



## MEMBER MANAGEMENT COMMITTEE

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Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Tuesday, 27th March, 2018  
at 2.00 pm

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### MEMBERSHIP

#### Councillors

N Dawson	C Campbell	N Buckley	T Leadley	A Blackburn
A Gabriel		G Latty		
M Harland				
H Hayden				
J Illingworth			C Dobson	S Field
J Lewis				
A Ogilvie (Chair)				
D Ragan				

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Agenda compiled by:  
Kevin Tomkinson  
Governance Services

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15,2 of the Access to Information Procedure Rules. (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting.)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

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3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence.</p>	
6			<p><b>MINUTES OF THE LAST MEETING</b></p> <p>To approve as a correct record the minutes of the meeting held on 11<sup>th</sup> July 2017.</p>	1 - 4
7			<p><b>DBS CHECKS FOR MEMBERS</b></p> <p>To consider the report of the City Solicitor outlining the current procedure for requesting DBS checks for Members and highlighting the key legislative changes that were made to vetting and barring checks and Criminal Records Bureau (CRB) checks carried out by employers (via the Protection of Freedom Act 2012) and clarification provided by the Disclosure and Barring Service as to the defined reasons that Councils can undertake checks for Members</p> <p>The report also sought guidance from the Member Management Committee in determining the most appropriate way forward with requesting DBS checks for Members.</p>	5 - 10

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			<p data-bbox="675 174 903 203"><b><u>Third Party Recording</u></b></p> <p data-bbox="675 226 1401 327">Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p data-bbox="675 349 1177 378">Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> <li data-bbox="724 400 1406 501">a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li data-bbox="724 501 1406 645">b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	

## MEMBER MANAGEMENT COMMITTEE

TUESDAY, 11TH JULY, 2017

**PRESENT:** Councillor A Ogilvie in the Chair

Councillors A Blackburn, N Buckley,  
C Campbell, N Dawson, M Harland,  
H Hayden, J Illingworth, G Latty, T Leadley  
and J Lewis

Apologies Councillor S Field and A Gabriel

### 1 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

### 2 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

### 3 Late Items

There were no late items submitted to the agenda for consideration. However an updated version of Appendix 2 of Agenda Item 7 "Local Authority Appointments to Outside Bodies" was circulated to Members prior to the meeting. Minute No. 7 refers.

### 4 Declaration of Disclosable Pecuniary Interests

There were no declarations of interest.

### 5 Apologies for Absence

Apologies for absence were received from Councillors Field and Gabriel.

### 6 Minutes of the last meeting

**RESOLVED** – That the minutes of the meeting held on 28<sup>th</sup> June 2016 were approved as a correct record.

### 7 Matters Arising

In respect of Minute 16 – Essential Member Safeguarding Training

Members received an update from the Member Development Officer in respect of the Member safeguarding training that had taken place in the previous Municipal Year.

Members also noted a resolution of the Scrutiny Board (Children's Services) 'that the Director of Children's Services recommended making training on corporate parenting mandatory for elected members and appropriate officers through the submission of a report to the Council's Member Management Committee'

Members also noted that the Safeguarding week would take place in October and if required additional safeguarding sessions would be provided via the Member Development Officer.

A brief discussion ensued in respect of Member training and how offering alternative times and methods of training, including 'refresher' training might improve Member attendance.

It was agreed that a further report be brought back to this Committee in respect of Member Development and Training.

#### In respect of Minute 17 – Any Other Business (Members Lounge)

Members received an update from Facilities Management on current facilities within the Civic Hall and particularly in respect of the current Members Lounge and whether this was a facility Members wanted to continue.

Members felt that it was useful to have a facility available to Members and it was agreed that further discussions should take place outside of the Committee setting to allow opinions to be sought from Whips and other Members before any proposals are considered in respect of the Members Lounge.

## **8 Local Authority Appointments to Outside Bodies**

The City Solicitor submitted a report which outlined the Committee's role in relation to Elected Member appointments to Outside Bodies. The report asked the Committee to:

- Agree a schedule detailing those organisations that the Council will continue to make an appointment to;
- Agree the nominations to those organisations which fell to this Committee to make an appointment to; and
- Agree the organisations which the Committee will continue to delegate to the relevant Community Committees.

Members also received an update/discussed:

- Nominating one of the Council's appointed representatives to Groundwork Leeds as the member who would cast any vote on behalf of the Council.
- Those organisations that no longer required Council representation

- Leeds in Bloom
- Appointments made since the last meeting of the Committee
- The current position in respect of the Leeds Grand Theatre Board

**RESOLVED –**

- (a) That the Appointment to Outside Bodies Procedure Rules as detailed within Appendix 1 of the submitted report be noted;
- (b) That the schedule detailed at Appendix 3 of the submitted report be agreed and confirmed the delegation of these appointments to the relevant Community Committees.
- (c) That the schedule detailed at Appendix 2 of the submitted report be approved.
- (d) That the changes to appointments made since the last meeting of the Committee as detailed within the submitted report be noted;
- (e) That Councillor Gabriel be appointed to the additional place available on the Leeds in Bloom Committee.
- (f) To note the possible need for a Council representative to be nominated to cast the Council's vote at meetings of Groundwork.
- (g) To defer a decision on representation on the Leeds Grand Theatre Board until confirmation of the number of places are available.
- (h) To note those organisations that no longer require a representative from Leeds City Council.

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Report author: Ian Cornick

## Report of the City Solicitor

## Report to Member Management Committee

**Date: 27<sup>th</sup> March 2018**

## **Subject: DBS Checks for Members**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## Summary of main issues

1. Key legislative changes were made to vetting and barring checks and Criminal Records Bureau (CRB) checks carried out by employers (via the Protection of Freedom Act 2012) and replacing them with Disclosure and Barring Checks via the Disclosure & Barring Service (DBS). The Protection of Freedom Act 2012 limited the circumstances in which DBS checks could be lawfully carried out.
2. Members are currently asked for a DBS check on 1st election, and every subsequent election thereafter. The level of check carried out for all Members is an enhanced check (without the barred lists).

## Recommendations

The Member Management Committee is asked to:

- Note the contents of this report
- Consider the matter for determination

## **1. Purpose of this report**

- 1.1 This report outlines the current procedure for requesting DBS checks for Members and highlights:
- the key legislative changes that were made to vetting and barring checks and Criminal Records Bureau (CRB) checks carried out by employers (via the Protection of Freedom Act 2012)
  - clarification provided by the Disclosure and Barring Service as to the defined reasons that Councils can undertake checks for Members
- 1.2 The report seeks guidance from the Member Management Committee in determining the most appropriate way forward with requesting DBS checks for Members.

## **2. Background information**

- 2.1 Key legislative changes were made to vetting and barring checks and Criminal Records Bureau (CRB) checks carried out by employers (via the Protection of Freedom Act 2012) and replacing them with Disclosure and Barring Checks. The Protection of Freedom Act 2012 limited the circumstances in which DBS checks could be lawfully carried out.
- 2.1.1 The definition of who could be legitimately referred for a check was changed to remove controlled activity. This applied mainly to employees in administrative or support roles who had access to data, records or financial information about children or vulnerable adults. DBS checks can no longer be requested for these types of activity.
- 2.1.2 A new definition for “regulated activity” was introduced which tightened the scope of referral mainly around contact time with children: frequency of once a week or more often, or on 4 or more days in a 30 day period. This change meant some roles no longer met the new definition e.g. electricians/maintenance in Schools as contact time did not meet the frequency level required.
- 2.1.3 It is a criminal offence to process DBS checks unlawfully (that is, outside of the specific definitions provided).
- 2.2 At the meeting of Corporate Governance & Audit held on 22<sup>nd</sup> September 2017, the matter of DBS checks for Members was discussed.
- 2.2.1 The Committee was informed at that time that, of the 99 Council Members, 70 had a current DBS check, 19 had checks which were in excess of 4 years old and no records could be located for 10 Members.
- 2.2.2 In the discussion that followed it was the view of the Committee that all Members be reminded of the necessity to have in place a current DBS check and that failure to comply with this requirement should be the subject of consideration and sanction by the appropriate political Group Whip.
- 2.2.3 The Chair also suggested that the issue of DBS checks be referred to the Member Management Committee for further analysis. The Committee supported this and asked that specific consideration be given by Member Management Committee of whether a recommendation might be appropriate to Group Whips for a failure to complete a DBS check to be dealt with by political groups through their disciplinary arrangements with an ultimate sanction including removal of the group whip.

- 2.3 It has been established that a number of other Local Authorities deal with DBS checks in different ways. For example, Bradford Metropolitan Borough Council carries out DBS enhanced checks for those Councillors who deal with services that involve children and young people and/or vulnerable people only. York City Council carries out DBS enhanced checks on the Executive Members responsible for Adults and Children's Services. By contrast, Durham County Council has, since May 2017, required all elected members to be subject to a DBS check to provide reassurance in relation to Child Sexual Exploitation matters.
- 2.4 In September 2017 the Department for Communities and Local Government issued a consultation paper which set out the government's proposals for updating the criteria for disqualifying individuals from standing for, or holding office as, a local authority member, directly elected mayor or member of the London assembly. Any changes to the disqualification criteria would require changes to primary legislation, in particular the Local Government Act 1972, the Local Democracy, Economic Development and Construction Act 2009, the Greater London Authority Act 1999. The proposed changes would not act retrospectively.
- 2.4.1 The consultation began on Monday 18 September 2017. It ran for 12 weeks and closed on 8 December 2017.
- 2.4.2 It has been established that responses to the consultation by another local authority suggested that DBS checks should be made mandatory, even though this was not suggested in the consultation.
- 2.4.3 It has also been established that the Department for Communities and Local Government is very much aware of the DBS issues regarding checks for all elected members and there are discussions within the Department along these lines.
- 2.4.4 As yet there is no clear date for when the responses to the consultation will be published and any changes to the current DBS system would require a new policy and legislative process, which is currently dominated by Brexit.

### **3. Main issues**

- 3.1 There is no mandatory requirement to have DBS renewals.
- 3.2 The Disclosure and Barring Service has provided clarification to the Council that BDS checks can be undertaken for Members for the following reasons:
- Lead Member in a designated area, e.g. Children's Services;
  - Member involvement in the Education and Social Services functions/leadership beyond that of the Lead Executive Member, involving nominated Deputies with designated portfolios in Children's and Adult Services;
  - The Council's scrutiny function involving a number of members and can examine, review and make proposals around any areas of Adult and Children's Social Care as well Education provision as well.
- 3.2.1 The Council also has devolved some powers to Area Committees upon which councillors serve in relation to some educational functions.
- 3.3 Whips are responsible for matters of discipline within their own Group.
- 3.3.1 Each Whip is informed of Members of their own Group who have not completed a current/valid DBS check.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

4.1.1 The Chief Whips has been consulted on the contents of this report.

### **4.2 Equality and diversity / cohesion and integration**

4.2.1 There are no equality and diversity or cohesion and integration implications as a result of this report.

### **4.3 Council policies and best council plan**

4.3.1 There is no impact on Council policies or the best council plan

### **4.4 Resources and value for money**

4.4.1 An enhanced DBS check costs £44 and a standard check costs £26.

### **4.5 Legal implications, access to information, and call-in**

4.5.1 The legal requirements are detailed within the body of this report.

### **4.6 Risk management**

4.6.1 There is a risk of reputational harm if Elected Members chose not to undertake a DBS check.

4.6.2 There is a risk of lowering public confidence in Elected Members should they chose not undertake a DBS check.

## **5. Conclusions**

5.1 Undertaking DBS checks for all Elected Members is a sensible and measured approach.

5.2 Whips are an integral part of the overall process in supporting Members to complete DBS checks within reasonable timescales.

## **6. Recommendations**

6.1 Member Management Committee are asked to:

6.1.1 Note the contents of this report;

6.1.2 Agree the proposal that DBS checks are carried out for all Members

6.1.3 Agree that these checks continue to be carried out on 1st election, and then again at every subsequent election thereafter.

6.1.4 Agree that the level of check carried out for all Members continues to be an enhanced check (without the barred lists).

6.1.5 Consider whether it is appropriate to notify Group Whips of failure to complete DBS checks and ask them to deal with this through their disciplinary arrangements with an ultimate sanction including removal of the group whip.

## **7. Background documents<sup>1</sup>**

7.1 There are no background documents to this report

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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