



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
ON:	25 September 2024

SUBJECT: Members Code of Conduct - Review

1. PURPOSE OF THE REPORT

To consider and review the Members Code of Conduct, in view of the implementation of Enhanced DBS checks for Elected Members.

2. RECOMMENDATIONS

The Committee is asked to:

- 2.1 consider and review the Members Code of Conduct and recommend the amended Code (**Appendix B**) to full Council approval;
- 2.2 Subject to 2.1 above, recommend to full Council to delegate authority to the Hearings Panel of the Standards Committee to consider any breaches of the Code of Conduct arising from the implementation of Enhanced DBS checks for Elected Members.
- 2.3 Subject to 2.1 and 2.2 above, recommend to full Council to delegate authority to the Standards Committee to adopt a procedure for the Hearings panel to follow when considering such matters.

3. BACKGROUND

Section 27 of the Localism Act 2011 (“the Act”) requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. To assist, it must adopt a Code of Conduct for Members that is consistent with the Nolan principles of *selflessness, integrity, objectivity, accountability, openness, honesty and leadership*. The Code must also cover provisions to regulate “disclosable pecuniary interests” and “other interests” which non-disclosable pecuniary interests. The Council adopted a new Code at its meeting on 30 August 2012 and since then there have been minor amendments approved following recommendations by the Standards Committee.

The Committee has previously reviewed the Code and considered the LGA draft Model Code of Conduct and the recommendations made in the Committee on Standards in Public Life report on local government ethical standards, in January 2021 ([Local Government Ethical Standards Report.pdf \(blackburn.gov.uk\)](https://www.blackburn.gov.uk/Local-Government-Ethical-Standards-Report.pdf)). The Committee resolved not to adopt LGA Model Councillor Code of Conduct 2020 but to update the local Code of Conduct, and update the local Arrangements for dealing with Complaints about the Code of Conduct for Members reflecting the Committee on Standards in Public Life best practice recommendations. The current Members Code of Conduct is contained in the **Appendix A**.

The Standard's Committee's role and function as delegated by the Council is contained in the Constitution. It includes assisting councillors and co-opted members to observe the Code of Conduct. The Committee also has a function to monitor the operation of the Council's standards arrangements and make appropriate recommendations to the Council as it considers appropriate with respect to the maintenance and review of the Code, together with such other codes, procedure, protocol or guidance as the committee considers appropriate

The Council at its meeting on 25 July 2024 resolved to implement Enhanced DBS checks for all Elected Members (see weblinks below). In order for the Enhanced DBS checks to be undertaken it will require cooperation and consent from all elected members. Cooperation and various consents will continue to be required following the outcome of the checks. This includes consent to share result with specified Chief Officers, confidential discussion with the respective Group Leader (or Chief Executive in the absence of a Group Leader), and accepting any recommendations made.

With reference to the report to Council, the Code of Conduct should be reviewed and updated to reflect the implementation of the Council's resolution to require Enhanced DBS checks of all elected members. It may also be necessary for the Standards Committee to be involved in considering results of Enhanced DBS checks and make their own appropriate recommendations. It is suggested that this is delegated to the Hearings Panel of the Standards Committee and a procedure be prepared for the Panel to follow, when considering such matters.

[Disclosure and Barring Service DBS Enhanced Checks for Elected Members.pdf \(moderngov.co.uk\)](#)

[Appendix 1 - Elected Members Enhanced DBS Checks Consent Process.pdf \(moderngov.co.uk\)](#)
[Elected Members Enhanced DBS Checks Results Process \(moderngov.co.uk\)](#)

[Letter from Minister for Local Government to leaders of unitary and upper tier authorities in England \(moderngov.co.uk\)](#)

4. RATIONALE

As outlined in the report, the Standards Committee has a role to promote and maintain high standards of conduct by councillors and co-opted members, and to assist councillors and co-opted members to observe the Members Code of Conduct. It also has the role to maintain and review a Code of Conduct for Members of the Council.

5. LEGAL IMPLICATIONS

The legal framework in relation to the Members Code of Conduct is referred to in this report. The current Council Code of Conduct and complaint processes was adopted in line with the Council's obligations under section 27 (2) of the Localism Act 2011 and complies with the requirements under section 28 of the Act. Any recommendations for revisions to the current Code of Conduct would be subject to approval by full Council.

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.

8. CONSULTATIONS

The Standards Committee regularly discusses the Council's arrangements for promoting and maintaining high standards of conduct. It has previously considered the LGA Model Code and the recommendations contained in the Committee on Standards in Public Life report on local government ethical standards, and recommended changes to the Code. Elected Members have considered and approved at Council Forum on 25 July 2024, for the implementation of Enhanced DBS checks.

VERSION:	1
CONTACT OFFICER:	Asad Laher, Deputy Director – Legal & Governance and Monitoring Officer.
DATE:	13 th September 2024
BACKGROUND PAPERS:	