

Report to: Standards Committee



Date of Meeting 20 November 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release n/a

Strengthening the Standards and Conduct Framework for local authorities in England consultation

Report summary:

To provide the Committee with an update on the Governments response to the "Strengthening the Standards and Conduct Framework" consultation exercise for local authorities.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Standards Committee note the update.

Reason for recommendation:

To ensure the Committee are up to date regarding the Governments proposals to make changes to the Localism Act 2011.

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Portfolio(s) (check which apply):

- ☐ Assets and Economy
- ☐ Communications and Democracy
- ☒ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism
- ☐ Environment - Nature and Climate
- ☐ Environment - Operational
- ☐ Finance
- ☐ Place, Infrastructure and Strategic Planning
- ☐ Sustainable Homes and Communities

Equalities impact Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

Climate change Low Impact

Risk: Low Risk; Click here to enter text on risk considerations relating to your report.

Links to background information Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt information.

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

Introduction

The [Strengthening the Standards and Conduct Framework for local authorities in England consultation](#) sought views from members of the public, current and prospective local authority elected members, local government officers from all types and tiers of authorities, and local authority sector representative organisations.

The Committee considered the consultation on the 16th January 2025 and delegated authority to the Monitoring Officer in consultation with the Chair and Vice Chair to respond to the consultation by the February deadline.

The proposals and 40 consultation questions were arranged under 2 principal headings as follows:

Strengthening the Standards and Conduct framework

- mandatory minimum prescribed code of conduct
- Standards Committees
- publication of allegations and investigation outcomes
- requiring completion of investigations if an elected member stands down
- empowering individuals affected by councillor misconduct to come forward

Introducing the power of suspension with related safeguards

- length of suspension
- withholding allowances and premises and facilities bans
- interim suspension
- disqualification for multiple breaches and gross misconduct
- appeals process
- potential for a national appeals body

The [Localism Act 2011](#) 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.

Every principal 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.

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 typically:

- barring members from cabinet, committee, or representative roles
- a requirement to issue an apology or undergo code of conduct training
- public criticism

Local authorities are also unable to withhold allowances from elected members who commit serious breaches of their code of conduct, and there is no explicit provision in legislation for authorities to impose premises bans or facilities withdrawals where they consider that it might be beneficial to do so.

The lack of meaningful sanctions, or the power to suspend elected members for serious code of conduct breaches, means local authorities have no effective way of dealing with more serious examples of member misconduct.

This government response document follows the order of the proposals as set out in the consultation document referred to above. Under each proposal there is:

- a headline summary of the responses received
- a summary of the policy considerations
- a statement of government's intended course of action in response

Introduction of a mandatory code of conduct

In response to the views expressed in the consultation, the government proposes to legislate to prescribe a mandatory code by taking a power in the primary legislation to set out the code in regulations.

This will provide the opportunity for further engagement on the detailed content of the code and provide the flexibility to review and amend in future as required. Local authorities will be able to develop their own guidance and protocols which must align with the mandatory code but will not, in themselves, be part of the code or arrangements for enforcement.

The mandatory code will include a behavioural code, the requirement for elected members and co-opted members to co-operate with code of conduct investigations, and that submitting multiple vexatious complaints would be a code of conduct breach.

Standards Committees

In response to the views expressed with regards to standards committees the government:

- proposes to legislate to require all relevant principal authorities to formally constitute a standards committee (or, as appropriate, a sub-committee convened for the purposes of considering code of conduct cases); and engage further with sector representatives to consider the specific requirements for the membership of standards committees prior to legislating on the matter
- will require, subject to relevant legal restrictions, any code of conduct investigation to be completed, and investigation findings and decisions arising be published, including when the investigation findings are 'no case to answer' and the member is exonerated, and in the event a member stands down during an investigation.

In addition, government will:

- engage with sector representative bodies and stakeholder to develop 'best practice' guidance on the handling of code of conduct complaint allegations
- retain the statutory responsibility of promoting and maintaining high standards of conduct by elected members and co-opted members on the authority and engage with sector representative organisations to consider developing guidance on what more could be done by individual authority standards committees to deliver on this responsibility

Empowering individuals affected by councillor misconduct to come forward

In response government plans to:

- legislate to provide both complainant and the respondent elected or co-opted member with a 'right for review' of standards committee investigation decisions
- set out the grounds in legislation for assessing eligibility to consider a right for review request at the local level

In addition, government will:

- include recommended actions to support those affected through the complaint and investigation process in the best practice guidance we have committed above to develop with sector representative organisations and stakeholders
- investigate with key stakeholders and sector representative organisations the case for creating an independent confidential helpline support offer for complainants

Introducing the sanction of suspension

In response, the government proposes to legislate to:

- provide authorities with a power to suspend elected members 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
- confirm that a decision to sanction with a period of suspension, and/or institute premises and facilities bans can only be taken by a standards committee, following receipt and consideration of a formal investigation report, and following consideration of the views of the Independent Person
- the legislation will enable standards committees to have the discretion to withhold elected member allowances and ban disruptive members from using council facilities or entering property, either as standalone sanctions or in addition to suspension

Interim suspension

In response the government plans to legislate to give authorities the power to place an elected member or co-opted member on interim suspension in response only to serious code of conduct allegations subject to external investigation, from the police or other bodies within the criminal justice system, and/or where a court hearing and sentencing is awaited i.e. cases where there are legitimate safeguarding considerations, and the council is not in control of the pace and resolution of the investigation.

It also plans to legislate to confirm that the grounds to justify a standards committee taking a decision to impose interim suspension must only take place if the matter is subject to law enforcement investigation and include:

- **The seriousness of the allegations.** Meaning the allegations against the individual must be of a serious criminal nature and subject to police investigation/pending sentencing
- **Risk of Harm.** Where the nature and seriousness of the allegations is such that if the elected member were to continue in their role during the investigation, it could result in a risk of harm to either the public, the complainant, the subject member, or the authority and its reputation.

The legislation will set the maximum period of interim suspension at an initial 3 months and require ongoing review if the case remains unresolved after that initial period.

Government will engage further with sector representative bodies on the question of whether authorities should be required to publish on their website a notice of decision to place an elected member or co-opted member on interim suspension whilst investigations are ongoing and, as appropriate, a notice exonerating an elected member placed on interim suspension in the event

the external investigation results in no charges being brought or when a court decides not to uphold the charge against the subject member.

Disqualification for multiple breaches and gross misconduct

In response the government intends to introduce legislation to disqualify an elected member or co-opted member if they receive a sanction of suspension for the maximum period of 6 months twice over a 5-year period.

Appeals and a national appeals function

In response, government plans to legislate on arrangements for appeals to code of conduct decisions following further consideration of the detailed requirements to support the proposed local 'right to review' code of conduct case decisions, and the scope and scale of a national appeals function.

Next steps

The Government have indicated that the necessary legislation will only be brought forward when Parliamentary time allows.

Financial implications:

As this is an update report only, there are no financial implications directly arising.

Legal implications:

The legal implications are covered in the body of the report. To be completed by Legal.