

Standards Committee

Wednesday, 11 December 2024 at 5.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 5 February 2025 at 5.15 pm

Please Note: This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

[To join the meeting online, click here](#)

Meeting ID: 318 492 278 308

Passcode: b8tAaz

Membership

Cllr A Glover
Cllr E Buczkowski
Cllr J Buczkowski
Cllr F J Colthorpe
Cllr G Czapiewski
Cllr M Fletcher
Cllr L Taylor
Cllr N Woollatt
Cllr D Wulff

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2 **PUBLIC QUESTION TIME**
To receive any questions from members of the public.
- 3 **MINUTES** *(Pages 5 - 8)*
To consider whether to approve the minutes as a correct record of the meeting held on 19 June 2024.
- 4 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters.
- 5 **CHAIR'S ANNOUNCEMENTS**
To receive any announcements the Chair of the Committee may wish to make.
- 6 **AMENDMENTS TO THE CONSTITUTION** *(Pages 9 - 10)*
To consider any amendments to the Constitution in the period since the last meeting.
- 7 **DISCLOSURE BARRING SYSTEM (DBS) WORKING GROUP** *(Pages 11 - 38)*
To receive a report from the DBS Working Group on Disclosure Barring System (DBS).
- 8 **GOVERNMENT CONSULTATION - ENABLING REMOTE ATTENDANCE AND PROXY VOTING AT COUNCIL MEETINGS** *(Pages 39 - 46)*
To receive a report from the Monitoring Officer on the Government Consultation Enabling remote attendance and proxy voting at Council meetings and to provide a response to the Council's position.
- 9 **COMPLAINTS**
To receive an update from the Monitoring Officer with regard to any on-going complaints being dealt with.
- 10 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**
Members are asked to note that the following items are already identified in the work programme for the next meeting:

Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk. They can also be accessed via the council's website [Click Here](#) Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed here:

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting. Notification in this way will ensure the meeting runs as smoothly as possible.

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number. For those joining the meeting virtually:
 - Mute your microphone when you are not talking.
 - Switch off your camera if you are not speaking.
 - Speak clearly (if you are not using camera then please state your name)
 - Switch off your camera and microphone after you have spoken.
 - There is a facility in Microsoft Teams under the ellipsis button called "turn on live captions" which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy here. They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website Browse Meetings, 2024 - MIDDEVON.GOV.UK.

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 19 June 2024
at 6.00 pm

Present

Councillors

A Glover (Chairman)
E Buczkowski (Vice Chairman),
J Buczkowski, F J Colthorpe, G Czapiewski,
M Fletcher, L Taylor and D Wulff

Also Present

Councillor(s)

Cllr D Broom Cllr S Keable (online) and Cllr L Knight

Also Present

Officer(s):

Maria De Leburne (Director of Legal, HR & Governance
(Monitoring Officer)) and Laura Woon (Democratic
Services Manager)

1 ELECTION OF CHAIRMAN

The Vice-Chairman of the Council invited nominations for the election of a Chairman for the municipal year 2024/25.

It was therefore **RESOLVED** that Cllr A Glover be elected Chairman of the Committee for the municipal year 2024/25.

(Proposed by Cllr L Taylor and seconded by Cllr D Wulff)

2 ELECTION OF VICE-CHAIRMAN

The Chairman of the Committee invited nominations for the election of a Vice-Chairman for the municipal year 2024/25.

It was therefore **RESOLVED** that Cllr E Buczkowski be elected Vice-Chairman of the Committee for the municipal year 2024/25.

(Proposed by Cllr L Taylor and seconded by Cllr A Glover)

3 START TIME OF MEETINGS

Cllr A Glover proposed and seconded by Cllr L Taylor that the Committee to start at 5.15pm for the remainder of the 2024/25 municipal year.

The Committee **AGREED** to meet at 5.15pm for the remainder of the 2024/25 municipal year.

4 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

5 **PUBLIC QUESTION TIME**

None received.

6 **MINUTES**

The minutes of the previous meeting were **APPROVED** as a true record and signed by the Chairman.

Note: Cllr F J Colthorpe abstained from voting due to not being present at the last meeting.

7 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

8 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman thanked the Committee for electing her as Chairman of the Committee.

9 **AMENDMENTS TO THE CONSTITUTION FOLLOWING MOTIONS APPROVED BY COUNCIL**

The Committee **NOTED** the amendments to the constitution following motions approved by Council.

10 **CONSTITUTION**

The Committee had a discussion about the wording in relation to the title Chairman within the Constitution:

The Democratic Service Manager highlighted the following:

- Research had been done to look at several other Local Authorities in relation to the word Chairman within the Constitution.
- From the following Councils: Exeter City Council, Devon County Council, East Devon District Council, North Devon District Council and Teignbridge Council, they referred to the Chairman as Chair.
- Cornwall Council referred to the Chairman as Chairman.

Discussion took place regarding:

- To update the Constitution to use the title Chairperson and to remove Chairman.
- A Chair was known as a piece of furniture and some members use Madam Chairman and Chairman,

- To have consistency in the wording used.
- Preferences for it to remain as Chairman.

It was therefore **RESOLVED** that:

The Constitution be amended to replace Chairman with Chair.

(Proposed by Cllr E Buczkowski and seconded by Cllr L Taylor)

Note: Cllr F J Colthorpe voted against.

11 COMPLAINTS

The Committee **NOTED** a verbal update from the Director of Legal, HR and Governance (Monitoring Officer) which provided an update on complaints received

The following was highlighted:

- Two formal complaints had been received:
 - a District, Town and Parish Councillor.
 - a District Councillor.

The following was discussed:

- As to the complaint would the Committee receive the outcomes or the lessons learnt or how would this be reported?

12 DISCLOSURE BARRING SERVICE

The Committee had before it, a report * from the Director of Legal, HR & Governance (Monitoring Officer) outlining the Disclosure Barring Service (DBS) for Members.

The following was highlighted:

- As part of the update to the Corporate Safeguarding Policy to Community Policy Development Group (PDG) on the 26 March 2024, Section 4 of the report made reference to 'Members and DBS checks'.
- Standards Committee was to consider whether a Member Working Group would be set up to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy.

The following was discussed:

- What actions would take place in regards to a DBS that highlights a concern?
- The DBS check would provide openness and transparency for the Council.
- A policy would be required that would state who would be responsible to carry out the DBS checks and who would receive the completed check and what action would be taken if necessary.
- To support and recommend a working group that would identify guidance and protocol for Members in line with Members Code of Conduct.
- The importance of effective enforcement of the Safeguarding risk.

- The value of a DBS check and how and what Safeguarding would it provide for Members and Members of the public.
- How Members would be kept safe.

It was therefore **RESOLVED** that:

A Member Working Group to be set up and review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy.

(Proposed by Cllr J Buczkowski and seconded by Cllr A Glover)

The Members of the Working Group were **AGREED** to be Cllr J Buczkowski, Cllr L Taylor and Cllr A Glover.

Note: * Report previously circulated.

13 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

The Committee requested that the following be on the agenda for the next meeting:

- The Code of Conduct Complains appeal procedures.
- Guide to making a complaint about a Councillor review.

The following was discussed:

- Seating arrangement plans at Committee meetings and members that are not a Committee member being present and sat with the Committee.
- The issues of Cabinet Members sat with the Scrutiny Committee Members and the Standards Committee reviewing this in line with the Constitution.

It was therefore **NOTED** that:

- An informal Working Group to be set up to review the seating arrangements at meetings.

(The meeting ended at 18.52pm)

CHAIRMAN

Changes since June 2024

Changes from June 2024			
Throughout the document	Changes to Chairman to Chair	Standards Committee recommendation	Delegated MO amendment November 2024
Throughout the document	Proposed changes to the Policy Development groups	Standards Committee to Full Council recommendation	Approved at Full Council April 2024
137	Bullet point 8	Changes to the number of meetings as agreed following Corporate Plan	Approved at Full Council April 2024
257	Appendix J	Reference to implication reports removed as this no longer happens.	Delegated MO amendment- November 2024
88	1998 change to 2018	Legalisation Change	Delegated MO amendment- November 2024

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Report for: Standards Committee

Date of Meeting:	11 December 2024
Subject:	DBS Checks for Members
Cabinet Member:	Cllr L Taylor- Leader, and Cllr Wulff, Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Maria de Leburne, Director of Legal, People & Governance (Monitoring Officer)
Exempt:	There are no exemptions within the documents
Wards Affected:	All
Enclosures:	Previous report to Standards 19 June 2024

Section 1 – Summary and Recommendation(s)

To update Members on the outcome of the Standards Working Group who considered DBS checks for Members.

Recommendation(s):

That the Standards Committee recommends to Council that:

- (a) DBS checks are mandatory for all Members from May 2027 onwards;**
- (b) That any member can voluntarily have a DBS check from January 2025 until May 2027 when they become mandatory;**
- (c) The Head of Housing & Health is delegated to make any necessary changes to the Corporate Safeguarding Policy and related DBS policy in conjunction with the Cabinet member for Quality of Living, Equalities and Public Health;**

Section 2 – Report

1.0 Introduction

- 1.1 As part of the update to the Corporate Safeguarding Policy to Community PDG on the 26 March 2024, Section 4 of the report made reference to 'Members and DBS checks'.

- 1.2. Members at the Community PDG on the 26 March recommended to Standards Committee that a Member Working Group be established to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy. Please see the report from the PDG. The Standards Committee on the 19 June agreed that a working group be formed.
- 1.3 The Disclosure and Barring Service (DBS) helps prevent unsuitable people from working with vulnerable groups, including children. It provides a procedure through which organisations may carry out criminal record checks relating to individuals who may, on behalf of the organisation, undertake work or hold positions or responsibilities, which may bring them into contact with vulnerable persons.
- 1.4 Currently elected members of Mid Devon District Council are not required to have DBS checks. Not all councils require DBS checks of their members.

2.0 Working Group Findings

- 2.1 Whether or not to adopt DBS checks was detailed within the 19 June 2024 report to Standards Committee.

- 2.2 The Working Group consisted of Cllrs Luke Taylor (Leader), James Buczkowski (Cabinet Member for Finance, Risk & Governance) and Andrea Glover (Chair of Standards Committee).

- 2.3 There are three types of DBS check, Basic, Standard and Enhanced.

A Basic DBS check provides provide a minimal overview of an individual's criminal history and reveals unspent convictions. It does not include cautions, reprimands, or spent convictions.

A Standard DBS Check is more comprehensive than basic checks and are commonly used in specific industries such as finance and law. It reveals both unspent and spent convictions.

An Enhanced DBS Check provides the highest level of disclosure and is essential for certain roles in education, healthcare, and other sensitive areas. It reveals unspent and spent convictions. It includes cautions, reprimands, and warnings. It also encompasses relevant police intelligence information deemed necessary for the applied position.

- 2.4 It was agreed that the appropriate level of check depends on the nature of the role and the level of contact an individual will have with vulnerable groups or sensitive information. As District councillors do not deal with social services matters, it is not considered that their roles meet the legal requirements to have a standard or enhanced check. In the circumstances, like many

authorities, it is proposed that we introduce a Guidance Note in effect a protocol that all District councillors undergo a basic DBS check.

2.5 To ensure that there is a process in place for the conducting of those checks, the attached Councillors Safeguarding Guidance Note and DBS Checks ('Protocol') has been prepared. The key elements of the Protocol can be summarised as follows:-

- Reference to the Safeguarding Policy and the requirement for councillors to undergo and co-operate with basic DBS checks.
- That the Council will conduct a Basic DBS Check upon a member being elected to office and following each subsequent election and that members will co-operate in providing all information to enable the DBS check to be carried out.
- That in the event that the check results in a positive disclosure, any appropriate actions are taken, following a full risk assessment process. Whilst the DBS Certificate will be checked, a copy will not be retained by the Council.
- Following consultation with the Head of Paid Service and Safeguarding Lead (where safeguarding issues), the Head of Paid Service will discuss the matter with the relevant member in consultation with Leader of the relevant Political Group and advice provided on any steps that should be taken.

Financial Implications

There will be a small cost to the Council for each member as the cost of a Standard DBS check is £18 'basic disclosure'. Therefore a total cost for 42 members is £756.

Legal Implications

Disclosure Barring Service checks are not legally mandated for Local Authority councillors, however many authorities are, in light of high profile cases, making the decision to undertake at least basic DBS checks. Simon Bailey conducted a review of the Disclosure and Barring Regime in April 2023 concerning the eligibility of local councillors for criminal record checks. The purpose of the review, commissioned by the Home Office, was to provide assurance to Ministers about the effectiveness of the disclosure and barring regime in safeguarding children and vulnerable adults. Part of the review considered the regime with regard to eligibility of local councillors for criminal record checks provided by the Disclosure and Barring Service. With specific reference to local authorities, the review made the following recommendation:

Recommendation 5: Local councillors I recommend that an enhanced criminal record check is made mandatory for all councillors in Unitary and Upper Tier Authorities who are being considered for appointment to any committee involved in decisions on the provisions of children's services or services for vulnerable adults. I accept that this would require legislation and therefore some inevitable delay, so I further recommend that these authorities are encouraged to adopt this procedure as best practice pending legislation.

As this Council is not a Unitary or Upper Tier authority, this recommendation does not apply and since the Council does not carry out social services functions, we cannot legally conduct an enhanced check.

It is important to reflect that a basic DBS Certificate is a snapshot in time and is only up-to-date at the time of issue.

Risk Assessment No risks have been identified.

Impact on Climate Change None.

Equalities Impact Assessment None directly arising from this report.

Relationship to Corporate Plan

Our values and priorities – equally important to the 'what' we are trying to achieve, is the 'how' the organisation operates and conducts itself.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria de Leiburne

Agreed by the Monitoring Officer

Date: 2 December 2024

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 3 December 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Maria de Leiburne, Director of Legal, People & Governance (Monitoring Officer)

Email: mdeleburne@middevon.gov.uk

Background papers:

None

A COUNCILLORS' SAFEGUARDING GUIDANCE NOTE AND DBS CHECKS

[NB: This Guidance Note does not form part of the Constitution or the Members' Code of Conduct].

- 1.** A Councillor's behaviour is in effect already covered by the Council's Code of Conduct (as required under the Localism Act 2011) - which provides recourse to any member of the public wishing to make a complaint against a Members behaviour - that Code, however, does not make specific mention or reference to allegations about safeguarding.
 - 1.1** The Code of Conduct, in the main, only applies to the conduct of a Councillor when acting or giving the impression that they are acting in their official capacity; it may not therefore always cover them in their 'private' life. Moreover, while the District Council's Monitoring Officer has a duty to advise and consult an Independent Person appointed under s28(7) of the Localism Act 2011 on any action to be taken arising from a complaint on the conduct of members under the Code of Conduct it would be inappropriate to do so in any case where safeguarding issues had been raised without first referring to the Council's safeguarding procedures.
 - 1.2** Councillors should operate within a safe working environment at all times. If Councillors adhere to common sense principles of safe working this will not only benefit the work and reputation of the Council but help protect them (Councillors) as well.
 - 1.3** Councillors, in their role as a Councillor, should therefore ensure that they do not have – or are not put in the position of having - unsupervised contact with children and young people or vulnerable adults. Avoiding any such circumstances/unsupervised contact wherever possible with vulnerable persons will help prevent the risk of any allegation of inappropriate behaviour being made.
 - 1.4** Any suspicions of poor practice, abuse or inappropriate behaviour observed or reported of a District Councillor (by whatever means or route) should in the first instance be reported to the District Council's Monitoring Officer, who shall take all necessary steps as indicated below including all appropriate notifications. The District Council's Monitoring Officer will review each case on its own facts and take any action that is required and this may result in the Police being involved.
 - 1.5** If the allegation is in relation to potential safeguarding concerns relating to the individual in their capacity, either as a councillor, or in any other working or volunteering role with children , the District Council's Monitoring Officer will make a referral to and liaise directly with the Local Authority Designated

Officer (LADO), who is responsible for managing and overseeing allegations against adults working with children. If the allegation relates to safeguarding concerns regarding the individual's behaviour with children in their personal life (e.g.: as a parent or relative or friend), the District Council's Monitoring Officer will ensure a referral is made to the Devon Multi-Agency Safeguarding Hub (MASH). In these circumstances, Children's Services would undertake any assessment as appropriate and, if following this, concerns remain which could impact on the individual's role as a Councillor, also make a referral for LADO consideration.

2. DBS Checks and Risk Assessment

- 2.1** Following each District Council election the Council will, (or mid-term if a Councillor is elected mid-term) conduct a Basic DBS check for all Councillors which will be in place for a period of four years (a Council term).
- 2.2** Councillors will co-operate in providing all necessary information to enable the DBS check to be carried out. Once a Basic DBS check has been undertaken for that individual Councillor, a record of that will be retained. .
- 2.3** Only where the DBS check identifies a criminal conviction will the Monitoring Officer be notified. In these circumstances, the following course of action must be undertaken in line with this guidance. The Monitoring Officer will not retain a copy of the DBS Certificate but will record the Certificate Number, date of Certificate, date of offence(s) disclosed, the type of offences and when they will be spent. The applicant will retain the original DBS Certificate.
- 2.4** It is the responsibility of the Monitoring Officer to ensure all appropriate actions, guidance and notifications are taken in such cases.
- 2.5** The Monitoring Officer will also review the circumstances of the case with reference to the Code of Conduct to determine whether there are any standards issues involved and any potential case to answer.
- 2.6** Thereafter and following consultation with the Head of Paid Service and Corporate Safeguarding Lead (where appropriate) a discussion will be had with the Councillor to ascertain the facts of the matter, then conduct a risk assessment against an agreed criteria in consultation with the relevant Group Leader, and then agree future actions required
- 2.7** Any such risk assessment must necessarily require an objective common-sense approach, having regard not only to the Council's responsibilities for safeguarding but the need for Councillors to maintain the highest standards of conduct in their

professional lives and from a safeguarding perspective, their personal lives. Also important is the need for any person in public life and holding a position of special responsibility to be extra vigilant.

2.8 The Monitoring Officer can also consider the withdrawal of facilities/access and, exceptionally, any action required to ensure the continued protection of others as a result of the disclosure or of any action the Council may decide to take as a result of that risk assessment, including confidential notification to a third party to ensure that continued protection of others, consulting with the Chair of the Standards Committee as appropriate.

2.9 If a Basic check reveals that a Councillor has been sentenced to imprisonment for 3 months or more (including suspended sentences) during the last five years or has been convicted of a corrupt or illegal practice by an election court, then their seat will be lost and reported to the relevant body.

DBS Risk Assessment Checklist

Disclosure Certificate No.																				
Date of Certificate																				
Full Name:																				
Position	Councillor																			
Check Undertaken for:																				
Level of Check	Basic																			
Convictions disclosed? If so, details																				
Date(s) and place of conviction?																				

Risk Assessment

Monitoring Officer/ Questions to consider as part of the Risk Assessment

Questions	Comments
Does the Councillor confirm that the information disclosed in the DBS Disclosure is accurate?	
What is the individual's attitude to the offence now? Has the individual explained the circumstances of the offence?	
Will the Councillor be working unsupervised?	
Were/Are there any orders/requirements/conditions as a part of the unspent conviction and are they relevant to rehabilitation or control of reoffending?	
Does the conviction disqualify the Councillor from being a councillor?	
What preventative measure(s) could be put in place to reduce the risk?	
Have circumstances changed since committing the offence(s)? What has the individual done to reduce the risk of re-offending i.e. rehabilitation, improved education, moved location, changed associates etc	
At the time of the offence were there any mitigating circumstances? (ie financial / domestic / alcohol / drugs	
Was this a 'one-off' offence? or repeat offending?	

What level of contact is there with children or vulnerable adults i.e., unsupervised.	
What level of personal contact is there with the public?	
Is there potential for reputational damage?	
Is this a safeguarding concern?	
Describe what preventative measure(s) could be put in place to reduce risk?	
Signature of Monitoring Officer and Date of Risk Assessment	

Part B Monitoring Officer- Any Further Actions

Please state any additional safeguarding measures required such as building restrictions, or additional safeguards to be implemented by the Council and / or referral to the Standards Committee. Examples below

(NB; Notwithstanding the guidance relating to Regulated Activity and Sentencing referred to earlier)

- Speak to Leader of the Council and / or Group Leader

- Consideration of Committee / Sub Committees / outside bodies appointments

- Exclude or restrict the Subject Member's access to some or all District Council premises or business;

- Any training required

- Withdraw facilities (e.g. computer access).

- **Or other actions as defined in the Safeguarding Policy**

Action Taken:

Guidance for Councillors

When should a councillor comply with the council's safeguarding policy?

When acting as, or perceived to be acting as, a councillor.

When is a councillor acting as, or perceived to be acting as, a councillor?

It can be unclear as to when a councillor's duties end and when their private life takes over.

With regard to safeguarding children there would appear to be three possible situations:

1. A councillor clearly acting in an official capacity, for example where a planned visit to has been organised by officers and the councillor is attending in their official capacity. In this situation, councillors would be expected to follow the same policy and procedures as officers.
2. A situation where the councillor could be perceived to be acting in an official capacity – this could be a situation where councillors are fact finding on their own without officers in attendance (for example where complaints of anti-social behaviour in a children's play area have been made and a ward councillor goes out to see how bad the situation is). In this situation, the councillor may come into contact with children. Again, councillors would be expected to follow the same policy and procedures.
3. Purely social contact with children (for example giving a lift to the children of a family friend) or vulnerable adults (for example visiting an older person who is a friend at a care home). There is no need to follow the council's child protection policy and procedures.

It is noted that councillors often get involved with, or take on, other roles in the community, for example school governor, helping at youth clubs, care homes etc. In these circumstances the councillor will have to comply with the policy of the relevant organisation (i.e. the school etc).

Working with children and vulnerable adults

In the unlikely event that a councillor needs to work frequently with children or vulnerable adults on behalf of the council then they would be required to have a DBS check and meet with the Community Safety and Safeguarding Lead, to ensure that they are familiar with the council's safeguarding policy and procedure. Councillors will receive additional guidance on their safeguarding responsibilities as part of the councillor induction process.

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Report for: Standards Committee

Date of Meeting:	19 June 2024
Subject:	DBS Checks for Members
Cabinet Member:	Cllr David Wulff – Cabinet Member for Quality (Cost) of Living, Equalities and Public Health
Responsible Officer:	Maria de Leburne – Director of Legal, HR & Governance (Monitoring Officer)
Exempt:	N/A
Wards Affected:	All
Enclosures:	Community PDG Safeguarding Policy report – 26 March 2024

Section 1 – Summary and Recommendation(s)

For Members to consider the Community PDG recommendation from the 26 March 2024 and whether a working group is required to decide if Members require a DBS check.

Recommendation(s):

- 1. Standards Committee to consider whether a Member Working Group is set up to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy.**

Section 2 – Report

1.0 Introduction

- 1.1** As part of the update to the Corporate Safeguarding Policy to Community PDG on the 26 March 2024, Section 4 of the report made reference to ‘Members and DBS checks’.

- 1.2 Members at the Community PDG on the 26 March recommended to Standards Committee that a Member Working Group be established to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy. Please see the report from the PDG.
- 1.3 The Disclosure and Barring Service (DBS) helps prevent unsuitable people from working with vulnerable groups, including children. It provides a procedure through which organisations may carry out criminal record checks relating to individuals who may, on behalf of the organisation, undertake work or hold positions or responsibilities which may bring them into contact with vulnerable persons.
- 1.4 Currently elected members of Mid Devon District Council are not required to have DBS checks. Not all councils require DBS checks of their members.

2.0 Options

2.1 Whether to Adopt DBS checks

- 2.2 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.
- 2.3 Councillors who do not carry out any of the specific educational and/or social service functions, 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.
- 2.4 Members would therefore only be entitled to have a basic check as our members do not work within education or social services (at case level) such as members in unitary or county councils.
- 2.5 A basic check would reveal unspent convictions or conditional cautions, whereas a Standard DBS Check searches criminal history for any cautions, reprimands, warnings and convictions. An Enhanced DBS Check would reveal the same as the Standard DBS check but would also include any additional information held by local police considered relevant to the role in question.
- 2.6 If Basic Checks are required for our members then the Monitoring Officer will need to draft a policy on how any negative findings are dealt with. Other Members would not be made aware of any outcome however it would be the responsibility of the Monitoring Officer to bring it to the attention of the Chief

Executive, who would then be responsible for dealing with the situation. However, it is important to note that there is no mechanism for taking action against any councillor as a result of anything a DBS check might reveal. Nor is there any compulsion for a member to submit to it in the first place.

- 2.7 While it may seem that undertaking DBS checks for all councillors (as we do before employing officers) might be a further way to reduce risk, it is unclear at this point what value this would add given that councillors would be under no obligation to agree to a check being undertaken, the information could not be shared subsequently, it would not have any bearing on their elected status, and we are not an authority which has the education or social services functions as defined in the Safeguarding Vulnerable Groups legislation set out below.

3.0 Next Steps

- 3.1 That Standards decide if a working group is required to discuss DBS checks or alternatively Standards Committee could decide at this Committee that they do not consider DBS checks are required or alternatively that they wish to recommend to Full Council that basic DBS checks are required.

Financial Implications

There will be a small cost to the Council for each member as the cost of a Standard DBS check is £18 'basic disclosure'. Therefore a total cost for 42 members is £756.

Legal Implications

As referenced above, 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 must 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 which had an impact on the level of DBS certificate that is available for some local authority roles, which may include some Councillors.

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 barred list.

Risk Assessment

No risks have been identified.

Impact on Climate Change

None.

Equalities Impact Assessment

None directly arising from this report.

Relationship to Corporate Plan

Our values and priorities – equally important to the ‘what’ we are trying to achieve, is the ‘how’ the organisation operates and conducts itself.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 12.6.24

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive
Date: 12.06.2024

Cabinet member notified: (yes/no)

Section 4 - Contact Details and Background Papers

Contact: Maria de Leburne, Director of Legal, HR & Governance (Monitoring Officer)
Email: mdeleburne@middevon.gov.uk
Telephone: 01884 255255

Background papers: [Independent Review of the Disclosure and Barring Regime \(accessible\) - GOV.UK \(www.gov.uk\)](#)

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Report for: Standards Committee

Date of Meeting:	19 th June 2024
Subject:	UPDATED CORPORATE SAFEGUARDING POLICY
Cabinet Member:	Councillor David Wulff, Cabinet Member for Community and Leisure
Responsible Officer:	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing
Exempt:	Not Applicable
Wards Affected:	All
Enclosures:	Annex A – Updated Corporate Safeguarding Policy Annex B – Equalities Impact Assessment screening

Section 1 – Summary and Recommendation(s)

The purpose of this report is to seek approval for the adoption of the revised Corporate Safeguarding Policy (recommendation 1). As a local authority public sector body we must have adopted policies for staff and members to follow that set out our roles and responsibilities for safeguarding children and vulnerable adults.

The current Policy was last reviewed by the Community PDG in March 2022 and Cabinet in April 2022 and is scheduled to be reviewed every 3 years, but can be reviewed earlier at the request of the Council’s Corporate Safeguarding Lead as is the case. A Policy review was instigated to take into account changes of responsibilities within the Council, inclusion of new sections on the role of the Local Authority Designated Officer (LADO), the importance of Corporate Parenting alongside updates to legislation and guidance and a refresh of the ‘Safeguarding Champions’ Group.

As part of the review process, views were sought on current safeguarding policy and operational practice from an informal, internal working group of safeguarding leads and the external Devon Districts Safeguarding Officers network.

The updated Corporate Safeguarding Policy was also reviewed by a consultant with national experience carrying out a self-assessment of Mid Devon Housing in January

2024. The purpose was to assess the proposed changes against the expectations of the new housing regulatory regime and in recognition of the particular involvement of housing in safeguarding matters. Further changes have been made to the Policy to reflect recommendations made.

Introductory safeguarding training for Members was carried out in December 2023 and a second session is planned for March 2024 for any Members missing the first date. Feedback from the first session has also helped to shape the policy format in particular.

Together, the review process and recent member training have also identified a potential gap in safeguarding provisions for Members with a recommended mechanism to review DBS checks which could be included in a future update of relevant policies (recommendation 2).

Recommendations:

- 1. That the Community PDG recommends the updated Corporate Safeguarding Policy to Cabinet for approval.**
- 2. That the Community PDG recommends to Standards Committee that a Member working group is established to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy.**

Section 2 – Report

1 Background

- 1.1 We have adopted policies for staff and Members to follow, which set out our roles and responsibilities for safeguarding children and vulnerable adults. The Districts' Safeguarding Leads in Devon have produced a combined policy as part of the Devon Districts Safeguarding Officers Network, drawing on good practice found in existing safeguarding policies to ensure that we all have access to a policy that is relevant and appropriate. This year we have adapted it to reflect this Council's specific way of working. An updated version of the proposed policy is shown at Annex A.
- 1.2 The Policy sets out a series of high level responsibilities and goes into detail on the requirements to provide clarity on who should be doing what.
- 1.3 In essence we have a duty to work with other agencies and the Policy reminds us of the Council's responsibility under the Children's Act 2004, the Care Act 2014 and other relevant legislation, which is essential to ensure that our functions are discharged with regard to the need to safeguard and promote the welfare of children and other vulnerable groups.
- 1.4 We have a shared responsibility with a variety of statutory agencies to protect children and vulnerable adults from harm, ensure their safety, and prevent

impairment of their health or development. As a partner agency we appreciate that safeguarding is not just the duty of Social Services and child protection specialists.

- 1.5 As a minimum all employees, Members and partners/contractors should become familiar with our Corporate Safeguarding Policy and procedures on how to report and handle incidents where we suspect abuse or neglect.

2 The Council's Commitments and Further Actions

- 2.1 We have set out a series of commitments in the Policy which state that we will seek to tackle and manage safeguarding concerns.
- 2.2 We have raised awareness of our duties through the staff induction process, making on-line safeguarding mandatory training for staff, development of an internal Safeguarding Champions Group and we will take update reports to the Corporate Management Team (CMT).
- 2.3 There is mandatory training on induction for all staff which is renewable every three years. We are also working towards being able to provide a Level 2 course for frontline staff that come into regular face to face contact with customers and require more than just an awareness of the issues. We have also provided a dedicated briefing for Members and are also working toward enhancing this with a package of safeguarding training for members and senior Leadership Team, alongside bespoke enhanced safeguarding/mental capacity training for staff. These bespoke elements are subject to further investigation and budgetary provision.
- 2.4 The Safeguarding Champions Group has been in place since October 2023 (having been a previous forum that did not meet for several years) and is made up of representatives including the Designated Corporate Safeguarding Lead, the Corporate Safeguarding Officer and Safeguarding Champions from Services. The forum meets every two months to discuss the direction of safeguarding delivery internally, monitoring how we are currently working and drawing on National/County and local learning to inform staff and keep their knowledge current around emerging trends.
- 2.5 We will encourage managers to reinforce awareness of safeguarding issues with their teams at team meetings to help keep this important duty in our corporate consciousness.
- 2.6 In adopting a revised Policy it will also be necessary to underpin this Policy with improved procedures that set out how staff and Members should deal with particular situations. We draw on good practice and advice from our Safeguarding Partnerships to ensure that we have a Policy and procedure that is clear and easy to follow.
- 2.7 Our membership of the Devon Districts Safeguarding Officers Network, which has representatives from both safeguarding boards and the other Devon districts ensures that we are aware of all relevant local updates, changes and

emerging threats. We share these updates with our Safeguarding Champions for cascading to relevant frontline staff.

- 2.8 The Mid & East Devon Community Safety Partnership (CSP) also deals with some safeguarding issues on a more strategic and district-wide basis such as domestic and sexual violence and abuse, modern slavery, child sexual exploitation and preventing violent extremism. The Specialist Lead for Community Safety and Safeguarding (which encompasses the role of Corporate Safeguarding Officer) sits on the Safeguarding Champions Group and the CSP and hence is able to ensure that strong links are maintained between the two policy areas. The CSP is also currently chaired by the Designated Corporate Safeguarding Lead. This provides essential continuity across the different functions/role involved with and responsible for safeguarding.

3 Policy Amendments

- 3.1 Amendments have been made to the following sections of the existing Policy in addition to minor wording changes. These reflect a significant revision and update on current Policy.

- Updates throughout to reflect internal organisational changes as well as those to external partners
- 1.3 New section of definitions added
- 2.1 Additional Policy aim added 'Ensure the importance of listening to children and adults at risk and responding appropriately'
- 3.1 Scope of Policy – Care Leavers up to the age of 25 added, and includes 'employees and Members involved in decision making with regard to licensing'
- 3.4 New paragraph on consent added.
- 4.1.1 The six principles of safeguarding added for clarity
- 4.1.2 Reference to new statutory guidance (December 2023) added: [Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/working-together-to-safeguard-children)
- 4.1.3 and 4.1.9 to 4.1.12 added
- Section 5 – updated role descriptions
- 5.5 Safeguarding Champions – title and role description updated
- 5.9 Additional cross-referenced policies added (bottom six bullet points)
- 6.1.1 Updated description of responsibilities for Members
- 6.2 Bullet point 8 added – 'Ensure the Council officers take account of the Section 11 Duty in the Children Act 2004 to make arrangements to ensure that the Council's functions are discharged with regard to the need to safeguard and promote the welfare of children in all decision making' to clarify statutory duty
- 6.3 Updated description of senior management responsibilities
- 6.4 Updated description of management responsibilities

- 6.5 Updated description of HR responsibilities
- Section 9 - A new section on Confidentiality and Information Sharing to provide additional guidance and clarity
- Section 10 - A new section on Mental Capacity and Best Interest
- Section 11 - A new section on Partnership Working, Escalation and Resolution
- Section 12 - A new section setting out the Council's Corporate Parenting responsibility under the Children and Social Work Act 2017 in relation to certain children and young people
- Section 13 - A new section describing the role of the Local Authority Designated Officer (LADO) setting out how the organisation will respond to requests for information from the LADO
- Appendix 1 inclusion of new safeguarding summary process flowchart

4 Members and DBS checks

4.1 Members are currently not included in policy provisions to undertake a basic DBS check as a requirement of their role.

4.2 Unlike specific officer roles, Member DBS checks are not a legally mandated requirement however can be considered as a best practice from a safeguarding perspective. It is therefore a key provision that merits further consideration given the role of Members:

- As trusted community leaders at a very frontline ward level with day to day direct engagement with families including children
- Being in receipt of sensitive and confidential information with regard to safeguarding matters and vulnerable persons where consented
- In ensuring the Council has an adequate Corporate Safeguarding Policy in place that is resourced and implemented
- As safeguarding promoters concerned with the protection of vulnerable people in our community

4.3 Many of our residents may be under an assumption our Members currently undergo the same checks as officers engaging in the frontline areas of the Council, notably across housing, public health and leisure. As such they are arguably relying upon misleading assurances including where they consent to the sharing of sensitive information.

4.4 A number of councils have introduced checks for all Members including those with lower-tier functions where councillors typically operate in less 'arms length'

roles in the community. Nonetheless, this is a potentially sensitive subject and one where debate and any changes must be led and agreed by Members.

5 Recommendations

5.1 In accordance with the above, the following recommendations are made:

1. That the Community PDG recommends the updated Corporate Safeguarding Policy to Cabinet for approval.
2. That the Community PDG recommends to Standards Committee that a Member working group is established to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy.

Financial Implications

There are no direct financial implications from updating the Policy.

However, it is proposed that face to face training for the most relevant staff teams would be beneficial to increase the awareness and understanding of safeguarding responsibilities and good practice. This approach has been successful at East Devon District Council. Detailed proposals and costing have not been developed at this stage, but it is recommended that is provided as soon as possible to enable external training to be delivered in 2024/25.

Legal Implications

The Children Act 2004 and, specifically Section 11 of the Act places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Updated statutory guidance has been issued in 2023.

Section 6 of the Care Act 2014 requires County Councils and their relevant partners including district councils, to co-operate with each other when exercising their respective functions where they are relevant to the care and support. This co-operation can be both at a strategic level and in relation to individual cases.

There is also other relevant legislation which applies to the issue of safeguarding under which the Council has specific duties. Members will note that this legislation is listed in the Policy document and at the end of this report.

Risk Assessment

Failure to meet the requirements of the legislation could lead to children and adults at risk coming to significant harm. This could also result in legal challenge to the Council and adverse reputational damage to the Council.

Failure to take action around safeguarding is a medium risk as we have an existing Policy in place and regularly reviewing this policy keeps it up-to-date with any learning and new legislation. Therefore, the Council has a continued mitigation against those risks occurring as long as an effective policy is fully implemented.

Leadership Team and CMT provide governance to the Policy and resulting actions.

The Designated Corporate Safeguarding Lead, and the Corporate Safeguarding Officer work closely with both the Torbay and Devon Safeguarding Adults Partnership, Devon Safeguarding Children Partnership, Safer Devon Partnership and other district councils. This ensures the sharing of best practice and that the Council is kept up to date with any new developments or changes to requirements. This ongoing work has helped shape this policy update.

Impact on Climate Change

No direct carbon/environmental impacts arising from the recommendations.

Equalities Impact Assessment

The equalities considerations are as set out in the report and the Policy. The Policy itself and processes that underpin the Policy are an important way of reducing inequality and ensuring that vulnerable people are protected.

An Equality Impact Assessment (EIA) screening has been completed under the revised corporate template. This is attached at Annex B. It concludes that the updated Policy is overwhelmingly positive in terms of equalities and therefore does not require a full EIA.

Relationship to Corporate Plan

The Policy helps the Council meet its legal responsibilities in respect to safeguarding and child protection and contributes to the Corporate Plan. An effective Corporate Safeguarding Policy, awareness and training is important to support our staff and to support the most vulnerable in the community we serve. It's particularly relevant to the housing services we provide and in support of our tenants.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 12 Mar 2024

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 12 Mar 2024

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 29 February 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 07 March 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing (and Corporate Safeguarding Lead) or Adrian Gardner, Specialist Lead for Community Safety & Safeguarding (and Corporate Safeguarding Officer)

Email: snewcombe@middevon.gov.uk or agardner@middevon.gov.uk

Telephone: 01884 255255

Background papers:

1. The Care Act 2014 in particular Sections 42 to 46 related to safeguarding, further information can be found at: [Care Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
2. The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. New Statutory guidance has been issued in 2023: [Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk) Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
3. The Children and Social Work Act 2017 sets out how all local authorities should approach their Corporate Parenting responsibilities for looked after children and care leavers. For district councils this includes Housing, Leisure and Recreation and Local Taxation Collection as set out in the [statutory guidance](#).
4. The Counter Terrorism and Security Act 2015 section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism. The Prevent Agenda is one of four strands which makes up the Governments counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
5. The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

6. The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
7. The Serious Crime Act 2015 particularly Part 5 relating to female genital mutilation, child cruelty and domestic abuse. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>
8. The Domestic Abuse Act 2021 Part 1 Sec 3 provides that children who witness domestic abuse are now counted as victims in their own right.
9. Serious Violence Duty within the Police, Crime, Sentencing and Courts Act 2022. The statutory guidance requires specified authorities (including district councils) to focus on youth violence when setting their definition of serious violence. It also encourages a focus on domestic abuse and sexual offences.
10. The Devon Adolescent Safety Framework provides a route to protect young people from extra familial violence such as exploitation and sits alongside the usual statutory child protection procedure that deal with intra familial abuse. <https://www.dcfp.org.uk/training-and-resources/policies-and-procedures/adolescent-safety-framework-safer-me/>
11. Devon County Council procedures for managing allegations against staff and Local Authority Designated Officer (LADO) role. [Managing allegations - Devon Safeguarding Children Partnership \(devonscp.org.uk\)](#)
12. The Statutory Taxi and Private Hire Vehicle Standards <https://www.gov.uk/government/news/new-standards-to-improve-safety-for-taxi-and-private-hire-vehicle-passengers>

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Report for: Standards Committee

Date of Meeting:	11 December 2024
Subject:	Government Consultation – Enabling remote attendance and proxy voting at Council meetings
Cabinet Member:	Cllr L Taylor - Leader
Responsible Officer:	Maria de Leburne, Director of Legal, People & Governance (Monitoring Officer)
Exempt:	There are no exemptions within the documents
Wards Affected:	All
Enclosures:	None

Section 1 – Summary and Recommendation(s)

To consider the government consultation and provide the Councils position.

Recommendation(s):

That the Standards Committee recommends to Council that:

- (a) That the Council notes the Government Consultation; and**
- (b) The Director of Legal, People & Governance (Monitoring Officer) be delegated to respond to the Government with the Councils response.**

Section 2 – Report

1.0 Introduction

- 1.1 On the 24 October 2024 Angela Rayner the Deputy Prime Minister confirmed the 8 week consultation of 'Enabling remote attendance and proxy voting at local authority meetings', with the consultation closing on the 19 December 2024.
- 1.2 This consultation seeks views on the detail and practical implications of allowing remote and hybrid attendance at local authority meetings.

It also tests views on the possible introduction of proxy voting for those occasions when an elected member, due to personal circumstances, may be

unable to attend even remotely. For example, during maternity, paternity or adoption leave.

2.0 Ministerial Foreword

The government has set out its intention to reset the relationship between central and local government as partners in delivering better outcomes for the communities we collectively represent. Key to this is supporting the sector to modernise democratic engagement, raise standards and widen the range of candidates standing for council by removing unnecessary barriers.

The attendance of elected members at local authority meetings is a core part of the democratic process at the local level and is integral to members carrying out their functions effectively. In addition to the value of members coming together to debate and discuss the issues which impact the lives of the people they represent; it is also important that local residents have the opportunity to engage directly with the people they have elected to take key decisions on their behalf.

At the same time, the government recognises that there are circumstances in which it may not always be possible for members to attend council meetings in person. It is with this in mind that the government intends to amend the law to introduce provisions for remote attendance at local authority meetings.

The intent is that this increased flexibility will strike the balance between the principle that significant in-person engagement remains vitally important, and a recognition that there will sometimes be a need to accommodate members' requirements to attend council meetings remotely. We hope it will encourage a wider diversity of people willing and able to stand and actively participate in local democracy by creating improved conditions where meetings are accessible and inclusive.

In addition, we are seeking views on the possible introduction of proxy voting for those occasions when an elected member, due to personal circumstances, may be unable to attend even remotely, for example during maternity, paternity or adoption leave.

In line with the government's commitment to working with local government to establish partnerships built on mutual respect, genuine collaboration, and meaningful engagement, this short consultation seeks your views on the detail and practical implications of this proposition to inform our ongoing policy development.

3.0 Questions

3.1 The consultation questions for the Council to respond to are set out below for members consideration.

3.2

Question 1

Please tick all that apply - are you responding to this consultation as:

a) an elected member – if so please indicate which local authority type(s) you serve on

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

b) a council body – if so please indicate which local authority type

- Town or Parish Council
- **District or Borough Council**
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

c) a member of the public

d) a local government sector body – please state

The proposal for remote attendance

The government intends to legislate to give local authorities the flexibility to allow elected members to attend formal council meetings remotely. We believe that this modernising measure of providing broad flexibility to enable remote attendance will have the dual positive impacts of diversifying the representation of those willing and able to stand for elected office and enhance the resilience of local authorities in the face of local or national emergencies.

The intent is that this legislative change would give local authorities the flexibility to allow members to attend remotely.

Question 2

Do you agree with the broad principle of granting local authorities powers to allow remote attendance at formal meetings?

Yes/No

If you answered No to the above question please go directly to question 4.

Question 3

If you answered Yes to the above question, do you think that there should be specific limitations on remote attendance?

Please tick all the options below that correspond with your view and use the free text box for any other comments.

- a) Any formal meeting allowing remote attendance should have at least two thirds of members in physical attendance.
- b) Members should only be able to attend council meetings remotely in exceptional circumstances, such as those who are medically or physically able to attend, or for reasons of local or national emergencies.
- c) There should be no limitations placed upon councils with regard to setting arrangements for remote attendance of council meetings, up to and including full remote attendance.
- d) [Free text box]

Question 4

If you are an elected member can you anticipate that you personally may seek to attend some of your council meetings remotely?

- yes
- no
- I am not an elected member

Question 4a **N/A**

If you answered No please use the free text below

[Free text box]

Question 4b [Not applicable to Officers]

If you answered Yes, could you indicate below which of the following options best describes your likely pattern of attending meetings remotely

- very occasionally
- from time to time
- regularly but not always
- all the time

Question 5

If you are responding to this consultation on behalf of a council as a whole, what proportion of the council's current elected members are likely to seek to attend council meetings remotely over the course of a year?

- less than 10%
- more than 10% but less than 50%
- more than 50% but less than 90%
- most of them 90% to 100%

Question 6

The government recognises that there may be cases in which it is necessary for councils to hold meetings fully remotely. Do you think there should be limitations placed on the number of fully remote meetings councils should be able to hold?

- a) Councils should be able to allow full remote attendance at up to half of council meetings within a twelve-month calendar period.
- b) Councils should only have the flexibility to change a meeting from in-person to online, or vice versa, due to unforeseen and exceptional circumstances.
- c) Councils should not have the flexibility to conduct fully remote meetings to ensure there is always an in-person presence.
- d) [Free text box]

Question 7

Do you think there are there any necessary procedural measures that would help to ensure a remote or hybrid attendance policy is workable and efficient?

Please tick all the options that correspond with your view and use the free text box for any other comments.

- a) Councils should be required to publish a list of attendees joining the meeting remotely and give notice if a meeting is being held with full remote attendance.
- b) Councils should be required to ensure that standard constitutional arrangements are followed for hybrid and fully remote meetings.
- c) Councils should be required to make arrangements to ensure restricted items (where a council decision is taken in private to protect confidentiality) are managed appropriately and to require remotely attending members to join from a private location.

d) Other [Free text box]

Question 8

Do you think legislative change to allow councillors to attend local authority meetings remotely should or should not be considered for the following reasons?

Tick all the statements below that apply to your point of view.

Should be considered because	Should not be considered because
It is a positive modernising measure.	Councillors should be physically present at all formal meetings.
It would likely increase the diversity of people willing and able to stand for election in their local area, making councils more representative of the communities they serve	It could lead to a significant number of councillors habitually attending remotely and ultimately reduce the effectiveness of councils
Councils would be more resilient in the event of local or national emergencies which prevent in-person attendance	It would be more difficult for councillors to build personal working relationships with colleagues, and engage with members of the public in attendance at meetings.
Free text box – please state any other reasons	Free text box – please state any other reasons

Question 9

In your view, would allowing councillors to attend formal local authority meetings remotely according to their needs particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring responsibilities?

Please tick an option below:

- it would benefit members
- it would disadvantage members
- neither

Please use the text box below to make any further comment on this question.

[Free text box]

Proxy voting

Proxy voting is a form of voting whereby a member of a decision-making body may delegate their voting power to another representative to enable a vote in their

absence.

It is possible some members may find that, due to their personal circumstances, they are temporarily unable to participate in meetings even if remote attendance provisions are in place. Provisions for proxy voting could provide additional flexibility to those who really need it on a time-limited basis, allowing affected members to indirectly exercise their democratic duty, participate in their local authority's governance, and ensure that their views are taken into consideration. In the context of local authorities, the representative would have to be another elected member of the local authority.

Question 10

In addition to provisions allowing for remote attendance, do you consider that it would be helpful to introduce proxy voting?

- yes
- no
- unsure

Question 11

If yes, for which of the following reasons which may prohibit a member's participation in council meetings do you consider it would be appropriate?

Please select all that apply:

- physical or medical conditions
- caring responsibilities
- parental leave or other responsibilities
- other [Free text box]

Question 12

Are there circumstances in which you feel proxy voting would not be appropriate?

[Free text box]

Question 13

If you think proxy voting is appropriate, are there any limitations you think should be placed upon it?

[Free text box]

Financial Implications:

None – Consultation only

Legal Implications None

Risk Assessment No risks have been identified.

Impact on Climate Change None.

Equalities Impact Assessment None directly arising from this report.

Relationship to Corporate Plan

Our values and priorities – equally important to the ‘what’ we are trying to achieve, is the ‘how’ the organisation operates and conducts itself.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria de Leburne

Agreed by the Monitoring Officer

Date: 2 December 2024

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 3 December 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

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Background papers:

None