

## **Standards Committee**

**Tuesday 21 July 2015 at 6.00pm**

**At the Council House, Walsall**

### **Members in attendance:**

Councillor Underhill (Chairman)  
Councillor Martin (Vice-Chairman)  
Councillor Andrew  
Councillor Burley  
Councillor Ditta  
Councillor E. Hazell  
Councillor Murray

81/15

### **Apologies:**

Apologies received from Dr. A. Sen and Mr. A. Green.

The Committee Business & Governance Manager reported that there was currently a vacancy on the Committee as Councillor P. Smith had resigned.

82/15

### **Substitutions:**

There were no substitutions for the duration of the meeting.

83/15

### **Declarations of interest**

There were no declarations of interest for the duration of the meeting

84/15

### **Minutes**

#### **Resolved**

That the Minutes of the meeting held on 21 April 2015, copies having previously been circulated, be approved and signed by the Chairman as a correct record.

85/15

### **Local Government (Access to Information) Act 1985 (as amended)**

It was noted that there were no items for consideration in private session.

86/15

### **Disclosure & Barring Service Checks for Members**

The Committee considered a report regarding Disclosure & Barring Service (DBS) checks for Councillors.

(see annexed)

The Head of Democratic Services explained that since the last

meeting of the Committee information had come to light about another local authority which had been refused the opportunity to have DBS checks for its members. This information led to the deferral of the Committee's recommendation at Council on 1 June 2015 that all members should undergo a DBS check. The deferral was to allow the Head of Legal and Democratic Services to write to the DBS to obtain clarity on the position.

Advice had been received from the DBS on 10 July 2015 which said that the Protection of Freedom Act 2012 provided a new definition of regulated activity. This Act had removed the requirements for a Councillor to have a DBS check. However, anyone who held a position which was defined as a regulated activity *before* the introduction of Protection of Freedom Act 2012 was still eligible for an enhanced DBS check, although this did not include barred list checks. The DBS had also explained that they had fed back the Council's views to their Policy Team to consider whether there are any plans to amend the Exceptions Order to include the office of Councillor as a regulated activity.

The Head of Democratic Services advised that a further query had been sent to the DBS to ensure they understood exactly what the Committee was recommending, as it is important to be absolutely certain whether or not the Committee's wishes could be fulfilled to ensure that they would not be challenged later on.

The Committee expressed a strong desire for Members to be eligible to have a DBS check. Members also expressed frustration at the length of time it was taking to implement their recommendation. Members were particularly frustrated with the advice received from DBS, and wished for the matter to be resolved as expeditiously as possible. Members of the Committee asked the Chair to write to the DBS so that the Committee's feelings could be outlined.

### **Resolved**

That the Chair write to the Disclosure and Barring Service expressing the Committee's wishes that all Members be eligible for enhanced DBS checks and to encourage the DBS to include the role of Councillor in its Exceptions Order.

87/15

### **Review of Elected Member Complaints 2014/15**

The Committee was provided with information in respect of complaints received by the Monitoring Officer concerning allegations made about breaches of the Council's Code of Conduct.

The Head of Democratic Services introduced the Report and highlighted that there had been five complaints alleging that Members had breached the Council's Code of Conduct which was a reduction on the previous year. One complainant had challenged the outcome of the

Monitoring Officer's investigation and referred it to the Local Government Ombudsman, who had reviewed the complaint and upheld the investigation process followed by the Monitoring Officer. Further to this, the role of the Independent Person on the Committee had proved valuable in providing impartial challenge and scrutiny of the decision making process followed by the Monitoring Officer.

Members were content that the number of complaints had reduced and went on to discuss Member behaviour. In particular Members felt that the conduct of Members at Council meetings could improve.

**Resolved**

That the Report be noted.

88/15

**Date of next meeting**

It was noted that the date of the next meeting was 5 October 2015.

The meeting terminated at 6.26 pm

Chairman.....

Date.....