

# Public Document Pack

## Standards Committee

Wednesday, 26th June, 2019

6.30 pm

Conference Room 1 - Old Town Hall, Blackburn

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### AGENDA

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**  
**Standards Committee Minutes March 2019** **3 - 5**
3. **Declarations of Interest**  
**DECLARATIONS OF INTEREST FORM** **6**
4. **Update on Register of Interests Forms**  
Verbal report from Monitoring Officer.
5. **Members Training & Induction 2019/20**  
**Members Training and Induction June 2019** **7 - 12**  
**Appendix A Member Training 2017 18**  
**Appendix B MEMBER TRAINING 2019 20**
6. **Review of DBS Procedures - Councillors**  
**Review of DBS Procedures - Councillors June 19** **13 - 21**  
**Appendix A Policy June 2019 DBS Checks**  
**Appendix B Letter June 2019 DBS Checks**  
**Appendix C FAQs on Disclosure and Barring Service**  
**Checks for Councillors**
7. **Complaints Update**  
**Complaints report to June 2019** **22 - 23**
8. **Work Programme 2019/20**  
Verbal discussion to set key items for Agenda Planning this  
Municipal Year.

Date Published: 18<sup>th</sup> June 2019  
Denise Park, Chief Executive

## STANDARDS COMMITTEE Monday, 18 March 2019

**PRESENT** – Councillors Afzal(Chair), Liddle, McGurk, Slater and Parish  
Councillor Daniel Wilde.

**ALSO PRESENT** – Stewart Wright (Independent Person)

**OFFICERS** - David Fairclough, Asad Laher and Phil Llewellyn

### RESOLUTIONS

#### 1 **Welcome and Apologies**

The Chair welcomed all present to the meeting. Apologies were received from Paul Fletcher, Tassadq Hussain, and Councillors Julie Slater, Julie Gunn and Jamie Groves.

#### 2 **Minutes of the Meeting held on 14th January 2019**

The Minutes of the last meeting were agreed as a correct record, with the inclusion of Daniel Wilde as being in attendance.

Under Matters Arising, following discussion on DBS checks for Councillors, David Fairclough advised that the Policy would be presented to the next meeting of the Committee in June, and then a report would be submitted to Council Forum in July. The position on Enhanced Checks for Councillors would be checked with the Secretary of State in the meantime.

#### 3 **Declarations of Interest in Items on the Agenda**

No Declarations of Interest were submitted.

#### 4 **Standards Complaints Update Report**

A report was submitted which updated Members on complaints received regarding Members conduct under the arrangements for dealing with complaints about the Code of Conduct for Members.

Between Friday 21<sup>st</sup> December 2018 and Friday 1<sup>st</sup> March 2019 there had been no complaints received under the Members Complaints Procedures.

Councillor Neil Slater referred to a current issue that affected the attendance of Conservative Members at training events. David Fairclough advised that the particular issue raised would be discussed at a meeting later in the week where it was hoped the matter would be resolved outside of any formal process.

**RESOLVED** – That the update report be noted.

#### 5 **Handling Vexatious Complaints and the Code of Practice**

The Committee received a report on the handling of vexatious complainants

and potential updates to the Arrangements for dealing with complaints in respect of Members Code of Conduct.

During the members training programme this year (2018/19) the Corporate Complaints Manager delivered a presentation to Councillors on how they may initially handle unreasonable complainants.

The Committee also requested in July 2018 that as part of the work programme, the issue of the handling of vexatious complaints in the context of the Arrangements for dealing with Complaints in respect of the Members code of Conduct also be considered.

This was because the Committee had felt that the number of vexatious complainants was increasing and whilst these complaints continued to be addressed correctly under the code of conduct, pending the conclusion of the initial assessment process, this often impacted negatively on those councillors who are the subject of the complaints and also waste scarce administrative resources initially handling the complaints.

Under the Code the issue of vexatious complainants is addressed in the initial assessment stage of the process although there was little guidance to the Monitoring Officer.

The Committee was asked note the advice in the report on the handling of unreasonable/vexatious complainants applied to wider complaints and consider what, if any potential updates to the Arrangements for dealing with complaints in respect of Members Code of Conduct, should be considered.

**RESOLVED** – That the information on vexatious complaints in respect of the Members Code of Conduct be noted.

## **6 Local Government Ethical Standards**

The Committee received the now published Review by the Committee on Standards in Public Life on Local Government Ethical Standards.

The report provided a series of recommendations related to potential changes to this framework.

The information provided was for information only at this point and would require primary legislation in order to change current arrangements.

**RESOLVED** – That the report be noted.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed



## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

**MEETING: STANDARDS COMMITTEE**

**DATE: 26<sup>TH</sup> JUNE 2019**

**AGENDA ITEM NO.:**

**DESCRIPTION (BRIEF):**

**NATURE OF INTEREST:**

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)



**REPORT OF: DIRECTOR OF HR & LEGAL & GOVERNANCE**

**TO: STANDARDS COMMITTEE**

**ON: 26<sup>th</sup> June 2019**

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**SUBJECT: Member Induction & Training Programme 2019/20**

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## **1. PURPOSE OF THE REPORT**

To consider the Member Training & Induction Programme for 2019/20.

## **2. RECOMMENDATIONS**

The Standards Committee is asked:

1. To receive the presentation on the MeLearning e-learning solution and confirm the move to e-training and note the selection of courses now open and available to all members
2. To identify any additional areas/courses that they would like to see covered/developed for the platform.
3. Agree courses that the Committee feel should be mandatory for Member's to complete and timescales for completion.
4. Agree the 2019 programme for Strategic Development Sessions for all members (face to face training) and timetable – (Draft programme attached **Appendix B**).

## **3. BACKGROUND**

In 2018/19, the Council undertook a programme of training reflecting the `all out` nature of the elections and the creation of the revised Council Constitution and election of 51 Councillors.

Following the local elections in May 2019 there has been only a small number of new Councillors elected so it is suggested that a full induction programme for all 51 Councillors is not required in 2019. The Monitoring Officer and deputies have met with the new Councillors and arrangements made for their induction on an individual basis.

Members training and development is under the remit of the Standards Committee and a copy of the programme from last year is attached (Appendix A). The programme included items that this Committee has previously considered as mandatory and areas that the committee felt necessary for members to be aware of in carrying out their duties as a Councillor.

During recent years the Council has also introduced a number of short training events and encouraged member attendance. This has been supplemented by Councillors having access to the `MeLearning` platform which provides a range of `online` training courses.

## 4. RATIONALE

The Standards Committee has previously also agreed that a number of topics should be Mandatory for all members of the Council these topics include Child Sexual Exploitation, Data Protection and The Code of Conduct. Training for Members who wish to sit or substitute on the Planning and Highways and Licensing Committees is also mandatory. Corporate Parenting training is also made available to all members.

During the course of the work of this Committee looked at a number of issues that members have felt should be offered as general training for all Council Members to ensure that they are aware of in their role as elected member. This resulted in a broad programme of 'bitesize' training events delivered by officers throughout the municipal year. These supplemented by all Members having access to the 'MeLearning' Portal.

As part of the Digital Strategy, many courses for staff (and partners) in the Council are now managed through 'e-learning' which addresses many of the concerns similarly raised Members who have traditionally tended to prefer to access 'face to face' training events. These concerns where the timing of courses, clashing with personal/work commitments or political surgery or community meetings. Due to such issues it is very difficult to find times and dates which are convenient to 51 councillors at the same time.

It is also recognised that people learn in different ways and at varying speeds depending on the nature of the learning taking place. E-learning offers a solution which means that people can learn at their own pace, privately and without peer or other pressures. E-learning is available 24 hours a day which again given today's society is often considered a valuable option for people with very busy lives.

It is in this context that in creating this year's outline training programme for members, that the emphasis is very much focussed on moving to a majority e-learning platform for most councillor training in 2019/20.

The Standards Committee will have at the meeting a demonstration of the system and the courses readily available today for all members to access.

Last year it was agreed that regularly throughout the year there should be the consideration of some general strategic briefings for all members covering key elements of their roles and responsibilities. This being 'face to face'. The Committee is requested to confirm subjects it considers should be included in these briefings. For each there is a suggested main topic in the draft plan below: -

Each programme of 2 hours would include a main presentation topic and end with a general update on key issues pertaining to the time of year or 'current/live' training/development issues which Members wished to raise with senior officers.

### **Session 1 (September 2019)**

Main presentation - Data Protection & Cyber Security

### **Session 2 (November 2019)**

Main presentation – Adult Safeguarding – A Member Guide

### **Session 3 (January 2020)**

Main presentation - Local Government Finance/Universal Credit/Council Tax support



## **Session 4 (March 2020)**

Main presentation - Corporate Parenting – A Member Guide

As in previous years, it is recognised that throughout the year some events may need to be added to the programme to reflect the ongoing work of the Council or national developments. Where these cannot be addressed by updates at the 4 Strategic Development Sessions above these will need to be added to the draft programme and be reported through to the Standards Committee at their next meeting.

Taking all the above into account, the draft programme for 2019/20 is set out at **Appendix B**.

### **5. POLICY IMPLICATIONS**

There are no direct policy implications from the report.

### **6. FINANCIAL IMPLICATIONS**

None, although the increased utilisation of the digital solution to learning and development will result in the delivery of efficiency savings already assumed in the budget.

### **7. LEGAL IMPLICATIONS**

The attendance of Members of the Planning and Highways Committee and Licensing Committee at Mandatory Training is a legal requirement and reflects the current legislation. Attendance at other mandatory courses (Data Protection, etc) whilst not being a legal requirement are seen as good practice.

### **8. RESOURCE IMPLICATIONS**

The Members Strategic Briefings are delivered in-house and will be delivered within existing budgets. Subject to the agreement of this report the Director of HR, Legal and Governance will evaluate all other areas of development to ensure that maximum use is made of delivery of other training via use of digital technology.

### **9. EQUALITY IMPLICATIONS**

Any proposals for change will be assessed to establish any potential equality implications. The provision of training to elected members incorporates elements which will enhance members understanding of equality aspects/implications in the development and delivery of Council services.

### **10. CONSULTATIONS**

The Standards Committee is being consulted through this report.

David Fairclough  
Monitoring Officer

Contact Officer: David Fairclough  
Date: 31st May 2019

## Member Training 2017/18

Date	Event	Time & Venue	Presented/Led by	Code	Attendance
Thursday 25 <sup>th</sup> May 2017	Planning & Highways Training (1)	Council Chamber 5.30 p.m. to 6.30 p.m.	Gavin Prescott Asad Laher	M	18
Monday 12 <sup>th</sup> June 2017	Chairing Skills (1)	Council Chamber 6.00 p.m. to 8.00 p.m.	David Fairclough Ben Aspinall	M / R	12
Wednesday 14 <sup>th</sup> June 2017	Licensing Training	Conference Room 1 5.00 p.m. to 6.00 p.m.	Donna Riding Asad Laher	M	17
Monday 19 <sup>th</sup> June 2017	Chairing Skills (2)	Council Chamber 6.00 p.m. to 8.00 p.m.	David Fairclough Ben Aspinall	M / R	4
Tuesday 20 <sup>th</sup> June 2017	Code of Conduct / Ethical Standards (1)	Meeting Room A 6.00 p.m. to 7.30 p.m.	David Fairclough	M	8
Thursday 22 <sup>nd</sup> June 2017	Planning & Highways Training (2)	Meeting Room A 4.00 p.m. to 5.00 p.m.	Gavin Prescott Asad Laher	M	7
Tuesday 27 <sup>th</sup> June 2017	Code of Conduct / Ethical Standards (2)	Meeting Room A 6.00 p.m. to 7.30 p.m.	David Fairclough	M	24
Monday 3 <sup>rd</sup> July 2017	Code of Conduct / Ethical Standards (3)	Meeting Room A 6.00 p.m. to 7.30 p.m.	David Fairclough	M	20
Wednesday 5 <sup>th</sup> July 2017	Lancashire Volunteer Partnership (1)	Council Chamber 6.00 p.m. to 7.00 p.m.	Imran Hajat Sayed Osman	R	7
Tuesday 11 <sup>th</sup> July 2017	Accessing the Training Portal (1)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Graham Fawcett	R	6
Tuesday 8 <sup>th</sup> August 2017	Roadworks.Org (1)	Meeting Room A 5.00 p.m. to 6.00 p.m.	Kate Mahoney Ricky Wilson (Capita)	R	6
Wednesday 9 <sup>th</sup> August 2017	Roadworks.Org (2)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Kate Mahoney Ricky Wilson (Capita)	R	7
Tuesday 29 <sup>th</sup> August 2017	Data Protection & Cyber Security Training (1)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Shane Agnew/ Sarah Critchley	M	19
Wednesday 20 <sup>th</sup> September 2017	Safeguarding	Meeting Room A 6.00 p.m. to 7.00 p.m.	Linda Clegg/Jeanette Richards/Cat Coulier	M	36
Tuesday 26 <sup>th</sup> September 2017	Data Protection & Cyber Security Training (2)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Shane Agnew/ Sarah Critchley	M	21
Wednesday 4 <sup>th</sup> October 2017	Lancashire Volunteer Partnership (2)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Imran Hajat Sayed Osman	R	12
Monday 16 <sup>th</sup> October 2017	Enviro-Crime	Meeting Room A 6.00 p.m. to 7.00 p.m.	Gary Johnston	R	21
Tuesday 24 <sup>th</sup> October 2017	Accessing the Training Portal (2)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Graham Fawcett	R	7
Monday 30 <sup>th</sup> October 2017	Response to Recovery and impacts upon the Community (Grenfell)	Meeting Room A 6.00 p.m. to 7.30 p.m.	Rachel Hutchinson	R	28

Date	Event	Time & Venue	Presented/Led by	Code	Attendance
Tuesday 7th November 2017	Guide to approach to Highways Service requests	Meeting Room A 6.00 p.m. to 7.00 p.m.	Kaye Mahoney	R	9
Thursday 8th November 2017	Guide to approach to Highways Service requests	Meeting Room C 5.00 p.m. to 6.00 p.m.	Kaye Mahoney	R	15
Tuesday 14th November 2017	Licencing and the role of Public Health in the Local Authority (1)	Meeting Room A 5.00 to 6.00 p.m.	Barry Ashbolt	R	11
Wednesday 15th November 2017	Introductory Mental Health Awareness Course (1 of 2) Accredited training (attendance at 2 sessions)	Meeting Room A 6.00 p.m. to 7.30 p.m.	Tony Cox	R	11
Monday 20th November 2017	Air Quality	Meeting Room A 6.00 p.m. to 7.00 p.m.	Gary Johnston	R	10
Wednesday 22nd November 2017	Licencing and the role of Public Health in the Local Authority (2)	Meeting Room A 6.00 to 7.00 p.m.	Barry Ashbolt	R	7
Wednesday 29th November 2017	Introductory Mental Health Awareness Course (2 of 2) Accredited training (attendance at 2 sessions)	Meeting Room A 6.00 p.m. to 7.30 p.m.	Tony Cox	R	11
Monday 4th December 2017	Illicit tobacco and also underage sales	Meeting Room A 4.30 p.m. to 5.30 p.m.	Gary Johnson	R	6
Tuesday 12th December 2017	Understanding Adult Safeguarding – A Members Guide	Meeting Room A 6.00 p.m. to 7.30 p.m.	Paul Lee Dawn Walmsley Sam Mirfin	M	9
Monday 29th January 2018	Recipe for Health	Meeting Room A 6.00 p.m. to 7.00 p.m.	Denise Andrews	R	10
Wednesday 7th February 2018	Local Government Finance and Digital/Universal Credit/Council Tax Support	Council Chamber 6.00 p.m. to 7.30 p.m.	Louise Mattinson Andy Ormerod	R	30
Monday 12th February 2018	Understanding Adult Safeguarding – A Members Guide	Meeting Room A 6.00 p.m. to 7.30 p.m.	Paul Lee Dawn Walmsley Sam Mirfin	M	17
Wednesday 21st February 2018	Corporate Parenting – A Members Guide	Meeting Room A 6.00 p.m. to 7.00 p.m.	Linda Clegg	M	18
Wednesday 7th March 2018	State of the Borough	Council Chamber 6.00 p.m. to 7.00 p.m.	Alison Schmid Elise Carroll	R	24
Wednesday 14th March 2018	Dealing with unauthorised Encampment	Meeting Room A 6.00 p.m. to 7.00 p.m.	Sian Roxborough Capita/Police	R	13

**CODE: M = Mandatory R = Recommended TBC = To be Confirmed**

## Member Training 2019/20

Date	Event	Time & Venue	Presented/Led by	Code	Attendance
21st May 2019	Planning Committee Training	Conference Room 1 6.00p.m. to 8.00p.m.	Gavin Prescott / Mike Green	*M1	*M1 - for all members who sit on this committee
22 <sup>nd</sup> May 2019	Planning Committee Training	Conference Room 1 6.00p.m. to 8.00p.m.	Gavin Prescott / Mike Green	*M1	*M1 - for all members who sit on this committee
28 <sup>th</sup> May 2019	Licensing Committee Training	Conference Room 1 6.00p.m. to 8.00p.m.	Donna Riding / Jack Henriques	*M1	*M1 - for all members who sit on this committee
12 <sup>th</sup> June 2019	Social Integration Programme	Council Chamber 6.00p.m. to 8.00p.m.	Mohamed Sidat	M1	
September 2019 TBC	Strategic Development Session 1 Data Protection & Cyber Security	Council Chamber 6.00p.m. to 8.00p.m.	Paul Fleming	M1	
November 2019 TBC	Strategic Development Session 2 Adult Safeguarding – A Member Guide	Council Chamber 6.00p.m. to 8.00p.m.	Sayyed Osman	M1	
January 2020 TBC	Strategic Development Session 3 Local Government Finance/Universal Credit/Council Tax support	Council Chamber 6.00p.m. to 8.00p.m.	Louise Mattinson	M1	
March 2020 TBC	Strategic Development Session 4 Corporate Parenting – A Member Guide	Council Chamber 6.00p.m. to 8.00p.m.	Jayne Ivory	M1	

**CODE.:** M1 / M2 = Mandatory R = Recommended TBC = To be Confirmed

*The Standards Committee have determined that courses marked M1 must be attended by all Members.*

*The Standards Committee have determined that courses marked M2 must be attended by all Members, unless they have attended the same course within the last 12 months.*



**REPORT OF: DIRECTOR OF HR, LEGAL & GOVERNANCE**

**TO: STANDARDS COMMITTEE**

**ON: 26 JUNE 2019**

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**SUBJECT: Review of DBS Procedures - Councillors**

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## **1. PURPOSE OF THE REPORT**

To consider proposals for a Disclosure and Barring Service Policy for Councillors.

## **2. RECOMMENDATIONS**

The Standards Committee is asked:

To agree a Disclosure and Barring Service Policy for Councillors for recommendation for Adoption by the Council Forum on review the current guidance on Disclosure and Barring Service (DBS) eligibility for Councillors and make any recommendations for change to the full Council on 18<sup>th</sup> July 2019.

## **3. BACKGROUND**

At their meeting in October 2018, the Committee re-considered the work programme following the publication of the outcome of national government consultation on `Updating the Disqualification Criteria for Councillors and Mayors` and added to the programme a review of the Council's policy on the application of the Disclosure and Barring Service provisions for Councillors.

In January the Standards Committee considered a detail report on the arrangements for the potential undertaking of police checks which are facilitated by the Disclosure and Barring Service (DBS).

The Committee noted the ability for an employer, to ask an individual to apply for a DBS check, at either Standard or Enhanced level, is set out in legislation. There is a legislation that supports and prevents access to the DBS service depending on the role of an individual and the frequency and contact a person has with vulnerable people.

The Committee recommended to the Council forum:

- 1. To agree that following election each councillor be asked to undertake a basic disclosure check which would detail any unspent convictions in line with the Rehabilitation of Offenders Act*

2. *Subject to 1) above, to agree that following election any councillor who by nature of occupation/role has a DBS certificate of not more than 4 years old be allowed to utilise this certificate (known as portability) to meet requirement 1, but will be asked to undertake a basic disclosure check on the anniversary of the 4th year of the issuing of this certificate or submit a revised (portability based) certificate at that time.*
3. *Subject to 1) above, to agree, that the cost of the basic disclosure, currently £25, be borne by the councillor from their allowances payments.*
4. *Subject to 1) – 3) above, and in order to implement the new arrangements ask the Monitoring Officer to develop a DBS Policy incorporating these new arrangements as set out in this report in consultation with the Standards Committee, bringing the Policy for approval of full council in the summer.*
5. *To agree that the Chief Executive write to the Secretary of State for Housing, Communities and Local Government, to express the view that in support of the Code of Conduct for Councillors and the expectations as referenced in the Section 27(2) of the localism Act 201, all elected members of Council's should be subject of `enhanced ` disclosure and barring services checks.*

On 28<sup>th</sup> March 2019 the Council Forum approved these recommendations.

In respect of recommendation 5 the Chief Executive wrote to the Secretary of State on 29<sup>th</sup> March 2019 and a response is awaited.

In accordance with approved recommendation 4 above a draft DBS Policy has been developed reflecting the discussions at the meeting in January 2019.

This draft policy is presented at **Appendix `A`** for debate and discussion at this meeting.

Also presented at **Appendix `B`** is a draft letter which would be sent to all Councillors in the event the draft Policy is approved by full Council in due course, along with a FAQ document which would be issued with the letter **Appendix `C`**.

#### **4. RATIONALE**

This report reflects the Council Forum's request for the Monitoring Officer to develop a DBS Policy for councillors.

#### **5. POLICY IMPLICATIONS**

Elected members play a crucial role, and are the foundations of local democracy. They are community champions, and have a leading role to play in building a better society for everyone. With such an important role comes great responsibility. If adopted the Policy would be included in the Council's Constitution providing transparency and evidence of the Council's commitment to the values and high standards of behaviour expected of councillors.

#### **6. FINANCIAL IMPLICATIONS**

None

## **7. LEGAL IMPLICATIONS**

Currently, the disqualification rules for councillors and mayors is contained in section 80, Local Government Act 1972, which includes a provision that anyone convicted of an offence carrying a prison sentence of more than three months (without the option of fine) is banned from serving as a local councillor.

New measures considered by the Standards Committee last year will see the disqualification rules changed to include the alternatives to a prison sentence as a barrier to becoming a councillor. This would mean any person who is subject to an Anti-Social Behaviour Injunction, a Criminal Behaviour Order, a Sexual Risk Order or who is on the Sex Offenders' Register, would no longer be able to stand or serve as a councillor. This will require changes to primary legislation, in particular the Local Government Act 1972, the Local Democracy, Economic Development and Construction Act 2009, and the Greater London Authority Act 2009.

Although the current disqualification rules do not provide for carrying out DBS checks, any changes to the Council's requirements for carrying out DBS checks must be in accordance with the legislative framework and statutory guidance issued in respect of councillors.

Reflecting the likelihood of future legislative change it is proposed the Policy be subject to review by the Standards Committee in 2 years.

## **8. RESOURCE IMPLICATIONS**

None

## **9. EQUALITY IMPLICATIONS**

The proposals reflect current legislation and nothing in this policy affects or impacts adversely on any group or individual under the equalities act. Any final proposal is also subject to agreement of the full Council for which an equality impact assessment report will be prepared, as required to demonstrate this consideration and conclusion.

## **10. CONSULTATIONS**

The DBS policy is to be presented as recommendations from this Committee to the full council

Contact Officer: David Fairclough  
Date: 31 May 2019  
Background Papers: Councillor DBS.

## **BLACKBURN WITH DARWEN BOROUGH COUNCIL**

### **Policy on Disclosure and Barring Service (“DBS”) Checks for Councillors and Co-opted Members**

#### **Background**

1. The effective date of commencement for this policy is **XXXXXXXXXX**.
2. This policy complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service Code of Practice.
3. This policy replaces all previous policies, decisions and/or precedents relating to criminal records checks for Burnley Borough Councillors.

#### **General Principles**

1. In light of the fact that Council has a duty to protect the most vulnerable in society this Policy requires all Councillors to undergo basic level DBS checks.
2. For certain Member appointments a higher level of check may be required to `enhanced` level. In those instances the Councillor will be advised.

#### **The Process**

1. By September 2019 all Councillors and thereafter all newly elected Councillors within two months of taking office following an election, will be required to undergo a basic DBS check.
2. Checks will be processed by the Councillor following a request by the Council’s Monitoring Officer.
3. The relevant Councillor will be provided with a DBS certificate issued by the DBS and the Councillor will provide the original certificate to the Council’s Monitoring Officer. (Note any councillor who by nature of occupation/role already holds a DBS certificate of not more than 4 years old be allowed to utilise this certificate (known as portability), but will be asked to undertake a basic disclosure check on the anniversary of the 4<sup>th</sup> year of the issuing of this certificate or submit a revised (portability based) certificate at that time.)
4. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. The Monitoring Officer will maintain a record of the date a check was requested, the date a response was received and a ‘list’ of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.
5. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant’s full consent has been given.
6. Records of the DBS certificate will be retained electronically for the period the Councillor remains in office.



7. Once the retention period has elapsed, any disclosure information will be destroyed by secure means. While awaiting destruction, disclosure information will remain in a lockable container. No photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure will be kept. However, as stated above, the Monitoring Officer will maintain a register of the date of the request for, and issue of, a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the detail of any decision taken as a result of the disclosure. The Council processes this information as it is in the Public Interest to ensure that vulnerable people are protected. The Council is the data controller for this information and the Data Protection Officer for the Council can be contacted via e-mail (XXXXXXX). You can request to see the data held about yourself and if required correct the information or object to the processing, through the Monitoring Officer. You can also contact the Information Commissioner at [www.ico.org.uk](http://www.ico.org.uk)

## **Portability**

1. DBS certificates are not portable other than those between individuals registered with the online DBS update service.

## **The Use of Disclosure Information**

2. Generally the existence of a criminal record or other information revealed as a result of a basic DBS check will not debar a Councillor from holding office.
3. In the event that the disclosure information received raises issues of concern, the Chief Executive advised by the Monitoring Officer, Head of Governance and Director of Adults & Prevention/Director of Childrens Services (as appropriate) in consultation with the relevant Group Leader, will discuss with the individual Councillor the restrictions considered necessary, to safeguard children, young people and/or adults, on the positions held by that Councillor, consulting with the Standard Committee as appropriate
4. For Councillors who may be carrying out Regulated Activity (activity in Regulated Establishments such as schools), if the Councillor has a conviction for a relevant (autobar) offence, or if they are barred, this would prevent them from carrying out Regulated Activity. Additionally, in these circumstances the Council would have a duty to refer to the DBS for a potential barring decision.
5. If a check reveals that a Councillor has been sentenced to prison 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 would be lost.

All Councillors

Your ref: DBS  
Date:

Dear Councillor,

### **Disclosure certificates for Elected Members**

The Council has a policy to demonstrate its commitment to protecting those who are most vulnerable in society and all its members are required to provide us with a basic disclosure certificate.

You can complete the basic disclosure check online at [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record).

You will need to pay a fee (currently £25) by debit or credit card. This will be refunded to you once you have received and provided a copy of your disclosure certificate to the Monitoring Officer or Head of Governance. The online application form requires you to upload one piece of ID. If you have any difficulties with this please contact a member of the Governance Team who will be happy to help.

All councillors are required to provide us with a basic disclosure certificate by September 2019. This will be valid under the council's policy for up to 4 years.

Any councillor who by nature of occupation/role already holds a DBS certificate of not more than 4 years old can utilise this certificate (known as portability), but will be asked to undertake a basic disclosure check on the anniversary of the 4th year of the issuing of this certificate or will be asked to submit a revised (portability based) certificate at that time.

If you are appointed to a role with the Council which qualifies for and requires a higher level of check you will be contacted directly.

If you have any queries, please do not hesitate to contact a member of the Governance Team.

Yours faithfully

Head of Governance

## BLACKBURN WITH DARWEN BOROUGH COUNCIL

### Frequently Asked Questions on Disclosure and Barring Service (“DBS”) Checks for Councillors and Co-opted Members

**Q. Why do I need a DBS check?**

**A.** The Council has a policy to demonstrate its commitment to protecting those who are most vulnerable. As such all its elected members are required to provide a DBS disclosure check. A report agreed at Council Forum on 28<sup>th</sup> March 2019 provides full background details.

**Q. What level of DBS check do I need and when does this need to be completed?**

**A.** All councillors elected prior to 2<sup>nd</sup> May 2019 are required to provide the Council with a basic disclosure certificate, this must be obtained by the individual Councillor and must be provided to the Governance Team by end of September 2019. For councillors elected on or after May 2019 basic disclosure certificates will need to be provided within two months of taking office following their election.

*Note: For certain Member appointments a higher level check may be required to ‘enhanced level’, those individuals concerned will be contacted directly and advised accordingly.*

**Q. How do I go about obtaining a DBS check?**

**A.** Councillors can complete the basic disclosure check online at [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record). Information and details can be obtained from the website and for any general queries you can contact a member of the Governance Team. .

**Q. Who can I contact if I need support to complete my DBS application?**

**A.** If you need support to apply online, you can call the DBS helpline on 03000 200 190 and select option 2 and then option 1.

**Q. Is there a cost involved?**

**A.** Elected members will need to pay a fee (currently £25) by debit or credit card and is borne by the Councillor from their allowances payments.

**Q. What will I need in order to complete the DBS application?**

**A.** To apply for a basic DBS check you’ll need:

- all your addresses for the last 5 years and the dates that you lived there
- your National Insurance number
- a debit or credit card
- your passport
- your driving licence

**Q. How long will it take from application to receiving my DBS certificate?**

**A.** It usually takes up to 14 days for you to receive your certificate following completion of the application.

**Q. Who do I provide a copy of my DBS certificate to?**

**A.** Once you have obtained your disclosure certificate the original copy of this should be provided to The Monitoring Officer or Head of Governance in the Council.

**Q. How long will the DBS check be valid for?**

**A.** This will be valid for up to 4 years, after which a revised certificate will need to be obtained and submitted.

**Q. What if I already have a DBS check?**

**A.** Any elected member who already holds an appropriate level DBS check due to their occupation or role of not more than 4 years old can utilise this certificate (this is known as portability), but will be required to undertake an appropriate level DBS check on the anniversary of the 4<sup>th</sup> year of the issuing of the certificate or submit a revised certificate from the other occupation/role at that time.

**Q. How will Information regarding DBS be handled/stored?**

**A.** Data will be processed, handled, stored and destroyed in line with legislation by those authorised to do so in the course of their duties. It will also only be used for the specific purposes for which it was requested and for which the applicant's consent has been given. Information will only be retained for the period the Councillor remains in office or until the retention period has elapsed, after which time it will be destroyed by secure means.

**Q. What happens if a criminal record or other information is revealed/disclosed?**

**A.** Generally the existence of a criminal record or other information revealed as a result of a basic DBS check will not debar a Councillor from holding office.

In the event that the disclosure information received raises issues of concern, the Chief Executive advised by the Monitoring Officer, Head of Governance and Director of Adults & Prevention/Director of Children's Services (as appropriate) in consultation with the relevant Group Leader, will discuss with the individual Councillor the restrictions considered necessary, to safeguard children, young people and/or adults, on the positions held by that Councillor, consulting with the Standards Committee as appropriate

For Councillors who may be carrying out Regulated Activity (activity in Regulated Establishments such as schools), if the Councillor has a conviction for a relevant (autobar) offence, or if they are barred, this would prevent them from carrying out Regulated Activity. Additionally, in these circumstances the Council would have a duty to refer to the DBS for a potential barring decision.

If a check reveals that a Councillor has been sentenced to prison 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 would be lost.

- Q. Who can I contact if I have any difficulties or questions/queries with regards to this?**
- A.** You can contact a member of the Governance or Democracy Teams if you have any difficulties, questions or queries.



<b>REPORT OF:</b>	<b>The Monitoring Officer</b>
<b>TO:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>26<sup>th</sup> June 2019</b>

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**SUBJECT:                   Complaints Update to the Standards Committee**

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## **1. PURPOSE OF THE REPORT**

To update Members on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members.

## **2. RECOMMENDATIONS**

The Committee is asked to note the update report.

## **3. BACKGROUND**

The Committee has a role in considering any complaints received relating to the conduct of Members of the Borough Council, co-opted Members and Parish Councils in its area. Members will be aware that not all complaints are proceeded with for various reasons (unsubstantiated complaints, vexatious complaints etc.) however it is important that members are aware of receipt of these and legitimate complaints that are being processed and progressed.

Members of the Committee are to be kept up to date on receipt of all complaints and progress at meetings of the Standards Committee where appropriate subject to any relevant provisions relating to confidentiality.

Since the report in March 2019 a letter of complaint was received in respect of a councillor and further details were requested by the Monitoring Officer alongside the completion of the complaints form (a requirement of the Procedure). No completed form has been received at the time of writing of this report.

Accordingly, the Committee are advised that between Friday 1<sup>st</sup> March 2019 and Friday 31<sup>st</sup> May 2019 there have been no complaints received under the Members Complaints Procedures.

## **4. RATIONALE**

The Localism Act requires Councils to put in place mechanisms for reporting and investigation of complaints. This report provides information for the Standards Committee in a clear and transparent way to ensure that all members of the committee are aware of complaints received, progress and outcomes.

## **5. LEGAL IMPLICATIONS**

The statutory provisions for the Standards Framework are set out in the Localism Act 2011.

## **6. POLICY IMPLICATIONS**

A governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence.

## **7. FINANCIAL IMPLICATIONS**

None contained in this report.

## **8. CONSULTATIONS**

The Council's arrangements for promoting and maintaining high standards of conduct have been discussed by the Standards Committee and the arrangements for dealing with complaints about the Code of Conduct for Members are the subject of this report, to ensure openness and transparency to Members of the Committee on complaints received and progress.

### **Chief Officer/Member**

Contact Officer: David Fairclough

Date: 31<sup>st</sup> May 2019

Background Papers: The Localism Act 2011