

**MEETING OF MIDDLESBROUGH COUNCIL**

At the Meeting of Middlesbrough Council, lawfully convened, and held in the Town Hall, Middlesbrough on 16 May 2018.

**PRESENT:** Councillors S E Bloundele (Chair); R Brady (Vice-Chair), R Arundale, S Biswas, J Blyth, D J Branson, J Brunton Dobson, Mr D Budd, M Carr, D P Coupe, D Davison, J Goodchild, T Harvey, A Hellaoui, T Higgins, C Hobson, J Hobson, N Hussain, L Lewis, T Mawston, D McCabe, J McGee, L McGloin, J McTigue, J Mohan, G Purvis, P Purvis, J Rathmell, D Rooney, J Rostron, M Saunders, J Sharrocks, M Storey, Z Uddin, J A Walker, N J Walker, V Walkington, M Walters and L Young

**OFFICERS:** J Bromiley, A Brown, B Carr, S Dorchell, L Henman, A Hoy, D Johnson, E Kunonga, A Pain, T Parkinson, S Reynolds and B Roberts

**APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Councillor S Dean, Councillor E Dryden, Councillor B A Hubbard, Councillor T Lawton, Councillor F McIntyre, Councillor C M Rooney, Councillor M Thompson, Councillor J Young.

**DECLARATIONS OF INTERESTS**

None Declared

18/16 **THE NATURE OF THE BUSINESS TO BE TRANSACTED AT THE MEETING IS TO DISCUSS THE FOLLOWING**

**"WE, THE MICA GROUP BELIEVE STRONGLY THAT ALL ELECTED MEMBERS OF MIDDLESBROUGH COUNCIL SHOULD BE SUBJECT TO A DATA & BARRING SERVICE CHECK WHETHER STANDARD OR ENHANCED. IT HAS BEEN SOMETHING ONE OF OUR MEMBERS HAS BEEN ASKING FOR SINCE 2016.**

**WE BELIEVE MIDDLESBROUGH COUNCIL HAS A SAFEGUARDING DUTY TO THE RESIDENTS, COMMUNITY GROUPS AND VULNERABLE PEOPLE OF THIS TOWN TO UNDERGO SUCH A CHECK."**

**THE PURPOSE OF THE MEETING IS TO DEBATE THE ISSUE AND PROPOSE A RESOLUTION THAT THESE BASIC SAFEGUARDING MEASURES ARE IMPLEMENTED WITHIN THE NEXT 2 MONTHS.**

**THERE ARE A HUGE NUMBER OF AUTHORITIES ACROSS THE UNITED KINGDOM WHO CARRY OUT THESE BASIC SAFEGUARDING CHECKS, THERE IS NO REASON WHY MIDDLESBROUGH COUNCIL SHOULD CONTINUE TO REFUSE TO DO THIS.**

The Monitoring Officer had received a request for an Extraordinary Meeting, seeking a discussion with regard to whether elected members of Middlesbrough Council should be subject to a Disclosure and Barring Service check whether standard or enhanced. The purpose of the meeting was to debate the issue and propose a resolution that these basic safeguarding measures were implemented within the next 2 months.

In accordance with paragraph 7 (a) iv) of the Council Procedure Rules, an Extraordinary Council Meeting had been called.

The Head of Legal and Democratic Services advised that Members had received a draft report, scheduled to be presented to the Standards Committee on 3 July 2018, on the subject of DBS checks for Councillors. The report was provided for members' assistance. The recommendations of that report were that enhanced DBS checks should be carried out for qualifying members, and basic DBS checks should be carried out for all other members.

The Head of Legal and Democratic Services reminded Members that the nature of DBS

checks, and consequently any discussion around them, could involve sensitive personal information about individuals. Such information would fall within paragraph 1 of Schedule 12A to the Local Government Act 1972, and would therefore normally precipitate a vote to exclude the press and public; such information could also give rise to an action in defamation, and/or a complaint under the Data Protection Act. Members were therefore advised to confine any comments that they wished to make to the principles of DBS checks, and to refrain from seeking to discuss anything which would identify an individual.

The Chair invited Councillor Rathmell to speak on behalf of the signatories in support of the request to call an Extraordinary meeting of the Council.

Councillor Rathmell stated that it was nice to see that the Council had prepared a report in relation to DBS checks as the issue was originally raised in 2016. He stated that as an authority, the Council had a safeguarding duty, and this required that all Members should undertake DBS checks with some Executive Members being required to undertake Enhanced DBS checks.

Councillor Rathmell referred to an article that had appeared in the press in relation to an offence committed by a Member of Humberside Council and he stated that given that Members often had contact with vulnerable people, he was concerned about the gap between Members not having DBS checks. He stated that all Members should be requesting a basic DBS check.

Councillor Rathmell queried why the recommendations contained in the report should not be implemented immediately.

Councillor N Walker stated that she agreed with the principles that had been raised by Councillor Rathmell. Councillor Walker advised that she had been working with officers on this issue for a number of years and there had been no reluctance to implement DBS checks.

Councillor Walker advised that there had been issues when the new DBS checks had been introduced.

Councillors were not named as one of the roles that required a DBS check. It was very difficult for Councillors to have an enhanced DBS check as a matter of course. Cornwall had experienced difficulties when they had tried to implement this process.

Councillor Walker stated that in her view, all Councillors and potential candidates should have to undertake Enhanced DBS checks, but the law would not allow this to happen. Councillor Walker stated that she agreed that all Members had a duty of care to the public. She stated that she met with vulnerable people to discuss financial and other issues. She stated that she had checked on the Government Website and she did not qualify for an Enhanced DBS check. Councillor Walker commented that where a Member was a Governor of a school, they were required to undertake a DBS check.

Councillor Walker stated that officers had quite properly checked, in detail, regarding the requirements of DBS checks with the appropriate bodies. At the time the issue was originally raised, officers were involved in preparing for elections, which had resulted in a delay in the report being produced.

Councillor Walker stated that she agreed with the sentiments that Members should have the strongest test available, given that the report had already been prepared and was due to be considered by the Standards Committee, in July, that the process should continue, and the report should be considered at that Committee.

It was Moved, Seconded and **ORDERED** that the meeting proceed to next business.

The Chair announced that as there was no further business, the meeting was closed.

