

Subject: Elected Members Criminal
Records Bureau Checks

Status: For Publication

Report to: Standards Committee

Date: 22nd January 2008

Report of: Executive Director of Regulatory Services

Portfolio Holder: Well Managed Council

Key Decision: No

1. PURPOSE OF REPORT

- 1.1 To inform Members of the current position in respect of the carrying out of Criminal Records Bureau (CRB) Disclosure Checks on Members.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.
- Delivering Quality Services to Customers (Customers, Improvement)
 - Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 CRB checks relate to Councillors who discharge education or social services functions; Rossendale Borough Council as a District Council does not discharge these functions.

4. BACKGROUND AND OPTIONS

- 4.1 At the Standards Committee on 15th November 2006 Members resolved to adopt procedures to carry out CRB checks on Elected Members.
- 4.2 On 22nd March 2007 the Council was contacted by the Criminal Records Bureau and advised that the role of a District Local Authority Councillor was not eligible for a Higher Level Disclosure as it was not included in the Rehabilitation of Offenders Act 1974 (Exclusions) Order 1975. The Council was advised that requesting disclosures for ineligible positions was a breach of the Rehabilitation of Offenders Act 1974, Part V of the Police Act 1997 and the Human Rights Act 1998.

- 4.3 The Council was advised not to submit any further applications as District Councillors do not undertake education or social services functions.
- 4.4 The Interim Head of Legal and Democratic Services has held discussions with representatives from the CRB, however the position has not changed.
- 4.5 Therefore the Council no longer carries out CRB Checks on Elected Members.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 No comments.

6. MONITORING OFFICER

- 6.1 This is a nationwide restriction on District Councils carrying out CRB Checks on their Members.

7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 No comments.

8. CONCLUSION

- 8.1 To continue to carry out CRB checks on Members would contravene the Rehabilitation of Offenders Act 1974, Part V of the Police Act 1997 and the Human Rights Act 1998.

9. RECOMMENDATION(S)

- 9.1 That, following the advice received from the CRB, the Committee cease to carry out CRB Checks on Elected Members.

10. CONSULTATION CARRIED OUT

- 10.1 Consultation has been carried out with:

- Interim Head of Legal and Democratic Services
- Criminal Records Bureau

11. EQUALITY IMPACT ASSESSMENT

- Is an Equality Impact Assessment required No
- Is an Equality Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

- Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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