

Meeting of the Full Council
Meeting to be held on Thursday, 23 May 2024

Report submitted by: Director of Law and Governance

Part B

Electoral Division affected:
None;

Corporate Priorities:
N/A;

The Political Governance Working Group

Contact for further information:

Josh Mynott, Tel: (01772) 534580, Head of Democratic Services,
josh.mynott@lancashire.gov.uk

Brief Summary

The Political Governance Working Group met on Thursday 9 May. Amongst items considered was a proposal relating to Disclosure and Barring Service (DBS) checks for county councillors, which was agreed. The Working Group resolved that this be brought to the attention of Full Council.

Recommendation

That the report of the Political Governance Working Group, as now presented, be noted.

Detail

The Political Governance Working Group, at its meeting on 9 May 2024, agreed proposals to arrange enhanced DBS checks for all county councillors. The Working Group also agreed that the arrangements, as set out below, be presented to Full Council to note.

Background

As part of the Independent Review of the Disclosure and Barring Scheme initiated by the government in February 2022, it was recommended that:



An enhanced criminal record check is made mandatory for all councillors in Unitary and Single Tier Authorities who are being considered for appointment to any committee involved in decisions on the provisions of children's services or services for vulnerable adults. I accept that this would require legislation and therefore some inevitable delay, so I further recommend that these authorities are encouraged to adopt this procedure as best practice pending legislation.

In response to this recommendation, Simon Hoare, Minister for Local Government, wrote to all local authorities to encourage them to adopt the approach, in advance of any potential legislation.

Given that all county councillors may take part in decision making relating to children's and/or vulnerable adults as a member of Full Council and may also be members of the Cabinet or several other committees which work in these areas, all county councillors will be subject to an enhanced DBS check.

Process

Applying for an enhanced DBS check is done online. Councillors will be sent a link and instructions on how to access the system. Face to face sessions will also be held to help councillors with the system, but councillors must complete the application themselves.

A senior officer from within Democratic Services will be nominated as a councillor's "Disclosure Manager/Verifier". That officer will verify the application and will also see the outcome.

The council's DBS team will also countersign a councillor's application and also be notified of the outcome. The outcome may be shared with the Monitoring Officer and the Group Whip (or Group Leader in the absence of a Whip), with the consent of the councillor and on a confidential basis.

The check, once completed, will be sent to the councillor. It will either be "clear" (i.e. there are no disclosable matters), or it will disclose spent and unspent convictions and cautions, subject to filtering rules, and may disclose police intelligence which a chief officer has considered relevant and ought to be disclosed.

All county councillors will be required to apply for the enhanced check. Even if a councillor has recently undertaken an enhanced DBS check for other purposes (such as a job or other position outside of the council), they will still be required to complete a new check for their role as a councillor. This is in line with the council's DBS checking policy for officers.

For officers employed by the council and who are required to have an enhanced DBS check for their role, the process is completed on appointment. For councillors, after the initial process this year, the Political Governance Working Group agreed that councillors will be asked to apply for the enhanced check immediately after they are elected (after an all-out election or by-election), and the check will last until the next election. This means that current councillors may be required to have an



enhanced check in 2024 and, subject to their re-election, again following the local elections in May 2025.

The cost of an enhanced DBS check is £38, and therefore this process will cost a total of £3,192 for all 84 councillors. This expenditure can be managed within existing budgets.

Questions:

Q. What roles and committees does this affect?

A. Any position or committee that deals with decisions relating to children and/or vulnerable adults. That includes:

- Cabinet Members with responsibility for adults and children's services
- Lead Members with responsibilities for adults and children's services
- Champions for functions or areas of work involving adults and children's services
- Corporate Parenting Board
- Health and Wellbeing Board
- Health and Adult Services Scrutiny Committee
- Children, Families and Skills Scrutiny Committee

Q. Who will see my DBS check?

A. You will receive it. In addition, a single nominated senior officer from Democratic Services will be your nominated Disclosure Manager/Verifier. Along with the council's DBS team, that officer will be able to see the outcome of your application. The outcome may be shared with the Monitoring Officer and the Group Whip (or Group Leader in the absence of a Whip), with your consent and on a confidential basis.

Q. What if I refuse to have the enhanced check?

A. The matter would be reported to your Group Whip or Leader. It would be recommended that you did not serve on any committee or in any of the roles listed above.

Q. What if my DBS check comes back and it is not clear – i.e. there is a disclosable offence?

A. The matter may be reported to the Group Whip or Leader (in the absence of a Whip), with a recommendation that you did not serve on any committee or in any of the roles listed above if the matters disclosed may be considered to relate to or affect children and/or vulnerable adults.

Q. Could I still serve on those committees, even if my DBS check did not come back clear?

A. If the matters disclosed may be considered to relate to or affect children and/or vulnerable adults, it is strongly recommended that you do not, and the matter will be raised with your Group Whip or Leader. There is currently no intention to change the Constitution to prevent a councillor from doing so.



Q. Can I still take part in decisions in Full Council or Cabinet relating to children and vulnerable adults if my DBS check is not clear?

A. Yes, but you should consider whether it is appropriate for you to do so, depending on the nature of the information that is disclosed in the check.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Legal

It is not currently a legislative requirement for councillors to undertake an enhanced DBS check. However, the approach has been recommended by the government and is seen as best practice.

Financial

As set out in the report.

Risk management

No significant risks have been identified.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Tel
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A

