

# Public Document Pack



## STANDARDS COMMITTEE (SMDC) AGENDA

**Date:** Friday, 14 March 2025

**Time:** 10.00 am

**Venue:** The Council Chamber, Moorlands House, Stockwell Street, Leek

6 March 2025

1. Apologies for absence, if any.
2. Declarations of interest, if any:
  - Disclosable Pecuniary Interest;
  - Other interests.
3. To approve as a correct record the Minutes of the previous meeting. **(Pages 3 - 6)**
4. Urgent items of business, if any (24 hours notice to be provided to the Chairman).
5. Review of Councillor Learning and Development Opportunities **(Pages 7 - 12)**
6. Review of Local Ethical Framework **(Pages 13 - 22)**
7. Strengthening the standards and conduct framework for local authorities in England **(Pages 23 - 54)**
8. Exclusion of the Press and Public

### **The Chair to move:-**

"That pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or nature of the proceedings whereby it is likely that exempt information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the paragraphs indicated."

9. Standards Complaints Monitoring Report **(Pages 55 - 60)**
10. To approve as a correct record the Exempt Minutes of the previous meeting. **(Pages 61 - 62)**

**MARK TRILLO**  
**EXECUTIVE DIRECTOR AND MONITORING OFFICER**

Membership of Standards Committee (SMDC)

Councillor A Church (Chair)	Councillor I Herdman (Vice-Chair)
Councillor B Emery	Councillor E Fallows
Councillor P Roberts	Councillor M Spooner
Councillor G Taylor	Councillor P Wilkinson
Councillor C Wood	Mr L Jackson
Councillor W Rogers	Mr J Berrisford
Mr P Carnall	V Miller
P Turner	

## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

### STANDARDS COMMITTEE (SMDC) DECISIONS

**FRIDAY, 22 NOVEMBER 2024**

PRESENT: Councillor A Church (Chair)

Councillors B Emery, E Fallows, I Herdman, V Miller, P Turner, V Wheeldon and C Wood. Mr Berrisford, Miss V Miller and Mr P Turner.

IN ATTENDANCE: Councillor(s) P Roberts

APOLOGIES: Councillors C Jebb, M Spooner, G Taylor, P Wilkinson, Mr L Jackson, Councillor W Rogers and Mr P Carnall

24 **APOLOGIES FOR ABSENCE, IF ANY.**

Councillor O'Shea substituted for Councillor Spooner following receipt of his apologies.

25 **DECLARATIONS OF INTEREST, IF ANY:**

There were no declarations of interest.

26 **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE PREVIOUS MEETING.**

RESOLVED:

That the minutes of the meeting held on 26 July 2024 be approved as a correct record and signed by the Chair.

27 **URGENT ITEMS OF BUSINESS, IF ANY (24 HOURS NOTICE TO BE PROVIDED TO THE CHAIRMAN).**

There were no urgent items of business.

28 **LOCAL GOVERNMENT OMBUDSMAN ANNUAL LETTER**

The report advised members of the content of the Ombudsman's Annual Letter for the period April 2023 – March 2024. The Local Government Ombudsman's Annual Review Letter summarised complaints and enquiries received by it in relation to the Council. The letters were published on the Ombudsman's website together with specimen data used to inform the Ombudsman's Annual Report.

RESOLVED:

That the content of the Ombudsman's Annual Letter (included at Appendix A to the report) be noted.

## **Standards Committee (SMDC) - 22 November 2024**

The Committee considered a report that reviewed the work of the Standards Committee during 2023/2024. This included the following matters; Code of conduct – dispensations, Councillor Induction Programme, the Local Government Ombudsman Annual Letter, Monitoring complaints received regarding alleged breaches of the Code of Conduct.

Members suggested that Councillors be reminded of what training was available to them. The Executive Director (Government and Regulatory Services) advised members that an urgent decision had been taken regarding the dispensation of a current councillor based on medical grounds. He explained that to wait until the next full Council meeting would result in the councillor being disqualified for not attending a meeting within the last 6 months. The decision had been made after consultation with group leaders and the Chairman of the Council.

RESOLVED:

That the report be noted.

### **30 PROPOSED PARENTAL LEAVE POLICY FOR COUNCILLORS**

Members received a report to consider the adoption of the proposed Parental Leave Policy for Councillors produced by the Local Government Association (LGA).

Members expressed their delight at the policy. The Executive Director (Governance and Regulatory Services) advised that an amendment to the policy had been proposed. The proposal was that bereavement leave should be amended to “minimum of 4 weeks”.

RESOLVED:

That the Council adopts the LGA Parental Leave Policy for Members (attached at Appendix A).

### **31 REVIEW OF OVERVIEW AND SCRUTINY PROCEDURE RULES**

Members received a report presenting proposals to revise the Overview and Scrutiny Procedure Rules.

Members suggested that the “paper analysis” referred to in 9.1 and 9.3 be included as an appendix to the procedure rules.

RESOLVED:

That the revised Overview and Scrutiny Procedure Rules be recommended to Council for approval.

### **32 EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED:

That, pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or the

## **Standards Committee (SMDC) - 22 November 2024**

nature of the proceedings whereby it is likely that confidential information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100 I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the Paragraphs indicated

### **33 STANDARDS COMPLAINTS MONITORING REPORT**

Members were presented with information regarding complaints made under the Code of Conduct in the period since the committee previously met. This included complaints made against one parish/town councillor and four district councillors.

The meeting closed at 9.40 am

\_\_\_\_\_  
Chairman

This page is intentionally left blank

## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

### Standards Committee

14 March 2025

<b>TITLE:</b>	<b>Review of Councillor Learning and Development Opportunities</b>
<b>PORTFOLIO HOLDER:</b>	<b>Councillor Mike Gledhill - Leader</b>
<b>CONTACT OFFICER:</b>	<b>Sally Hampton – Senior Democratic Services Officer</b>
<b>WARDS INVOLVED:</b>	<b>Not applicable</b>

### Appendix A - Training Programme February 2024 – February 2025

#### 1. Reason for the Report

- 1.1 To provide an overview of Councillor Learning and Development opportunities over the last 12 months.

#### 2. Recommendation

- 2.1 To note the content of the report;
- 2.2 For members to reflect on development opportunities, comment and make suggestions for the future.

#### 3. Executive Summary

- 3.1 Councillor Learning and Development opportunities are developed in line with best practice, take account the priority areas for members training, feedback received following the Induction Programme held in 2023, from the Corporate Peer Challenge and the review of scrutiny and feedback from subsequent training sessions.

#### 4. How this report links to Corporate Priorities

- 4.1 Providing effective training and development opportunities for councillors is integral to the achievement of the Council's corporate priorities.

#### 5. Alternative Options

- 5.1 None - In accordance with the Council's constitution, some elements of training are required for members to be able to serve on particular committees.

Mark Trillo  
**Executive Director (Governance & Regulatory Services)**

**Web Links and  
Background Papers**

Agenda and Minutes from the Member Development Working Group

**Contact details**

Sally Hampton  
Senior Democratic Services Officer  
sally.hampton@staffs Moorlands.gov.uk

**6. Detail**

- 6.1 The aim of the Councillors' Training Programme is to ensure that Councillors are supported to deliver the Council's statutory and corporate obligations, objectives and priorities and are provided with the tools and information to fulfil their roles.
- 6.2 The Councillors' Training Programme is developed by the Member Development Working Group, which is attended by cross-party councillors and Group Leaders and meets on a regular basis. The Group is supported by the Head of Democratic Services and the Senior Democratic Services Officer.
- 6.3 The Group reviews past and planned training opportunities and evaluates feedback received from attendees to ensure that the opportunities offered are useful to members in their roles, are delivered in a variety of ways and are accessible. A summary of training opportunities offered over the last 12 months is attached at Appendix A. A new evaluation form has recently been created via MS forms, which is simple to complete online and provides useful summaries of the feedback received.
- 6.4 The majority of training sessions continue to be facilitated in-house, as the use of internal expertise, as well as being cost effective, is supported by councillors. Exceptions to this include Grant Fund Application training, Risk Management, Carbon Literacy, Safeguarding Awareness, a Security briefing led by Staffordshire Police and Resuscitation sessions provided by AEDdonate. A session specifically for the Planning Applications Committee has also been delivered by a specialist planning barrister.
- 6.5 Those councillors that are also parish/town councillors have had the opportunity to attend sessions relating to various aspects of planning as part of the Parish Assembly.
- 6.5 A number of sessions this year have been delivered virtually via Teams which provides the benefit of being able to record the sessions to be made available at a later date. Some sessions have also been delivered jointly across the Strategic Alliance with High Peak Borough Council, which not only is cost effective but contributes to the Alliance's Climate Change Agenda.
- 6.6 Other initiatives introduced by the Member Development Group include an item on Councillor Wellbeing at each meeting. To support members with this,



a Handling Online Abuse and Intimidation session was offered and positive feedback has been received.

- 6.7 Councillors have recently been given access to the E-ssentials training platform and encouraged to undertake the first module around personal safety. Other modules will be offered in due course and it is hoped that being able to access online training at a time convenient to councillors will result in a high completion rate by members.
- 6.8 Information and resources are available on the Councillor's portal, including online training and the Local Government Association workbooks, which members are encouraged to access. Members are also made aware of other training opportunities offered by external organisations on an ad hoc basis.
- 6.9 This year, a number of councillors have attended courses as part of the LGA Leadership Academy Development Programme such as Leadership Essentials for Audit Committees.
- 6.10 Upcoming training opportunities include; Carbon Literacy Training, Equalities and Diversity Training, Mental Health Awareness, Resuscitation and an IT drop in session is scheduled to take place, prior to the next meeting of Full Council. Annual refresher training around Planning and Licensing will also be arranged.

This page is intentionally left blank

Training Seminars/Courses Offered February 2024 – February 2025

<b>Epidemiology (Virtual)</b> 2 February 2024  <b>Attendance: 9</b>
<b>Grant Fund Training</b> 12 March 2024  <b>Attendance: 4</b>
<b>Carbon Literacy</b> 18 March 2024  <b>Attendance: 4</b>
<b>Housing Land Supply and BioDiversity Net Gain (Virtual)</b> 8 April 2024  <b>Attendance: 10</b>
<b>Anti-Social Behaviour</b> 23 April 2024  <b>Attendance: 15</b>
<b>S106</b> 5 June 2024  <b>Attendance: 12</b>
<b>Safeguarding (Virtual)</b> 11 June 2024  <b>Attendance: 7</b>
<b>IT Training</b> 26 June 2024  <b>Attendance: 6</b>
<b>Audit and Accounts</b> 22 July 2024  <b>Attendance: 8</b>
<b>Grant Fund Training</b> 25 July 2024  Attendance: 4

<p><b>Grant Fund Training</b> 17 September 2024</p> <p><b>Attendance: 2</b></p>
<p><b>Homelessness (Virtual)</b> 2 October 2024</p> <p><b>Attendance: 6</b></p>
<p><b>Planning Training</b> 11 October 2024</p> <p><b>Attendance: 11</b></p>
<p><b>Revised Local Plan (Virtual)</b> 14 November 2024</p> <p><b>Attendance: 16</b></p>
<p><b>Making Effective Planning Representations (Virtual)</b> 28 November 2024</p> <p><b>Attendance: 6</b></p>
<p><b>Risk Management – Zurich (Virtual)</b> 2 December 2024</p> <p><b>Attendance: 17</b></p>
<p><b>Energy Efficiency Webinar (Virtual)</b> 9 January 2025</p> <p><b>Attendance: 16</b></p>
<p><b>Security Briefing (Virtual)</b> 30 January 2025</p> <p><b>Attendance: 10</b></p>

## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

### Standards Committee

14 March 2025

<b>TITLE:</b>	<b>Review of Local Ethical Framework</b>
<b>PORTFOLIO HOLDER:</b>	<b>Councillor Mike Gledhill - Leader</b>
<b>CONTACT OFFICER:</b>	<b>Linden Vernon – Head of Democratic Services</b>
<b>WARDS INVOLVED:</b>	<b>Non-Specific</b>

#### **Appendix Attached:**

**Appendix A – Proposed Revised Local Ethical Framework**

**Appendix B – Code of Practice For Members - Gifts and Hospitality**

#### **1. Reason for the Report**

1.1 To review to the Local Ethical Framework which draws together various Council policies to ensure high standards of ethical behaviour and good governance throughout the Authority.

#### **2. Recommendation**

2.1 That the Committee endorses the revised Local Ethical Framework.

#### **3. Executive Summary**

3.1 To ensure high standards of ethical behaviour and good governance throughout the Authority the Council has adopted a range of policies and procedures. These have been brought together into an established Ethical Framework.

3.2 The Framework includes a commitment to review the document to ensure that it is entirely “fit for purpose” and reflects all relevant best practice guidance. A revised Framework is therefore proposed in **Appendix A** to this report for the consideration of the Committee. The Framework includes the “Code of Practice For Members - Gifts and Hospitality” (**Appendix B**).

3.3 Following endorsement of the revised Framework group leaders will be asked to support the document.

#### 4. **How this report links to Corporate Priorities**

4.1 High standards of ethical behaviour and good governance are fundamental to the achievement of the Council's corporate priorities.

#### 5. **Options and Analysis**

5.1 The Committee may wish to suggest alternative amendments to the revised Local Ethical Framework.

Mark Trillo  
**Executive Director (Governance and Regulatory Services)**  
**and Monitoring Officer**

#### **Web Links and Background Papers**

Various policies of the Council

#### **Contact details**

Linden Vernon – Head of Democratic Services  
Tel: 01538 395613  
Email: [linden.vernon@staffsmoorlands.gov.uk](mailto:linden.vernon@staffsmoorlands.gov.uk)

#### 6. **Background and Detail**

6.1 Section 27 (1) of The Localism Act 2011 requires the Council to promote and maintain high standards of conduct for its elected and co-opted members. To ensure high standards of ethical behaviour and good governance throughout the Authority the Council has adopted a number of policies in addition to the Members' Code of Conduct itself.

6.2 The various policies are drawn together within one document to clarify their place and role within the overall Ethical Framework. This is published on the Council's website with its Constitution, to provide a route map for all Members, Officers and the public to identify and consider the policies and procedures which the Council has in place under its Ethical Framework.

6.3 The Framework includes a commitment to review the document to ensure that it is entirely "fit for purpose" and reflects all relevant best practice guidance. A proposed revised Local Ethical Framework is therefore provided in **Appendix A** to this report for the consideration of the Committee. This takes into account consequential amendments including revised principles for good governance with regards to the Council's Code of Corporate Governance. The Framework also includes the "Code of Practice For Members - Gifts and Hospitality" in **Appendix B**.

6.4 The Ethical Framework was endorsed by all political groups within the Council upon adoption. This included a statement to confirm the commitment of each group leader to uphold both the letter and spirit of the documents forming part of the Ethical Framework and to seek to ensure compliance with those requirements by all Members within those political groups. It is proposed that group leaders be asked to consider the re-endorsement of the revised Framework following its approval.

## **Ethical Framework for Staffordshire Moorlands District Council**

The Council's Ethical Framework describes the set of rules and procedures within which the Council operates in order to ensure the highest possible standards of ethical behaviour and good governance. The Ethical Framework has been developed adopting the statutory provisions now contained within the Localism Act 2011 and also reflects guidance from the ~~Department for Communities~~Ministry of Housing, Communities and Local Government. It sets out the standards of behaviour that the Council expects of its members and staff in all areas of their conduct and also clarifies roles and responsibilities for the interaction between members and staff.

The overall Ethical Framework for the Council contains several important constituent parts, as outlined below. The Council is committed to reviewing the Framework to ensure that it is entirely "fit for purpose" and reflects all relevant best practice guidance. Responsibility for the development, implementation, monitoring and promotion of the Ethical Framework rests with the Council's Standards Committee under the guidance of the Monitoring Officer.

The principal constituent parts of the Ethical Framework are as follows:

### **The Constitution**

The Constitution sets out the way in which the Council operates, including details as to the way in which decisions are made by the Authority and the rules and procedures to be followed to ensure that all decisions are taken in an appropriate, open and transparent manner and, in particular, in accordance with the provisions of the Freedom of Information Act 2000. This is also underpinned by the Legality Guide which forms part of the Council's Policies and Procedures Manual. The Council has adopted within its Constitution all relevant statutory provisions and, in addition, has agreed such further procedures as are necessary to ensure the efficient running of the Council. The Council has an established Constitution Review Working Party, which is a politically balanced group of members, to continually review and update the Constitution to ensure that all the requirements referred to within this section are complied with.

### **The Code of Conduct for Members**

The Code adopted by the Council sets out the standards of conduct that members are required to adhere to whenever they are conducting the business of the Council, whenever they are carrying out business of the Office to which they have been elected or appointed and when they are acting as a representative of the Council. The Council has adopted a code which complies with the relevant statutory guidance made under the Localism Act 2011. The Council's Standards Committee adopted arrangements for dealing with standards allegations, procedures for investigations and procedures for hearings on 27 April 2012.

## **Local Code of Corporate Governance**

Corporate Governance is the system by which local authorities direct and control their functions related to their communities. It is underpinned by the fundamental principles of openness, integrity and accountability. The Local Code of Corporate Governance covers the following ~~sevensix core~~ principles for good governance:-

- ~~1. Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area;~~
  - ~~2. Members and officers working together to achieve a common purpose with clearly defined functions and roles;~~
  - ~~3. Promoting the values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;~~
  - ~~4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;~~
  - ~~5. Developing the capacity and capability of members and officers to be effective;~~
  - ~~6. Engaging with local people and other stakeholders to ensure robust public accountability.~~
- 
- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
  - B. Ensuring openness and comprehensive stakeholder engagement.
  - C. Defining outcomes in terms of sustainable economic, social, and environmental benefits.
  - D. Determining the interventions necessary to optimise the achievement of the intended outcomes.
  - E. Developing the entity's capacity, including the capability of its leadership and the individuals within it.
  - F. Managing risks and performance through robust internal control and strong public financial management.
  - G. Implementing good practises in transparency, reporting, and audit to deliver effective accountability.

A Corporate Governance Action Plan will be produced to cover all areas within the Local Code and will be reported to and monitored by the Audit and Accounts Committee.

## **Register of Interests**

The Council's Code of Conduct requires all Councillors to register their Disclosable Pecuniary Interests and other interests in the Council's Register of Interests. A copy of the full register is available in the Council's offices at Moorlands House, Leek and via its website [www.staffsmoorlands.gov.uk](http://www.staffsmoorlands.gov.uk).

## **The Protocol for Member/Officer Relations**

This Protocol provides guidance on the differing role and obligations of members and that of the officers serving the Council. The standards set out in this Protocol are binding and apply equally to elected members, voting and non-voting co-opted



members and to officers where there is a joint responsibility. The Protocol is contained within the Council's Constitution.

### **Protocol on Use of Resources by Members of the Council**

A Member when using or authorising the use by others of the Authority's resources, must act in accordance with the Authority's requirements and ensure such resources are not used for political purposes.

This guidance contained in this protocol also sets out the rules relating to the use of Council facilities in connection with publicity (and guidance on the use of the internet and external email). Any breach of these requirements could result in a breach of the Council's local code of conduct for Members.

### **Code of Conduct for Council Employees**

The Council has previously agreed a Code of Conduct for employees, which continues to form part of the Ethical Framework. In addition, the Council adopted the CIPFA/SOLACE Local Public Services Senior Managers' Code of Ethics in June 2016.

### **Equalities and Diversity**

The Council has adopted policies to ensure compliance with its statutory responsibilities under all legislation relating to the support of equalities and diversity. These policies are available within the Council's Policies and Procedures Manual available to all staff and members upon the Intranet. These policies reflect the approach taken by the Council in responding to and exceeding its statutory responsibilities in these areas, and are followed by both officers and, when appropriate, all members.

### **Other Supporting Codes, Policies and Protocols**

The Council has produced further supporting codes, policies and protocols as follows:-

- ◆ Code of Practice for Members – Gifts and Hospitality
- ◆ Protocol on Planning Matters for Members and Officers
- ◆ Protocol between the District Council and its Monitoring Officer.
- ◆ [Bullying and Harassment Policy](#)
- ◆ [Whistleblowing Policy](#)
- ◆ [ICT Equipment & Information Security Agreement for Councillors](#)

### **Statement of Staffordshire Moorlands District Council's Group Leaders**

This Ethical Framework has been developed by the whole Council and has the support of all political groups.

We are committed to working together to ensure compliance by all members within our groups with both the letter and spirit of the documents forming part of this Ethical Framework.

In particular, we will seek to ensure that no member within our groups behaves in such a way as to give rise to the possibility of a complaint to the Council. In the event of our being made aware of behaviour which may be considered unacceptable we will seek to resolve such matters within our groups, inviting the assistance of the Chief Executive and the Monitoring Officer as necessary.

We undertake to promote excellent standards of behaviour amongst all members of our groups, to ensure openness, transparency and accountability to those who elect us.

## Code Of Practice for Members - Gifts and Hospitality

### Contents

<u>Section</u>	<u>Subject</u>	<u>Page</u>
1	Introduction.....	[ 7 ]
2	Legal Position.....	[ 7 ]
3	Code of Conduct for Members of Staffordshire Moorlands District Council .....	[ 7 ]
4	Guidelines for Members.....	[ 7 ]
5	Gifts .....	[ 7 ]
6	Hospitality .....	[ 8 ]
7	Private Transactions.....	[ 8 ]
8	Sponsorship - Giving and Receiving .....	[ 8 ]
9	Register of Gifts or Hospitality.....	[ 8 ]

# Code Of Practice For Members - Gifts and Hospitality

## 1. Introduction

- 1.1 This Code gives guidance to Members on the acceptance or offers of gifts or hospitality and on the entry details for the register. It must be read and interpreted in conjunction with the District Council's Code of Conduct.

## 2. Legal Position

- 2.1 Particular legislation is contained in The Public Bodies Corrupt Practices Act 1889 and The Prevention of Corruption Acts 1906 and 1916.
- 2.2 The legislation provides that anyone who corruptly gives, promises or offers any gift, reward or advantage to any person as an inducement to or a reward to any Member, Officer or servant of a public body for doing or refraining from doing anything in respect of any matter or transaction is guilty of a criminal offence. Similarly, a criminal offence is committed by anyone who corruptly solicits, receives or agrees to receive for themselves or any other person any such inducement or reward.
- 2.3 It should be noted that the giving or acceptance of any money, gift or other consideration is **deemed to have been given or received corruptly** as such an inducement or reward **unless the contrary is proved**.

## 3. Code of Conduct for Members of Staffordshire Moorlands District Council

- 3.1 Members will be aware of the Council's Code of Conduct for Members which the District Council has adopted and which, on accepting office, all Councillors are required to observe. Section 5 of the Code deals with registration of receipt of certain gifts and hospitality.

## 4. Guidelines For Members

- 4.1 In the light of the legislation and the Code of Conduct some additional guidelines for Members concerning the acceptance of offers of gifts and hospitality, private transactions, sponsorship and entries in the register are set out in the following paragraphs.

## 5. Gifts

- 5.1 Members should treat with extreme caution the offer of any gift by organisations or persons who do, or might, provide work, goods or services to the Council, or who might be applying to the Council for some kind of decision, e.g. planning permission.
- 5.2 The general rule should be to refuse and return to the donor all such gifts, the best course of action being to state that it is against Council policy and that you are not allowed to accept gifts. Casual gifts offered by contractors or others, e.g. at Christmas time, may not be connected in any way with performance of duties so as to constitute an offence. However, such offers should still be politely but firmly declined.

- 5.3 The only exceptions to the rule are insignificant items of token value worth less than £25. Examples of such gifts might be pens, diaries and paperweights which are given by way of trade advertisements or given during official courtesy visits or attendance at seminars or conferences.

## **6. Hospitality**

- 6.1 Members should only accept offers of hospitality worth more than £25 if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They should be properly authorised and recorded in the register kept by the Executive Director and Monitoring Officer. They must be registered where the value of the hospitality exceeds £25.
- 6.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 6.3 When receiving authorised hospitality, Members should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

## **7. Private Transactions**

- 7.1 Members having official dealings with contractors and other suppliers of goods and services should avoid transaction of any kind of private business by any means other than normal commercial channels.
- 7.2 Members should not abuse their Council position to obtain favourable or preferential rates which are not generally available and offers of discount beyond those on general offer by the firms should not be accepted.

## **8. Sponsorship - Giving And Receiving**

- 8.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 8.2 Where the Council wishes to sponsor an event or service neither a Member nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Executive Director and Monitoring Officer and details recorded in the register. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, Members should ensure that impartial advice is given and that there is no conflict of interest involved.

## **9. Register of Gifts or Hospitality**

- 9.1 The register of Gifts and Hospitality for Members of Staffordshire Moorlands District Council is maintained by the Executive Director and Monitoring Officer. In accordance with the Council's Code of Conduct for Members every gift or hospitality received which is valued at £25 or more must be registered.

- 9.2 Members wishing to record any offers or acceptances in the register, or needing advice, should contact the Executive Director and Monitoring Officer or any member of staff in Democratic Services.
- 9.3 Information in the register should include:
- (i) The person or body making the offer and date the offer was made;
  - (ii) The person to whom the offer was made;
  - (iii) The gift or hospitality, etc. offered;
- 9.5 The register will be open to public inspection.

## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

### Standards Committee

14 March 2025

<b>TITLE:</b>	<b>Strengthening the standards and conduct framework for local authorities in England</b>
<b>PORTFOLIO HOLDER:</b>	<b>Councillor Mike Gledhill – Leader</b>
<b>CONTACT OFFICER:</b>	<b>Linden Vernon – Head of Democratic Services</b>
<b>WARDS INVOLVED:</b>	<b>Non-Specific</b>

### Appendices Attached – Consultation Document

#### 1. Reason for the Report

- 1.1 To update the Committee on the recent consultation exercise conducted by Government with regards to standards in local authorities.

#### 2. Recommendation

- 2.1 That the Committee notes the report.

#### 3. Executive Summary

- 3.1 In 2019, the Committee on Standards in Public Life released a report highlighting concerns about the effectiveness of the existing ethical standards framework for local government. The report recommended several measures to bolster the system, including the introduction of sanctions such as suspension for serious breaches of conduct.
- 3.2 Following recommendations made by the Committee on Standards in Public Life the Government published a consultation document on local authority standards (Appendix A) in December 2024. The consultation sought 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 and support for victims affected by misconduct by councillors.

3.3 As the consultation exercise closed prior to the next meeting of the Standards Committee, Members and Independent Persons were invited to provide their responses direct to Government and the Local Government Association.

#### 4. **How this report links to Corporate Priorities**

4.1 Aim 2 Objective - Strong and effective democratic processes.

#### 5. **Alternative Options**

5.1 There are no options to consider.

Mark Trillo  
**Executive Director (Governance & Regulatory Services)**  
**and Monitoring Officer**

#### **Web Links and Background Papers**

Appendix A – Consultation Document - attached

#### **Contact details**

Linden Vernon  
Head of Democratic Services  
Linden.vernon@staffs Moorlands.gov.uk  
01538 395613

#### 6. **Detail**

6.1 In 2019, the Committee on Standards in Public Life released a report highlighting concerns about the effectiveness of the existing ethical standards framework for local government. The report recommended several measures to bolster the system, including the introduction of sanctions such as suspension for serious breaches of conduct.

6.2 Building upon these recommendations the Government published a consultation document (Appendix A) in December 2024. The consultation sought 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.

6.3 Specific proposals consulted upon for legislative change included:

- 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 to suspend councillors 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.

6.4 In addition, the consultation sought views on how to empower victims affected by councillor misconduct to come forward and what additional support would be appropriate to consider.

6.5 The consultation exercise closed on 26 February 2025. As this was prior to the next meeting of the Standards Committee, Members and Independent Persons were invited to provide their responses direct to Government and also to the Local Government Association in order to contribute to a sector-wide response to the consultation.

This page is intentionally left blank



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](https://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](mailto: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. This consultation closes at 11:59pm on 26 February 2025.

## **Enquiries**

For any enquiries about the consultation please contact:

[LGstandardsreform@communities.gov.uk](mailto: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>)<sup>[footnote 1]</sup> 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<sup>[footnote 3]</sup> (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 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](mailto: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>)

---

**OGL**

All content is available under the [Open Government Licence v3.0](https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3), except where otherwise stated



© Crown copyright

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank