

Standards Committee, 12 February 2025 – Agenda Item 7 – MHCLG Consultation summary responses

	Question	Response	Summary of Comments
2	Do you think the government should prescribe a mandatory minimum code of conduct for local authorities in England?	YES	Support consistent approach. Better for councillors and residents and less onerous for officers if one code covering principal, town and parish councils. Should not be postcode lottery.
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	Difficult when don't know what's in minimum code or what is meant by local flexibility. Should retain scope to ensure code robust. But if add too much it could weaken/become unwieldy. Noted that procedure rules are up to each council to agree.
4	Do you think the government should set out a code of conduct requirement for members to cooperate with investigations into code breaches?	YES	
5	Does your local authority currently maintain a standards committee?	YES	
6	Should all principal authorities be required to form a standards committee?	YES	
7	Should all alleged code of conduct breaches which are referred for investigation be heard by the relevant principal authority's standards committee?	YES	Discretion to allow decisions to be taken by full council not supported. Impractical and potential to politicise whereas standards committee environment upholds neutrality.
8	Do you agree that the Independent Person and co-opted members should be given voting rights?	YES	Independent contributions highly valued, could add value if able to vote. Benefits of independent members on other panels and committees noted. Assurance against bias provided by rigorous recruitment process to ensure appointments of highest calibre
9	Should standards committees be chaired by the Independent Person?	OPTIONAL	Should be entitled to put themselves forward along with councillors but should be decided democratically rather than be prescribed.

Standards Committee, 12 February 2025 – Agenda Item 7 – MHCLG Consultation summary responses

11	Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?	NOT ALL CASES	BCP currently does not publish any. Inconsistent approach across councils noted. Yes, should be published in cases where a member is found guilty of wrongdoing. No, should not publish if found not guilty. Could leave this up to each councillor to decide. Might help identify vexatious complainants?
12	Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?	YES, but with caveats	Inclined to say YES to ensure completeness and uphold council reputation. But may depend on complexity of case, length of time elapsed, costs. What if member stands again for election? May need to have a cut-off point of say 6 months - any longer may be too difficult to investigate.
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?		People need to feel the process is worthwhile, otherwise why bother. Empower councils to issue sanctions proportionate to wrongdoing. Make it known at the first point of contact that support is available. Ensure anonymity if circumstances justify. How to address the fear of repercussions (including between councillors)?
18	Do you think local authorities should be given the power to suspend elected members for serious code of conduct breaches?	YES	Noted that this is for serious breaches and would prohibit the ability to act as a councillor. Recognise concerns about leaving residents without representation in some cases and where there are non-affiliated councillors. For town and parish councils suspension may have a different impact and one option could be to make recommendations to these councils for them to decide locally.
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	

Standards Committee, 12 February 2025 – Agenda Item 7 – MHCLG Consultation summary responses

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?	NO	As suggested, it should be for individual councils to determine their own arrangements for managing constituents' representation during a period of councillor suspension. See also Q18 comments.
21	If the government reintroduced the power of suspension do you think there should be a maximum length of suspension?	YES	As suggested, the government should set a maximum length of suspension of 6 months. Noted that this cross references with requirements of Local Government Act 1972.
22	If yes, how frequently do you consider councils would be likely to make use of the maximum length of suspension?	INFREQUENTLY	As suggested, likely to be applied only to the most egregious code of conduct breaches. Should be the last resort.
23	Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?	YES	As suggested, premises and facilities bans are an important tool in tackling serious conduct issues.
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	Note this applies to councillors sanctioned with suspension, not those under investigation.
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?	NO	Noted that some measures already exist, for example restricted use of premises. Could use as sanctions as interim measure for repeat offenders or when fail to engage? However, this is questionable if not suspended and continuing to serve residents as a councillor.
26	Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?	NO	Goes against the principle of innocent until proven guilty and could be misused. Some investigations take more time. May need to consider other measures in cases such as bullying to ensure complainants protected.
31	Do you think councillors should be disqualified if subject to suspension more than once?	NO	Ultimately disqualification should be a matter for the electorate at the ballot box. Potential impact

Standards Committee, 12 February 2025 – Agenda Item 7 – MHCLG Consultation summary responses

			of multiple suspensions on ability to conduct council business.
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	Provided due process has been followed. Public expectations. Noted that this applies to extreme cases. Recent example cited where Exeter Magistrates Court convicted district councillor for persistently making use of public communication network to cause annoyance/ inconvenience/ anxiety and harassment without violence. Noted that standards committee had been unable to address conduct with limited sanctions available.
33	Should members have the right to appeal a decision to suspend them?	YES	As suggested, it is right that any member issued with a sanction of suspension can appeal the decision
34	Should suspended members have to make their appeal within a set timeframe?	YES	Within 14 days. Some support for within 5 days as this only applies to giving notice of appeal not providing details but 14 days allows more time for consideration of individual circumstances.
35	Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint?	NO	Could become too onerous. Need to have faith and trust in the process
36	Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?	NO	As above.
38	Do you think there is a need for an external national body to hear appeals?	UNSURE	Some feel external body would ensure independence, others that this could be a costly quango and that it is possible to dealt with internally without bias.
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?	NEITHER	

Standards Committee, 12 February 2025 – Agenda Item 7 – MHCLG Consultation summary responses