

Standards Committee Meeting	
Meeting Date	28 July 2025
Report Title	Update on Members DBS Checks
EMT Lead	Lisa Fillery – Director of Resources
SMT Lead	
Lead Officer	Billy Attaway – Senior Democratic Services Officer
Classification	Open
Recommendations	(1) To note the update report on DBS Checks received from Councillors.

1 Purpose of Report and Executive Summary

- 1.1 This is an update report on the request for DBS Checks for Members.

2 Background

- 2.1 Following discussions and agreement of the Housing and Health Committee and the Standards Committee, at the Full Council meeting on 2 October 2024, it was agreed that elected Members, at the time of their election until the point that their appointment ceases for current Members, and for Members with an existing, relevant DBS check, to provide confirmation of their DBS check for officers to review and note.
- 2.2 The Full Council decision also included an annual report to be presented at Standards Committee for compliance levels for each political party.
- 2.3 The duties of Swale Borough Councillors mean that a standard or enhanced DBS check cannot legally be enforced. Swale Borough Councillors could however be required to undertake a Basic DBS check as a requirement under DBS Checks for Members' Protocol. A basic DBS shows any 'unspent convictions' a person may have and a conviction record at a point in time, and there is no official expiry date or set time limit for its validity. Individuals can apply for a Basic Disclosure themselves and costs reimbursed.
- 2.7 The introduction of the voluntary process for all elected Members (with the support of group leaders) to complete a basic DBS check has enabled SBC to be fully aware of any convictions that affect the suitability of a councillor to work in the public domain and lessens the risk of bringing the council into disrepute. It provides added assurance that the Council is committed to promoting high standards.
- 2.8 In the event that a DBS check did reveal an offence, the Chief Executive and the Council Leader would consider next steps, with support from the Monitoring

Officer. This would ensure confidentiality is maintained at all levels and would not mean an automatic disqualification from being an elected member, but any risks would need to be assessed and managed, including considering the following:

- (i) the significance and/or severity of the offence,
- (ii) the amount of time that has elapsed since the date of the conviction,
- (iii) whether public confidence in the position held by Elected Member in question could be adversely affected, and if so, to what extent,
- (iv) The potential reputational harm (if any) that could impact upon the Council

2.9 Democratic Services have supported elected Members to comply with the process.

2.10 If an elected Member fails to comply with this requirement, the Standards Committee would work with Group leaders with support from the Monitoring Officer to agree next steps.

2.11 It is recognised that a DBS check is only valid on the day that it is provided, and circumstances may change at any time. Officers will work with the Political Groups to ensure Elected Members understand that they have an obligation to declare any criminal offences/convictions (other than minor offences such as traffic offences) to the Monitoring Officer as soon as reasonably practicable.

3 Proposals

3.1 That the Standards Committee note the number of DBS Checks that have been completed by each political party.

3.2 That the Chair and Vice-Chair of Standards Committee work with the Group Leaders of each political party to address those individual councillors that have not completed the DBS checks to date.

4 Alternative Options

4.1 That no further action is taken with those Members that have not completed the DBS check.

5 Consultation Undertaken or Proposed

5.1 No consultation has currently been undertaken.

6 Implications

Issue	Implications
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Corporate Plan	This proposal contributes to the community 'enabling our residents to live, work and enjoy their time safely' priority and the running the council priority.
Financial, Resource and Property	<p>The current cost of a Basic DBS check is £18. There are 47 councillors. This would cost the council £846.00 every four years. There will be additional costs if new councillors are elected following by-elections.</p> <p>There are also staff time costs in managing the process – this will include viewing certificates and recording the outcome. There will be additional staff time required if there are any compliance issues or if a check does reveal an offence.</p>
Legal, Statutory and Procurement	<p>Local Government (Disqualification) Act 2022 and the Localism Act 2011 are relevant to the information in the report.</p> <p>The Kent and Medway Adult Safeguarding Policy has also introduced the People in Position of Trust (PIPOT) policy which is referenced within the Swale Safeguarding Policy.</p> <p>Other relevant legislation linked to this proposal are the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, and the Police Act 1997 (Criminal Records) Regulations 2002.</p>
Crime and Disorder	Compliance with this proposal would see a reduction in risk of any criminal convictions arising from SBC elected members.
Environment and Climate/Ecological Emergency	There are no impacts on sustainability or climate change issues.
Health and Wellbeing	If there are no conflicts with compliance this should not have any impact on the health and wellbeing of any elected member
Safeguarding of Children, Young People and Vulnerable Adults	There is potential that the public may be at risk if a councillor has a serious conviction that the Council is not aware of. There may be a reputational risk to the Council if a councillor is found to have a criminal conviction.
Risk Management and Health and Safety	The implementation of this requirement would see a reduction in risk to wider community of Swale for an individual who has undeclared convictions which may put those at risk within certain categories within SVGA.
Equality and Diversity	No specific equality and diversity implications have been identified at this stage.
Privacy and Data Protection	The Council will maintain a record of Members who have produced their basic DBS checks to the Officer appointed by the Monitoring

	Officer. Only the completion date and if any convictions are produced will be recorded.
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7 Appendices

Appendix I – Breakdown of compliance per Political Party.

8 Background Papers

Housing and Health Committee Minutes 5th March 2024 -

<https://services.swale.gov.uk/meetings/ieListDocuments.aspx?CId=357&MId=3976&Ver=4>

Standards Committee Minutes 11th July 2024 –

<https://services.swale.gov.uk/meetings/documents/g4163/Printed%20minutes%20Thursday%2011-Jul-2024%2019.00%20Standards%20Committee.pdf?T=1>

Full Council Minutes 2nd October 2024 –

<https://ws.swale.gov.uk/meetings/documents/g4116/Printed%20minutes%20Wednesday%2002-Oct-2024%2019.00%20Council.pdf?T=1>