

## DRAFT RESPONSES TO STANDARDS CONSULTATION

**Question 1**

Responding to this consultation as:

**District Council**

**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?

**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

**STANDARDS COMMITTEES****Question 5**

Does your local authority currently maintain a standards committee?

**Yes**

No

Any further comments

**Question 6**

Should all principal authorities be required to form a standards committee?

**Yes**

No

Any further comments

**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 Our procedures allow for the Monitoring Officer to consider an investigation and decide if the matter should proceed to a Standards Committee. This should remain. Decisions should not be passed to full Council for decision.**

**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.

**Any complaint between members should be viewed by the Independent Person at an early opportunity. The independent person should be required to agree to further investigation or to prevent the complaint proceeding any further.**

**The role of the Independent person is important to ensure an objective view can be provided and to identify any 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

**Question 12**

Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?

**Yes**

No

Unsure

**Question 13**

If responding as a local authority, what is the average number of complaints against elected members that you receive over a 12-month period?

**Year 2024/25 currently 13**

**2023/24 - 3 Complaints**

**22/23 - 6 Complaints**

**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:

**24/25**

**Complaints made by officers - 0**

**Complaints made by other elected members - 10**

**Complaints made by the public - 2**

**Complaints made by any other source – 1**

**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

**Not applicable**

**Question 15**

If you are an elected member, have you ever been subject to a code of conduct complaint? If so, did you feel you received appropriate support to engage with the investigation?

Yes

No

**Not applicable**

**Question 16**

If you did come forward as a victim or witness, what support did you receive, and from whom? Is there additional support you would have liked to receive?

**The Council has an employee assistance programme which is available to Councillors which provides general support. There should be available impartial support to both parties which should include counselling and advice.**

**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?

**Question 18**

Do you think local authorities should be given the power to suspend elected members for serious code of conduct breaches?

**Yes – authorities should be given the power to suspend members**

No – authorities should not be given the power to suspend members

Unsure

**Question 19**

Do you think that it is appropriate for a standards committee to have the power to suspend members, or should this be the role of an independent body?

**Yes - the decision to suspend for serious code of conduct breaches should be for the standards committee**

No - a decision to suspend should be referred to an independent body

Unsure

[Free text box]

**Question 20**

Where it is deemed that suspension is an appropriate response to a code of conduct breach, should local authorities be required to nominate an alternative point of contact for constituents during their absence?

**Yes – councils should be required to ensure that constituents have an alternative point of contact during a councillor’s suspension**

No – it should be for individual councils to determine their own arrangements for managing constituents’ representation during a period of councillor suspension

Unsure

**Question 21**

If the government reintroduced the power of suspension, do you think there should be a maximum length of suspension?

**Yes – the government should set a maximum length of suspension of 6 months**

Yes – however the government should set a different maximum length (in months) [Number box]

No – I do not think the government should set a maximum length of suspension

Unsure

**Question 22**

If yes, how frequently do you consider councils would be likely to make use of the maximum length of suspension?

**Infrequently – likely to be applied only to the most egregious code of conduct breaches**

Frequently – likely to be applied in most cases, with some exceptions for less serious breaches

Almost always – likely to be the default length of suspension for code of conduct breaches

Unsure

**Question 23**

Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?

**Yes – councils should have the option to withhold allowances from suspended councillors**

No – suspended councillors should continue to receive allowances

Unsure

**Question 24**

Do you think it should be put beyond doubt that local authorities have the power to ban suspended councillors from council premises and to withdraw the use of council facilities in cases where they deem it appropriate?

**Yes – premises and facilities bans are an important tool in tackling serious conduct issues**

No – suspended councillors should still be able to use council premises and facilities

Unsure

**Question 25**

Do you agree that the power to withhold members’ allowances and to implement premises and facilities bans should also be standalone sanctions in their own right?

**Yes**

No

Unsure

**Question 26**

Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?

**Yes, powers to suspend on an interim basis would be necessary**

No, interim suspension would not be necessary

Any further comments

**This power should only be available in serious conduct cases relating to a criminal action and with supporting information or advice from the Police or other statutory agency.**

**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

**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?

**The independent Person must agree to ensure that this decision is not political and/or other statutory agencies support this e.g. Police in case of serious criminal allegations. The decision should be reviewed by Full Council.**

**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**

**2 Breaches in 4 years to reflect length of office**

No - the power to suspend members whenever they breach codes of conduct is sufficient

Any other comments

**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

**This should only be available in serious cases which could result in a criminal conviction possibly where information has been provided by the Police or other statutory agency.**

**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

**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.

N/A

**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

**Where a member has had sanctions imposed which remove allowances, suspension or disqualifications (the more serious sanctions) then they should have a right to appeal to ensure any allegations of political motivation can be ruled out and that decisions are independently reviewed.**

**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.

**The standards and conduct of members should be robust enough to ensure that all councillors and members of the public regardless of any protected characteristics have reassurance that where poor conduct is alleged this will be investigated in a fair, transparent and timely manner. They also need to see a consequence to more serious breaches of the code and that appropriate sanctions are imposed.**