

PROCEDURES COMMITTEE

10 September 2018

Present:-

Councillors C Chugg, J Hart, S Hughes, S Aves, F Biederman, N Way and C Wright

Apologies:-

Councillors A Connett and R Hannaford

Members attending in accordance with Standing Order 25

Councillors I Hall and P Twiss

* 40

Minutes

RESOLVED that the minutes of the meeting held on 4 July 2018 be signed as a correct record.

* 41

Announcements

The Chair welcomed Mr Hipkin who was attending the meeting in his capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

* 42

Items requiring urgent attention

There was no item raised as a matter of urgency.

43

Scrutiny Call In - Convening of Meeting

The Committee considered 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.

Members also considered the wording of the Constitution at 17.4, as outlined below

Within that period, the Chair (or in his/her absence the Vice-Chair), any 3 members of the relevant Scrutiny Committee or any 5 members of the Council whether or not they are members of the relevant Scrutiny Committee may call in such a decision by requesting the Chief Executive to convene a meeting of that Committee to consider it. The Chief Executive will convene such a meeting within 5 working days of that request and will inform the decision-taker of the call-in.

The Committee were advised that this matter had related to a former call-in relating to Health and Care Integration in Devon. The Health and Adult Care Scrutiny Committee was, at its meeting in March 2018, was already scheduled to receive an update paper on this. Due to the

subject matter already being on the agenda, the call-in was added to the agenda as an urgent item.

The Committee commented and reiterated that due process had been followed.

It was **MOVED** by Councillor Chugg **SECONDED** by Councillor Hart and

RESOLVED that in view of there being no breach of the Council's Standing Orders and the meeting had been arranged in line with those Standing Orders, there is no requirement to amend the current processes. The Committee recommends to the Council that no further action be taken on the Notice of Motion.

44 **DBS Checks for Councillors (Reference from the Audit Committee - Minute *33)**

(Councillor's Hall and Twiss attended and spoke to this item under Standing Order 25(2)).

The Committee noted that 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 was therefore asked to consider the matter and to aid discussion a briefing paper was attached for the information of Members on Eligibility for Disclosure and Barring Service checks for Councillors which outlined that the position of Councillor was not one named in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, therefore there was no eligibility for a DBS certificate at a Basic or Enhanced level, solely on the basis of being a Councillor. They would have to be undertaking further activities as prescribed in the legislation. The briefing paper outlined a range of criteria in respect of when such checks should be undertaken and the appropriate legislation that applied.

The Committee noted the current position (previously considered and determined by the Procedures Committee) which was that DBS checks were done on an exception only basis, when required and also after seeking the views of the County Solicitor.

The Council was also aware that Members may have had DBS checks, in another capacity, for example a school governor position.

The Committee discussed their community role and the potential for coming into contact with vulnerable people, when 'incidental contact' became more than that, the public perception that Councillors were vetted and appropriate to hold public office, the reputation of the Council, the current status with accepting DBS checks from other organisations and the subscription process to the DBS update service, the length of time required to undertake a DBS check and also the need for a process for if and when a DBS check revealed a matter requiring consideration and / or action by the Council, notwithstanding Councillors were elected and could not be treated in the same manner as employees.

It was **MOVED** by Councillor Biederman **SECONDED** by Councillor Wright and

RESOLVED

(a) that the Council adopt a policy of conducting a Basic DBS check for all Members of the Council, notwithstanding a Councillor may undertake certain roles which, in line with the legislation, required them to undergo an enhanced DBS check in relation to their contact with vulnerable adults or children or both or, is a member of a Committee which discharges a relevant function;

(b) that representations be made to Government regarding the current criteria which excludes the position of Councillor as named in the Rehabilitation of Offenders Act 1974 (Exceptions)

Order 1975 (meaning there was currently no eligibility in law for requiring a DBS certificate, solely on the basis of being a Councillor); and

(c) that Officers be asked to establish a Risk Assessment process that can be used to assess and record the risks of a Councillor in their role where a DBS certificate shows relevant convictions or other relevant information, and that these proposals be brought to the Procedures Committee in November 2018.

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Calendar of Meetings 2019/2020

The Committee considered the draft calendar of meetings for 2019/20 prepared in line with the pattern of previous years, known determinants and relevant factors.

Members discussed the August recess and whether this could be utilised for meetings and the use of Skype for various Council and Member meetings.

The Committee also noted the changes to Council and Cabinet budget dates.

RESOLVED

(a) that the draft Calendar for 2019/2020 be approved for publication; and

(b) that Officers be asked to explore the opportunities afforded by Skype and newer technologies for Member meetings and report back to the Committee in due course.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 11.45 am