

Notice of Standards Committee

Date: Wednesday, 12 February 2025 at 6.00 pm

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



Membership:

Chair:

Cllr V Ricketts

Vice Chair:

Cllr A Chapmanlaw

Cllr S Armstrong
Cllr E Connolly

Cllr D Farr
Cllr R Pattinson-West

Cllr B Nanovo

Independent persons:

Mr P Cashmore

Mr I Sibley

All Members of the Standards Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=6338>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake on 01202 127564 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

4 February 2025

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(janie.berry@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Members.

2. Substitute Members

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the meeting held on 21 January 2025.

5 - 10

5. Public Issues

To receive any public questions, statements or petitions submitted in accordance with the Constitution, which is available to view at the following link:-

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

The deadline for the submission of public questions is midday on Thursday 6 February 2025 [midday 3 clear working days before the meeting].

The deadline for the submission of a statement is midday on Tuesday 11 February 2025 [midday the working day before the meeting].

The deadline for the submission of a petition is Wednesday 29 January 2025 [10 working days before the meeting].

ITEMS OF BUSINESS

6. Code of Conduct Complaints - Review

This report provides Members with an update on complaints regarding alleged breaches of the Code of Conduct against councillors received or concluded since the last report to the Committee in October 2024.

11 - 24

The Committee is responsible for maintaining high standards of conduct by Members of BCP Council and the Town and Parish Councils, monitoring the operation of the Code of Conduct, and considering the outcome of commissioned independent investigations.

7. MHCLG Consultation: Strengthening the standards and conduct framework for local authorities in England

25 - 56

Standards Committee is invited to consider submitting a response to the Ministry of Housing, Communities and Local Government (MHCLG) consultation launched on 18 December 2024, "Strengthening the standards and conduct framework for local authorities in England". The closing date for responses is 26 February 2025.

NOTE: The report and appendix for this item have been carried over from the meeting held on 21 January 2025 for further consideration as requested by the Committee.

No other items of business can be considered unless the Chair decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
STANDARDS COMMITTEE

Minutes of the Meeting held on 21 January 2025 at 6.00 pm

Present:-

Cllr A Chapmanlaw – Vice-Chair in the chair

Present: Cllr D Farr, Cllr R Pattinson-West and Cllr B Nanovo

Present virtually: Cllr S Armstrong, Cllr E Connolly;
Paul Cashmore, Ian Sibley (Independent Persons)

17. Apologies

Apologies were received from Cllr V Ricketts.

It was noted that Cllr S Armstrong and Cllr E Connolly were attending the meeting remotely.

18. Substitute Members

There were no substitute members.

19. Declarations of Interests

There were no declarations of interest.

20. Confirmation of Minutes

The minutes of the meeting held on 8 October 2024 were confirmed as an accurate record for the Chair to sign.

With reference to Clause 9 of the minutes, the Monitoring Officer confirmed that the position of non-compliance in relation to the unresolved Code of Conduct Complaint 170 had now been reported to full Council. The position of non-compliance in relation to the unresolved Code of Conduct Complaint 176 had not been reported to full Council as the subject councillor had subsequently complied with the sanction imposed following the informal resolution process.

21. Public Issues

The Vice Chair (in the Chair for this meeting) reported that two public statements had been registered for this meeting, both from Mr Alex McKinstry who was in attendance to read out his submissions, as follows:

Agenda Item 7, MHCLG consultation:

I'm overjoyed to see that the Government is consulting on the potential strengthening of standards and conduct frameworks for England's local authorities. Anyone can contribute: indeed, the consultation paper states "We are particularly keen to hear from those members of the public who have a point of view based on their interest in accessing local democracy." The consultation closes on 26 February. I hope the Committee supports one measure in particular, "Publishing investigation outcomes", where allegations have been upheld. It is unbelievable that the public have not been told the identity of the councillor in Complaint 180, who was found to have breached the code of conduct five times over - including "not to bully any person" and attempting to intimidate those involved in an investigation. Nor do we know whether this was a repeat offence by the subject councillor. A statutory requirement to publish would remedy this, and enlighten voters.

Agenda Item 8, Forward Plan:

I'm also glad a "Review of the code of conduct complaints process" forms part of the Committee's current workplan. I hope this can be commenced imminently, as several councillors now have explicitly refused to comply with this Committee's sanctions, including one group leader and two deputy group leaders. It is clear too that sanctions for non-compliance need toughening. On 16 January 2024 I suggested that naming councillors in the chamber, specifying misconduct, and removing councillors from committees, were existing legal measures that this Committee might want to see introduced. Yet when Cllr Judy Butt was referred to full Council in November for non-compliance, no mention of her (or her misconduct) was made out loud, and she was even allowed to vote on whether to note the Committee's findings. It is scandalous, moreover, that Cllr Butt continues to sit on the Investigatory and Disciplinary Panel, potentially sanctioning senior officers.

22. Dispensations granted by the Monitoring Officer

The Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The purpose of this item was to report retrospectively on the dispensations granted by the Monitoring Officer for the time period 1 October 2024 to 10 January 2025. During this period a dispensation was granted to all Councillors attending Council on 15 October 2024, to enable all to fully and freely participate in the debate on the agenda item relating to the Community Governance Review. The dispensation was granted as many BCP Councillors were Charter Trustees and/or Members of existing Town and Parish Councils. In respect of this dispensation, the Monitoring Officer did take the opportunity to seek the views of the Members of the Standards Committee on 8 October 2024, who also supported the granting of this dispensation.

The Monitoring Officer was asked whether she would include any cases where dispensations were not granted in her reports to Standards Committee. She explained the process she was required to follow in considering all requests for dispensations in accordance with the Localism Act. She confirmed that she would report on those cases where a request was refused, in the interests of transparency and as part of the ethical governance framework.

RESOLVED that the Standards Committee notes the dispensations granted by the Monitoring Officer for the time period 1 October 2024 to 10 January 2025

Voting: Nem.Con

23. MHCLG Consultation: Strengthening the standards and conduct framework for local authorities in England

The Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The Committee was invited to consider submitting a response to the Ministry of Housing, Communities and Local Government (MHCLG) consultation launched on 18 December 2024, "Strengthening the standards and conduct framework for local authorities in England". It was noted that MHCLG had been considering for some time how to address the inconsistent approach to the standards regime, in terms of how each council operated and the lack of any robust and enforceable sanctions available. The specific proposals being consulted upon for legislative change were summarised in paragraph 3 of the report with the full consultation document attached at appendix 1.

As the closing date for responses was 26 February 2025 it was considered timely to bring this item to the Committee. Members may wish to provide feedback on each question one by one. Options for responding to the consultation included submitting a response as the Standards Committee, encouraging all BCP councillors and town and parish councillors to respond individually and/or requesting that the Monitoring Officer and Deputy Monitoring Officer respond on behalf of the Council based on the feedback. It was noted that all responses were anonymised.

As the closing date was not until 26 February the Vice Chair suggested that full consideration of the consultation be undertaken when the Chair was able to attend, whether at the next formal meeting which was prior to the deadline or by way of an informal session.

Members agreed it would still be helpful to make some initial comments at this stage and highlight what they each considered would be key issues, including the points raised in the public statements, as follows:

- Publishing committee decisions, reviewing the code of conduct and sanctions
- Strengthening the consequences of non-compliance
- Consideration of sanctions when members hold particular positions or are repeat offenders
- Balancing the need to have sufficient measures to ensure the standards regime is taken seriously against the risk of potential bias (for example, where a future council has a different political composition)
- The value of independent persons and coopted members and the potential for them to have voting rights.
- That the current committee operates in a non-political manner. One of the consultation questions asks if full council should issue sanctions. This had the potential to make things more politicised.
- That the ultimate sanction may lie with the voting public at the ballot box, in which case publication of decisions has an important role

Members were surprised at the different approaches taken by councils to their codes of conduct. The Monitoring Officer advised that there was currently no legal requirement for councils to have a standards committee although it was considered best practice. She explained a range of ways in which other councils dealt with code of conduct complaints and the publishing of decisions based on her previous experience. She also referred to the benefits of standards committees having at least two independent persons.

The Monitoring Officer took the opportunity to clarify the remit of the Investigatory and Disciplinary Committee (IDC) and the professional support provided to IDC members in their role, as the IDC had been mentioned in the member of the public's statement and by members in the discussion.

The Committee agreed to bring the consultation back for full consideration either at the next formal committee meeting or at the next informal meeting.

24. Forward Plan and Changes to Committee Dates

The Committee considered a draft copy of its Forward Plan, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'C' to these Minutes in the Minute Book.

The Committee was asked to note the items listed on the Forward Plan for consideration at future meetings. It was proposed to consult with the chair and vice chair on the scheduling of these items. It was noted that the next meeting would need to include a report on complaints.

The Committee was asked to consider the proposed change to meeting dates in 2025, to cancel the Tuesday 18 March date and add new dates of Wednesday 12 February and Wednesday 30 April. Following discussion, it was agreed to consult further with members to see if there was any scope to review the dates of the two new meetings.

The meeting ended at 6.40 pm

CHAIR

This page is intentionally left blank

STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	12 February 2025
Status	Public Report
Executive summary	<p>This report provides Members with an update on complaints regarding alleged breaches of the Code of Conduct against councillors received or concluded since the last report to the Committee in October 2024.</p> <p>The Committee is responsible for maintaining high standards of conduct by Members of BCP Council and the Town and Parish Councils, monitoring the operation of the Code of Conduct, and considering the outcome of commissioned independent investigations.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>the outcome of concluded complaints and the progress of those still outstanding be noted.</p>
Reason for recommendations	<p>This is an opportunity for Members of the Committee to be appraised of details of completed complaints and any outstanding complaints of alleged breaches against the Code of Conduct. This is in accordance with the functions of the Committee and its duty to discharge functions in relation to the promotion and maintenance of high standards of conduct within the Council and amongst Town and Parish Councils within the area.</p>

Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant, Chief Executive
Report Authors	Janie Berry, Director of Law and Governance and Monitoring Officer Richard Jones, Head of Democratic Services and Deputy Monitoring Officer
Wards	Not applicable
Classification	For Information

Background

1. The purpose of this report is to provide a summary and update of completed and ongoing complaints received regarding alleged breaches of the Code of Conduct under the Localism Act 2011 against Councillors for the Bournemouth, Christchurch and Poole area, including parish and town councils.

Analysis

2. Details of allegations/complaints in relation to the Code of Conduct are outlined in the table set out in paragraph 8 to this report. Cases which were shown as closed in the previous report have been removed from this report.
3. The adopted arrangements for dealing with allegations of breach of the code of conduct for councillors now provides for an initial assessment by the Monitoring Officer, who may, if appropriate:
 - (a) reject the complaint on the grounds that it falls outside the scope of a valid Code of Conduct complaint;
 - (b) determine that there is no breach of the Code and no further action should be taken;
 - (c) where considered appropriate, enter into an early preliminary and informal dialogue with the complainant and the Councillor complained of, and agree a speedy informal resolution of the complaint; or
 - (d) refer the complaint to the Chair of Standards Committee for consideration.
4. Where complaints proceed to the Chair of the Standards Committee (in consultation with councillors of the Standards Committee, the Independent Persons and the Monitoring Officer (or their Deputy)), the Chair may decide whether:-
 - (a) there is no breach of the Code and no further action should be taken; or
 - (b) there is a potential breach of the Code and informal resolution is appropriate, to include for example mediation, training, apology, advice; or
 - (c) there is a potential breach of the Code and the Monitoring Officer should undertake or commission an investigation into the complaint with a view to a report then being considered by the Standards Committee.

6. The table contained in this report provides information about of the nature of the complaint, the assessment of the Monitoring Officer (where appropriate), the decision of the Chair (following consultation), any informal resolutions determined by Chair (where applicable), and the status of the complaint at the date of the report. As agreed at the last meeting, where a councillor is found to have potential breached the Code, the table includes reference to those categories which were upheld.
7. Specific detailed information regarding pending complaints has not been provided as this may be prejudicial to the conduct of the ongoing complaints process. Personal details have also not been included to protect both the identity of the subject councillors and the complainant, unless specific direction to the contrary has been expressed.
8. Table 1

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-160 14/12/2023	<ul style="list-style-type: none"> • Failure to treat others with respect • Bringing the office of Councillor or the Council into disrepute 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p> <p>The independent investigator's report and recommendation was presented to the last meeting.</p> <p>The recommendations were supported. The complaint was dismissed. There was no evidence to demonstrate the Code had been breached.</p>	Closed 08/10/2024

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-169 21/02/2024	<ul style="list-style-type: none"> • Failure to treat others with respect • Failure to promote equalities • Bringing the office of Councillor or the Council into disrepute • Using or attempting to use the position as a Councillor improperly to confer advantage 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p> <p>The independent investigator's report and recommendation was presented to the last meeting.</p> <p>The recommendations were supported. The complaint was dismissed. There was no evidence to demonstrate the Code had been breached.</p>	Closed 08/10/2024
BCP-170 22/02/2024	<ul style="list-style-type: none"> • Failure to treat others with respect (Upheld) • Bullying or harassing a person (Dismissed) 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint was partially upheld.</p> <p>Subject councillor advised of outcome and requested to apologise to complainant and attend social media training.</p> <p>The subject councillor failed to comply with the decision of the Chair and a non-compliance report was presented to council on first notified on 15/10/2024.</p>	Closed 15/10/2024

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-171 05/03/2024	<ul style="list-style-type: none"> • Harassing a person • Failure to promote equalities • Improper use of information • Using or attempting to use the position as a Councillor improperly to confer advantage 	<p>Referred to Monitoring officer for initial assessment.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p> <p>The independent investigator's report and recommendation was presented to the last meeting.</p> <p>The recommendations were supported. The complaint was dismissed. There was no evidence to demonstrate the Code had been breached.</p>	Closed 08/10/2024
BCP-172 22/03/2024	<ul style="list-style-type: none"> • Failure to treat others with respect • Bringing the office of Councillor or the Council into disrepute 	<p>Referred to Monitoring officer for initial assessment.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p> <p>Independent Investigator final report received and to be presented to the next meeting of the Committee.</p>	Pending

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-176 03/04/2024	<ul style="list-style-type: none"> • Failure to treat others with respect (Upheld) • Bringing the office of Councillor or the Council into disrepute (Dismissed) 	<p>Referred to Monitoring officer for initial assessment.</p> <p>Following consultation with committee members and independent persons, the complaint was partially upheld.</p> <p>Subject councillor advised of outcome and requested to apologise to complainant.</p> <p>The subject councillor had failed to comply with the decision of the Chair and it was agreed that non-compliance be reported to Council.</p> <p>Prior to the agenda for Council, the subject councillor provided the apology complying with the remedy and the complainant was advised accordingly.</p>	Closed 02/12/2024
BCP-177 04/04/2024	<ul style="list-style-type: none"> • Failure to treat others with respect • Bringing the office of Councillor or the Council into disrepute 	<p>Referred to Monitoring officer for initial assessment.</p> <p>Following consultation with committee members and independent persons, the Chair requested the subject councillor to furnish additional information.</p> <p>The Chair is waiting for the additional information first requested on 03/06/2024.</p>	Pending

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-186 22/05/2024	<ul style="list-style-type: none"> Failure to promote equalities 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint was referred to an independent investigator to review.</p> <p>Independent Investigator final report received and to be presented to the next meeting of the Committee.</p>	Pending
BCP-190 08/07/2024	<ul style="list-style-type: none"> Failure to treat others with respect (Upheld) Bullying or harassing a person (Dismissed) Failure to promote equalities (Dismissed) Bringing the office of Councillor or the Council into disrepute (Upheld) 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint was partially upheld.</p> <p>Subject councillor advised of outcome and requested to apologise to complainant.</p> <p>Subject councillor has provided an apology to the complainant.</p>	Closed 30/01/2025
BCP-192 15/07/2024	<ul style="list-style-type: none"> Failure to promote equalities 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-193 25/07/2024	<ul style="list-style-type: none"> • Failure to treat others with respect • Bullying or harassing a person • Bringing the office of Councillor or the Council into disrepute • Using or attempting to use the position as a Councillor improperly to confer advantage • Misuse of Council resources 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending
BCP-194 20/06/2024	<ul style="list-style-type: none"> • Failure to treat others with respect • Bullying or harassing a person • Bringing the office of Councillor or the Council into disrepute 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p> <p>The complaint has been withdrawn by the complainant.</p>	Closed 18/10/2024
BCP-195 15/08/2024	<ul style="list-style-type: none"> • Failure to treat others with respect • Bullying or harassing a person • Bringing the office of Councillor or the Council into disrepute • Using or attempting to use the position as a Councillor improperly to confer advantage 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-196 30/09/2024	<ul style="list-style-type: none"> • Failure to treat others with respect • Bullying or harassing a person • Failure to promote equalities • Bringing the office of Councillor or the Council into disrepute 	<p>Complainant requested anonymity but provided no evidence to support request.</p> <p>Two months was permitted for the provision of supporting evidence.</p>	Closed 02/12/2024
BCP-197 15/11/2024	<ul style="list-style-type: none"> • Failure to treat others with respect • Bullying or harassing a person • Failure to promote equalities • Compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the local authority • Bringing the office of Councillor or the Council into disrepute • Failure to comply with the requirements of the Code of Conduct 	<p>Complainant requested anonymity but provided no evidence to support request.</p> <p>Two months was permitted for the provision of supporting evidence.</p>	Closed 16/01/2025

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-198 06/01/2025	<ul style="list-style-type: none"> • Failure to treat others with respect • Bullying or harassing a person • Compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the local authority • Bringing the office of Councillor or the Council into disrepute • Using or attempting to use the position as a Councillor improperly to confer advantage • Failure to disclose interests 	Initially assessed by the Monitoring Officer and subject councillor requested to respond to complaint.	Pending
Town and Parish Council Complaints			
TPC-013 30/04/2024	<ul style="list-style-type: none"> • Bullying or harassing a person • Failure to promote equalities • Using or attempting to use the position as a Councillor improperly to confer advantage 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending

Reference (Received)	Nature of allegation	Outcome / Decision	Status
TPC-014 03/05/2024	<ul style="list-style-type: none"> • Failure to treat others with respect • Bullying or harassing a person • Failure to promote equalities • Compromise impartiality of anyone who works for the local authority • Bringing the office of Councillor or the Council into disrepute • Using or attempting to use the position as a Councillor improperly to confer advantage • Failure to undertake code of conduct training 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending
TPC-021 02/01/2025	<ul style="list-style-type: none"> • Failure to treat others with respect • Bullying or harassing a person • Bringing the office of Councillor or the Council into disrepute • Using or attempting to use the position as a Councillor improperly to confer advantage 	<p>Complaint was previously submitted but supporting evidence was not forthcoming within the time permitted. The complaint was closed as incomplete. Supporting evidence has subsequently been provided and the complaint re-opened. Awaiting subject councillor to respond to allegations.</p>	Pending
TPC-022 08/07/2024	<ul style="list-style-type: none"> • Failure to treat others with respect • Bullying or harassing a person • Bringing the office of Councillor or the Council into disrepute • Using or attempting to use the position as a Councillor improperly to confer advantage 	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending

Options

9. Despite there being a robust Code and process for considering complaints that are brought under it, a small number of complaints have remained unresolved as a result of Councillors not accepting a determination made at the informal resolution stage. This undermines the role and standing of the Standards Committee.
10. The Committee must determine what course of action should now be taken to conclude the matters set out above. It is of note that there is no provision within the Constitution for an appeal against a determination made at the informal resolution stage of a complaint. The principles of natural justice require however that if new evidence is presented, it may well be just, reasonable and proportionate to review the determination made or to consider progressing the matter to formal investigation.

Summary of financial implications

11. There are no financial implications arising from this report.

Summary of legal implications

12. The Council has a legal duty to respond to complaints made against councillors of allegations of a breach of the Code of Conduct. The Council has adopted procedures for handling complaints.

Summary of human resources implications

13. There are no direct manpower implications arising from this report, however, the Committee will be aware that the handling and processing of complaints is resource intensive. A high volume of complaints could require the need for additional resources. It is therefore critical that the committee continuously seeks to promote and maintain high standards of conduct by all councillors to help limit the number of complaints.

Summary of sustainability impact

14. There are no sustainability implications arising from this report.

Summary of public health implications

15. There are no public health and wellbeing implications arising from this report.

Summary of equality implications

16. This report is reporting on the outcome of complaints made against councillors for alleged breaches of the Councillor's Code of Conduct and consequently there are no direct equalities implications arising from this report. The Code of Conduct includes a duty upon all councillors to promote equalities and to not discriminate unlawfully against any person. Equality implications are considered as an integral part of the complaints process.

Summary of risk assessment

17. There are no direct risks associated with this report.

Background papers

Records of complaints received by the Council under the references referred to in Table 1. These records contain exempt information (Categories 1 (Information relating to any individual) and 2 (Information which is likely to reveal the identity of an individual)).

Appendices

There are no appendices to this report.

This page is intentionally left blank

STANDARDS COMMITTEE



Report subject	MHCLG Consultation: Strengthening the standards and conduct framework for local authorities in England
Meeting date	21 January 2025
Status	Public Report
Executive summary	Standards Committee is invited to consider submitting a response to the MHCLG consultation launched on 18 December 2024, "Strengthening the standards and conduct framework for local authorities in England". The closing date for responses is 26 February 2025
Recommendations	<p>It is RECOMMENDED that:</p> <p>Standards Committee considers the MHCLG Consultation and considers whether or not to submit a formal response prior to the closing date on 26 February 2025.</p>
Reason for recommendations	The Standards Committee is the custodian of the Code of Conduct and as such is appropriately placed to consider submitting a response to MHCLG. However this does not exclude any individual Councillor and or Officer from submitting a response.

Portfolio Holder(s):	
Corporate Director	Graham Farrant, Chief Executive
Report Authors	Janie Berry, Director of Law and Governance & Monitoring Officer
Wards	Council-wide
Classification	For Decision

Background

1. BCP Council has adopted the LGA Model Code of Conduct and the Standards Committee acts as the custodian of the Code of Conduct as part of its role of promoting good ethical governance across the Council.
2. On 18 December 2024, MHCLG (Ministry of Housing, Communities and Local Government) launched a consultation seeking views on introducing measures to strengthen the standards and conduct regime in England and ensure consistency of approach amongst councils investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension.¹
3. MHCLG has advised that specific proposals being consulted upon for legislative change include:²
 - 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
 - In addition, the consultation seeks views on how to empower victims affected by councillor misconduct to come forward and what additional support would be appropriate to consider.

¹ MHCLG Consultation description

² MHCLG Consultation description

4. The Consultation can be found on the MHCLG website at the following link [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](https://www.gov.uk/government/consultations/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england)
5. For ease of reference, a copy of the consultation questions appears at Appendix 1 of this report.

Options Appraisal

6. In considering this report, the Standards Committee can choose to respond to the consultation or it may prefer alternative action such as encourage individual Councillors and Officers to respond or it may decide not to submit any form of response.

Summary of financial implications

7. There are no financial implications directly arising from this report

Summary of legal implications

8. The current standards and conduct framework arises from provisions in the Localism Act 2011. BCP Council has adopted the LGA Model Code of Conduct which was published by the LGA in 2021. The Code of Conduct, along with procedures to manage code of conduct complaints is incorporated into the Council's Constitution. At present there are no mandatory sanctions available to the Standards Committee in the event of a code of conduct complaint being upheld, whilst the Committee can make recommendations, there is no legal obligation on the subject Councillor to comply. Any changes to the Code of Conduct and or the procedure for managing code of conduct complaints must be approved by Council.

Summary of human resources implications

9. There are no human resources implications directly arising from this report.

Summary of sustainability impact

10. None directly arising from this report.

Summary of public health implications

11. None directly arising from this report.

Summary of equality implications

12. Whilst there are none directly arising from this report, question 40 of the consultation does seek views in respect of the Public Sector Equality Duty.

Summary of risk assessment

13. None directly arising from this report.

Background papers

BCP Council Constitution – Part 6: Code of Conduct and Procedure for the handling of code of conduct complaints -

Appendices

Appendix 1 – MHCLG Consultation document [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#)



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



© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/consultations/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england>

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 \(https://consult.communities.gov.uk/local-government-standards-and-conduct/strengthening-the-standards-and-conduct-framework\)](https://consult.communities.gov.uk/local-government-standards-and-conduct/strengthening-the-standards-and-conduct-framework).

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.

3. Background: Standards and Conduct framework and sanctions arrangements

The [Localism Act 2011](#)

(<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>)^[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](#)

(<https://www.gov.uk/government/publications/the-7-principles-of-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](#) (<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>) 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 [\[footnote 2\]](#)) 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]

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]

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]
- Complaints made by other elected members [Number box]
- Complaints made by the public [Number box]
- 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]

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]

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]

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]

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]

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]
- 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]

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]

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/> (<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://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7)
(<https://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7>)
 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/government/publications/local-government-ethical-standards-report)
(<https://www.gov.uk/government/publications/local-government-ethical-standards-report>)

This page is intentionally left blank