



REPORT OF:	REPORT OF STANDARDS COMMITTEE
TO:	COUNCIL FORUM
ON:	18TH JULY 2019

SUBJECT: COUNCILLOR DISCLOSURE & BARRING SERVICE (DBS) CHECKS

1. PURPOSE OF THE REPORT

To consider the approval of a DBS checks policy for Councillors.

2. RECOMMENDATIONS

The Council Forum is asked to approve the DBS Policy as per Appendix A, as recommended by the Standards Committee.

3. BACKGROUND

In January the Council Forum noted that the Standards Committee had looked at the current practice regarding undertaking police checks via the appropriate regulations and the Council Forum in March resolved that:

1. Following election each councillor be asked to undertake a basic disclosure check which would detail any unspent convictions in line with the Rehabilitation of Offenders Act
2. Following election any councillor who by nature of occupation/role has a DBS certificate of not more than 4 years old be allowed to utilise this certificate (known as portability) to meet requirement 1, but will be asked to undertake a basic disclosure check on the anniversary of the 4th year of the issuing of this certificate or submit a revised (portability based) certificate at that time.
3. The cost of the basic disclosure, currently £25, be borne by the councillor from their allowances payments.
4. In order to implement the new arrangements, ask the Monitoring Officer to develop a DBS Policy incorporating these new arrangements in consultation with the Standards Committee, bringing the Policy for approval of full council in the summer.

At their meeting in June the Standards Committee received a report from the Monitoring Officer and now recommend the Policy as attached (Appendix A) for approval by the Council Forum. Following approval, a letter and supporting information would then be issued to all elected members.

The Council Forum in March also resolved:

That the Chief Executive write to the Secretary of State for Housing, Communities and Local Government, to express the view that in support of the Code of Conduct for Councillors and the expectations as referenced in the Section 27(2) of the Localism Act 2011, all elected members of Council's should be subject of 'enhanced' disclosure and barring services checks.

As at the end of June 2019, the Council had not received a response from the Secretary of State.

6. POLICY IMPLICATIONS

The Council's current policy on the disclosure and barring checks would be changed by the approval of this report and the new Policy as set out Appendix A would be adopted.

7. FINANCIAL IMPLICATIONS

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

8. 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

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.

9. RESOURCE IMPLICATIONS

Existing resources from the Governance Services team and Human Resources teams will assure the Policy. Current resources from the Governance team would also be required to manage and deliver the revised policy.

10. EQUALITY IMPLICATIONS

There are no equality issues arising from this report.

11. CONSULTATIONS

The proposals from this report have been developed by the Standards Committee for the approval of full Council. The adoption of a new DBS Policy is a recommendation from the Standards Committee to full council ensuring all Councillors who would be impacted by the changes have the opportunity to consider and debate before final decision.

Chief Officer/Member

Contact Officer:	David Fairclough
Date:	27 June 2019
Background Papers:	Standards Committee Reports and Minutes January & July 2019