

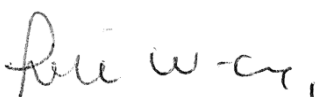
Date of despatch: Monday, 18 January 2021

To the Members of Slough Borough Council

Dear Councillor,

You are summoned to attend a Meeting of the Council of this Borough which will be held as a Virtual Meeting on **Tuesday, 26th January, 2021 at 7.00 pm**, when the business in the Agenda below is proposed to be transacted.

Yours faithfully



JOSIE WRAGG
Chief Executive

PRAYERS

AGENDA

Apologies for Absence

	<u>PAGE</u>
1. Declarations of Interest	-
<i>All Members who believe they have a Disclosable Pecuniary or other in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i>	
2. To approve as a correct record the Minutes of the Council held on 24th November 2020	1 - 6
3. To receive the Mayor's Communications.	-
Public Questions	
4. Questions from Electors under Procedure Rule 9.	-

Recommendations of Cabinet and Committees

[Notification of Amendments required by 10am on Monday 25th January 2021]

- | | | |
|----|--|--------|
| 5. | Recommendation of the Audit and Corporate Governance Committee from its meeting held on 10th December 2020 | 7 - 14 |
| | <ul style="list-style-type: none">• Disclosure and Barring Service – Checks on Members | |

Officer Reports

- | | | |
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| 6. | COVID-19 Decisions Update | 15 - 26 |
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Motions

- | | | |
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| 7. | To consider Motions submitted under Procedure Rule 14. | 27 - 28 |
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Member Questions

- | | | |
|----|--|---|
| 8. | To note Questions from Members under Procedure Rule 10 | - |
|----|--|---|

Press and Public

This meeting will be held remotely in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. Part I of this meeting will be live streamed as required by the regulations. The press and public can access the meeting from the following link (by selecting the meeting you wish to view):

<http://democracy.slough.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

Please note that the meeting may be recorded. By participating in the meeting by audio and/or video you are giving consent to being recorded and acknowledge that the recording will be in the public domain.

The press and public will not be able to view any matters considered during Part II of the agenda.

MINUTES OF COUNCIL PROCEEDINGS

At a Meeting of the Council for the Borough of Slough held as a Virtual Meeting on Tuesday, 24th November, 2020 at 7.00 pm

Present:- The Worshipful the Mayor (Councillor Brooker), in the chair; Councillors Ajaib, Akram, Ali, Anderson, Bains, Basra, Bedi, Begum, Carter, Chaudhry, A Cheema, H Cheema, Dar, Dhaliwal, Gahir, M Holledge (until 7.35pm), N Holledge (until 7.35pm), Hulme, Kelly, Mann, Matloob, Minhas, Mohammad, Nazir, Pantelic, D Parmar, S Parmar, Plenty, Qaseem, Rasib, Sabah, A Sandhu, R Sandhu, Sarfraz, Smith, Strutton, Swindlehurst and Wright.

Apologies for Absence:- Councillor Davis.

42. Declarations of Interest

None declared.

43. To approve as a correct record the Minutes of the Council held on 24th September 2020

Resolved – That the minutes of the meeting held on 24th September 2020 be approved as a correct record.

44. To receive the Mayor's Communications.

Members were informed that Remembrance Services were held, albeit in a reduced capacity and the Mayor thanked the Royal British Legion and Reverend Linda Hillier for their efforts, in ensuring events took place smoothly.

The Mayor placed on record his appreciation to the Slough Community in the manner in which it had come together during a difficult year. #OneSlough had been recognised as exemplary and services continued to be provided even before the 2nd lockdown so that they were fully prepared to assist as demand increased again.

The Prime Minister had announced in his Covid-19 winter statement that from 3rd December there would be tougher measures at each tier. It was anticipated that Slough would be placed in Tier 3 as numbers were still rising dramatically. Members were reminded of the importance of ensuring residents were aware of the message about “Hands, Face, Space” and how important this was for numbers to reduce.

45. Questions from Electors under Procedure Rule 9.

One question had been received and the Elector who was present, asked a supplementary question. A written copy of the reply would be sent to the Elector following the meeting.

46. Recommendations of the Cabinet from its meetings held on 12th October 2020 and 16th November 2020

It was moved by Councillor Anderson,
Seconded by Councillor Swindlehurst,

“That the Carbon Management Plan 2020-2030 be approved.”

The recommendation was put to the vote and agreed unanimously.

Resolved – That the Carbon Management Plan 2020-2030 be approved.

It was moved by Councillor Swindlehurst,
Seconded by Councillor Bains,

“That the Council’s plans be noted for medium term recovery and long term renewal as an organisation, for Slough the place and our communities and in particular the initiatives around skills.”

The recommendation was put to the vote and agreed unanimously.

Resolved - That the Council’s plans be noted for medium term recovery and long term renewal as an organisation, for Slough the place and our communities and in particular the initiatives around skills.

47. Review of Members Allowance Scheme - Recommendations of the Independent Remuneration Panel

It was moved by Councillor Swindlehurst,
Seconded by Councillor Akram,

“(a) consider the Independent Remuneration Panel’s report and recommendations (attached at Appendix A), a summary of which are set out in paragraph 5.1 of the report, and to resolve what action should be taken in respect of these recommendations; and

(b) resolve that the agreed recommendations be implemented from April 2021, following consideration as part of the Council’s forward budget-setting process for 2021-2022 municipal year.”

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

There voted for the recommendations:

Councillors Ajaib, Akram, Ali, Anderson, Bains, Basra, Bedi, Begum, Carter, Chaudhry, A.Cheema, H.Cheema, Dar, Dhaliwal, Gahir, Mann, Matloob, Minhas, Mohammad, Nazir, Pantelic, D.Parmar, S.Parmar, Plenty, Qaseem, Sabah, A.Sandhu, Sarfraz and Swindlehurst..... 29

There voted against the recommendations:

Councillors Kelly, Smith, Strutton and Wright..... 4

Council - 24.11.20

There abstained from voting on the recommendations:

The Worshipful the Mayor, Councillor Brooker.....1

Resolved –

- (a) That the Independent Remuneration Panel's recommendations (attached at Appendix A to the report), as summarised in paragraph 5.1 of the report be agreed.
- (b) That the recommendations be implemented from April 2021, following consideration as part of the Council's forward budget-setting process for 2021-2022 municipal year.

48. COVID-19 Decisions Update

It was moved by Councillor Swindlehurst,
Seconded by Councillor Akram,

“The Council is asked to note this Report, and to ratify the significant decisions taken by officers since the last report on this subject to Council on 24th September 2020, as set out in the Appendices to this Report.”

The recommendation was put to the vote and agreed unanimously.

Resolved – That the report be noted and the significant decisions taken by officers since 24th September 2020, as set out in the appendices to the report, be ratified.

49. To consider Motions submitted under procedure Rule 14.

A) COVID-19 Regulations – Crematorium

It was moved by Councillor Strutton,
Seconded by Councillor Wright,

“Council notes that the Covid-19 regulations in place limit the number of people allowed to attend crematorium services and funerals are an especially difficult time for residents and their families. Allowing families to carry coffins aids in the grieving process and makes the ordeal easier, rather than the funeral directors carrying out the task; and

Council therefore resolves to -

- Provide clear and up to date information around the rules regarding what is permissible for the ceremony. The current regulations allow the congregation to bear their deceased relative from the hearse into the chapel and placed on the Catafalque, providing those bearing the coffin live in the same household.

Council - 24.11.20

- Allow family members to carry the coffin from the car to the trolley with gloves on, and wheel it into the service; as long as family members from the same bubble are wearing the appropriate PPE, and the numbers of people are limited to comply with the current regulations.
- Immediately address the lack of recording facilities in crematoriums and ensure all services are recorded by the Council, so that family and friends can join the funeral virtually.”

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

“Council notes that the Covid-19 pandemic has been an extremely difficult time for residents and families who have suffered bereavements and that government regulations in place for crematorium services and funerals have the potential to add to this difficult time for residents and their families.

Council therefore resolves to –

- Continue to provide clear and up to date information around the Governments rules regarding what is permissible for the ceremony on the Council’s website at <http://www.slough.gov.uk/health-and-social-care/coronavirus-and-births-marriages-and-deaths.aspx>
- Continue to advise funeral directors (while noting that they are private business making their own health and safety decisions) that family members are currently permitted by government guidance to carry the coffin from the car to the trolley with gloves on, and wheel it into the service; as long as family members from the same bubble are wearing the appropriate PPE, and the numbers of people are limited to comply with the current regulations.
- Immediately install live streaming facilities in Slough crematorium with a planned start date of December 7, so that family and friends can join the funeral virtually.”

The amendment to the motion was put to the vote and agreed unanimously and became the substantive motion.

The substantive motion was put to the vote and agreed unanimously.

Resolved -

Council notes that the Covid-19 pandemic has been an extremely difficult time for residents and families who have suffered bereavements and that government regulations in place for crematorium services and funerals have the potential to add to this difficult time for residents and their families.

Council therefore resolves to –

- Continue to provide clear and up to date information around the Governments rules regarding what is permissible for the ceremony on the Council’s website at <http://www.slough.gov.uk/health-and-social-care/coronavirus-and-births-marriages-and-deaths.aspx>

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- Continue to advise funeral directors (while noting that they are private business making their own health and safety decisions) that family members are currently permitted by government guidance to carry the coffin from the car to the trolley with gloves on, and wheel it into the service; as long as family members from the same bubble are wearing the appropriate PPE, and the numbers of people are limited to comply with the current regulations.
- Immediately install live streaming facilities in Slough crematorium with a planned start date of December 7, so that family and friends can join the funeral virtually.

B) Commonwealth Veterans

It was moved by Councillor Mann,
Seconded by Councillor Ajaib,

“This Council recognises the tremendous role Slough residents, including those from Commonwealth countries, have played in our armed forces and the great sacrifices made by all our armed service personnel.

Council therefore calls upon the government to immediately grant the right for commonwealth veterans, who have served a minimum of 4 years, the legal right to remain in the UK and British citizenship for any veteran who completes 12 years service and waive any fees.”

A prior request having been made for the record of the voting:
There voted for the motion:

Councillors Ajaib, Akram, Ali, Anderson, Bains, Basra, Bedi, Begum, Carter, Chaudhry, A.Cheema, H.Cheema, Dar, Dhaliwal, Gahir, Hulme, Mann, Matloob, Minhas, Mohammad, Nazir, Pantelic, D.Parmar, S.Parmar, Plenty, Qaseem, Sabah, A.Sandhu, R.Sandhu, Sarfraz and Swindlehurst.....31

There voted against the motion:

Councillor Smith..... 1

There abstained from voting on the motion:

Councillors Kelly, Strutton, Wright and The Worshipful the Mayor, Councillor Brooker.....4

50. To note Questions from Members under Procedure Rule 10 (as tabled).

None received.

51. Exclusion of the Press and Public

Members agreed that the item in Part II of the agenda – the Part II minutes of the Council meeting held on 24th September 2020, could be considered without disclosing any of the exempt information. It was therefore agreed that it was not necessary to exclude the press and public from the remainder of the meeting.

Council - 24.11.20

Resolved – That agenda item 11 – ‘Part II Minutes – 24th September 2020’ be considered during Part I of the meeting.

52. Part II Minutes - Council, 24th September 2020

Resolved – That the Part II minutes of the Council meeting held on 24th September 2020 be approved as a correct record subject to Councillor Akram being removed from the list of attendees.

Chair

(Note: The Meeting opened at 7.00 pm and closed at 8.42 pm)

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 26th January 2021

CONTACT OFFICER: Shabana Kauser, Senior Democratic Services Officer
(For all enquiries)

WARD(S): All

PART I
FOR DECISION**RECOMMENDATION OF THE AUDIT AND CORPORATE GOVERNANCE COMMITTEE FROM ITS MEETING HELD ON 10TH DECEMBER 2020 - DISCLOSURE AND BARRING SERVICE – CHECKS ON MEMBERS****1 Purpose of Report**

To consider the recommendation of the Audit and Corporate Governance Committee made on 10th December 2020 to amend the Councillors' Code of Conduct to include provision to make "basic" checks on all Councillors and "enhanced" checks on Councillors who hold portfolios relating to vulnerable adults and children with the Disclosure & Barring Service ("DBS") and for any fees payable to the DBS for making checks to be met from the respective Councillors' allowances.

2 Recommendation(s)/Proposed Action

That the Councillors' Code of Conduct, in the terms set out at paragraph 5.10 of this Report, be amended to include provision to make "basic" checks on all Councillors and "enhanced" checks on Councillors who hold portfolios relating to vulnerable adults and children, with the Disclosure & Barring Service ("DBS"), and for any fees payable to the DBS for making checks to be met from the respective Councillors' allowances; effective from the municipal year 2021.

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

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

3b Five Year Plan Outcomes

Good governance arrangements will enhance all the outcomes of the Five Year Plan

4 Other Implications**(a) Financial**

The financial implications arising from this report are set out at paragraphs 5.6.3, 5.6.10, 5.6.15, and 5.6.17 of this Report.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
To consider the contents of this report and to resolve whether or not the Councillors Code of Conduct should be amended to include provision for the making of checks against Members with the Disclosure and Barring Service (DBS).	Legal / Regulatory Risk of challenges under the Human Rights Act 1998 based on protected rights.	Existing operating constitutional arrangements whereby searches are only made against Members undertaking regulated activities.	Likelihood: Low (3) Impact: Marginal (2) Score: 6	Enhanced and fortified constitution for the future.

(c) Human Rights Act and Other Legal Implications

Constitutional and Governance arrangements in relation to Codes of Conduct rely for their effectiveness on the exercise of disciplinary powers, which has the potential to engage provisions in the Human Rights Act 1998 relating to the right to a fair hearing, the right to respect for private and family life, the right to freedom of thought and conscience and the right to freedom of expression, contained in articles 6, 8, 9 and 10 respectively, of the European Convention on Human Rights, which is given effect to in domestic law by the Human Rights Act 1998.

Local Authorities have a statutory duty under Section 9P of the Local Government Act 2000 to prepare and keep up to date a constitution, whose contents are partly prescribed by statute, partly by directions given the Secretary of State, and partly matters of local content, within a statutory framework. The Constitution must include the Council's code of conduct for the time being under Section 28 of the Localism Act 2011 within it.

(d) Equalities Impact Assessment

There is no identified need for an Equalities Impact Assessment arising from the contents of this Report.

5 Supporting Information

- 5.1 The Audit & Corporate Governance Committee, at their meeting on 3 August 2020, considered a report concerning the issue of whether the Councillors' Code of Conduct should be amended to include provision for the making of checks against

Members with the Disclosure and Barring Service (DBS). The Committee resolved that the matter be referred to the Member Panel on the Constitution (MPOTC) to consider in greater detail.

At its meeting on 15th September 2020, the MPOTC recommended that the Councillors' Code of Conduct, in the terms set out at paragraph 5.10 of this Report, be amended to include provision to make "basic" checks on all Councillors and "enhanced" checks on Councillors who hold portfolios relating to vulnerable adults and children, with the Disclosure & Barring Service ("DBS"), and for any fees payable to the DBS for making checks to be met from the respective Councillors' allowances.

The Audit and Corporate Governance Committee considered the MPOTC recommendation at its meeting held on 10th December 2020. In agreeing to recommend that the Code of Conduct be amended in the terms set out at paragraph 5.10 of the report; Members also recommended that the changes be implemented from the new municipal year ie May 2021.

- 5.2 The Disclosure and Barring Service (DBS) came into being on 15 October 2012. It was set up by Section 87 of the Protection of Freedoms Act 2012.
- 5.3 Section 88 of the Protection of Freedoms Act 2012 gave the Secretary of State power to transfer to the DBS his functions under Part V of the Police Act 1997, relating to criminal records, and his functions under the Safeguarding of Vulnerable Groups Act 2006, relating to children and vulnerable adults. It also gave him power to dissolve the then existing Independent Safeguarding Authority. Accordingly, by the Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012, he transferred his powers relating to criminal records, and his powers relating to safeguarding of vulnerable groups, to the new DBS and he dissolved the Independent Safeguarding Authority and transferred its functions too, to the new DBS, with effect from 1 December 2012.
- 5.4 Effectively, therefore, the DBS has, with effect from 1 December 2012, become the only official source of information about criminal convictions and related matters, and about persons who have been placed on the Children's Barred List and the Adults' Barred List under the Safeguarding of Vulnerable Groups Act 2006.
- 5.5 The rules governing the making of searches and the issue of information by the DBS in relation to criminal offences and related matters, and the issue of information relating to persons on the Children's Barred List and the Adults' Barred List, are partly contained in Part V of the Police Act 1997, as amended, partly in the Safeguarding of Vulnerable Groups Act 2006, as amended, partly in the Protection of Freedoms Act 2012, partly in the Rehabilitation of Offenders Act 1974, as amended, and partly in subordinate legislation made under these statutes.
- 5.6 **Procedures and processes for making checks with the DBS**
 - 5.6.1 Under Section 112 of the Police Act 1997 the DBS must issue a "criminal conviction certificate" to any *individual* (author's emphasis) who is over 16 years of age and who pays the prescribed fee.
 - 5.6.2 A "criminal conviction certificate" will only provide information about criminal convictions or conditional cautions which are not spent under the Rehabilitation of Offenders Act 1974, and whether the applicant is subject to notification requirements under the Sexual Offences Act 2003. It will not

provide information about spent convictions or cautions, any other information in police records, or whether the applicant is on the Children's Barred List or the Adults' Barred List. The obtaining of this certificate is commonly referred to as the "basic check".

- 5.6.3 The application for this "basic check" can be made online by Members directly with the DBS, or by using companies on a list approved by the DBS. There is a fee payable (currently £23.00). A Member carrying out such a search directly with the DBS, or via an approved company, will need details of all addresses for the previous five years, their national insurance number, their passport and driving licence.
- 5.6.4 The DBS will accept an application for a "basic check" on a Member by the Council if the Council have that Member's consent to make the check and the Council make the application through a "responsible organisation". A "responsible organisation" is one approved by the DBS. Certain local authorities are registered with the DBS as "responsible organizations" e.g. Wandsworth Borough Council, Powys County Council, Buckinghamshire County Council, Cornwall Council, Dorset County Council (Social Services) and Devon County Council. Slough Borough Council is not on the DBS's list of registered responsible organisations. If the Council apply for a "basic check" on a Member using a "responsible organisation" they will need to obtain from such Member the information referred to in the preceding sub-paragraph i.e. details of all addresses for the previous five years, their national insurance number, their passport and driving licence.
- 5.6.5 The "basic check" "criminal conviction certificate" will be issued to the Member direct, even if the application was made by the Council through a "responsible organisation", and the Member would then need to produce it to the Council.
- 5.6.6 Under Section 113A of the Police Act 1997 the DBS must issue a "criminal records certificate" to any *individual* (author's emphasis) who is over 16 years of age and who pays the prescribed fee.
- 5.6.7 A "criminal records certificate" will only provide information about criminal convictions or conditional cautions which are spent or unspent under the Rehabilitation of Offenders Act 1974, if the applicant is subject to notification requirements under the Sexual Offences Act 2003 and details of any warnings or reprimands. It will not provide any other information in police records or whether the applicant is on the Children's Barred List or the Adults' Barred List. This is commonly referred to as the "standard check".
- 5.6.8 An application for a "standard check" must, however, either be counter signed, or submitted electronically, by a "registered person" and accompanied by a certificate by the "registered person" that the certificate is required for the purposes of "an exempted question". The Council is a "registered person" for these purposes. An "exempted question" for these purposes is one that relates to offences and cautions which are spent under the Rehabilitation of Offenders Act 1974. By virtue of section 4 of that Act an "exempted question" can only be asked in respect of matters prescribed by orders made under that Act. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 prescribes professions, offices, employments, work

and occupations in respect of whom an “exempted question” may be asked. The office or occupation of a local government Councillor is not prescribed as one in respect of which an “exempted question” may be asked. However, any office which is concerned with the provision of care services to vulnerable adults and which is of such a kind as to enable a person, in the course of their normal duties, to have access to vulnerable adults in receipt of such services, or any work done infrequently which would, if done frequently, be regulated activity relating to children under the Safeguarding of Vulnerable Groups Act 2006, allow an “exempted question” to be asked.

- 5.6.9 The effect of the above is that the Council is able to obtain a “standard check” only in respect of Member whose hold portfolios relating to vulnerable adults and children as they are the only Members in respect of whom an “exempted question” may be asked. The Council, as a “registered person” would not be able to certify that the application relates to a person in respect of whom an “exempted question” can be asked in respect of any other Members.
- 5.6.10 The fee payable to the DBS for a “standard check” is £23.00. The “standard check” “criminal records certificate” issued by the DBS would be sent direct to the Member in respect of whom any application is made, even if submitted by the Council as a “registered person”. The Member would need to produce it to the Council. The Member can also register, for an annual charge of £13.00, to use the DBS’s Update Service which enables the Member to give the Council permission to inspect if there have been any changes to the certificate.
- 5.6.11 Under Section 113B of the Police Act 1997 the DBS must issue an “enhanced criminal record certificate” to any *individual* (author’s emphasis) who is over 16 years of age and pays the prescribed fee.
- 5.6.12 An “enhanced criminal records certificate” will only provide information about criminal convictions or conditional cautions which are spent or unspent under the Rehabilitation of Offenders Act 1974, if the applicant is subject to notification requirements under the Sexual Offences Act 2003 and details of any warnings or reprimands. It will also provide other information in police records, but not whether the applicant is on the Children’s Barred List or the Adults’ Barred List. This is commonly referred to as the “enhanced check”
- 5.6.13 An application for an “enhanced check” must, however, either be counter signed, or submitted electronically, by a “registered person” and accompanied by a certificate by the “registered person” that the certificate is required for the purposes of “an exempted question asked for a prescribed purpose”. The “specified purpose” for an enhanced check is to enable checks to be made in respect of people working with children or adults in certain circumstances such as receipt of healthcare or personal care and for a small number of other roles such as taxi licence applications and people working in the Gambling Commission.
- 5.6.14 The Council is therefore unable to obtain an “enhanced check” in respect of Members, except for those who hold portfolios relating to vulnerable adults and children, insofar as they work with people in a healthcare or personal care setting. The Council as a “registered person” would not be able to certify

that the application relates to a person in respect of whom an “exempted question for a prescribed purpose” can be asked, in respect of any other Members.

- 5.6.15 The fee payable to the DBS for an “enhanced check” is £40.00. The “enhanced check”, “enhanced criminal records certificate”, issued by the DBS would be sent direct to the Member in respect of whom any application is made, even if submitted by the Council as a “registered person”. The Member would need to produce it to the Council. The Member can also register, for an annual charge of £13.00, to use the DBS’s Update Service which enables the Member to give the Council permission to inspect if there have been any changes to the certificate.
- 5.6.16 Under Section 113BA and Section 113BB of the Police Act 1997, relating to children and vulnerable adults respectively, an “enhanced criminal records certificate” can, in prescribed cases, include suitability information, namely whether the applicant is barred from regulated activity relating to children or vulnerable adults. An application for this suitability information is commonly referred to as an “enhanced check with barred list(s)”. The prescribed cases relate to regulated work with children and vulnerable adults and so do not affect Members other than holders of portfolios affecting children and vulnerable adults. Accordingly the Council cannot procure an “enhanced check with barred list(s)” in respect of Members other than those portfolio holders.
- 5.6.17 The fee for an “enhanced check with barred list(s)” is £40.00. Any certificate issued by the DBS would be sent by the DBS directly to the Member in respect of whom the check was carried out. The Member would need to produce this to the Council.
- 5.7 At present the Council’s policy is only to carry out “standard checks” on Members with portfolio responsibilities for Children’s and Education Services and for Health & social Care, on Members of the Corporate Parenting Panel and the Council Nominee for the Children’s Trust Board. The Policy document is appended to this Report.
- 5.8 Most councils have not adopted a requirement for “basic checks” to be done for all Members. This appears to be because of the limited information that is revealed by such a check. A limited number of Councils have, despite these limitations, adopted a policy to conduct such checks. It is, therefore, a matter of local choice by councils.
- 5.9 Should Council resolve to conduct “basic checks” in respect of all Members, this could be done by way of inclusion in the Councillors’ Code of Conduct of a provision that all Members will consent to such a check being done, will provide such information as the Council may reasonably require to enable such checks to be done, will provide any certificate issued by the DBS to the Monitoring Officer and will consent to the contents of the certificate being disclosed to the their party leader, if the Member is part of a party group, or to the Chief Executive, if the Member is an Independent Member, to enable the party leader, or the Chief Executive in respect of an Independent Member, to determine, after consultation with the Monitoring Officer and the Independent Person, what actions may be appropriate to safeguard children and vulnerable adults.

5.10. It is suggested, therefore, that an appropriate amendment to the Councillors' Code of Conduct to effect a requirement for a "basic check" being undertaken in respect to all Members, could be the insertion of a new paragraph 2.10 at the end of Section 2 of the Code, which deals with general obligations, in the following terms:

"2.10. 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."**

5.11 Failure by a Member to observe a provision in the above terms would be enforceable as a breach of the Councillors' Code of Conduct.

5.12 Democratic Services will arrange for the above process to commence as necessary after elections. Group Leaders (and/or the Chief Executive, as above) will be in a position to act on these results once members have provided their returned certificates as above. The timeline for this cannot be fixed as the process sits outside of SBC. There is no restriction on usual Council business continuing while this process is underway.

- 5.13 Council is advised that it is possible that a challenge might be raised to an amendment of the Councillors' Code of Conduct in the above terms based on the right to respect for private life and correspondence contained in Article 8 of the European Convention on Human Rights. Such right is, however, subject to interference such as in accordance with law is necessary in a democratic society in the interests of public safety, protection of health or morals or for the protection of the rights or freedoms of others. Such a challenge could therefore be met on such grounds.

6 Comments of Other Committees

The Member Panel on the Constitution considered the report at its meeting held on 15th September 2020.

The Audit and Corporate Governance Committee considered the report at its meeting held on 10th December 2020 and recommended that the Councillors' Code of Conduct, in the terms set out at paragraph 5.10 of this Report, be amended to include provision to make "basic" checks on all Councillors and "enhanced" checks on Councillors who hold portfolios relating to vulnerable adults and children, with the Disclosure & Barring Service ("DBS"), and for any fees payable to the DBS for making checks to be met from the respective Councillors' allowances. The Committee also agreed to recommend that the changes be implemented from the municipal year 2021.

7 Conclusion

The Council have no powers to procure a "standard check", an "enhanced check" or an "enhanced check with barring list(s)" with the DBS in respect of all Members, but only in respect of Members having portfolio responsibilities involving work with children or vulnerable adults. The Council may, however, procure "basic checks" against all Members with their consent by way of a provision in the Councillors' code of Conduct in the terms set out above.

8 Appendices

None.

9 Background Papers

Current council policy on DBS checks for Members

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 26th January 2021

CONTACT OFFICER: Nick Pontone, Senior Democratic Services Officer
(For all enquiries) (01753 875120)

WARD(S): All

PART I
FOR DECISION**COVID-19 DECISIONS UPDATE****1 Purpose of Report**

The purpose of this Report is to inform Council of the further significant decisions taken by officers, and to seek ratification of those decisions insofar as they relate to Council functions.

2 Recommendation(s)/Proposed Action

The Council is requested to resolve:

- (a) That the report be noted; and
- (b) That the Significant Decisions taken by Silver as set out in the Appendices be ratified insofar as they relate to Council functions.

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

The decisions taken by officers and set out in this Report have sought to support, as far as reasonably practicable at the present time, the objectives of the [Slough Joint Wellbeing Strategy](#) (SJWS) and the Five Year Plan

3a. Slough Joint Wellbeing Strategy Priorities –

The decisions set out in this Report have been taken with the over arching objective of protecting public health and the well being of residents and ensuring that the Council is able to achieve this objective lawfully, and as effectively as possible, in the prevailing circumstances. The recommendations contained in this report seek to ensure that the Council are able to continue to try to meet this objective and thereby be in a position to continue to address the priorities of the SJWS and the JSNA appropriately.

3b Five Year Plan Outcomes

The recommendations contained in this Report, namely the noting and ratification of the further significant decisions taken by officers at the first available opportunity, will enable the Council to be in a position to be able to go forwards to try and continue to meet the following objectives of the Five Year Plan.

- *Our children and young people will have the best start in life and opportunities to give them positive lives.*
- *Our people will become healthier and will manage their own health, care and support needs.*
- *Slough will be an attractive place where people choose to live, work and visit.*
- *Our residents will have access to good quality homes.*
- *Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents*

4 **Other Implications**

(a) Financial

Any financial implications of significant decisions taken by officers in connection with the need to deal with the consequences of the Covid-19 pandemic are monitored weekly by a special finance group and will be reported to cabinet as part of the usual financial reports to cabinet.

Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
That the Cabinet/Council note and ratify the significant decisions taken by officers since the “lockdown” came into force.	Failure by Members to note and ratify these actions and decisions increases the risk of challenge and disruption. Ratification provides the opportunity for the Council to build upon the good results already achieved and to move forward strongly by building upon these results with greater engagement across the Council	The significant decisions and actions have been taken in accordance with governance arrangements put into place in consultation with the Council’s statutory officers and in accordance with all applicable guidance issued by and best practice recommended by all relevant bodies.	Likelihood – Very Low – 2 Legal/ Regulatory – Critical - 3 Score: 6	Increasing return to usual decision making structures and processes as circumstances permit.

(b) Human Rights Act and Other Legal Implications

Any decisions taken by officers pursuant to the statutory regulations enacted by the Government to deal with the Coronavirus pandemic, to enforce business closures and restrict assembly, could potentially be challenged under the Human Rights Act 1998 as being a breach of article 11, relating to the freedom of assembly and association, and of Article 1 of the

First Protocol to that convention, relating to the right to peaceful enjoyment of possessions. It is considered, however, that risks of successful challenge are low as, in the latter case, derogations are permitted to control use of property in the general interest and, in the former case, for the protection of public health.

Under the Council's Constitution, the Chief Executive has delegated power to act in case of emergency and urgency to exercise all council functions. Additionally, under the constitution, all matters not specifically reserved are deemed to be within the delegated authority of the Chief Executive and Directors for all purposes which fall within their directorate or budget area or area of responsibility to which they may be nominated from time to time

The Cabinet may ratify any decisions of officers falling within their functions.

(c) Equalities Impact Assessment

All the significant decisions set out in this Report were taken having regard, so far as was practicable in the circumstances, to the public sector equality duties and the protected characteristics set out in the Equality Act 2010.

(d) Workforce

The decisions taken by Officers which have affected the workforce are set out in the schedule to this Report.

(e) Property

The restrictions imposed by the Coronavirus Act 2020 on the ability of the Council as a landowner to take action to enforce payments of rents will have had an effect on the Council's asset management position. Any long term effects on the Council's property portfolio and asset management strategy evaluated and reported to the cabinet as part of the Council's normal financial reporting to the cabinet.

(f) Carbon Emissions and Energy Costs

The Council have not at present carried out any systematic analysis of the effect on carbon emissions and energy costs of the decisions taken by officers since the "lockdown" took effect. It is considered that it is self-evident, however, that the restrictions on travel and the reduction in the use and occupation of Council premises and other council activities means that it is unlikely that there was an increase in emissions and energy costs during this period.

5 Supporting Information

Governance

- 5.1 This report sets out the Significant Decisions taken by Officers in response to the coronavirus pandemic. Robust governance arrangements were put in place in March 2020 to manage SBCs response, which is led by a GOLD and SILVER command

structure. GOLD/SILVER meetings have been held jointly since March. This is summarised as follows:

- **GOLD** – Chief Executive and Silver Lead from CMT on rotation
Overall responsibility for SBC strategy and response, primary liaison with partners and leads on external communications. Lead Members are consulted where appropriate on decisions in their portfolio.
- **SILVER** – led by a member of CMT on rotation, includes CMT, Public Health, Communications and Operations Room Management)
Responsibility for tactical implementation of GOLD Strategy, escalates strategic decisions to GOLD, refers issues for resolution to task groups.
- **Task Groups** – usually led by an Executive Director or senior Officer
Manages operational matters and escalate issues to Silver
Task groups established include Finance, Human Resources and Business Continuity, Community Hub, IT, Children, Adults, Safer Public Spaces, Testing, PPE, Recovery, Local Outbreak Management Plan Cell and Workplace Safety Group.
- **Operations Room** – led by Associate Director
Seeks to coordinate activity in a single team; logs enquiries, actions and decisions and supports Silver.

Timeline

5.2 A summary of the key events and phases is summarised as follows:

- 5th March – first death in UK from Covid-19 is confirmed.
- 12th March – SBC GOLD/SILVER response group meets. SILVER met daily between 23rd March to 24th April and at least weekly since. It currently meets twice a week.
- 23rd March – Prime Minister announces UK-wide partial “lockdown”.
- 26th March – Health Protection (Coronavirus Restrictions) (England) Regulations 2020 (‘lockdown regulations’) come into force.
- 13th May – National ‘Lockdown’ restriction start to be eased and this process continues through June and July. It is not until 25th July that indoor gyms and swimming pools are able to reopen.
- 1st July – local restrictions introduced in Leicester.
- 18th July – Health Protection (Coronavirus Restrictions) (England) (No 3) Regulations come into force giving local authorities in England new powers to close shops and outdoor public spaces in order to control Covid.
- 1st August 2020 – Shielding programme is paused.
- August / September 2020 – local restrictions across England start to be tightened, particularly in the North West and Yorkshire.

- 24th September 2020 – pubs and restaurants ordered to close by 10pm and ‘Rule of 6’ applies.
- 14th October 2020 – new Covid tiers come into force. Slough is placed in Tier 1 – medium level alert.
- 24th October 2020 – Slough moves into Tier 2 – high level alert, which introduced a ban on household mixing.
- 5th November 2020 – Prime Minister announces a new national ‘lockdown’ until 2nd December.
- 26th November 2020 – new Tier system is introduced in England to come into force on 2nd December. Slough enters Tier 3 – very high alert which means pubs and restaurants remain closed following national ‘lockdown’ and household mixing remains banned.
- 19th December 2020 – Government revises Tier system with a new Level 4 Tier – Stay at Home with restrictions similar to those during the national ‘lockdown’ in November. The Government decides to put Slough into this highest Tier.
- 4th January 2021 – Prime Minister announces new national ‘lockdown’ for England.

6 **Comments of Other Committees**

The decisions set out in Appendices 1 and 2 were considered by the Cabinet at their meetings on 14th December 2020 and 18th January 2021 in respect of Executive functions.

7 **Conclusion**

This report seeks Council ratification of significant decisions at the first available opportunity and will enable the Council to continue to seek to meet its duties to protect public health and to serve the well being of those who live, work and visit its area.

8 **Appendices Attached**

Appendix 1 – Table of significant decisions 29th October to 24th November 2020

Appendix 2 – Table of significant decisions 26th November 2020 to 17th December 2020

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Appendix A - Silver and Gold Significant Decisions

Reference number	Decision Required	Outcome	Date of decision	Decision made by
DEL151	Slough Strategy for National Lockdown	Strategy agreed, subject to minor amendments proposed	03/11/20	SILVER
DEL152	Service changes arising from national lockdown starting 5th November	Agreed that the Chief Executive would work through potential service changes and circulate to Silver for agreement. To be implemented by Thursday 5th November.	03/11/20	SILVER
DEL153	Community response planning	The recommended Option 1 was agreed to step up community response in view of national lockdown which included: Redeployment of 8 FTE staff members to the Community Response Team; Redeployment of an experienced analyst to support the Performance Insight Team; and Funding of 20k to continue the use of shielding data management system, Community Helper.	03/11/20	SILVER
DEL157	Business continuity reporting for critical services	Agreed to continue with current reporting arrangements by exception (i.e. not to reintroduce daily reporting at this stage)	03/11/20	SILVER
DEL158	Test and Trace Grant	Any future allocations from Test and Trace grant to be approved through Silver	03/11/20	SILVER
DEL159	Business Rates grants administration	Recommendations agreed to continue the process previously used and use Liberata to provide administration and SBC to check and make payments of grants, subject to procurement board agreement.	05/11/20	SILVER
DEL160	Accommodation move - Chalvey Early Years Nursery	Agreed that the proposed move from the existing rented portakabin to the purpose built facility in the new Chalvey Hub go ahead following handover on 9th November	05/11/20	SILVER

DEL161	To consider requests from Workpace Safety Group	It was agreed to open/continue/support the following service requests: 1. Housing people services continue to operate during 'lockdown 2'; 2. Creative Academy to be able to use Venue at the Curve for period of 'lockdown 2' then to be reviewed; 3. Priors Day Centre managers working with RRR for purpose of Medication Competancy Checks.	05/11/20	SILVER
DEL163	National lockdown action plan	Action plan agreed with a few amendments to be made. To be brought to Silver for updating regularly	10/11/20	SILVER
DEL164	Discretionary Housing Payment to be agreed	Recommendations to fund agreed and approved by Silver. NW to go communicate back	12/11/20	SILVER
DEL165	Schools Public Health School Liaison officer	Agreed to fund secondment for 6 months . SF to see if anyone from Solutions4health is suitable for role	12/11/20	SILVER
DEL166	National lockdown action plan	The National Lockdown Action Plan was reviewed and updated.	17/11/20	SILVER
DEL167	Self isolate support scheme	Update report on operation of self isolation support scheme noted. Future data to be available for dashboard and member briefings.	17/11/20	SILVER
DEL168	Use of Test & Trace Grant for posts in Public Health Team	Further work to be carried out to ensure proposal was compliant with purpose of T&T grant; considered other potential demands for additional capacity in the council; included other options for use of the limited funding available.	17/11/20	SILVER
DEL169	Local Tracing Partnership proposal for dedicated team	As per DEL168. Officers to give further consideration and bring a proposal back to Silver.	17/11/20	SILVER
DEL171	Funding request for communications	Agreed that £30,000 from Covid funding be provided to cover current and future online advertising. That this funding last for 3 months and be regularly measured for reach and accessibility.	19/11/20	SILVER

DEL172	Town centre events and activities	That town centre promotional activities be allowed in both the Town Square and Mackenzie Square, ensuring they have suitable space and Covid safety measures post lockdown 2. That a small market offer be allowed in wider areas of the High Street pedestrianised area, ensuring suitable space and Covid safety measures are in place post lockdown 2. That the children's ride be allowed back to their usual position, ensuring suitable space and covid safety measures are in place, post lockdown 2. To review this immediately should it become clear that Slough will be placed into a tier which limits or prohibits these activities.	19/11/20	SILVER
DEL173	Health & Safety and RIDDOR reporting	Silver noted the report from the Workplace Safety Group on Covid H&S issues and RIDDOR reporting. Silver reiterated the importance of compliance with all H&S processes, requirements and reporting in relation to Covid-19.	19/11/20	SILVER
DEL174	Requests from Workplace Safety Group	Requests approved regarding visits and estate inspections from the Housing People service and for introductory meetings in SCST/CLS, subject to ensuring the meeting(s) were compliant with social distancing guidelines.	24/11/20	SILVER
DEL175	Winter Grant Scheme	A briefing paper on the Winter Grant Scheme was noted. A further report would be provided once government guidance was issued.	24/11/20	SILVER
DEL176	Premises for Covid-19 vaccination centre in Slough	Silver agreed the proposed option for Covid vaccination centre in principle.	24/11/20	SILVER

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Summary of Significant Decisions Taken by Silver

Reference number	Decision Required	Outcome	Date of decision	Decision made by
DEL177	Proposal re mitigation for COVID response resource paper PHE	Agreed to go with Option 1 with a slight addendum that we would not use the £50k from Public Health funds and it will be funded from Test and Trace and National Tier system.	26/11/20	SILVER
DEL178	Mass email communications	Agreed to mass email communication using gov.uk email and to come from the council rather than specific person. To align with text messages sent to shielding list and NHS	26/11/20	SILVER
DEL179	Xmas opening times for SBC Buildings	Paper sent by Facilities re Xmas opening times of SBC buildings agreed by SILVER	26/11/20	SILVER
DEL180	Service requests from Workplace Safety Group	To agree the three requests to all START 27 Pursers, EB classes to extend hours and parks and open spaces to undertake their activities.	01/12/20	SILVER
DEL181	Reopening of services	Report on status of buildings and services noted. Silver agreed Option 1 of the report to ensure all outstanding information from services be provided to H&S/WSG to ensure compliance; and to continue existing approval process.	01/12/20	SILVER
DEL182	National lockdown action plan	National Lockdown Action Plan was reviewed and updated.	01/12/20	SILVER
DEL183	Local Restrictions Support Grant	The policy and procedure was approved.	01/12/20	SILVER
DEL184	Approach to Community Testing	Agreed to take a targetted approach to community testing in Slough. Task Group to be formed and mutual aid to be sought to backfill specific posts if required. Offer of military planners to be accepted and engaged middle of w/c 7th December.	03/12/20	SILVER
DEL185	Requests from Workplace Safety Group	Request for Priors Day Centre Manager to support Lavendar Court approved.	03/12/20	SILVER
DEL186	Tier 3 restrictions guidance	The briefing note from H&S on Tier 3 regulations were noted.	03/12/20	SILVER
DEL187	SBC firewall upgrade	Agreed that firewall upgrade could place on Sunday 6th December, noting there would be no access to Citrix during that period.	03/12/20	SILVER
DEL188	LOMP Cell recommendations to Silver	Agreed that Fin Garvey join the LRF vaccination group alongside EPO representative.	03/12/20	SILVER
DEL189	SBC Dashboard	Dashboard to come to Silver fortnightly in weeks it is circulated to Members.	03/12/20	SILVER
DEL190	Timing of Silver meetings	Silver meetings start time to move from 8.30am to 9.00am	03/12/20	SILVER

DEL191	Proposal for Use of Tier 3 COVID Contain Outbreak Management Fund (COMF) Money	<p>Option 1 was agreed.</p> <p>The entire COMF money for the duration we are in Tier 3 ring fenced for allocation to the appropriate activities above or other activities that are beneficial to the Slough population.</p> <p>And</p> <p>30% of the ring fenced money is set aside for testing and contact tracing support and sits within Public Health, to be used for Local Contact Tracing, Lateral Flow Testing and PCR Testing support as required.</p>	08/12/20	SILVER
DEL192	WSG paper re opening services	<p>Agreed with Option 1 to open services in paper The Trust - C-19 Contact service risk assessment</p> <ul style="list-style-type: none"> • Young people services - Meeting with young people on front door (not entering premises) limited clients. • Place and Development risk assessment for one to one meetings <ul style="list-style-type: none"> • Gate one Laptop rollout for councillors • Libraries to resume computer use by appointment only and browsing by appointment only. 	08/12/20	SILVER
DEL193	Decision on whether ICT can go down on Sunday 13/12/20	Agreed	14/12/20	SILVER
DEL194	SILVER to agree to the Change and Procurement freeze on ICT between 21 December and 4 January	Agreed by Silver on procurement freeze provided that any urgent items for PH and SCST are not included and it only applies to IT kit	14/12/20	SILVER
DEL195	Silver rota	Silver rota agreed to the end of January, subject to an amendment that RW would be Silver in the first week of January. Scheduled Silver meetings confirmed as Tues 22/12 and Wed 30/12.	15/12/20	SILVER
DEL198	Montem Testing site	Update from SG noted that the lease to use the Montem site for testing had been signed. The lease ran to the end of March 2021 and the financial implicatons were noted.	15/12/20	SILVER
DEL199	Lateral Flow Testing Proposal	Agreed to submit a proposal to Government by 18/12/20, following further work on the staffing/HR issues and potential phasing. NW to be provided with more detail on the potential financial risks prior to sign off.	17/12/20	SILVER

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 26th January, 2021

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

WARD(S): All

PART I
FOR DECISION

MOTIONS SUBMITTED TO COUNCIL UNDER PROCEDURE RULE 14

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

A) Air Quality

(Moved by Councillor Strutton, seconded by Councillor Kelly)

“This Council resolves to

a) Acknowledge

- That Slough has one of the highest levels of air pollution related deaths in the South East, and that roadside Nitrogen Dioxide emissions has a direct impact on both the environment, and public health.
- That raising local awareness and understanding of air pollution in the town, by mitigating the environmental impact of fireworks and using innovative technologies to tackle roadside Nitrogen Dioxide emissions, will improve air quality in Slough.

b) Agrees to

- Raise public awareness of air pollution, building on the example of Sheffield City Council, by forming a local community group to be involved in monitoring local air pollution through the use of low cost diffusion tubes, to build local understanding of air pollution and to engage the local community in assessing and taking action on local issues.
- To implement a Zero Emissions Network (ZEN) across Slough to offer advice to businesses who wish to reduce their emissions.
- To trial innovative approaches and technologies to tackle roadside Nitrogen Dioxide emissions.
- To actively promote a public awareness campaign in Slough regarding the use of fireworks, and informing users of the steps that can be taken to mitigate their effects on wildlife, and the environment.“
- Implement more stringent environmental requirements in any Simplified Planning Zone (SPZ) within the Borough, requiring both Green Energy Production, rainwater collection and recycling.

B) Universal Credit Payments

(Moved by Councillor Akram, seconded by Councillor Hulme)

“This Council notes that the government plans, from April, to remove the £20 it added to Universal Credit payments to further support claimants in Slough, and therefore resolves to write to the Chancellor, Rishi Sunak and to the Prime Minister, Boris Johnson demanding that the £20 increase to Universal Credit is made permanent and extended to claimants on legacy benefits.”