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| <b>REPORT OF:</b> | <b>Director HR, Governance &amp; Engagement</b> |
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| <b>TO:</b> | <b>Standards Committee</b> |
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| <b>DATE:</b> | <b>21 July 2021</b> |
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**SUBJECT: DBS (Disclosure and Barring Service) CHECKS**

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## **1. PURPOSE OF THE REPORT**

To advise of the latest position in relation to DBS (Disclosure and Barring Service) Checks for Councillors.

## **2. RECOMMENDATIONS**

The Committee is asked to note the update and that all Members will be reminded of the requirement to undergo DBS checks when the Chair gives his Standards Committee update on 22<sup>nd</sup> July 2021 at Council Forum.

## **3. BACKGROUND**

Following discussions at Standards Committee and Council Forum, it was agreed that all Councillors would be required to undertake a DBS check appropriate to their role, either Standard or Enhanced. Council Forum in July 2019 agreed a DBS Policy (see report and Policy attached at Appendix A).

Subsequently, Members were assisted in the application process, but it was the individual Members responsibility to ensure that they had the necessary current DBS Certificate.

## **4. RATIONALE**

Given that DBS Certificates last for four years, the majority of Councillors who received DBS clearance will be covered until at least 2022, however, DBS checks are required for newly elected Councillors, and the Governance Team as part of this process will also be checking that all other Members have current DBS Certificates or are assisted in the application process to receive one.

The Standards Committee will receive regular updates on DBS checks to ensure that all Members have the necessary clearances.

## **5. LEGAL IMPLICATIONS**

There is no specific legal requirement to undertake DBS checks on elected members, but the Council can lawfully decide to introduce DBS checks. This was debated at the Standards Committee on 14 January 2019, and made recommendations to Council as the decision-making body to consider and determine

the recommendations, which were agreed at the Council Forum meeting in July 2019.

The current disqualification rules for Councillors and Mayors contained in section 80, Local Government Act 1972 includes a provision that anyone convicted of an offence carrying a prison sentence of more than three months (without the option of a fine) is banned from serving as a local Councillor. Individual candidates are required to make a self-declaration on the prescribed form during the nomination process that they are not disqualified to stand and be elected as a local councillor. Currently, other than for specific roles, no DBS or other checks are undertaken by the Council. However, under section 27, Localism Act 2011 there is a duty on the Council to promote and maintain high standards of conduct by members and co-opted members of the authority.

DBS checks by the Council will need to be in accordance with The Protection of Freedoms Act 2012. The DBS policy has been developed to ensure lawfulness and transparency in the Council's procedures when undertaking DBS checks for elected Members.

## **6. POLICY IMPLICATIONS**

The Council's current policy on the disclosure and barring checks was agreed by Council Forum in July 2019.

## **7. FINANCIAL IMPLICATIONS**

There are no direct financial implications from the adoption of the recommendations as set out in this report.

## **8. CONSULTATIONS**

The proposals are based on the recommendations and DBS Policy agreed by the Council Forum.

### **Chief Officer/Member**

Contact Officer: David Fairclough

Date: 7th July 2021

Background Papers: