

Phil Norrey
Chief Executive

To: The Chair and Members of the
Procedures Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 31 August 2018
Please ask for : Karen Strahan 01392 382264

Email: karen.strahan@devon.gov.uk

PROCEDURES COMMITTEE

Monday, 10th September, 2018

A meeting of the Procedures Committee is to be held on the above date at 10.30 am in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

AGENDA

PART I - OPEN COMMITTEE

- 1 Apologies for absence
- 2 Minutes

Minutes of the meeting held on 4 July 2018, previously circulated.

- 3 Items requiring urgent attention

Items which in the opinion of the Chair should be considered at the meeting as a matter of urgency.

MATTERS FOR DECISION

4 Scrutiny Call In - Convening of Meeting

The Committee is asked to consider the Notice of Motion (outlined below) which, in accordance with Standing Order 6(6), was referred from the Council to this Committee for consideration.

Members and Officers be reminded that a call in for scrutiny requests the Chief Executive to convene a meeting within five working days of the request being made. Part 4 article 17.4 of the DCC Constitution refers.

Therefore the County Council confirms that the requirement to convene a meeting to consider a call in be strictly adhered to unless those members requesting a call in agree to an alternative way of dealing with a call in request.

5 DBS Checks for Councillors (Reference from the Audit Committee - Minute *33) (Pages 1 - 4)

At the meeting of the Audit Committee on 27 July 2018 (Minute *33), in considering the matter of a Disclosure and Barring Service (DBS) check for all Members, it was RESOLVED that the issue of a DBS check for all Members be considered by the Procedures Committee.

The Procedures Committee is therefore asked to consider this matter and to aid discussion a briefing paper is attached on Eligibility for Disclosure and Barring Service checks for Councillors.

6 Calendar of Meetings 2019/2020

The draft calendar of meetings for 2019/2020 will follow.


MATTERS FOR INFORMATION

NIL

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED

NIL

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

Membership
Councillors C Chugg, J Hart, S Hughes, S Aves, F Biederman, A Connett, R Hannaford, N Way and C Wright
Declaration of Interests
Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.
Access to Information
Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Karen Strahan 01392 382264. Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.
Webcasting, Recording or Reporting of Meetings and Proceedings
The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/
In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.
Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.
Emergencies
In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.
Mobile Phones
Please switch off all mobile phones before entering the Committee Room or Council Chamber
If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.
 Induction loop system available

NOTES FOR VISITORS

All visitors to County Hall, including visitors to the Committee Suite and the Coaver Club conference and meeting rooms are requested to report to Main Reception on arrival. If visitors have any specific requirements or needs they should contact County Hall reception on 01392 382504 beforehand. Further information about how to get here can be found at: <https://new.devon.gov.uk/help/visiting-county-hall/>. Please note that visitor car parking on campus is limited and space cannot be guaranteed. Where possible, we encourage visitors to travel to County Hall by other means.

SatNav – Postcode EX2 4QD

Walking and Cycling Facilities

County Hall is a pleasant twenty minute walk from Exeter City Centre. Exeter is also one of six National Cycle demonstration towns and has an excellent network of dedicated cycle routes – a map can be found at: <https://new.devon.gov.uk/travel/cycle/>. Cycle stands are outside County Hall Main Reception and Lucombe House

Access to County Hall and Public Transport Links

Bus Services K, J, T and S operate from the High Street to County Hall (Topsham Road). To return to the High Street use Services K, J, T and R. Local Services to and from Dawlish, Teignmouth, Newton Abbot, Exmouth, Plymouth and Torbay all stop in Barrack Road which is a 5 minute walk from County Hall. Park and Ride Services operate from Sowton, Marsh Barton and Honiton Road with bus services direct to the High Street.

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

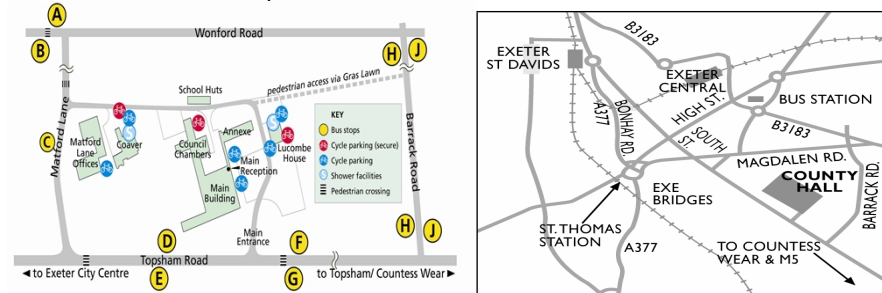
Car Sharing

Carsharing allows people to benefit from the convenience of the car, whilst alleviating the associated problems of congestion and pollution. For more information see: <https://liftshare.com/uk/community/devon>.

Car Parking and Security

There is a pay and display car park, exclusively for the use of visitors, entered via Topsham Road. Current charges are: Up to 30 minutes – free; 1 hour - £1.10; 2 hours - £2.20; 4 hours - £4.40; 8 hours - £7. Please note that County Hall reception staff are not able to provide change for the parking meters.

As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



NB   Denotes bus stops

Fire/Emergency Instructions

In the event of a fire or other emergency please note the following instructions. If you discover a fire, immediately inform the nearest member of staff and/or operate the nearest fire alarm. On hearing a fire alarm leave the building by the nearest available exit. The County Hall Stewardesses will help direct you. Do not stop to collect personal belongings and do not use the lifts. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair, as shown on the site map above. Please remain at the assembly point until you receive further instructions. Do not re-enter the building without being told to do so.

First Aid

Contact Main Reception (extension 2504) for a trained first aider.

Disclosure and Barring Services for Councillors – Briefing Paper

Introduction

At the meeting of the Audit Committee on 27 July 2018 (Minute *33), in considering the matter of a Disclosure and Barring Service (DBS) check for all Members, it was RESOLVED that the issue of a DBS check for all Members be considered by the Procedures Committee.

Background / Current Position

This issue has been previously considered by the Procedures Committee and the current process is that such checks are done on an exception basis, when required and in the opinion of the County Solicitor.

This has worked well in the past and as an example, the Cabinet Member with responsibility for Children's Services has had such a check and more recently a check was undertaken for a member who was taking on responsibility of undertaking reg 44 visits at Atkinson.

The Council is of course aware that Members may have had DBS checks, albeit in another capacity, for example if they are a school governor etc.

Below is a range of criteria in respect of when such checks should be undertaken and the appropriate legislation

Eligibility for Disclosure and Barring Service checks for Councillors

The position of Councillor is not in itself a position named in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Therefore, there is no eligibility for a DBS certificate at a Standard or Enhanced level, solely on the basis of being a Councillor, they have to be carrying out further activities prescribed in legislation.

The Protection of Freedoms Act (PoFA) 2012 amended the definitions of regulated activity with children and adults. This had an impact on the level of DBS certificate that is available for some local authority roles, which may include some Councillors. The level of DBS certificate that a Councillor can be asked to apply for depends on the activities that each individual Councillor carries out. As advised, it is important to note that not all Councillors will be carrying out functions that mean their role is eligible to be asked to apply for a DBS certificate.

The Exceptions Order and the Police Act 1997 (Criminal Records) Regulations 2002 both include entries that refer to carrying out a role which would have met the definition of regulated activity before it was changed by PoFA 2012. This means that the ability to ask for an enhanced DBS certificate exists in relation to anyone carrying out any of the activities included in this definition. These are now referred to in all DBS guidance as the definitions of work with children and work with adults.

Agenda Item 5

Work with Children (Councillors who carry out education or social services functions relating to children)

A Councillor is only eligible for an enhanced DBS certificate without DBS barred list checks if they meet the specific legislative criteria from the Safeguarding Vulnerable Groups Act 2006 set out below:

A person is a member of a relevant local government body if –

- i. he is a member of a local authority and discharges any education functions, or social services functions, of a local authority;
- ii. he is a member of an executive of a local authority which discharges any such functions;
- iii. he is a member of a committee of an executive of a local authority which discharges such functions;
- iv. he is a member of an area committee, or any other committee, of a local authority which discharges such functions.

This includes a reference to any sub-committee which discharges any such functions.

If the above conditions above are met, then a Councillor can be eligible for an enhanced DBS certificate without a check of the children's barred list. This is because the individual is carrying out a specific function included in the definition of work with children.

Work with Adults (Councillors who carry out social services functions relating to adults)

A Councillor is only eligible for an enhanced DBS certificate without DBS barred list checks if they meet the specific legislative criteria from the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013 definition of work with adults, set out below.

The exercise of a function of a person who is;

- i. a member of a local authority and discharges any social services functions of a local authority which relate wholly or mainly to adults who receive a health or social care service, as specified in the legislation;
- ii. a member of an executive of a local authority which discharges any such functions;
- iii. a member of a committee of an executive of a local authority which discharges any such functions; or
- iv. a member of an area committee, or any other committee, of a local authority which discharges any such functions;

If any of the conditions above are met, then a Councillor can be eligible for an enhanced DBS certificate without a check of the adults' barred list. This is because the individual is carrying out a specific function included in the definition of work with adults.

Councillors who have contact with vulnerable groups

Councillors will be subject to an Enhanced DBS check if they carry out certain functions within their portfolio which will bring them into contact with vulnerable groups. Typically, this will include where Councillors are subject to an Enhanced DBS check, (which can include a barred list check), because they are in a role working with children or vulnerable adults, or they frequently visit specified settings, such as schools, children's centres, residential homes or respite centres.

Councillors may also be subject to an Enhanced level check if they carry out other responsibilities in the community, such as being School Governors, Trustees, or volunteer with organisations which bring them into contact with vulnerable groups.

Councillors who do not carry out any of the specific educational and/or social service functions

Councillors who do not carry out any of the specific educational and/or social service functions as described above, are not eligible for a Standard or Enhanced DBS check. Councillors in this position may attend community events, take surgeries, or visit local residents in their own homes, have access to the general public including children, but these activities do not meet the legislative criteria to be eligible to apply for a Standard or Enhanced DBS certificate. However, a Basic level check can be requested for these Councillors.

Historically Devon County Council have only checked Councillors who have contact with vulnerable groups. It has not been a policy to DBS Councillors or staff solely on the basis of their involvement on committees discharging educational or social services functions.

Costs of DBS

The costs to Devon County Council for an Enhanced level check is £46.50 and for a Basic level DBS check it is £26.50, these costs include the small fee for using an online DBS application service.

Contact for enquiries:

Phil Barrett: Team Leader Safer Recruitment Service
Tel No: (01392) 383000
Background Papers - Nil

