2 In some cases, we may apply more than one sanction e.g. if a member of staff has stolen money from us, we may take internal disciplinary proceedings, refer the matter to the police, and undertake civil recovery procedures.
- 2.3 We may decide to pursue a criminal prosecution in some cases; these will be reserved for the most serious. SBC has the power to undertake prosecutions using our Legal Services (or our designated legal services provider). Alternatively, where the Council has jointly investigated any offence with an external investigative body, such as the Police or The Department for Work and Pensions (DWP), the most appropriate prosecuting agency will be selected. This is likely to be Crown Prosecution Service (CPS); moreover, the CPS has the authority to assume any prosecution instituted in England and Wales.

2.4 All cases, which are considered for prosecution, will apply the CPS "Full code Test". The test has two elements, firstly the 'Evidential Test'; and secondly the 'Public Interest Test'. The Full Code Test is set out in the Code for Crown Prosecutors 2013 and further information is available at:
https://www.cps.gov.uk/publications/code_for_crown_prosecutors/codetest.html

- **Evidential Test-** The investigator will consider the following questions in assessing whether there is sufficient evidence to prosecute the case: Can the evidence be used in court? Is the evidence reliable? Is the evidence credible?
- **Public Interest Test-** If the Evidential Test has been met, the investigator will then consider whether or not a prosecution would be in the public interest. Each case will be assessed on its own merits and a review will include: How serious the offence is; the level of culpability of the suspect; the circumstances of and the harm caused to the victim; if the suspect was under the age of 18 at the time of the offence; the impact on the community; whether prosecution is a proportionate response; and whether sources of information require protecting.

2.5 Prosecution may not always be appropriate, alternative out-of-court disposals include:

- simple cautions; or
- penalties relating to benefits or council tax provided by enabling legislation. Where an out-of-court disposal is considered, SBC undertake to apply:
 - the appropriate evidential standard and admission of guilt, where required;
 - that the public interest would be properly served by such a disposal; and
 - apply the disposal no greater than 6 months after the completion of the investigation, unless exceptional circumstances apply.

2.6 The range of sanctions applied by the Corporate Fraud and Investigations Team will be determined by the following scheme of delegation:

- Slough Borough Council Legal Services (or our designated legal service provider in accordance with the scheme of delegation) commence all criminal prosecutions.

- The Chief Finance Officer/Section 151 authorises a prosecution file to be considered by Slough Borough Council Legal Services for prosecution.
- The Risk and Assurance Manager authorises a prosecution file to be considered by the Chief Finance Officer/Section 151 officer for prosecution.
- The Risk and Assurance Manager authorises alternative 'out of court' disposals.

3. Types of fraud and the possible sanctions

3.1 Employees, Councillors, Teachers, School Staff

If we find that any of our employees or councillors have attempted or committed fraud or have been involved in corruption, we will undertake disciplinary proceedings in accordance with our disciplinary policy and procedure. If we identify that the Council has suffered any financial loss, we will seek to recover losses through civil proceedings and/or criminal prosecutions and the associated application of asset recovery proceedings under any relevant legislation including The Proceeds of Crime Act 2002. Where employees are members of professional bodies, or have to comply with national codes of conduct (teachers, social care staff etc.) we will refer any cases of fraud and corruption to these bodies.

3.2 Benefit Fraud

The DWP is responsible for investigating housing benefits fraud, but the Council is still responsible for registering, assessing and paying for some DWP benefits and social fund payments. SBC is wholly responsible for council tax registration, discounts and exemptions. Available sanctions include:

- criminal prosecution for any council tax related fraud or attempt; administrative penalties- S11 Council Tax Reductions Scheme Regulations 2013;
- civil penalties for council tax registration, discounts and exemptions - Regulation 14(2) and Schedules 2-3 of the Local Government Finance Act 1992;
- civil penalties for housing benefit overpayments, categorized as claimant error- The Social Security (Civil Penalties) Regs 2012 SI2012/1990;
- A de minimis overpayment of £50 is required before any of the above sanctions are considered.

3.3 Housing and Right to Buy Fraud

In all cases where anyone has fraudulently applied for Right to Buy, housing support, or a tenancy from the Council, we will always seek recovery of the property and any financial losses. Where we identify a criminal attempt or offence has been committed, we will use any relevant legislation, including the Social Housing Fraud Act 2013, to prosecute and recover any criminal proceeds. As an alternative to prosecution, SBC may offer any suspected defendant a simple caution.

3.4 Other fraud

There are a number of other areas, including but not restricted to: insurance claims, direct care payments, grants to organisations, exemptions and reliefs from non-domestic rate payments, and applications for financial and other assistance where theft and fraud may occur. We will always seek to recover any money lost and consider a caution, criminal or civil prosecution. Where an external organisation is involved, we will make a referral to any relevant governing body such as the Law Society, Charities Commission, or the Registrar of Companies.

4. Proceeds of Crime Act 2002

4.1 The Proceeds of Crime Act 2002 (POCA) was put in place to demonstrate that crime does not pay. We will use POCA (and its predecessor legislation, such as the Criminal Justice Act 1988 (as amended)) wherever we can, to obtain confiscation orders, including compensation, as well as recovery of the full overpayment of benefits. We will use our own Accredited Financial Investigators (AFI) or those employed by an external partner, such as the police or DWP.

4.2 All monies recovered using POCA or predecessor legislation (excluding compensation), will be distributed by the Home Office to SBC under the "Asset Recovery Incentivisation Scheme" (ARIS). The ARIS scheme apportions funds in the following way:

- 50% to HM Treasury;
- 18.75% to the investigating body;
- 18.75% to the prosecuting authority; and
- 12.5% to Her Majesty's Court Service.

4.3 All monies recovered through ARIS will be used, in accordance with Home Office guidance, namely:

- funding the cost of asset recovery;
- crime reduction initiatives;
- community projects;
- miscellaneous activities supporting the above.

4.4 The Chief Finance/151 Officer will determine the allocation of funds.

5. Monitoring

5.1 The Council's Section 151 Officer is responsible for the maintenance and operation of the SBC Corporate Fraud Team and this policy. The 8151 Officer will liaise with The Monitoring Officer and the Risk and Assurance Manager when the policy is subject to review in order to ensure all relevant employment requirements are taken into account.

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SLOUGH BOROUGH COUNCIL DONATION AND SPONSORSHIP ACCEPTANCE POLICY

POLICY AIMS AND OBJECTIVE

Slough Borough Council is a local authority within the meaning of that term in the Local Government Act 1972 discharging statutory and other public duties for the benefit of persons residing or working in or visiting its area.

The Council will act in the best interests of its residents, workers and visitors when deciding to accept or refuse a donation or sponsorship.

The Council wish to uphold the highest standards of practice and to abide by key principles and behaviours: to be legal, open, and honest.

The Council undertake to comply with all relevant law and regulations including the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 . All Council Officers will abide by the Council's Counter Fraud and Corruption Strategy of which this Donations and Sponsorship Policy forms part.

This policy sets out the principles and approach the Council take to considering donation and sponsorship acceptance.

DONATION AND SPONSORSHIP ACCEPTANCE

The Council consider that donations in money or in kind and acceptance of sponsorship can be of considerable benefit to it residents, workers and visitors. Equally, however, the Council consider donations and sponsorship can be used to evade money laundering legislation or used as a cover for bribery or fraud.

The Council will consider all donations and sponsorships against the following principles:

They must:

- Not bring the Council into disrepute
- reflect the integrity of the Council
- not influence or fetter the Council in the proper discharge of their duties

The Council will not accept donations in money or in kind or accept sponsorship from any individual or organisation who or which

- breach legislation relating to Modern Slavery including the Modern Slavery Act 2015
- are engaged in the business of selling fast food or alcohol or are licensed sex establishments or betting or gaming establishments
- breach legislation relating to discrimination on grounds of protected characteristics including the Equality Act 2010

- are in breach of legislation relating to advertising and town planning including the Town And Country Planning (Control of Advertisements) (England) Regulations 2007
- engaged in any conflict with the Council with regard to any of the Council's functions or generally

The Council reserve the right to refuse to accept any donation in money or in kind or to accept any sponsorship for any reason at its absolute discretion

The Council reserve the right to approve the form and content of any advertising materials.

The Council's Director for Finance & Resources and S151 Officer is responsible for ensuring donations and sponsorships are monitored as they are received by the Council. The Council will accept donations and sponsorships which abide by the principles above and have no risk attached.

Where there is concern in relation to the criteria, the Council will undertake due diligence to establish the legitimacy of the donation or sponsorship. This may include requirement of proof of identity and proof of the source of funds.

The Council's Director of Finance & Resources will refer any concerns to the Council's Monitoring Officer and subsequently to the Council Management Team.

The Council Management Team take ultimate responsibility for accepting or refusing a donation or sponsorship. It is their responsibility to act in the best interests of the Council when accepting donations or sponsorship.

Benefits relating to donation and sponsorship offered to any particular directorate of the Council will be negotiated by the relevant Director, in consultation with the appropriate Lead Member. For significant and long term benefits, such as building naming rights, approval of the Council Management Team will be sought who shall consult with the Leader of the Council and Lead Members before agreeing to any such long term rights.

All Officers and Members of the Council will consider conflicts of interest in relation to donation and sponsorship and must act in accordance with the Local Code of Conduct for Employees and the Councillors Code of Conduct, as appropriate.

DONATION AND SPONSORSHIP REFUSAL

If the Council decide to refuse a donation or sponsorship, a careful record of the Council's decision, and the reason for it, must be kept.

5.8 Joint Protocol on seeking the External Auditor's Views on the Legality of Council Transactions

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JOINT PROTOCOL FOR CIRCUMSTANCES UNDER WHICH THE APPOINTED AUDITOR'S VIEWS ARE SOUGHT ON THE LEGALITY OF TRANSACTIONS

1. Introduction

1.1 This protocol sets out the arrangements for those instances where the Authority, or individual officers and members of the Authority, seek the views of the Appointed Auditor on the legality of transactions, whether proposed or already implemented; and where the public refer questions or enquiries to the Appointed Auditor. The key considerations underpinning this approach are the need to:

- Clarify both the basis on which the Appointed Auditor can comment on the legality of transactions and responsibilities of officers for ensuring transactions which may be embarked upon are legal;
- Ensure greater co-ordination and consistency in the manner by which the Authority, its members and its officers request the Appointed Auditor to comment on transactions;
- To set out our general approach for dealing with enquiries, questions and objections received in the course of the audit from eligible persons; and
- Have improved joint monitoring of the status of individual requests and enquiries, including the additional costs arising for the Authority.

2. Status of this Protocol

2.1 This protocol sets out the basis on which the Appointed Auditor comments on the legality of transactions and promotes effective monitoring and control of such requests.

2.2 This protocol deals with requests received pertaining directly to the legality of transactions and proposed transactions. It also covers those instances in which the Appointed Auditor is requested by members to comment on the appropriateness of actions taken, or proposed to be taken, by the council.

2.3 This protocol also refers to the Appointed Auditors responsibilities in respect of enquiries, questions and objections received in the course of the audit from eligible persons, and the monitoring arrangements proposed will be applied to such work.

2.4 General discussion pertaining to our audit of the Authority's financial systems and final accounts are considered to fall within the remit of our normal, ongoing, audit work. Whilst there may be an impact on the total level of resources required for the audit in any given year, this would be expected to be dealt with as part of the agreement of the annual plan and subsequent variations to it.

3. Background

3.1 The Authority's framework of financial and management control is currently based on delegation to departments balanced with the retention of adequate corporate control. Service Directors are responsible for ensuring adequate arrangements are

in place for proper financial administration, which encompasses ensuring transactions embarked on are lawful.

- 3.2 This protocol sets out the procedures agreed to be put in place to enhance the effectiveness of the arrangements both the Audit Commission and Slough have in place for dealing with both requests for comments on the legality of transactions, and questions and enquiries.

4. The role of the Audit Commission and Officers

- 4.1 The respective roles of officers, and the Appointed Auditor, are clearly set out in the Code of Audit Practice (“the Code”) and the Statement of Responsibilities of Auditors and Audited Bodies. In summary, it is the responsibility of audited bodies and their officers to act within the law; auditors are required to bear in mind the question of legality and take reasonable steps to inform themselves of significant financial transactions or events that are unusual or of questionable legality.

- 4.2 It is in the context of this framework of responsibilities that requests for our comments would be viewed. We want to be as helpful as possible and work closely with officers to avoid the significant costs associated with the reversal of decisions or transactions, which are subsequently found to be unlawful. In general our approach to matters of legality both referred to us by officers and identified in the course of our audit reflects the understanding that we are not in a position to definitively interpret legislation, which is a matter for the courts, and that ultimate responsibility for ensuring the lawfulness of transactions embarked on resides with officers. We seek to provide ourselves with assurance that a transaction, or proposed course of action, is lawful by:

- Keeping abreast of the key issues involved, in particular, those aspects of a proposed transaction on which officers, or their advisors have concerns;
- Taking into account existing guidance, if any, pertaining to the matter under consideration;
- Ensuring officers, including the Monitoring Officer and his advisors, have given the matter in question due and proper consideration and that they have taken appropriate steps to assure themselves that a particular transaction, or course of action, is lawful and within the Authority’s powers.

- 4.3 The Authority should not seek to rely solely on the view we express with regard to a particular issue, because:

- It remains the responsibility of the Authority and its officers to decide whether to embark on any transaction;
- We are not legal practitioners and consequently are not in a position ourselves to definitively interpret legislation;
- We may not act in any way that might fetter our future ability to exercise the specific powers conferred upon us by statute.

- 4.4 Moreover, the fact that we may respond to a request does not mean that the proposed transaction or course of action will be exempt from challenge in the future.

5. Approach to Requests for our views by Officers and Members

- 5.1 Within this framework it is possible for us, in conjunction with officers to play an important part in helping the Authority to avoid the potentially significant costs associated with considering arrangements which are subsequently found to be unlawful. In order for this objective to be achieved cost effectively the Council should follow the steps set out below:

Step 1

Requests from individual Members or Officers of the Council should be raised in the first instance with the Monitoring Officer (or a nominated deputy) and s/he will arrange for the issues of concern to be fully considered by the appropriate Officers in accordance with Step 2 below.

Step 2

The Officers within the Council will ensure that all of the issues of concern which are raised are fully considered and prepare a report setting out their conclusions and the rationale behind them. If concerns remain these should be highlighted before any reference is made to the Audit Commission.

Step 3

If after Steps 1 and 2 have been carried out a request to the Audit Commission is still considered necessary then such requests will be forwarded by the Monitoring Officer or his nominated deputy with all supporting papers. In particular the supporting papers must include any sources of advice or legal opinion relied upon by the Officer in their report. All requests referred to the Audit Commission will be copied to the Chief Executive.

- 5.2 It is at the discretion of officers, through the Monitoring Officer, to decide on the matters referred by the Authority to us for our views. In order to best assist the Authority we would, however expect those issues which are either significant in terms of their potential financial effect, or of particular local sensitivity, to be brought to our attention at an early stage to allow us sufficient time to consider the issues involved fully and to make officers aware of our views (subject to the limitations imposed on our views as set out above) before a final decision is taken.
- 5.3 In instances where the issues concerned are material, or legally complex, the Appointed Auditor will promptly advise the Authority when we have determined we need such legal advice. In normal circumstances we would be willing to share any advice we obtain.
- 5.4 Notwithstanding the above we will however require annual confirmation from the Monitoring Officer that no matters have been referred to him which should have been brought to the Audit Commission's attention. This annual confirmation will supplement our normal request for confirmation from the Authority's Monitoring

Officer (or his deputy) that he is not aware of any transaction, or course of action, which should be brought to our attention.

6. Dealing with Enquiries and Questions from electors

- 6.1 An elector has the right to inspect, question and object to a local Authority's accounts, as outlined in greater detail in *The Rough guide to Audit Law* which is available from the Audit Commission.
- 6.2 The rights of the public are limited to asking questions about an authority's accounts. There is no statutory right to ask questions about a local authority's policies, finances or procedures, which are not about the accounts. In practice, where we receive questions which do not refer to the accounts,
- we can indicate to the enquirer that it is open to them to seek the information directly from the Authority. In general, we would not act as a conduit for questions to, and replies from, the Council; or
 - we may enquire into the matter brought to its attention where it may concern potentially unlawful activities or transactions by the Authority. We are not bound to provide a response but would try to keep the enquirer informed in general terms about any relevant work we undertake.
- 6.3 In all circumstances we would notify the Monitoring Officer of the matters referred to us by the public and the proposed course of action that we intend to adopt. Where officers are of the view that an issue referred to the Appointed Auditor by a member of the public merits further investigation, the issue would be dealt with as if referred to us by officers.

7. Monitoring Requests

- 7.1 The Appointed Auditor will keep the Monitoring Officer informed of all requests received setting out their progress and current status, including the actions taken by the Appointed Auditor or required of the Authority, together with details of our resource inputs, analysed by grade.
- 7.2 This also applies to all enquiries, questions and objections received from eligible persons. These will be copied as a matter of course to the Chief Executive, the Monitoring Officer and the Director of Finance and Resources.

8. Fee Arrangements

- 8.1 Fees for such work will be charged at the Audit Commission's grade related fee rate, reflecting the seniority and experience of the staff involved.
- 8.2 We would expect, where the costs are significant, to bill monthly in arrears for such work, following the agreement of the fees with the Monitoring Officer.

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Part 5.9 Policy Statement on Corporate Governance

Introduction

The Council is committed to achieving excellence in the provision of services for the people of Slough and recognises the importance of effective corporate governance so that local communities can place trust in the way that the Council undertakes and carries out its duties. This policy statement sets out and describes the Council's commitment to corporate governance and identifies the arrangements to ensure its effective implementation and application in all aspects of the Council's work.

In April 2016, the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) published a framework and guidance notes entitled "Delivering Good Governance in Local Government" (the CIPFA / SOLACE framework). This provides guidance to local authorities on local codes and procedures on corporate governance.

What is Corporate Governance

The CIPFA/SOLACE framework defines governance as follows:

Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.

It goes on to say:

To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity's objectives while acting in the public interest at all times.

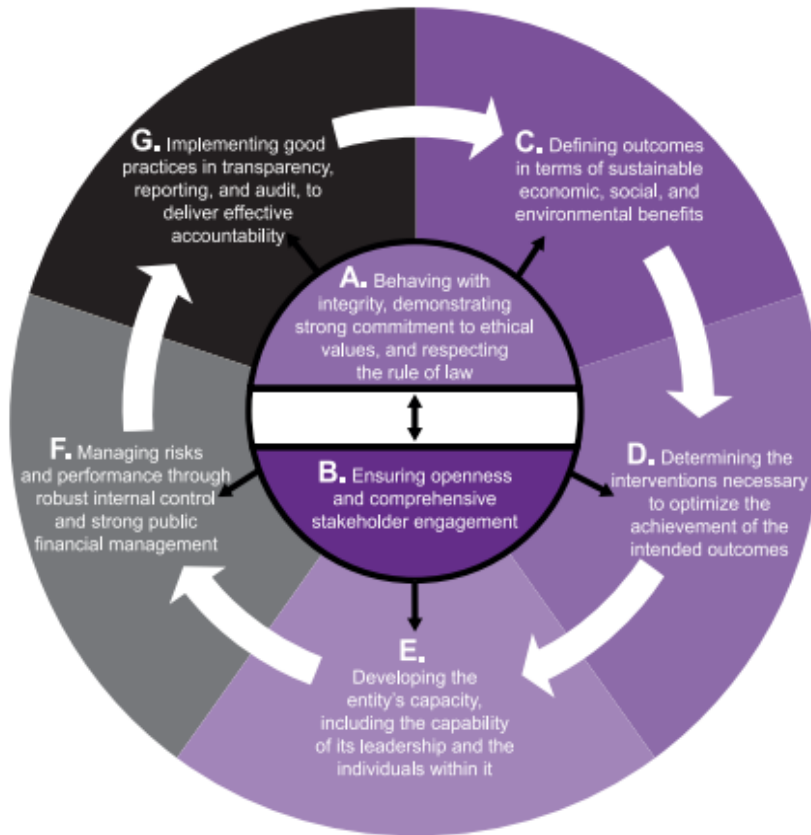
Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders.

In the Council, the governing body is Full Council.

Principles of Good Governance in Slough Borough Council

The Council has adopted the seven core principles of good governance set out in the CIPFA/SOLACE framework, which are shown below.

Achieving the Intended Outcomes While Acting in the Public Interest at all Times



The seven core principles each have a number of supporting principles, which in turn have a range of specific requirements that apply across the Council's business. The following sections set out each sub principle, together with the behaviour and actions that demonstrate good governance in practice. The tables also reference how this is evidenced in the Council.

Annual Governance Statement

The Council reports annually to its Audit & Corporate Governance Committee in a formal Annual Government Statement, reviewing its performance against the seven core principles. This report will include an analysis of the previous year and recommendations for improvements to be made.

Principle A – Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they

have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

Sub Principle	Behaviours and actions demonstrating good governance	How will this be evidenced
Behaving with integrity	<ul style="list-style-type: none"> • Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation • Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles) • Leading by example and using the above standard operating principles or values as a framework for decision making and other actions • Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively 	<ul style="list-style-type: none"> • Member Code of Conduct and standards complaints process • Member development programme • Member Officer Relations Code • Local Code of Conduct for Employees • Anti-Fraud and Corruption Strategy and Policy • Anti-Fraud Response Plan • Grievance/Dignity at Work policies • Equal Opportunities policies and procedures • Confidential Whistleblowing Policy • Annual report to Audit & Corporate Governance Committee on complaints
Demonstrating strong commitment to ethical values	<ul style="list-style-type: none"> • Seeking to establish, monitor and maintain the organisation's ethical standards and performance 	<ul style="list-style-type: none"> • Human Resources Policies • Performance management framework

	<ul style="list-style-type: none"> • Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation • Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values • Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation 	<ul style="list-style-type: none"> • Induction processes and officer training • Register of interests – officer and member • Contract procedure rules • Internal boards – Procurement Review Board • Contract management procedures
Respecting the rule of law	<ul style="list-style-type: none"> • Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations • Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements • Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders • Dealing with breaches of legal and regulatory provisions effectively • Ensuring corruption and misuse of power are dealt with effectively 	<ul style="list-style-type: none"> • Council Constitution (Part 3 – Responsibility for Functions) • Directorate schemes of officer delegations • Senior legal officer attendance at Executive Board • Meetings between 3 governance statutory officers • Cabinet report clearance processes, including early involvement of lawyers in advising on proposed decisions • Business case templates for all major decisions and projects • Corporate complaints procedure, including annual reporting to Audit & Corporate Governance Committee • Internal officer boards with legal

		representation - Executive Board, Procurement Review Board, Strategic Finance Board
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Principle B - Ensuring openness and comprehensive stakeholder engagement

Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

Sub Principle	Behaviours and actions demonstrating good governance	How will this be evidenced
Openness	<ul style="list-style-type: none"> Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear Using formal and informal consultation and engagement to determine the most appropriate and 	<ul style="list-style-type: none"> Council Constitution – Article 13 – Decision Making and Part 4.2 - Access to Information Procedure Rules Annual Corporate Plan and quarterly performance monitoring reports to cabinet Quarterly budget monitoring reports to cabinet Council Constitution – Part 4.5 - Overview and Scrutiny procedure rules Community Engagement Toolkit Freedom of Information publication scheme Corporate health dashboard, including data on complaints, member enquiries and FOI requests

	effective interventions/ courses of action	
Engaging comprehensively with institutional stakeholder	<p>NB institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.</p> <ul style="list-style-type: none"> • Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably • Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively • Ensuring that partnerships are based on: <ul style="list-style-type: none"> ○ Trust ○ A shared commitment to change ○ A culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit 	<p>Formal partnerships boards, including:</p> <ul style="list-style-type: none"> • Slough Wellbeing Board • Safer Slough Partnership • Slough Safeguarding Partnership – Children • Slough Safeguarding Partnership - Adults <p>Informal partnership boards, including:</p> <ul style="list-style-type: none"> • Leaders' Group (2040 Vision) • Regeneration, Economy & Skills Board • Joint Parenting Panel <p>Representation on outside bodies (excluding connected entities):</p> <ul style="list-style-type: none"> • Berkshire Healthcare NHS Foundation Trust • Berkshire Local Transport Body • Royal Berkshire Fire Authority • Thames Valley Athletics Centre Management Committee • Thames Valley Athletics Centre Trust • Heathrow Community Engagement Board • Parking & Traffic Regulation Outside London Joint Committee

		<ul style="list-style-type: none"> • Slough Local Access Forum • Groundwork South • South East Employers • St Mary's School Charity • Strategic Aviation Special Interest Group • Slough Community for Voluntary Service • Local Government Association
<p>Engaging with individual citizens and service users effectively</p>	<ul style="list-style-type: none"> • Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes • Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement • Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs. • Implementing effective feedback mechanisms in order to demonstrate how their views have been taken into account • Balancing feedback from more active stakeholder 	<ul style="list-style-type: none"> • Council Plan • Slough 2040 Vision • Community Engagement Toolkit • Annual Equality and Diversity Report • Corporate health dashboard, including data on service and member enquiries, FOI requests and complaints • Annual complaints report to Audit & Corporate Governance Committee • Public consultation during annual budget setting process

	<p>groups with other stakeholder groups to ensure inclusivity</p> <ul style="list-style-type: none"> • Taking account of the impact of decisions on future generation of tax payers and service users 	
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Principle C - Defining outcomes in terms of sustainable economic, social, and environmental benefits

The long-term nature and impact of many of local government’s responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation’s purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available

Sub Principle	Behaviours and actions demonstrating good governance	How will this be evidenced
Defining Outcomes	<ul style="list-style-type: none"> • Having a clear vision, which is an agreed formal statement of the organisation’s purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation’s overall strategy, planning and other decisions • Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer • Delivering defined outcomes on a sustainable basis within the resources that will be available • Identifying and managing risks to the achievement of outcomes • Managing service users’ expectations effectively with regard to determining priorities and making the best use of the resources available 	<ul style="list-style-type: none"> • Slough 2040 Vision • Five Year Plan • Inclusive Growth Strategy • Joint Wellbeing Strategy • Quarterly performance reporting to cabinet • Housing Strategy • Local Plan for Slough • Service plans and strategies • Corporate risk register • Internal officer boards, including <ul style="list-style-type: none"> ○ Risk and Audit Board ○ Corporate Oversight Board ○ Strategic Finance Board

Sustainable economic, social and environmental benefits	<ul style="list-style-type: none"> • Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision • Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints • Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs • Ensuring fair access to services 	<ul style="list-style-type: none"> • Council Constitution – Part 3 – Responsibility for Functions • Cabinet report template and clearance processes • Slough 2040 Vision • Five Year Plan • Internal officer boards, including • Strategic Finance Board • Procurement Board
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Principle D - Determining the interventions necessary to optimise the achievement of the intended outcomes

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.

Sub Principle	Behaviours and actions demonstrating good governance	How will this be evidenced
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<p>Determining Interventions</p>	<ul style="list-style-type: none"> • Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided • Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts 	<ul style="list-style-type: none"> • Council Constitution – Article 13 Decision Making and Part 3 – Responsibility for Functions, including Scheme of Delegation to Officers • Council Constitution – Financial Procedure Rules and Contract Procedure Rules • Cabinet report template and clearance processes • Business case templates • Community engagement toolkit • Internal officer boards, including <ul style="list-style-type: none"> ○ Procurement Board ○ Corporate Oversight Board ○ Strategic Finance Board ○ Risk & Audit Board • Internal Audit annual plan • Audit & Corporate Governance Committee work programme • Budget setting process, including capital programme and treasury management strategy
<p>Planning Interventions</p>	<ul style="list-style-type: none"> • Establishing and implementing robust planning and control cycles that cover strategic and 	<ul style="list-style-type: none"> • Slough 2040 Vision • Five Year Plan

	<p>operational plans, priorities and targets</p> <ul style="list-style-type: none"> • Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered • Considering and monitoring risks facing each partner when working collaboratively, including shared risks • Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances • Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured • Ensuring capacity exists to generate the information required to review service quality regularly • Preparing budgets in accordance with objectives, strategies and the medium term financial plan • Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy 	<ul style="list-style-type: none"> • Performance management framework • Quarterly reporting to cabinet on performance indicators • Budget setting cycle, including capital programme, treasury management strategy, MTFS • Quarterly reporting to cabinet on budget • Internal Audit Plan • External Auditors reports • Informal partnership boards, including: • Leaders' Group (2040 Vision) • Regeneration, Economy & Skills Board
<p>Optimising achievement of intended outcomes</p>	<ul style="list-style-type: none"> • Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints • Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term • Ensuring the medium term financial strategy sets the 	<ul style="list-style-type: none"> • Council Constitution – Budget and Policy Framework Procedure Rules and Financial Procedure Rules • Budget setting process, including MTFS, capital programme and treasury

	<p>context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage</p> <ul style="list-style-type: none"> • Ensuring the achievement of 'social value' through service planning and commissioning 	<p>management strategy</p> <ul style="list-style-type: none"> • Internal officer Strategic Finance Board • Contract Procedure Rules and internal officer Procurement Board
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Principle E - Developing the entity's capacity, including the capability of its leadership and the individuals within it

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

Sub Principle	Behaviours and actions demonstrating good governance	How will this be evidenced
Developing the entity's capacity	<ul style="list-style-type: none"> • Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness • Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently • Recognising the benefits of partnerships and collaborative working where added value can be achieved • Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources 	<ul style="list-style-type: none"> • Capital programme • Asset acquisition and disposal strategies • ICT policies and strategies • Workforce strategy • Budget setting cycle • Formal partnerships: <ul style="list-style-type: none"> ○ Slough Wellbeing Board ○ Safer Slough Partnership ○ Safeguarding Executive Board • Informal partnership boards:

		<ul style="list-style-type: none"> ○ Leaders Group (2040 Vision) ○ Regeneration, Economy and Skills Board
Developing the capacity of the entity's leadership and other individuals	<ul style="list-style-type: none"> ● Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained ● Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body ● Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority ● Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by: <ul style="list-style-type: none"> ○ Ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged ○ Ensuring members and officers have the appropriate skills, knowledge, resources and 	<ul style="list-style-type: none"> ● Member development programme ● Local Code Governing Relations between Elected Members and Council Employees ● Council Constitution – Part 3 – Responsibility for Functions ● Council Constitution – Article 12 – Officer Roles and Statutory Officer Functions ● Council Constitution – Part 4.7 Officer Employment Procedure Rules ● Recruitment and selection policy and procedures ● Induction procedures and training and development processes ● Robust performance management mechanisms

	support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis	
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Principle F - Managing risks and performance through robust internal control and strong public financial management

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision-making activities.

A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability.

It is also essential that a culture and structure for scrutiny be in place as a key part of accountable decision-making, policymaking and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

Sub Principle	Behaviours and actions demonstrating good governance	How will this be evidenced
Managing risk	<ul style="list-style-type: none"> • Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making • Implementing robust and integrated risk management arrangements and ensuring that they are working effectively • Ensuring that responsibilities for managing individual risks are clearly allocated 	<ul style="list-style-type: none"> • Corporate and directorate risk registers • Internal officer group – Risk and Audit Board • Annual Audit Letter • Internal Audit reports, including annual report • Audit and Corporate Governance Committee work programme
Managing performance	<ul style="list-style-type: none"> • Monitoring service delivery effectively including planning, specification, execution and 	<ul style="list-style-type: none"> • Council Constitution – Overview and

	<p>independent post implementation review</p> <ul style="list-style-type: none"> • Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation’s financial, social and environmental position and outlook • Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation’s performance and that of any organisation for which it is responsible (or for a committee system). • Encouraging effective and constructive challenge and debate on policies and objectives to support to support balances and effective decision making • Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement • Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements) 	<p>Scrutiny Procedure Rules</p> <ul style="list-style-type: none"> • Council Constitution – Article 13 – Decision Making • Cabinet report template and clearance processes • Quarterly performance reports aligned to Five Year Plan priorities • Scrutiny work programme • Internal officer boards, including: • Executive Board – reviewing major projects, budget proposals, developing council strategies and policies, providing robust and constructive challenge and monitoring corporate performance, budget and risk. • Budget monitoring processes, including monthly reporting to directorates and quarterly to cabinet.
<p>Robust internal control</p>	<ul style="list-style-type: none"> • Aligning the risk management strategy and policies on internal control with achieving objectives • Evaluating and monitoring risk management and internal control on a regular basis 	<ul style="list-style-type: none"> • Council Constitution – Article 9 Audit and Corporate Governance Committee • Council Constitution – Part

	<ul style="list-style-type: none"> • Ensuring effective counter fraud and anti-corruption arrangements are in place • Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor • Ensuring an audit committee or equivalent group/ function, which is independent of the executive and accountable to the governing body: <ul style="list-style-type: none"> ○ provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment ○ that its recommendations are listened to and acted upon 	<p>5.7 - Anti Fraud Corrupton Strategy and Policy</p> <ul style="list-style-type: none"> • Internal officer boards: • Risk and Audit Board • Corporate Oversight Board • Information governance policies and procedures • Lessons learned on data breaches and annual report to Audit and Corporate Governance Committee • Complaints policy and annual reporting to Audit and Corporate Governance Committee • Internal Audit reports and annual report to Audit and Corporate Governance Committee • External Auditors reports
Managing data	<ul style="list-style-type: none"> • Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data • Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies • Reviewing and auditing regularly the quality and accuracy of data used in 	<ul style="list-style-type: none"> • Information governance policies and procedures • FOI publication scheme • GDPR / data protection training programme

	decision making and performance monitoring	
Strong public financial management	<ul style="list-style-type: none"> • Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance • Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls 	<ul style="list-style-type: none"> • Council Constitution – Financial Procedure Rules • Council Constitution – Part 3.6 Scheme of Officer Delegation • Directorate internal schemes of delegation • Budget setting cycle, including MTFS, capital programme and treasury management strategy • Monthly budget monitoring reports to directorates • Quarterly budget monitoring reports to cabinet • Internal officer board Strategic Finance Board • Finance business partner for each directorate • Finance IT system controls

Principle G - Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

Sub Principle	Behaviours and actions demonstrating good governance	How will this be evidenced
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<p>Implementing good practice in transparency</p>	<ul style="list-style-type: none"> • Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate • Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand 	<ul style="list-style-type: none"> • Cabinet template and clearance processes • Business plan templates • Communications strategy and website plan
<p>Implementing good practices in reporting</p>	<ul style="list-style-type: none"> • Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way • Ensuring members and senior management own the results reported • Ensuring robust arrangements for assessing the extent to which the principles contained in this framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement) • Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations 	<ul style="list-style-type: none"> • Publication of annual reports and Statement of Accounts on website • Annual Governance Statement published on website • Policy Statement on Corporate Governance reviewed annually • Quarterly reporting to cabinet on budget and performance management • Internal officer board – Executive Board responsible for having an overview of the council’s finances and budget, governance arrangements, monitoring corporate performance, budget and risk.

<p>Assurance and effective accountability</p>	<ul style="list-style-type: none"> • Ensuring that recommendations for corrective action made by external audit are acted upon • Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon • Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations • Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement • Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability 	<ul style="list-style-type: none"> • Audit and Corporate Governance Committee – work programme and reporting cycle • Internal officer board – Risk and Audit Board • Internal audit work programme and reporting mechanisms • Reporting results of peer reviews and inspections to appropriate member level meeting • Annual governance statement process • Internal officer board – Corporate Oversight Board to review connected entity business plans • Statutory partnership boards, including Slough Wellbeing Board, Safer Slough Partnership, Safeguarding Partnerships
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Part 5.10 Guidance for Members and Staff in relation to Members' Involvement in Housing and Council Tax Benefits Work

CONTENTS

PROCEDURE FOR MAKING COMMENTS OR CHANGES

1. INTRODUCTION
2. MEMBERS' CASE WORK
3. MEMBERS AND THEIR HOUSEHOLD WHO ARE BENEFITS CLAIMANTS
4. MEMBERS WITH OTHER INTERESTS IN THE BENEFITS SYSTEM E.G. AS LANDLORDS
5. APPEALS
6. CIRCULATION AND REVIEW OF GUIDANCE

GUIDANCE FOR MEMBERS AND STAFF IN RELATION TO MEMBERS' INVOLVEMENT IN HOUSING AND COUNCIL TAX BENEFITS WORK

1. Introduction

This Guidance is issued to Members and staff in accordance with the Council resolution of 28th April 1999 that requires detailed involvement by Members in individual housing and council tax benefits cases to cease. At the same time, the guidance seeks to recognise Members' legitimate role in representing constituents, whether they are claimants or landlords, in their dealings with the Council.

This guidance supplements the declaration/registration of interest requirements contained in the Local Code of Conduct for Members and the requirement that Members should register services they, or close members of their family, have applied for or received from the Council which was agreed by Council in October 1999.

There is a parallel requirement for all officers involved in the administration of benefits to declare their interest in the Register of Employee Interests (Paragraph 5 of the Local Code of Conduct for Employees refers).

2. Members' case work

In the first instance constituents who approach a Member for help should be invited to contact the 'My Council' Customer Service Centre or the Revenue and Benefits Helpline service, or to use the corporate complaints procedure.

If the Member has concerns about the case or the constituent is insistent the Member takes up the issue, the Member should immediately refer the matter in writing, to the Director concerned. All such enquiries must be accompanied by a consent form signed by the constituent and countersigned by the Member, which gives authority for information about the case to be released to that Member.

Only in exceptional circumstances, or emergencies where the constituent is facing hardship, should Members make personal contact and then it should be to the Director or head of service (currently the Service Manager – Benefits, Council Tax and NNDR).

3. Members and their household who are benefits claimants

All Members, their family and other members of their household who claim housing and/or council tax benefits must declare that fact to the head of service (currently the Service Manager – Benefits, Council Tax and NNDR). Confidentiality will be respected, and the head of service will arrange for a senior benefits officer to check the claim is properly administered and processed.

If a member has an inquiry about his or her benefits or entitlements, this should always be raised in writing to the Director concerned.

4. Members with other interests in the benefits systems e.g. as landlords

Members who are landlords of properties where their tenants are claiming benefits or who have some other pecuniary interest in the benefits system, must declare the details to the Council's Monitoring Officer for inclusion in the statutory Register of Interests.

All enquiries from such Members in relation to their interest should be addressed in writing to the Director concerned.

5. Appeals

The Appeals Service is independent of the Council and Members may represent or advocate on behalf of a claimant, provided a consent form signed by the constituent and countersigned by the member has been submitted.

6. Circulation and review of guidance

This guidance will be issued to all existing and new Members and to all officers involved in the administration of benefits.

The guidance will be reviewed every two years by the head of service for the housing and council tax benefits service.

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Part 6

Members’ Allowances Scheme

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Part 6 - MEMBERS' ALLOWANCES SCHEME

The Slough Borough Council in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003 and subsequent Regulations hereby makes the following scheme:-

1. This scheme may be cited as the Slough Borough Council Members' Allowances Scheme and shall have effect commencing on 18th May 2023 and subsequent years.

2. In this scheme:

'Member' means an elected Member of the Slough Borough Council.

'Co-opted Member' means a person who is not an elected Member of the Authority but who is appointed as:-

- (a) a Member of any Committee or Sub Committee of the Authority, or
- (b) a Member of, and represents the Authority on, any Joint Committee or Joint Sub-Committee of the Authority.

Basic Allowance

3. Subject to Paragraphs 9 and 10 below, an annual basic allowance of £9,238 shall be paid to each elected Member.

Special Responsibility Allowances

4. (1) A special responsibility allowance shall be paid to those Members who hold the special responsibilities in relation to the authority, which are specified in Schedule 1 to this scheme.

(2) Subject to Paragraphs 6 and 7, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.

(3) A Member may only claim one special responsibility allowance and that allowance will be the maximum allowance the Member is entitled to claim.

Index Linking

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

Co-opted Members' Allowance

6. Co-optees appointed to the Audit and Corporate Governance Committee will receive an allowance of £606 per annum.

Independent Person- (Standards)

7. The Independent Person (Standards) will receive an allowance of £1,452 per annum.

Travelling and Subsistence Allowances

8. (1) Travelling and subsistence allowances shall be paid to each Member/Co-opted Member in respect of each occasion on which that Member carries out an approved duty **outside (Members)** the Borough as specified in **Schedule 2** to this Scheme. Travel inside the Borough can be claimed by Co-opted Members (mileage or actual costs (if using other forms of transport) subject to most cost effective provisions).

Travel

- (2) Payment of travel allowance shall be at the same rate as that applied to Council employees at the time the duty is carried out as specified in **Schedule 3**.
- (3) Subject to paragraph (4) unless there are exceptional circumstances which have previously been approved by the Head of Democratic Services , all claims for travel allowance should be deemed to start and finish from the Member's usual place of residence and claims will need to be made on this basis.
- (4) Co-optees may claim travel allowances for attending meetings within the Borough when they are required to travel in from outside the Borough.
- (5) Travel by taxi or private hire vehicles will be reimbursed with the amount of fare by appropriate public transport unless there is no public transport reasonably available or in cases of urgency in which event the actual fare and any reasonable gratuity will be reimbursed on production of a valid receipt.
- (6) The rate of travel by public transport shall not exceed the amount of the ordinary fare or any available cheap fare plus any expenditure necessarily and actually incurred in undertaking the journey.
- (7) The rate of travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent on travel by air.
- (8) Provided that where the appropriate decision making body resolves, either generally or specifically, that the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding;
- (a) the cheapest fare available, or
 - (b) in case of urgency, the actual fare paid by the Member on approval of the Head of Democratic Services .

Subsistence

- (9) Payment of subsistence allowance shall be at the same rate as that applied to Council employees at the time the duty is carried out as specified in Schedule 3.
- (10) Payment of subsistence allowance will be subject to the following conditions:
- the Member/Co-opted Member has personally and necessarily incurred expenditure on subsistence for the purpose of enabling him/her to perform an approved duty and any claim is accompanied by a valid receipt;
 - the Member/Co-opted Member is absent from his/her place of residence for more than 4 hours.
 - where food is provided free of charge or paid directly for by the Borough Council the Member/Co-opted Member will not be entitled to claim a subsistence allowance for the period to which the allowance relates.
- (11) Where a Member/Co-opted Member attends a UK conference/seminar authorised by the Council which necessitates an overnight stay, hotel accommodation will be booked and paid for direct by the Council. For all meals not paid for direct by the Council or included in the conference/seminar fees, the appropriate subsistence allowance may be claimed.
- (12) Where a Member has to book his/her own accommodation regardless of cost the maximum amounts he/she can claim are specified in Schedule 3.

Dependants' Carers' Allowances

9. (1) Elected Members are entitled to claim a Dependants' Carers' Allowance in reimbursement of actual reasonable costs necessarily incurred in providing care for dependant relatives (see sub-paragraph 2 below) while the Member is carrying out an approved duty specified in **Schedule 4** up to an annual limit of **£1,184** per Councillor.
- (2) Dependant relatives live with the claimant and are:
- Children aged 14 or under;
 - Elderly relatives requiring full-time care and
 - Relatives with disabilities or nursing requirements who require temporary or permanent full-time care
- (3) Members are entitled to claim a Dependants' Carers' Allowance for periods starting up to a maximum of an hour before the approved duty starts and ending up to an hour after it finishes in order to allow for essential travelling time.
- (4) Dependants' Carers' Allowances are not payable in respect of carers who are members of the immediate family or household. Dependent Carers Allowances can be claimed for care provided by informal carers as long as it is receipted.

Renunciation

10. A Member may by notice in writing given to the Head of Democratic Services elect to forego any part of his or her entitlement to an allowance under this scheme, which will be binding for that financial year.

Part-Year Entitlement

11. (1) Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as Member subsists bears to the number of days in that year.
- (2) Where a Member/Co-opted Member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a special responsibility allowance or co-optee's allowance, his/her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

Repayment of Allowances

12. Where payment of any allowance has already been made in respect of any period during which the Member/Co-opted Member concerned
 - is suspended or partially suspended;
 - ceases to be a Member of the Authority; or
 - is in any other way not entitled to receive the allowance in respect of that period,the Council may require that such part of the allowance as relates to any such period be repaid to the Council.

Claims and Payments

13. (1) Claims for travelling, subsistence and dependants' carers' allowances under the Scheme must be made in writing within two months of the date of carrying out the approved duty in respect of which the entitlement to the allowance arises. The Head of Democratic Services shall be authorised to consider on its merits and to make payment in respect of, any claim not received within two months of the date of performance of the duty.
- (2) Claims must be made on the appropriate Members' Allowances claim form accompanied by valid receipts. Claims will only be settled on production of valid receipts. In the case of travel expenses VAT fuel receipts for the period during which the approved duty for which the claim is made must be produced.
- (3) Payments shall be made in respect of basic, special responsibility and co-optees' allowances, in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month
- (4) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance, special responsibility or co-optees' allowance would result in the Member/Co-opted Member receiving more than the amount to which by virtue of paragraph 9, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

- (5) When Members are standing for re-election in order to ensure that no over payments are made, payment may be stopped with effect from midnight on the third day after the election. If the Member is re-elected payment of any allowances due will restart from midnight on the third day after the election and an adjustment will be made at the next pay day.

Advance Payment

14. (1) Notwithstanding paragraph 12 above, if a Member can show that he/she has reasonable cause to the satisfaction of both the Director of Finance and Resources and Head of Democratic Services he/she may elect in any one year to have up to 20% of the value of his/her annual basic allowance entitlement paid in advance. (The total value of any sums paid in advance must not exceed 20% of the basic allowance payable to the Member for that year).
- (2) Any advance payment will be subject to the Member giving a signed undertaking that in the event of his/her ceasing to be an elected Member of the authority he/she or their estate will repay to the Council any moneys owing in respect of the advanced payment.
- (3) The Section 151 Officer and Head of Democratic Services have delegated authority to consider and determine requests submitted by Members for advanced payment of part of their basic allowance as provided for under the Scheme.

Membership of Another Authority

15. Where a Member/Co-opted Member is also a member of another authority, that Member may not receive allowances from more than one authority in respect of the same duties.

SLOUGH BOROUGH COUNCIL
MEMBERS' ALLOWANCES SCHEME

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES 2023/24

	£	% of Leader's SRA unless otherwise indicated
Leader of the Council	24,017	100%
Deputy Leader	16,812	70%
Lead Member	13,209	55%
Chair of the Audit and Corporate Governance Committee	4,803	20%
Chair of the Corporate Improvement Scrutiny Committee	10,808	45%
Vice-Chair of the Corporate Improvement Scrutiny Committee	2,162	20.00% of CISC Chair
Scrutiny Task & Finish Group Chairs (3x) <i>(* pro rata, paid according to the length of time acting as Chair as measured from the date their Scrutiny Task & Finish Group was established until the date its report was received by the Corporate Improvement Scrutiny Committee)</i>	2,402*	10%
Chair of the Planning Committee	6,004	25%
Vice-Chair of the Planning Committee	2,001	8.33%
Chair of the Licensing Committee	3,603	15%
Vice-Chair of the Licensing Committee	1,189	33.33% of Licensing Committee Chair
Chair – Trustee Committee	2,402	10%
Chair of the Employment Committee	2,402	10%
Chair of the Standards Committee	1,201	5%
Leader of the Majority Opposition Group	7,205	30%
Leader(s) of Minority group(s)	4,803	20%

Note: An SRA for Leader(s) of Minority Group(s) will be payable provided that the Group has at least 5 Members.

Co-optees' Allowances

	£	
Co-optee appointed to the Audit and Corporate Governance Committee	606	-

The Independent Person

The Independent Person (Standards) will receive an allowance of £1,452 per annum.

SLOUGH BOROUGH COUNCIL
MEMBERS' ALLOWANCES SCHEME

SCHEDULE 2

**APPROVED DUTIES FOR THE PURPOSE OF THE PAYMENT OF TRAVELLING,
SUBSISTENCE ALLOWANCES IF HELD OUTSIDE THE BOROUGH**

(Not applicable where Outside Body has its own allowance scheme – See Schedule 3)

1. Attendance at Meetings of the following:

Meeting of any standing Committee, Sub-Committee or Panel

Joint Committees including –

Berkshire Authorities Fire Joint Committee

Joint East Berkshire Health Overview and Scrutiny Committee

East Berkshire & Buckinghamshire Joint Health Overview & Scrutiny
Committee

Social Services Statutory Panels including –

East Berkshire Adoption Panel

Registration Appeals Panel

Secure Accommodation Panel

Complaints Review Board

Foster Panel

Thames Valley Athletics Management Committee and Trust

Thames Valley Police Authority

School Admissions Forum

Local Government Association

Association of Councils for the Thames Valley Region

Standing Advisory Council on Religious Education

NB: Allowances will be paid to voting Members only.

2. Attendance as a representative of the authority on other bodies approved by the Council.
3. Attendance at site visits approved by Council, Cabinet, appropriate Committee, Sub-Committee or Panel.
4. Attendance as an official representative of the Council at meetings, functions and events hosted by outside organisations/bodies.

5. Attendance at a conference or similar meeting held inside the United Kingdom approved under the authority delegated to the Head of Democratic Services or specifically by the Council or a Committee including, but not restricted to, the following:-

Association of Directors of Social Services
Council for Local Education Authorities
Institute of Environmental Health Officers
Institute of Housing
Local Government Association Fire Conference
Local Government Association Tourism and Leisure Annual Conference
Local Government Association
National Housing and Town Planning Council
Public Library Authorities Conference
Standing Conference for Community Development
Royal Town Planning Institute
Town and Country Planning Summer School

6. Attendance at non-political conferences or meetings on matters of local government and local interest organised by this Council or other non-profit making bodies.
7. Attendance at training courses, seminars and conferences organised under the Members' Development Programme which the Head of Democratic Services or Council has previously approved for the payment of allowances.

SLOUGH BOROUGH COUNCIL
MEMBERS' ALLOWANCES SCHEME

SCHEDULE 3

TRAVEL AND SUBSISTENCE WHERE A MEMBER IS APPOINTED TO AN OUTSIDE BODY THAT HAS ITS OWN ALLOWANCE SCHEME

Where a Member is appointed to an outside body that has its own allowance scheme (e.g. the Local Government Association and Royal Berkshire Fire & Rescue Authority) or provision to pay travel and subsistence (e.g. the Thames Valley Police & Crime Panel) the appointed Member should claim travel and subsistence allowances directly from the respective outside body.

TRAVELLING AND SUBSISTENCE ALLOWANCES FOR MEMBERS

The travelling and subsistence allowances payable to Members for duties undertaken outside the Borough:

TRAVELLING ALLOWANCES

Based on HM Revenue & Customs current authorised mileage rates

Rate per business mile

Vehicle Used	First 10,000 business miles	Each mile over 10,000 miles
Cars and vans	45p	25p
Motorcycles	24p	24p
Cycles	20p	20p

For passengers an additional 5p per mile is paid per passenger

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

Indexation of Travelling Allowances (Outwith Borough Only)

Mileage will be indexed to the HMRC rates

Other Travel: actual costs subject to most cost effective provisions

Indexation of Travelling Allowances (Co-optees within the Borough only)

Mileage will be indexed to the HMRC rates

Other Travel: actual costs subject to most cost effective provisions

SUBSISTENCE ALLOWANCES

Based on and indexed to rates set by the South East Employers Organisation

Indexation of Subsistence and Overnight Allowances (Outside of Borough Only)

Allowances to be indexed to the maximum rates payable under the South East Employers Subsistence scheme

Breakfast	£6.88
Lunch	£9.50
Tea	£3.76
Evening Meal	£11.76
Overnight allowance	£138.15

Overnight Absence / Out of pocket expenses

Per night	£5.28
Per week	£21.09

SLOUGH BOROUGH COUNCIL
MEMBERS' ALLOWANCES SCHEME

SCHEDULE 4

APPROVED DUTIES FOR THE PURPOSE OF THE PAYMENT OF
DEPENDANTS' CARERS' ALLOWANCE

As prescribed by Regulation 7 of the Local Authorities (Members' Allowances) (England) Regulations 2003

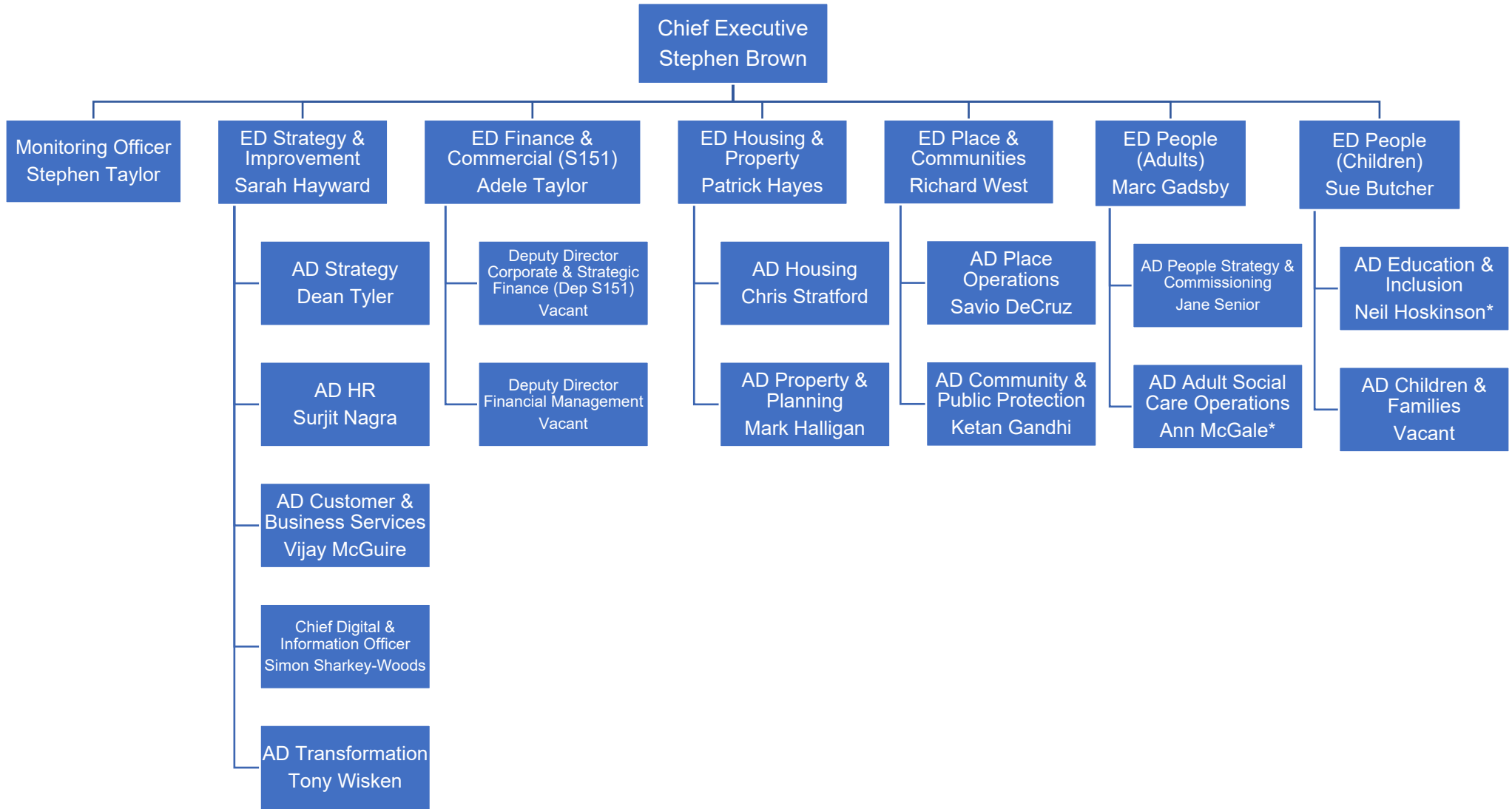
- (a) The attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) The attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that -
 - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
 - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
- (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools); and
- (h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

Part 7

Management Structure

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PART 7 - MANAGEMENT STRUCTURE



KEY:
 ED – Executive Director AD – Associate Director * - interim

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