

Public Document Pack

North Yorkshire Council

Standards and Governance Committee

Minutes of the meeting held on Monday, 6 January 2025 commencing at 2.00 pm.

Councillor Clive Pearson in the Chair plus Councillors Nick Brown, David Ireton, Peter Wilkinson and George Jabbour.

In attendance virtually: Councillors Sam Cross, Monika Slater, Heather Phillips and Andy Solloway.

Officers present: Harriet Clarke, Senior Democratic Services Officer.

Officers present virtually: Christine Phillipson, Principal Democratic Services Officer, Jennifer Norton, Assistant Director Legal and Deputy Monitoring Officer, Moira Beighton, Senior Lawyer, Governance and Josie O Dowd, Governance Officer, North Yorkshire Council.

Other Attendees : Independent Person Louise Holroyd

Other Attendees virtually : Independent Person Jamie Nelson.

Apologies: Councillors Melanie Davis and Nigel Knapton with Councillor George Jabbour as substitute.

Independent Persons Gillian Baker and Hilary Gilbertson.

Copies of all documents considered are in the Minute Book

107 Welcome and Introductions

108 Apologies for Absence

Apologies were received from Councillor Melanie Davis and Councillor Nigel Knapton with Councillor George Jabbour attending as substitute.

Apologies were received from Independent Persons Gillian Baker and Hilary Gilbertson.

109 Minutes from the Meeting on 18 November 2024

The minutes of the meeting held on 18 November 2024 were agreed and signed as an accurate record.

110 Declarations of Interest

There were none.

111 Public Participation

There were no public questions or statements.

112 Local Government Association. Proposed Changes to the Local Government Standards Framework

Considered

The report of the Assistant Chief Executive, Legal and Democratic Services on the Proposed Changes to the Local Government Standards Framework and the Invitation by the Local Government Association to Authorities to submit views on a range of standards topics via an online questionnaire.

The Deputy Prime Minister announced at the Local Government Association (LGA) Annual Conference that the Government intends to consult on possible changes to the local government ethical framework.

The LGA have contacted local authorities, seeking their views on a range of standards issues through an online questionnaire, to inform and support the LGA's eventual response to the expected Government consultation.

The Deputy Monitoring Officer circulated, at the meeting, the consultation by the Government on strengthening the standards regime which had been published on 18 December 2024

The Committee was invited to respond to the questionnaire and consultation, as were the Monitoring Officer and the Independent Persons for Standards.

It was noted that there was an overlap in questions from the LGA questionnaire and the further Government consultation. The Committee agreed to discuss and provide a response to both sets of questions.

It was proposed by Councillor Wilkinson and seconded by Councillor Jabbour that the response be provided from the Standards and Governance Committee as agreed.

This was agreed unanimously.

A copy of both responses is included as an appendix to the minutes.

Councillor Phillips left the meeting at 4pm.

Councillor Slater left the meeting at 4.05pm.

Response to the Local Government Association Changes to the Local Government Standards Framework Questionnaire

Response to Ministry of Housing, Communities and Local Government Consultation on Strengthening the Standards and Conduct Framework for Local Authorities in England.

113 Complaints Update Report

Considered

The report of the Assistant Chief Executive Legal and Democratic Services and Monitoring Officer presenting to the Committee, for information and consideration, an update on, and statistical information regarding, standards complaints received.

During the period 1 April 2023 to 31 March 2024, the Council received 174 complaints that members may have breached the relevant authority's code of conduct for Members.

During the period 1 April 2024 to 10 December 2024, a further 108 complaints have been received.

Since Vesting Day on 1 April 2023 to 10 December 2024, a total of 282 standards complaints have therefore been received.

The Committee noted from the report that

In total, 264 assessments have so far been completed by the Monitoring Officer and Deputy Monitoring Officer in consultation with the Independent Persons for Standards. A number of complaints' assessments are currently on hold, pending responses from subject Members or the outcome of previous assessments and investigations.

Further Hearing Panels sat on 18 October 2024, 7 November 2024 and 9 December 2024.

18 October : The Panel concluded that the subject Members had breached the relevant Codes of Conduct for Members and recommended sanctions to the respective parish councils.

7 November : The Panel concluded that the subject Member had breached the relevant authority's Code of Conduct for Members. The Panel recommended to the Parish Council that it issue a private letter of censure to the subject Member and also made some recommendations back to the Parish Council.

9 December : The Panel concluded that the subject Member had breached the relevant authority's Code of Conduct for Members and made recommendations to the relevant authority.

A discussion then followed with the following to note;

Parish Councils requiring help with governance and general operation should; be directed to the YLCA who will provide advice and support.

Councillor Brown had some specific queries which he said he would follow up by E Mail after the meeting.

It was moved by Councillor xxx and seconded by Councillor xxx that the Committee notes the current position on standards complaints received.

Resolved

That the Committee notes the current position on standards complaints received.

This was agreed unanimously.

114 **Review of Standards Documentation and Proposed Changes**

Considered

The report of the Assistant Director Legal and Deputy Monitoring Officer for consideration and review, regarding the current standards arrangements for the handling of complaints of a breach of the Members' Code of Conduct, deferred from the Committee's meeting on 6 September 2024, and further suggested amendments to the complaints process to streamline arrangements.

The Localism Act 2011 sets out the statutory ethical framework for relevant authorities. Under the Act, relevant authorities (except parish and town councils) must put in place arrangements for the investigation of allegations of breaches of the Members' Code of Conduct and to decide upon allegations. These arrangements must involve the appointment of at least one Independent Person.

Following local government reorganisation on 1 April 2023, North Yorkshire Council became principal authority for parish and town councils in North Yorkshire for the purposes of the standards complaints provisions in the Localism Act.

Parish and town councils may adopt the Council's Code of Conduct for Members or their own.

The Monitoring Officer has encouraged them to adopt North Yorkshire Council's Code (based on the voluntary LGA model code) in an aim to have standardised provisions across North Yorkshire for consistency and clarity.

North Yorkshire Council also publishes parish and town councils' registers of interests on its website [Parish and Town Councils](#).

That is the extent of North Yorkshire Council's jurisdiction in respect of parish/town council governance; parish/town councils are separate legal entities and North Yorkshire Council has no jurisdiction to consider other complaints about them for example about the way in which the parish/town council has or has not done something, or about particular parish/town council decisions or employees; those complaints should be directed to the parish/town council itself.

The Committee last reviewed the standards arrangements on 15 March 2024.

The Senior Lawyer (Governance) highlighted the proposed changes to the Committee and reiterated that these changes were designed to streamline the standards process as far as possible to ensure that complaints are handled in a fair and proportionate way and as efficiently as possible to minimise the resource burden currently impacting Standards and Governance Committee Members, Independent Persons and the Monitoring Officer team and protect the public purse.

The main change was to introduce an initial triage step that would make provision for the Monitoring Officer to undertake a pre-assessment consideration of a complaint and remove complaints which clearly fall outside of the standards regime.

Councillor Brown had some specific queries which he was advised to follow up after the meeting with the Deputy Monitoring Officer.

It was moved by Councillor Wilkinson and seconded by Councillor Jabbour that the Committee approves the proposed amendments to the standards documentation as set out in this report and its Appendices.

Resolved

That the Committee approves the proposed amendments to the standards documentation as set out in this report and its Appendices.

This was agreed unanimously.

115 Exclusion of the Press and Public

It was proposed by Councillor Wilkinson and seconded by Councillor Jabbour that under Schedule 12A to the Local Government Act 1972 (as amended), the press and the public were excluded from the meeting during consideration of the item of business at agenda item 10 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A and the Committee were satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Resolved

That the press and public be excluded in consideration of the item at agenda item 10.

This was agreed unanimously.

116 Consultation Under Standards and Governance Committee Protocol on Unreasonably Persistent or Vexatious Complainant Behaviour

It was proposed by Councillor Ireton and seconded by Councillor Wilkinson that the Committee agree the recommendations in the report.

Resolved

That the recommendations in the report be agreed.

This was agreed unanimously.

117 Urgent Business

There was no urgent business.

118 Date of the Next Meeting

The next meeting will be on Friday 14 March 2025 at 10am in The Brierley Room, County Hall, Northallerton.

The meeting concluded at 4.50 pm.

This page is intentionally left blank



Local Government Association (LGA): changes to the local government standards framework questionnaire

The Government is planning to consult on changes to the local government standards framework in England. This questionnaire is to help the LGA gain the views of local authorities.

Why are we collecting data from local government members and officers?

We are collecting data from local government members, monitoring officers and Independent Persons as part of our engagement on the Government's announced consultation on reforms to the local government standards framework. Chief executives are also welcome to complete the questionnaire alongside their monitoring officers.

The purpose of this data collection is to:

- understand your experiences with the current standards framework and identify areas for improvement
- develop evidence-based recommendations that reflect the needs of local government members and officers
- ensure that the views and experiences of local government members and officers are considered when responding to the Government's consultation

Do you have to complete this questionnaire?

Completing this questionnaire is entirely voluntary. We would like you to share as much information as you feel comfortable with, but you do not have to answer every question.

What will we do with your data?

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information will be used internally within the LGA and by our project partners Hoey Ainscough Associates Ltd and Wilkin Chapman LLP to the extent that it is necessary for them to work with us on this topic, but will only be held and processed in accordance with our privacy statement. We are undertaking this questionnaire to aid the legitimate interests of the LGA in supporting and representing authorities.

Definitions

Independent Person – a person appointed to assist an authority in upholding high standards of conduct for councillors.

Co-opted member – a person who is not an elected member of the authority but is a member of a committee or sub-committee of the authority or is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority.

Councillor – a member or co-opted member of a local authority or a directly elected mayor.

Disclosable Pecuniary Interests (DPIs) – an interest of the councillor or their partner related to financial interests or wellbeing.

Completing the questionnaire

Please complete this questionnaire by **Thursday 9 January 2025**. Please contact us at jessica.norman@local.gov.uk if you have any questions about the topics covered in this questionnaire, and natalie.ainscough@hoeyainscough.co.uk if you have any issues with the online questionnaire form.

A. About you

Please provide the following information about yourself. If you are a member of more than one authority, please list all authorities but only complete this questionnaire once.

Question Title

* 1. Name

North Yorkshire Council Standards and Governance Committee

Question Title

* 2. Authority/Authorities

North Yorkshire Council

Question Title

* 3. Email address

MonitoringOfficer@northyorks.gov.uk

Question Title

* 4. What is your authority type?

If you belong to more than one authority, please select all applicable authority types.

County council
District council
Unitary authority
Metropolitan district
London borough council

Question Title

* 5. What is your position at your authority?

Councillor
Monitoring Officer
Chief Executive
Independent Person
Other (please specify)

Standards and Governance Committee

Question Title

6. What is your political affiliation?

Conservative
Green
Grouped Independent (including Resident's Association)
Labour
Liberal Democrats
Reform UK
Ungrouped Independent
Other (please specify)

N/A

B. The code of conduct

Question Title

7. There is currently no mandatory national code of conduct for councillors although there is a [Model Councillor Code of Conduct](#). Which, if any, of the following is your preferred option?

Authorities should be able to continue to have their own code of conduct if they choose
There should be a mandatory national code of conduct with local flexibility to add additional requirements
Don't know

Question Title

8. Under the current law the code of conduct does not cover any private conduct. This means that actions and behaviour that occur in a person's private life, such

as criminal convictions not explicitly relevant to councillor disqualification criteria are not covered by the code. Which, if any, of the following is your preferred option?

The code of conduct should continue not to regulate any private conduct

The code of conduct should be extended to consider private misconduct in certain circumstances, such as criminal convictions

Don't know

C. Standards committees

Question Title

9. There is currently no requirement for local authorities to have a standards committee, though many choose to do so. Existing standards committees are generally responsible for promoting high standards of councillor conduct and taking decisions on standards cases which have been investigated. Which, if any, of the following is your preferred option?

Authorities should be required to have a standards committee

It should continue as now for there to be no requirement for a standards committee

Don't know

Question Title

10. Do you think that councillors who sit on standards committees or equivalent should be required to complete mandatory training on their role and responsibilities?

Yes

No

Don't know

Question Title

11. Currently only elected members have voting rights on a standards committee; co-opted independent lay members are advisory and cannot vote on decisions by the committee. Which, if any, of the following is your preferred option?

Co-opted members should have voting rights if they have been appointed to a standards committee

Authorities should be given the choice to give co-opted members on their standards committees voting rights if they wish

Only elected members should continue to have voting rights on a standards committee as now

Don't know

D. Independent Persons

Question Title

12. Under the current framework authorities must have an Independent Person whose views must be sought by the authority on matters under investigation. Which, if any, of the following is your preferred option?

The Independent Person role should be maintained even if independent lay members on standards committees are given voting rights

The Independent Person role should be replaced by independent lay members with voting rights on standards committees

Don't know

E. Sanctions and the standards framework

Question Title

13. Authorities have limited powers to sanction councillors who have been found to have breached the code of conduct, including public censure, additional training and removal of special responsibilities. Councillors cannot be suspended or disqualified for breaching the code. Which, if any, of the following is your preferred option?

The current sanctions are sufficient for maintaining high standards of councillor conduct

Stronger sanctions are needed for maintaining high standards of councillor conduct

Don't know

Question Title

14. At the moment the standards framework is devolved totally to individual local authorities. If the Government introduces stronger sanctions for breaches of the code of conduct, which if any of the following is your preferred option?

The system should remain entirely devolved and stronger sanctions should be made available to local authorities

The system should remain largely devolved, but independence should be strengthened if stronger sanctions are going to be introduced, for example, a stronger role for the Independent Person or the mandatory introduction of standards committees with independent co-opted members

The system should remain devolved for lower-level breaches of the code; breaches that could result in stronger sanctions, such as financial or democratic sanctions, should be dealt with by an independent body

A system of national oversight should be reintroduced

Don't know

Question Title

15. Which of the following sanctions do you think would support authorities' ability to maintain high standards of councillor conduct and behaviour?

You may tick more than one box

Withdrawal of allowances for a maximum period of time

A system of fines

An order to pay reasonable costs for the authority's investigation

Suspension with allowances up to a maximum period

Suspension without allowances up to a maximum period

A recall mechanism allowing members of the public to trigger a by-election, similar to the arrangements in Parliament

Disqualification from public office up to a maximum period

Not applicable – I don't think further sanctions are needed

Don't know

Other (please specify)

Question Title

16. It is a criminal offence to fail to register or declare certain interests known as Disclosable Pecuniary Interests (DPIs), and conviction can lead to disqualification from holding office for up to five years. If the power to suspend or disqualify councillors was reintroduced do you think the Government should keep the criminal offence or repeal it?

Keep the criminal offence

Repeal the criminal offence and require registration and declaration of interests to be dealt with under the code of conduct

Don't know

F. Appeals

Question Title

17. At present there is no statutory appeals process against a finding that a councillor has breached the code of conduct. If additional sanctions are introduced, an appeals process is likely to also be introduced. In this case, which, if any, of the following is your preferred option?

Appeals processes should be available in all cases, regardless of the sanction applied

Appeals processes should only be available in cases where a higher-level sanction, such as a financial sanction, suspension or disqualification has been applied

Don't know

Other (please specify)

Question Title

18. If an appeals process was put in place, which of the following would be your preferred appeals body?

A separate committee of the authority

An appeal to a neighbouring authority

A regional panel which may be a mix of councillors and independent lay members

A national appeals body

Don't know

Other (please specify)

G. Publication of outcomes

Question Title

19. There is no legal requirement to publish the outcome of standards cases (but they may be subject to disclosure under the Freedom of Information Act 2000).

Which, if any, of the following is your preferred option?

It should be mandatory to publish all outcomes of investigations

It should be mandatory only to publish an outcome where the code of conduct has been breached

It should remain a matter for the authority to decide whether to publish the outcome of an investigation in accordance with existing legislation

Don't know

Question Title

20. Do you think it should be a requirement that breaches of the code of conduct are recorded under a councillor's authority website profile alongside their register of interests?

Yes

No

Don't know

H. Permissions

Question Title

21. Would you be happy to be involved in future work related to this area and/or the contents of this questionnaire?

Yes

No

Done

This page is intentionally left blank



Ministry of Housing,
Communities &
Local Government

Open consultation

Strengthening the standards and conduct framework for local authorities in England

Published 18 December 2024

Applies to England

Contents

- [1.Scope of this consultation](#)
 - [2.Ministerial foreword](#)
 - [3.Background: Standards and Conduct framework and sanctions arrangements](#)
 - [4.Who we would like to hear from](#)
 - [5.Strengthening the Standards and Conduct framework](#)
 - [6.Introducing the power of suspension with related safeguards](#)
 - [7.Public Sector Equality Duty](#)
- [Annex A: Personal data](#)

1. Scope of this consultation

Topic of this consultation

This consultation seeks views on introducing a mandatory minimum code of conduct for local authorities in England, and measures to strengthen the standards and conduct regime in England to ensure consistency of approach amongst councils investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension.

Scope of this consultation

The Ministry of Housing, Communities and Local Government (MHCLG) is consulting on introducing strengthened sanctions for local authority code of conduct breaches in England.

This includes all 'relevant authorities' as defined by Section 27(6) of the Localism Act 2011, which includes:

- a county council
- a unitary authority
- London borough councils
- a district council
- the Greater London Authority
- the London Fire and Emergency Planning Authority
- the Common Council of the City of London in its capacity as a local authority or police authority
- the Council of the Isles of Scilly
- parish councils
- a fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009
- a combined authority established under section 103 of that Act,
- a combined county authority established under section 9(1) of the Levelling Up and Regeneration Act 2023
- the Broads Authority
- a National Park authority in England established under section 63 of the Environment Act 1995

It does not cover:

- police and crime commissioners
- internal drainage boards
- any other local authority not otherwise defined as a 'relevant authority' above

All references to ‘members’ refer to elected members, mayors, co-opted and appointed members of each of the ‘relevant authorities’ defined above.

Geographical scope

The questions in this consultation paper apply to all relevant local authorities in England as defined above.

They generally do not apply to authorities in Wales, Scotland or Northern Ireland, except in relation to Police and Crime Panels in Wales.

Impact assessment

We will produce a full Public Sector Equality Duty (PSED) assessment, and all necessary impact assessments, as the policy proposals develop further following this consultation.

Basic information

This is an open consultation. We particularly seek the views of individual members of the public; prospective and current elected members/representatives; all relevant local authorities defined above; and those bodies that represent the interests of local authority members/representatives at all levels.

Body responsible for the consultation

The Local Government Capacity and Improvement Division of the Ministry of Housing, Communities and Local Government is responsible for conducting this consultation.

Duration

This consultation will last for 10 weeks from 18 December 2024.

Enquiries

For any enquiries about the consultation please contact: LGstandardsreform@communities.gov.uk

How to respond

You can only respond to this call for evidence through our online consultation platform, [Citizen Space](#).

2. Ministerial foreword

The government is determined to fix the foundations of local government so councils can sustainably provide decent public services and shape local places, and so elected representatives can be fully accountable to the public they serve. Doing so is critical to national renewal, our missions, and our plans to push power out of Westminster and into the hands of local people with skin in the game.

At the core of this agenda is a plan to make local government across England fit, legal, and decent – so that councils have the backing from central government to deliver the high standards and strong financial management that they strive for, without needless micromanagement of day-to-day local decision-making. This plan includes:

- fixing our broken audit system
- improving oversight and accountability
- giving councils genuine freedoms to work for, and deliver in the best interests of, their communities
- improving the standards and conduct regime

This consultation is focused on the proposed reforms to the standards and conduct regime that will contribute to making sure England is covered by effective local and strategic authorities that are well-governed, with high standards met and maintained.

It is an honour and a privilege to be elected as a member and with it comes an individual and collective responsibility to consistently demonstrate and promote the highest standards of conduct and public service.

Members take decisions affecting critical local services such as social care, education, housing, planning, licensing, and waste collection. With greater devolution, local authorities will increasingly be taking decisions to shape

local transport, skills, employment support, and growth. Decisions that are the responsibility of members impact virtually every citizen's life at some level, and the electorate has a right to expect that it can trust its local elected members to uphold the highest ethical standards and act in the best interests of the communities they serve.

I strongly believe that the vast majority of local elected members maintain high standards of conduct and that they are driven by duty and service. I believe that people stand for elected office in their local communities with the best intentions to act in the interests of those communities, bringing an energy and commitment to working collaboratively, creatively, and respectfully.

Members, officers, reporters and members of public are entitled to support and participate in the local democratic process in the confidence that high standards are maintained. This government wants to celebrate the positive power of public service and, in doing so, we want to give individual authorities appropriate and proportionate means to deal with misconduct effectively and decisively when it does occur. We also want to ensure that anyone can rightly feel confident about raising an issue under the code of conduct whether it impacts them personally and/or is a code conduct breach that brings the reputation of the council into disrepute.

With approximately 120,000 councillors in England across all types and tiers of local government, we know there are rare instances of misconduct. Robust political debate is part of our democratic system, but we know from local councils that there are examples of bullying, harassment or other misconduct, when from even a very small minority of members can have a seriously destabilising effect, potentially bringing a council into disrepute and distracting from the critical business of delivering for residents.

This government is committed to working with local and regional government to establish partnerships built on mutual respect, genuine collaboration and meaningful engagement. Our ambition is to create a rigorous standards and conduct framework that will actively contribute to ensuring that local government throughout the country is fit, legal, and decent. With this in mind, this consultation seeks your views on a range of proposals to give local leaders the tools they need to establish and maintain a strong and ethical public service and democratic culture, and the people they serve the confidence that local democracy works for them.

Jim McMahon OBE MP
Minister of State for Local Government and English Devolution

3. Background: Standards and Conduct framework and sanctions arrangements

The [Localism Act 2011](#)^[footnote 1] established the current standards and conduct framework for local authorities.

The current regime requires every local authority to adopt a code of conduct, the contents of which must as a minimum be consistent with the 7 [‘Nolan’ principles of standards in public life](#) (selflessness, integrity, objectivity, accountability, openness, honesty and leadership), and set out rules on requiring members to register and disclose pecuniary and non-pecuniary interests. Beyond these requirements, it is for individual councils to set their own local code. The Local Government Association (LGA) published an [updated model code of conduct and guidance](#) in 2021, which councils can choose whether to adopt or not.

Every authority must also have in place arrangements under which it can investigate allegations of breaches of its code of conduct and must consult at least one independent person before coming to decisions. These decisions are normally taken in one of two ways depending on an authority’s specific arrangements. The decision can be made by full council following advice from their standards committee (or equivalent). Alternatively, the decision can be made by the standards committee if they have been given the power to do so. Although a standards committee may contain unelected independent members and co-opted members, only principal councils’ elected members may vote in a decision-making standards committee.

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct. Sanctions for member code of conduct breaches are currently limited to less robust measures than suspension, such as barring members from Cabinet, Committee, or representative roles, a requirement to issue an apology or undergo code of conduct training, or public criticism. Local authorities are also unable to withhold allowances from members who commit serious breaches of their code of conduct, and there is no explicit provision in legislation for councils to impose premises bans or facilities withdrawals where they consider that it might be beneficial to do so.

The government considers that the current local authority standards and conduct regime is in certain key aspects ineffectual, inconsistently applied, and lacking in adequate powers to effectively sanction members found in serious breach of their codes of conduct.

4. Who we would like to hear from

Responses are invited from local authority elected members and officers from all types and tiers of authorities, and local authority sector representative organisations. We are also particularly keen to hear from those members of the public who have point of view based on their interest in accessing local democracy in their area or standing as a candidate for local government at any tier to represent their local community at some future point.

Please be assured that all responses to this consultation are anonymous, and no information will be disclosed in any future published response to the consultation, or reporting of the consultation results, that will compromise that anonymity.

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 officer – 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 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

d) a member of the public

e) a local government sector body – please state

5. Strengthening the Standards and Conduct framework

a) Mandatory minimum prescribed code of conduct

The government proposes to legislate for the introduction of a mandatory minimum code of conduct which would seek to ensure a higher minimum standard of consistency in setting out the behaviours expected of elected members. The government will likely set out the mandatory code in regulations to allow flexibility to review and amend in future, this will also provide the opportunity for further consultation on the detail.

Codes of conduct play an important role in prescribing and maintaining high standards of public service, integrity, transparency, and accountability. At their best, they establish clear guidelines for behaviour and expectations that members always act ethically in the public's best interest. Currently, there is significant variation between adopted codes, ranging from those who choose to adopt the LGA's full model code to those who simply conform with the minimum requirement of restating the Nolan principles.

A prescribed model code which covers important issues such as discrimination, bullying, and harassment, social media use, public conduct

when claiming to represent the council, and use of authority resources could help to uphold consistently high standards of public service in councils across the country and convey the privileged position of public office. It could also provide clarity for the public on the consistent baseline of ethical behaviour they have a right to expect.

We would be interested in understanding whether councils consider there should be flexibility to add to the prescribed code to reflect individual authorities' circumstances. They would not be able to amend the mandatory provisions.

Question 2

Do you think the government should prescribe a mandatory minimum code of conduct for local authorities in England?

- Yes
- No
- If no, why not? [Free text box]

Question 3

If yes, do you agree there should be scope for local authorities to add to a mandatory minimum code of conduct to reflect specific local challenges?

- Yes – it is important that local authorities have flexibility to add to a prescribed code
- No – a prescribed code should be uniform across the country
- Unsure

Question 4

Do you think the government should set out a code of conduct requirement for members to cooperate with investigations into code breaches?

- Yes
- No
- Unsure

b) Standards Committees

Currently, there is no requirement for local authorities to constitute a formal standards committee. The only legal requirement is for local authorities to have in place 'arrangements' to investigate and make decisions on allegations of misconduct.

The government believes that all principal authorities should be required to convene a standards committee. Formal standards committees would support consistency in the handling of misconduct allegations, applying the same standards and procedures to all cases and providing a formal route to swiftly identify and address vexatious complainants. Furthermore, having a formal standards committee in place could support the development of expertise in handling allegations of misconduct, leading to more informed decision-making. Removing the scope for less formal and more ad hoc arrangements would also enhance transparency and demonstrate to the public that standards and conduct issues will always be dealt with in a structured and consistent way.

This section of the consultation seeks views on two specific proposals to enhance the fairness and objectivity of the standards committee process. Firstly, it considers whether standards committee membership would be required to include at least one Independent Person, as well as (where applicable^{[footnote 21](#)}) at least one co-opted member from a parish or town council. Secondly, it seeks views on whether standards committees should be chaired by the Independent Person.

Question 5

Does your local authority currently maintain a standards committee?

- Yes
- No
- Any further comments [free text box]

Question 6

Should all principal authorities be required to form a standards committee?

- Yes
- No
- Any further comments [free text box]

All members and substitute members of standards committees should receive appropriate training.

Question 7

In most principal authorities, code of conduct complaints are typically submitted in the first instance to the local authority Monitoring Officer to triage, before referring a case for full investigation. Should all alleged code of conduct breaches which are referred for investigation be heard by the relevant principal authority's standards committee?

- Yes, decisions should only be heard by standards committees
- No, local authorities should have discretion to allow decisions to be taken by full council
- Unsure

Question 8

Do you agree that the Independent Person and co-opted members should be given voting rights?

- Yes – this is important for ensuring objectivity
- No – only elected members of the council in question should have voting rights
- Unsure

Question 9

Should standards committees be chaired by the Independent Person?

- Yes
- No
- Unsure

Question 10

If you have further views on ensuring fairness and objectivity and reducing incidences of vexatious complaints, please use the free text box below.

[Free text box]

c) Publishing investigation outcomes

To enhance transparency, local authorities should, subject to data protection obligations, be required to publish a summary of code of conduct allegations, and any investigations and decisions. This will be

accompanied with strong mechanisms to protect victims' identity to ensure complainants are not dissuaded from coming forward for fear of being identified,

There may be a range of views on this, as publishing the outcome of an investigation that proves there is no case to answer could still be considered damaging to the reputation of the individuals concerned, or it could be considered as helpful in exposing instances of petty and vexatious complaints.

Question 11

Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?

- Yes - the public should have full access to all allegations and investigation outcomes
- No - only cases in which a member is found guilty of wrongdoing should be published
- Other views – text box

d) Requiring the completion of investigations if a member stands down

In circumstances where a member stands down during a live code of conduct investigation, councils should be required to conclude that investigation and publish the findings. The government is proposing this measure to ensure that, whilst the member in question will no longer be in office and therefore subject to any council sanction, for the purposes of accountability and transparency there will still be full record of any code of conduct breaches during their term of office.

Question 12

Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?

- Yes
- No
- Unsure

e) Empowering individuals affected by councillor misconduct to come forward

The government appreciates that it can often be difficult for those who experience misconduct on the part of elected members, such as bullying and harassment, to feel that it is safe and worthwhile to come forward and raise their concerns. If individuals believe there is a likelihood that their complaint will not be addressed or handled appropriately, the risk is that victims will not feel empowered to come forward, meaning misconduct continues without action. We recognise that standing up to instances of misconduct takes an emotional toll, particularly in unacceptable situations where the complaints processes are protracted and do not result in meaningful action. We are committed to ensuring that those affected by misconduct are supported in the right way and feel empowered to come forward. This section seeks feedback from local authorities with experience of overseeing council complaints procedures, or sector bodies and individuals with views on how this might be carried out most effectively. We are also keen to hear from those who work, or have worked, in local government, and who have either witnessed, or been the victim of, member misconduct.

Question 13

If responding as a local authority, what is the average number of complaints against elected members that you receive over a 12-month period?

[Number box]

174

Question 13a

For the above, where possible, please provide a breakdown for complaints made by officers, other elected members, the public, or any other source:

- Complaints made by officers [Number box] 19
- Complaints made by other elected members [Number box] 26
- Complaints made by the public [Number box] 129
- Complaints made by any other source [Number box]

Question 14

If you currently work, or have worked, within a local authority, have you ever been the victim of (or witnessed) an instance of misconduct by an

elected member and felt that you could not come forward? Please give reasons if you feel comfortable doing so.

- Yes
- No
- [Free text box] N/A

Question 15

If you are an elected member, have you ever been subject to a code of conduct complaint? If so, did you feel you received appropriate support to engage with the investigation?

- Yes
- No
- [Free text box] N/A

Question 16

If you did come forward as a victim or witness, what support did you receive, and from whom? Is there additional support you would have liked to receive?

[Free text box] N/A

Question 17

In your view, what measures would help to ensure that people who are victims of, or witness, serious councillor misconduct feel comfortable coming forward and raising a complaint?

[Free text box]

That they understand complaints are taken seriously and dealt with in strict confidence between the parties.

That there are provisions within the Council's procedures for maintaining the confidentiality of the complainant where this is appropriate.

As a principal authority standards committee, responsible for handling standards complaints in respect of almost 700 parish and town councils, the Standards and Governance Committee was mindful of the volume of standards complaints received in relation to these local councils and the current lack of ability for the Committee to enforce any sanctions

recommended to the parish and town councils. The Monitoring Officer will be responding to the consultation in more detail on this issue.

6. Introducing the power of suspension with related safeguards

The government believes that local authorities should have the power to suspend councillors for serious code of conduct breaches for a maximum of 6 months, with the option to withhold allowances and institute premises and facilities bans where deemed appropriate. This section of the consultation explores these proposed provisions in greater detail.

While the law disqualifies certain people from being, or standing for election as, a councillor (e.g. on the grounds of bankruptcy, or receipt of a custodial sentence of 3 months or more, or it subject to the notification requirements of the Sexual Offences Act 2003 - meaning on the sex offenders register) councillors cannot currently be suspended or disqualified for breaching their code of conduct.

Feedback from the local government sector in the years since the removal of the power to suspend councillors has indicated that the current lack of meaningful sanctions means local authorities have no effective way of dealing with more serious examples of member misconduct.

The most severe sanctions currently used, such as formally censuring members, removing them from committees or representative roles, and requiring them to undergo training, may prove ineffective in the cases of more serious and disruptive misconduct. This may particularly be the case when it comes to tackling repeat offenders.

The government recognises that it is only a small minority of members who behave badly, but the misconduct of this small minority can have a disproportionately negative impact on the smooth running of councils. We also appreciate the frustration members of the public and councillors can feel both in the inability to deal decisively with cases of misconduct, and the fact that offending members can continue to draw allowances.

Question 18

Do you think local authorities should be given the power to suspend elected members for serious code of conduct breaches?

- Yes – authorities should be given the power to suspend members
- No – authorities should not be given the power to suspend members
- Unsure

Question 19

Do you think that it is appropriate for a standards committee to have the power to suspend members, or should this be the role of an independent body?

- Yes - the decision to suspend for serious code of conduct breaches should be for the standards committee
- No - a decision to suspend should be referred to an independent body
- Unsure
- [Free text box]

Question 20

Where it is deemed that suspension is an appropriate response to a code of conduct breach, should local authorities be required to nominate an alternative point of contact for constituents during their absence?

- Yes – councils should be required to ensure that constituents have an alternative point of contact during a councillor's suspension
- No – it should be for individual councils to determine their own arrangements for managing constituents' representation during a period of councillor suspension
- Unsure

a) The length of suspension

The Committee on Standards in Public Life recommended in their 2019 Local Government Ethical Standards^[footnote 3] (CSPL) report that the maximum length of suspension, without allowances, should be 6 months and the government agrees with this approach. The intent of this proposal would be that non-attendance at council meetings during a period of suspension would be disregarded for the purposes of section 85 of the Local Government Act 1972, which states that a councillor ceases to be a

member of the local authority if they fail to attend council meetings for 6 consecutive months.

The government believes that suspension for the full 6 months should be reserved for only the most serious breaches of the code of conduct, and considers that there should be no minimum length of suspension to facilitate the proportionate application of this strengthened sanction.

Question 21

If the government reintroduced the power of suspension do you think there should be a maximum length of suspension?

- Yes – the government should set a maximum length of suspension of 6 months
- Yes – however the government should set a different maximum length (in months) [Number box]
- No – I do not think the government should set a maximum length of suspension
- Unsure

Question 22

If yes, how frequently do you consider councils would be likely to make use of the maximum length of suspension?

- Infrequently – likely to be applied only to the most egregious code of conduct breaches
- Frequently – likely to be applied in most cases, with some exceptions for less serious breaches
- Almost always – likely to be the default length of suspension for code of conduct breaches
- Unsure

b) Withholding allowances and premises and facilities bans

Giving councils the discretion to withhold allowances from members who have been suspended for serious code of conduct breaches in cases where they feel it is appropriate to do so could act as a further deterrent against unethical behaviour. Holding councillors financially accountable

during suspensions also reflects a commitment to ethical governance, the highest standards of public service, and value for money for local residents.

Granting local authorities the power in legislation to ban suspended councillors from local authority premises and from using council equipment and facilities could be beneficial in cases of behavioural or financial misconduct, ensuring that suspended councillors do not misuse resources or continue egregious behaviour. Additionally, it would demonstrate that allegations of serious misconduct are handled appropriately, preserving trust in public service and responsible stewardship of public assets.

These measures may not always be appropriate and should not be tied to the sanction of suspension by default. The government also recognises that there may be instances in which one or both of these sanctions is appropriate but suspension is not. It is therefore proposed that both the power to withhold allowances and premises and facilities bans represent standalone sanctions in their own right.

Question 23

Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?

- Yes – councils should have the option to withhold allowances from suspended councillors
- No – suspended councillors should continue to receive allowances
- Unsure

Question 24

Do you think it should be put beyond doubt that local authorities have the power to ban suspended councillors from council premises and to withdraw the use of council facilities in cases where they deem it appropriate?

- Yes – premises and facilities bans are an important tool in tackling serious conduct issues
- No – suspended councillors should still be able to use council premises and facilities
- Unsure

Question 25

Do you agree that the power to withhold members' allowances and to implement premises and facilities bans should also be standalone sanctions in their own right?

- Yes
- No
- Unsure

c) Interim suspension

Some investigations into serious code of conduct breaches may be complex and take time to conclude, and there may be circumstances when the misconduct that has led to the allegation is subsequently referred to the police to investigate. In such cases, the government proposes that there should be an additional power to impose interim suspensions whilst and until a serious or complex case under investigation is resolved.

A member subject to an interim suspension would not be permitted to participate in any council business or meetings, with an option to include a premises and facilities ban.

We consider that members should continue to receive allowances whilst on interim suspension and until an investigation proves beyond doubt that a serious code of conduct breach has occurred or a criminal investigation concludes. The decision to impose an interim suspension would not represent a pre-judgement of the validity of an allegation.

We suggest that:

- Interim suspensions should initially be for up to a maximum of 3 months. After the expiry of an initial interim suspension period, the relevant council's standards committee should review the case to decide whether it is in the public interest to extend.
- As appropriate, the period of time spent on interim suspension may be deducted from the period of suspension a standards committee imposes.

Question 26

Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?

- Yes, powers to suspend on an interim basis would be necessary
- No, interim suspension would not be necessary
- Any further comments [free text box]

Question 27

Do you agree that local authorities should have the power to impose premises and facilities bans on councillors who are suspended on an interim basis?

- Yes - the option to institute premises and facilities bans whilst serious misconduct cases are investigated is important
- No - members whose investigations are ongoing should retain access to council premises and facilities
- Unsure

Question 28

Do you think councils should be able to impose an interim suspension for any period of time they deem fit?

- Yes
- No
- Any further comments [free text box]

Question 29

Do you agree that an interim suspension should initially be for up to a maximum of 3 months, and then subject to review?

- Yes
- No
- Any further comments [free text box]

Question 30

If following a 3-month review of an interim suspension, a standards committee decided to extend, do you think there should be safeguards to ensure a period of interim extension is not allowed to run on unchecked?

- Yes – there should be safeguards
- No – councils will know the details of individual cases and should be trusted to act responsibly

Question 30a

If you answered yes to above question, what safeguards do you think might be needed to ensure that unlimited suspension is not misused?

[Free text box]

d) Disqualification for multiple breaches and gross misconduct

When councillors repeatedly breach codes of conduct, it undermines the integrity of the council and erodes public confidence. To curb the risk of repeat offending and continued misconduct once councillors return from a suspension, the government considers that it may be beneficial to introduce disqualification for a period of 5 years for those members for whom the sanction of suspension is invoked on more than one occasion within a 5-year period.

This measure underlines the government's view that the sanction of suspension should only be used in the most serious code of conduct breaches, because in effect a decision to suspend more than once in a 5-year period would be a decision to disqualify an elected member. However, we consider this measure would enable councils to signal in the strongest terms that repeated instances of misconduct will not be tolerated and would act as a strong deterrent against the worst kind of behaviours becoming embedded.

Currently a person is disqualified if they have been convicted of any offence and have received a sentence of imprisonment (suspended or not) for a period of 3 months or more (without the option of a fine) in the 5-year period before the relevant election. Disqualification also covers sexual offences, even if they do not result in a custodial or suspended sentence.

Question 31

Do you think councillors should be disqualified if subject to suspension more than once?

- Yes – twice within a 5-year period should result in disqualification for 5 years
- Yes – but for a different length of time and/or within a different timeframe (in years) [Number boxes]
- **No - the power to suspend members whenever they breach codes of conduct is sufficient**
- Any other comments [free text box]

Question 32

Is there a case for immediate disqualification for gross misconduct, for example in instances of theft or physical violence impacting the safety of other members and/or officers, provided there has been an investigation of the incident and the member has had a chance to respond before a decision is made?

- Yes
- No
- **Unsure**
- [Free text box]

The response is 'unsure' because the Committee felt there should be a right to immediately suspend for gross misconduct (which would need careful definition) but not immediately disqualify.

e) Appeals

The government proposes that:

- A right of appeal be introduced for any member subject to a decision to suspend them.
- Members should only be able to appeal any given decision to suspend them once.
- An appeal should be invoked within 5 working days of the notification of suspension; and
- Following receipt of a request for appeal, arrangements should be made to conduct the appeal hearing within 28 working days.

The government believes that were the sanction of suspension to be introduced (and potentially disqualification if a decision to suspend occurs a second time within a 5-year period) it would be essential for such a punitive measure to be underpinned by a fair appeals process.

A right of appeal would allow members to challenge decisions that they believe are unjust or disproportionate and provides a safeguard to ensure that the sanction of suspension is applied fairly and consistently.

We consider that it would be appropriate to either create a national body, or to vest the appeals function in an existing appropriate national body, and views on the merits of that are sought at questions 38 and 39 below. Firstly,

the following questions test opinion on the principle of providing a mechanism for appeal.

Question 33

Should members have the right to appeal a decision to suspend them?

- Yes - it is right that any member issued with a sanction of suspension can appeal the decision
- No – a council’s decision following consideration of an investigation should be final
- Unsure

Question 34

Should suspended members have to make their appeal within a set timeframe?

- Yes – within 5 days of the decision is appropriate to ensure an efficient process
- Yes – but within a different length of time (in days) [Number box] 10 working days, with provision for Member absence eg if on holiday or ill.
- No – there should be no time limit for appealing a decision

The government is also keen to explore if a right of appeal should be provided, either in relation to whether a complaint proceeds to full investigation and consideration by the standards committee, or where a claimant is dissatisfied with the determination of the standards committee.

Question 35

Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint?

- Yes
- No
- Unsure

Question 36

Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?

- Yes

- No
- Unsure

Question 37

If you answered yes to either of the previous two questions, please use the free text box below to share views on what you think is the most suitable route of appeal for either or both situations.

[Free text box]

f) Potential for a national appeals body

There is a need to consider whether appeals panels should be in-house within local authorities, or whether it is right that this responsibility sits with an independent national body. Whereas an in-house appeals process would potentially enable quicker resolutions by virtue of a smaller caseload, empowering a national body to oversee appeals from suspended members and complainants could reinforce transparency and impartiality and help to ensure consistency of decision-making throughout England, setting precedents for the types of cases that are heard.

Question 38

Do you think there is a need for an external national body to hear appeals?

- Yes – an external appeals body would help to uphold impartiality
- No – appeals cases should be heard by an internal panel
- Any further comments [free text box]

The Committee's view is that there should be a regional external panel which may be a mix of councillors and independent lay members; and that an appeals process should only be available in cases where a higher-level sanction, such as a financial sanction, suspension or disqualification has been applied.

Question 39

If you think there is a need for an external national appeals body, do you think it should:

- Be limited to hearing elected member appeals
- Be limited to hearing claimant appeals

- Both of the above should be in scope
- Please explain your answer [free text box]

The Committee's view is that there should be a regional external panel which may be a mix of councillors and independent lay members; and that an appeals process should only be available in cases where a higher-level sanction, such as a financial sanction, suspension or disqualification has been applied.

7. Public Sector Equality Duty

Question 40

In your view, would the proposed reforms to the local government standards and conduct framework particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring responsibilities?

Please tick an option below:

- it would benefit individuals with protected characteristics
- it would disadvantage individuals with protected characteristics
- **neither**

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

[Free text box]

Annex A: Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018. Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk.

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

4. With whom we will be sharing your personal data

We use a third-party platform, Citizen Space, to collect consultation responses. In the first instance, your personal data will be stored on their secure UK-based servers.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for 2 years from the closure of the consultation.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a) to see what data we have about you
- b) to ask us to stop using your data, but keep it on record
- c) to ask to have all or some of your data deleted or corrected
- d) to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored on a secure government IT system

Your data will be transferred to our secure government IT system as soon as possible after the consultation has closed, and it will be stored there for the standard 2 years of retention before it is deleted.

1. [Localism Act 2011 \(legislation.gov.uk\)](https://legislation.gov.uk) ↵
2. Only around 36% of the population of England is covered by a parish or town council. ↵
3. [Local government ethical standards: report - GOV.UK \(www.gov.uk\)](https://www.gov.uk) ↵

[Back to top](#)

This page is intentionally left blank