

Government consultation 'Strengthening the Standards and Conduct Framework for Local Authorities in England'

Non-confidential

Report by: Elaine Atkin

Date: 02/01/2025

Report to: Parish Council 1/2025

The government is seeking views on proposals to introduce measures to strengthen the standards and conduct regime for local authorities in England. The proposals being consulted upon include:

- The introduction of a mandatory minimum code of conduct for local authorities in England.
- A requirement that all principal authorities convene formal standards committees to make decisions on code of conduct breaches and publish the outcomes of all formal investigations.
- The introduction of the power for all local authorities (including combined authorities) to suspend councillors or mayors found in serious breach of their code of conduct and, as appropriate, interim suspension for the most serious and complex cases that may involve police investigations.
- A new category of disqualification for gross misconduct and those subject to a sanction of suspension more than once in a 5-year period.
- A role for a national body to deal with appeals.

Parish councils fall under the scope of this consultation.¹

The consultation deadline is 26 February 2025.

Consultation questions can be found in Appendix A.

Further details of the consultation here: <https://tinyurl.com/4b6tjpru>

Respond to the consultation here: <https://tinyurl.com/2rpm6zbf>

Recommendation

- That councillors delegate authority to the clerk to submit a response on behalf of the council.
- That councillors feed any comments to the clerk by 20 February 2025.

¹ As defined under Section 27(6) of the Localism Act 2011.

Appendix A - Consultation questions:

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 b) a council officer – if so please indicate which local authority type c) a council body – if so please indicate which local authority type d) a member of the public e) a local government sector body – please state
2	Do you think the government should prescribe a mandatory minimum code of conduct for local authorities in England?
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?
4	Do you think the government should set out a code of conduct requirement for members to cooperate with investigations into code breaches?
5	Does your local authority currently maintain a standards committee?
6	Should all principal authorities be required to form a standards committee?
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?
8	Do you agree that the Independent Person and co-opted members should be given voting rights?
9	Should standards committees be chaired by the Independent Person?
10	If you have further views on ensuring fairness and objectivity and reducing incidences of vexatious complaints, please use the free text box below.
11	Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?
12	Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?
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?
13a	For the above, where possible, please provide a breakdown for complaints made by officers, other elected members, the public, or any other source.
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.
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?
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?

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?
18	Do you think local authorities should be given the power to suspend elected members for serious code of conduct breaches?
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?
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?
21	If the government reintroduced the power of suspension do you think there should be a maximum length of suspension?
22	If yes, how frequently do you consider councils would be likely to make use of the maximum length of suspension?
23	Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?
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?
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?
26	Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?
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?
28	Do you think councils should be able to impose an interim suspension for any period of time they deem fit?
29	Do you agree that an interim suspension should initially be for up to a maximum of 3 months, and then subject to review?
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?
30a	If you answered yes to above question, what safeguards do you think might be needed to ensure that unlimited suspension is not misused?
31	Do you think councillors should be disqualified if subject to suspension more than once?
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?
33	Should members have the right to appeal a decision to suspend them?
34	Should suspended members have to make their appeal within a set timeframe?

35	Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint?
36	Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?
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.
38	Do you think there is a need for an external national body to hear appeals?
39	<p>If you think there is a need for an external national appeals body, do you think it should:</p> <ul style="list-style-type: none"> • 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]
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?