

Report to: Standards Committee



Date of Meeting 16 January 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## Government Consultation on Changes to the Standards Regime

### Report summary:

This report provides an overview of the recent government consultation on proposed changes to the local government standards regime. The consultation, titled "Strengthening the Standards and Conduct Framework for Local Authorities in England," seeks to gather views on a range of reforms aimed at enhancing the effectiveness and fairness of the standards system.

### Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### Recommendation:

- (1) That the Standards Committee provide feedback on the proposed responses to the consultation and invite the Monitoring Officer to submit the agreed response by the 26<sup>th</sup> February 2025 deadline.

### Reason for recommendation:

To ensure that the Committee carefully consider the implications of these reforms and to enable the Council to provide a comprehensive response to the consultation.

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### Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Communications and Democracy
- ☐ Economy
- ☐ Finance and Assets
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Culture, Leisure, Sport and Tourism

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk; As this is a consultation only, the risk is low.

**Links to background information** None

## Link to [Council Plan](#)

Priorities (check which apply)

- ☐ A supported and engaged community
  - ☐ Carbon neutrality and ecological recovery
  - ☐ Resilient economy that supports local business
  - ☒ Financially secure and improving quality of services
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## Report in full

1. This report provides an overview of the recent government consultation on proposed changes to the local government standards regime. The consultation, titled "Strengthening the Standards and Conduct Framework for Local Authorities in England," seeks to gather views on a range of reforms aimed at enhancing the effectiveness and fairness of the standards system.

### 2. Key Proposals in the Consultation

Below is a link to the consultation document:

[Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#)

The key proposals are as follows:-

#### A. Reintroduction of Suspension Powers:

Local authorities would be empowered to suspend councillors for serious breaches of the code of conduct for up to six months. This includes the ability to withhold allowances and impose bans on access to premises and facilities where appropriate. This measure aims to provide councils with a proportionate means to address misconduct effectively

#### B. Disqualification for Repeat Offenders:

Councillors who have been suspended more than once within a five-year period could face disqualification for five years. This proposal is intended to deter repeat offending and ensure that persistent misconduct is addressed decisively

#### C. Right of Appeal:

The introduction of a right of appeal for members subject to suspension decisions is proposed. Members would need to invoke the appeal within five working days of notification, and hearings would be conducted within 28 working days. This aims to ensure fairness and provide a safeguard against unjust or disproportionate sanctions

#### D. National Appeals Body:

The government is considering establishing a national body to handle appeals, ensuring transparency, impartiality, and consistency in decision-making across England. This body would set precedents for the types of cases heard and reinforce the integrity of the standards regime

## **E. Mandatory Standards Committees:**

All councils would be required to have standards committees responsible for overseeing member conduct and handling complaints. These committees would ensure that breaches of the code of conduct are addressed systematically and transparently

## **F. Mandatory Minimum Code of Conduct:**

A mandatory minimum code of conduct for local authorities in England is proposed. This would ensure a consistent baseline of ethical standards across all councils, promoting integrity and accountability in local government

## **G. Interim Suspension Powers:**

For the most serious and complex cases, particularly those involving police investigations, local authorities would have the power to impose interim suspensions. This measure aims to protect the integrity of ongoing investigations and prevent further misconduct during the investigation period

## **H. Empowering Victims:**

The consultation seeks views on how to empower victims affected by councillor misconduct to come forward and what additional support would be appropriate. This proposal aims to ensure that victims feel supported and confident in reporting misconduct

Here are some proposed responses to the consultation questions:

## **3. Proposed Responses to Consultation Questions**

The following are some proposed responses to the consultation for the Committee to amend as it sees fit:-

### **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

### 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]

A Standards Committee plays a critical role in promoting ethical behaviour and ensuring that if there is a suspected breach of the Code of Conduct, that the parties involved receive a fair and unbiased hearing.

A Standards Committee should also have the power to impose sanctions upon Town and Parish Councils, rather than the ability to only make recommendations as to sanctions, as at present.

### 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

The preference would be for a politician to Chair the Committee and for an Independent Person to be the Vice Chair.

### 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]

### 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~~

### 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~~

### 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?

[10]

### 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 [2]
- Complaints made by other elected members [1]
- Complaints made by the public [7]
- Complaints made by any other source [0]

### 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]~~

### 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~~

- Not applicable

### 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?

Not applicable

### 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?

Maintaining the ability to withhold identity if certain criteria is met, is very important.

Having the support of organisations such as the Citizens Advice Bureau would be helpful.

### 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~~

### 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~~

### 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~~

### 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]

These powers should only be used in severe cases and with appropriate safeguards.

### 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]

There should be a maximum period to ensure the investigation is conducted swiftly.

### 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]

Any delays by either party in co-operating with the investigation should be taken into account. The Council should have strict timescales on completing an investigation, for which the investigator should be held to account.

### 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

No, a temporary suspension pending the outcome should be sufficient in these circumstances. It is important that a member has the right to a fair hearing in these circumstances before a decision to disqualify is made.

### 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 (21 days)
- ~~• No – there should be no time limit for appealing a decision~~

### 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]

### 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

There should be a tribunal that can hear appeals but only in relation to suspensions and disqualifications. There should not be a need for a new body such as the former Standards Board for England. This was a costly organisation that did not bring significant value. As long as the LGA continues to provide guidance, there is no need for such a body.

### 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]

Elected members should have a right of appeal where they have been suspended or disqualified. Claimants should have a right of appeal in significant cases of misconduct where the Independent Investigator has recommended suspension and the Standards Committee has imposed something short of suspension. We need to strike a balance so that Councils are not left defending lots of Standards decisions. It should only be in the rare cases of significant misconduct.

### 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

It will depend upon the structure of what is put in place. It is important that the processes are straightforward for complainants and members to engage in or it could result in disadvantage.

## 4. Next Steps

Members are invited to review the consultation document and consider the above responses to the questions listed above. The feedback will be compiled and submitted to the government as part of our formal response to the consultation.

## 5. Conclusion

The proposed changes to the standards regime represent a significant shift in how local authorities manage member conduct. It is crucial that we carefully consider the implications of these reforms and provide a comprehensive response to the consultation.

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**Financial implications:**

There are no financial implications directly arising from this report.

**Legal implications:**

There are no significant legal implications directly arising from this report