

Standards Committee

Tuesday 21 April 2015 at 6.00 p.m.

at the Council House, Walsall

Present

Councillor Underhill
Councillor Burley
Councillor E. Hazell
Councillor Murray
Councillor D. Shires
Councillor Worrall

In attendance

Mr. A. Green

74/15 Apologies

Apologies for non-attendance were submitted on behalf of Councillor Martin and Dr. A. Sen.

75/15 Minutes

Resolved

That the minutes of the meeting held on 26 January 2015, copies having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

76/15 Declarations of interest

There were no declarations of interest.

77/15 Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

78/15 Disclosure and Barring Service Checks for Members

Members received an update in respect of a previous report considered by the Committee on 26 January 2015. The report sought agreement to change how Disclosure and Barring Service (DBS) checks should be applied to Members:

(see annexed)

The Chair explained that this issue had been re-submitted to the Committee at the request of the Executive Director (Resources). He had contacted her as he believed the Committee would benefit from a further report that contained additional information, for Members to take into account, before making any recommendations to Council. He had also stated that it was important to consider any potential embarrassment to Members when deliberating on whether or not to recommend that all councillors should be compelled to undergo a DBS check. The Chair added that she felt the issue of Members undergoing DBS checks was not something she considered embarrassing. This was supported by a number of other Members on the Committee. She felt that it was necessary for Members to open themselves to scrutiny from others in order to improve public confidence.

The Head of Legal and Democratic Services reported that the Corporate Management Team had felt that the Committee would benefit from considering a further report on DBS checks for Members which included further options and details on how each option could be implemented.

The Committee discussed the report and considered the options available. A number of Members felt strongly that all Members should undergo enhanced DBS checks.

As an alternative, a Member suggested that key positions that had contact with vulnerable residents should undergo enhanced DBS checks whereas all other Members should undergo standard DBS checks. He noted this was a position adopted by local authority 6, as detailed in the appendix to the report submitted. Whilst the principle of targeting certain positions was understood, other Members felt that, due to the changeable nature of political post holders and substitute Members on committees, it would be challenging to adequately filter which Members required a DBS between those that did not.

A further Member explained that she thought DBS checks for all Members were unnecessary. However, she supported checks for Members who held positions which involved contact with vulnerable residents. She felt that DBS checks were only relevant on the day they were issued and would not necessarily protect vulnerable people. She also felt that a requirement for DBS checks could dissuade people from standing in local elections.

In response to several questions, the Head of Legal and Democratic Services clarified that the co-operation of Members would be required to complete DBS checks should the Council decide to request Members to undergo them. It was not possible to compel Members to undergo a check. He added that if a DBS check returned an offence then it would be up to him, as Monitoring Officer, to address the issue with the Member concerned to identify a way forward. He reported that the Council could only keep DBS records for six months. He also clarified that a person is barred from standing for election if

they have been convicted of a criminal offence in the last five years and received a sentence in excess of three months imprisonment.

A Member questioned how long a DBS check was valid for? The Head of Democratic Services reported that a recent change meant that a check was required every five years. This had previously been three years. He also clarified that safeguarding training was available to Members.

The Chair sought the view of the Independent Member. The Independent Member advised that DBS checks could provide reassurance to the local community that its Members were of good standing. It would also offer an additional layer of accountability. He added that in the NHS there was a desire to undergo checks on a more frequent basis but the DBS would not carry out checks more frequently than the minimum requirements. Therefore, it had been proposed that all NHS staff, required to undertake DBS checks, submit an annual self declaration that no issues had occurred that would be recorded through a DBS check. He felt that this could be something the Council could consider implementing as an extra safeguard. He added that it could be beneficial if Members could be compelled to undertake a DBS check. If the scheme was voluntary then it was possible that some Members would choose not to undertake a DBS check.

A number of Members on the Panel were receptive to the idea of an annual self declaration as an additional method of monitoring Members in-between DBS checks. A Member suggested this process could be administered through the Monitoring Officer at the same time as the annual declaration of interests review.

It was **moved** by Councillor Underhill and duly **seconded**:

- (1) That all Councillors undergo an enhanced Disclosure and Barring Service check;
- (2) That all Councillors undertake an voluntary annual self-declaration;
- (3) That the Monitoring Officer administers the process as part of the annual review of declarations of interest

A Member proposed an amendment suggesting that a mix of enhanced and standard DBS checks be undertaken depending on any post or office held by Members. This amendment was not seconded.

On being put to vote the motion was declared carried - five Members voting in favour and one against and it was:

Resolved

That Council be recommended:-

(1) That all Councillors undergo an enhanced Disclosure and Barring Service check;

(2) That all Councillors undertake an annual voluntary self-declaration;

(3) That the Monitoring Officer administers the process as part of the annual review of declarations of interest

79/15 Process for Standards Hearing Committee Hearings

Members were briefed on the arrangements for hearing complaints by a Standards Hearing Committee (SHC). The report was tabled at the meeting:

(see annexed).

The Head of Legal and Democratic Services highlighted the hearing process and principles that a SHC should be conducted under as set out in Appendix 1 to the report.

A Member questioned why the Monitoring Officer was responsible for initial investigations? The Head of Legal and Democratic Services described the previous process for investigating complaints. He explained that former pre-assessment investigations took place where the Member concerned would not be informed of the detail of the complaint made against them until a hearing. This process fell into disrepute due to a large number of petty complaints that required pre-assessment. In the current process details of the complaint made were shared with the Member concerned at all stages allowing them the opportunity to respond to the complaints made against them. This allowed a complete investigation to take place that involved all parties throughout the process and allowed the delivery of natural justice. The process was different when an anonymous complaint was received. In this instance, the Monitoring Officer would investigate the complaint but not necessarily tell the Member concerned. He added that a member of the public had recently referred the outcome of a recent investigation to the Local Government Ombudsman who had upheld the process undertaken for the investigation.

The Chair enquired what weight was given to repeat complaints of a similar nature made against a single Member? The Committee was informed that initially these issues would be raised with the Member concerned and could be taken into account at a Standards Hearing Committee if relevant to the complaint being heard.

Resolved

That the report be noted.

80/15 Update report in respect of the sanctions available to the Standards Hearing Committee

A report was submitted:

(see annexed)

Members were updated on the response of the Local Government Association (LGA) following an email from the Head of Legal and Democratic Services, sent on behalf of the Committee, enquiring whether or not the LGA were, or intending to, lobby the Government about increasing the sanctions that could be imposed on Members if they were found to have breached the code of conduct.

The Head of Legal and Democratic Services reported that the LGA had advised him that no activity was taking place, or planned, at the current time. He added that he had recently become aware of the first criminal conviction of a Member for a standards related offence. It was important to note that the standards regime only applied to the behaviour of Members when acting as a Councillor not as a private individual.

The Committee asked for further details on the criminal conviction and for training sessions to be arranged on the code of conduct and registering interests in the new municipal year.

Resolved

- (1) That the Head of Legal and Democratic Services write to all Members reporting on the recent criminal conviction of a Member for breaching a local authority code of conduct;
- (2) The Head of Legal and Democratic Services arrange training sessions for all Members of the Councils Code of Conduct and Register of Interest forms;
- (3) That the report be noted.

The meeting terminated at 7.20 p.m.

Chair:

Date: