



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
ON:	29 June 2022

SUBJECT: DBS (Disclosure and Barring Service) Checks

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATIONS

The Committee is asked to note that the Governance Team will check that all Members have a current DBS certificate, and assist the newly elected councillors in May 2022 in the application process.

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 links to the Council report and policy:

(<https://democracy.blackburn.gov.uk/documents/s6848/DBS%20Checks.pdf>
<https://democracy.blackburn.gov.uk/documents/s6849/Appendix%20A%20Policy%20June%202019%20DBS%20Checks.pdf>)

The Governance team have assisted Members in the application process, but it remains the individual Members responsibility to ensure that they had the necessary current DBS Certificate.

4. RATIONALE

DBS Certificates last for four years, therefore the majority of Councillors will have a valid DBS certificate. 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

Although there is no specific legal requirement to undertake DBS checks on elected members, the Council can lawfully decide to introduce DBS checks. This was discussed at the Standards Committee on 14 January 2019, and made recommendations to Council for consideration. The Council Forum at its meeting in July 2019 approved the recommendations of the Standards Committee.

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.

All DBS checks by the Council 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

DBS checks for elected Members would promote greater public confidence in the role of Councillors.

7. FINANCIAL IMPLICATIONS

None.

8. CONSULTATIONS

DBS checks was discussed at Standards Committee and the policy was considered and approved by full Council in July 2019.

Chief Officer/Member

Contact Officer: Asad Laher, Deputy Director – Legal & Governance and Monitoring Officer.

Date: 16th June 2022

Background Papers: None