

1. Background: Standards and Conduct framework and sanctions arrangements

The [Localism Act 2011](#)

(<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>)^[footnote 1] established the current standards and conduct framework for local authorities.

The current regime requires every local authority to adopt a code of conduct, the contents of which must as a minimum be consistent with the 7 [‘Nolan’ principles of standards in public life](#)

(<https://www.gov.uk/government/publications/the-7-principles-of-public-life>)

(selflessness, integrity, objectivity, accountability, openness, honesty and leadership), and set out rules on requiring members to register and disclose pecuniary and non-pecuniary interests. Beyond these requirements, it is for individual councils to set their own local code. The Local Government Association (LGA) published an [updated model code of conduct and guidance](#) (<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>) in 2021, which councils can choose whether to adopt or not.

Every authority must also have in place arrangements under which it can investigate allegations of breaches of its code of conduct and must consult at least one independent person before coming to decisions. These decisions are normally taken in one of two ways depending on an authority’s specific arrangements. The decision can be made by full council following advice from their standards committee (or equivalent). Alternatively, the decision can be made by the standards committee if they have been given the power to do so. Although a standards committee may contain unelected independent members and co-opted members, only principal councils’ elected members may vote in a decision-making standards committee.

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct. Sanctions for member code of conduct breaches are currently limited to less robust measures than suspension, such as barring members from Cabinet, Committee, or representative roles, a requirement to issue an apology or undergo code of conduct training, or public criticism. Local authorities are also unable to withhold allowances from members who commit serious breaches of their code of conduct, and there is no explicit provision in legislation for councils to impose premises bans or facilities withdrawals where they consider that it might be beneficial to do so.

The government considers that the current local authority standards and conduct regime is in certain key aspects ineffectual, inconsistently applied, and lacking in adequate powers to effectively sanction members found in serious breach of their codes of conduct.

2. 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	Response 1
<p>Please tick all that apply - are you responding to this consultation as:</p> <p>a) an elected member – if so please indicate which local authority type(s) you serve on</p> <ul style="list-style-type: none"> • 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 <p>b) a council officer – if so please indicate which local authority type</p> <ul style="list-style-type: none"> • Town or Parish Councillor • Unitary Authority County Council • Combined Authority / Combined County Authority • Fire and Rescue Authority • Police and Crime Panel • Other local authority type - please state <p>c) a council body – if so please indicate which local authority type</p> <ul style="list-style-type: none"> • 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 <p>d) a member of the public</p> <p>e) a local government sector body – please state</p>	<p>a) Unitary Authority</p> <p>b) NA</p> <p>c) Unitary Authority</p> <p>e)</p>

3. 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,

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.

<p>Question 5</p> <p>Does your local authority currently maintain a standards committee?</p> <ul style="list-style-type: none"> • Yes • No • Any further comments <p>Question 6</p> <p>Should all principal authorities be required to form a standards committee?</p> <ul style="list-style-type: none"> • Yes • No • Any further comments <p>Question 7</p> <p>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?</p> <ul style="list-style-type: none"> • 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 <p>Question 8</p> <p>Do you agree that the Independent Person and co-opted members should be given voting rights?</p> <ul style="list-style-type: none"> • Yes – this is important for ensuring objectivity • No – only elected members of the council in question should have voting rights • Unsure <p>Question 9</p> <p>Should standards committees be chaired by the Independent Person?</p> <ul style="list-style-type: none"> • Yes • No • Unsure <p>Question 10</p> <p>If you have further views on ensuring fairness and objectivity and reducing incidences of vexatious complaints, please use the text box on the right,</p>	<p>Response 5 Yes</p> <p>Response 6 Yes</p> <p>Response 7 Yes</p> <p>Response 8 Yes</p> <p>Response 9 Yes, perhaps even that misconduct hearings have a majority of independent members.</p> <p>Response 10 To be discussed.</p>
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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.

<p>Question 11</p> <p>Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?</p> <ul style="list-style-type: none"> • 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 	<p>Response 11</p> <p>We currently provide an annual summary to the “standards committee” without identifying the parties. A more consistent approach across the sector would be welcomed;</p> <ul style="list-style-type: none"> • Where there is no case to answer a summary of the allegations and reasoning for no investigation but not naming of parties, • Where action short of investigation is adopted, a summary of the allegations, outcomes and the parties ought to be named
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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.

<p>Question 12</p> <p>Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?</p> <ul style="list-style-type: none"> • Yes • No • Unsure 	<p>Response 12</p> <p>Yes, it would help to build confidence in the public and that justice cannot be avoided by stepping down.</p>
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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.

<p>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?</p> <p>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:</p> <ul style="list-style-type: none"> • Complaints made by officers • Complaints made by other elected members • Complaints made by the public • Complaints made by any other source <p>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.</p> <ul style="list-style-type: none"> • Yes • No <p>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?</p> <ul style="list-style-type: none"> • Yes • No <p>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?</p> <p>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</p>	<p>Response 13 Average over the last three years has been 8 complaints</p> <p>Response 13a During the same three year period: Members – 13% Officers – 0% Public – 87% Other – 0%</p> <p>Response 14 NA</p> <p>Response 15 To be discussed</p> <p>Response 16 To be discussed</p> <p>Response 17 To be discussed</p>
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a) 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.

<p>Question 23</p> <p>Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?</p> <ul style="list-style-type: none"> • Yes – councils should have the option to withhold allowances from suspended councillors • No – suspended councillors should continue to receive allowances • Unsure <p>Question 24</p> <p>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?</p> <ul style="list-style-type: none"> • 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 <p>Question 25</p> <p>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?</p> <ul style="list-style-type: none"> • Yes • No • Unsure 	<p>Response 23</p> <p>Yes , members receive an allowance for the performance of duties of a public office. If they are suspended they are unable to undertake the duties of the office and in such circumstances suspension of allowances should follow automatically. There should be the power to suspend allowances as a standalone power too.</p> <p>Response 24</p> <p>Yes.</p> <p>Response 25</p> <p>Yes, It provides as alternative sanction.</p>
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b) 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.

<p>Question 26</p> <p>Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?</p> <ul style="list-style-type: none"> • Yes, powers to suspend on an interim basis would be necessary • No, interim suspension would not be necessary • Any further comments <p>Question 27</p> <p>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?</p> <ul style="list-style-type: none"> • 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 <p>Question 28</p> <p>Do you think councils should be able to impose an interim suspension for any period of time they deem fit?</p> <ul style="list-style-type: none"> • Yes • No • Any further comments? 	<p>Response 26</p> <p>Yes , but there needs to safeguards to avoid it becoming a de facto sanction whilst the matter is being investigated.</p> <p>Response 27</p> <p>Yes , see above</p> <p>Response 28</p> <p>There needs to be regular reviews and a maximum length to encourage investigations to be completed with due diligence.</p>
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<p>Question 29</p> <p>Do you agree that an interim suspension should initially be for up to a maximum of 3 months, and then subject to review?</p> <ul style="list-style-type: none"> • Yes • No • Any further comments <p>Question 30</p> <p>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?</p> <ul style="list-style-type: none"> • Yes – there should be safeguards • No – councils will know the details of individual cases and should be trusted to act responsibly <p>Question 30a</p> <p>If you answered yes to above question, what safeguards do you think might be needed to ensure that unlimited suspension is not misused?</p>	<p>Response 29</p> <p>I would suggest subject to monthly review</p> <p>Response 30</p> <p>There needs to be a maximum length of suspension and subject to regular periodic reviews</p> <p>Response 30a</p> <ul style="list-style-type: none"> • Maximum period of suspension • Periodic review • Councillors right to make representations
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c) 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.

<p>Question 31</p> <p>Do you think councillors should be disqualified if subject to suspension more than once?</p> <ul style="list-style-type: none"> • 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 <p>Question 32</p> <p>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?</p> <ul style="list-style-type: none"> • Yes • No • Unsure 	<p>Response 31</p> <p>Yes , 5 years feels about right and covers two terms of office</p> <p>Response 32</p> <p>No, we should stick to the principle of innocent until proven guilty.</p>
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d) 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

<p>Question 33</p> <p>Should members have the right to appeal a decision to suspend them?</p> <ul style="list-style-type: none"> • 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 <p>Question 34</p> <p>Should suspended members have to make their appeal within a set timeframe?</p> <ul style="list-style-type: none"> • Yes – within 5 days of the decision is appropriate to ensure an efficient process • Yes – but within a different length of time (in days) [insert number to the right] • No – there should be no time limit for appealing a decision 	<p>Response 33</p> <p>Yes.</p> <p>Response 34</p> <p>Yes but 5 days is too short, this will simply encourage all to appeal. 10 working days is sufficient, balancing the need for consideration and reflection, but not dragging the process on for too long.</p>
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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.

<p>Question 35</p> <p>Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint?</p> <ul style="list-style-type: none"> • Yes • No • Unsure <p>Question 36</p> <p>Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?</p> <ul style="list-style-type: none"> • Yes • No <p>Question 37</p> <p>If you answered yes to either of the previous two questions, please use the free text box to the right to share views on what you think is the most suitable route of appeal for either or both situations.</p>	<p>Response 35</p> <p>No. most complaints that fall at the initial screening process are frivolous, tit for tat or trivial.</p> <p>Response 36</p> <p>No.</p> <p>Response 37</p> <p>n/a</p>
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b) 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.

<p>Question 38</p> <p>Do you think there is a need for an external national body to hear appeals?</p> <ul style="list-style-type: none"> • Yes – an external appeals body would help to uphold impartiality • No – appeals cases should be heard by an internal panel • Any further comments <p>Question 39</p> <p>If you think there is a need for an external national appeals body, do you think it should:</p> <ul style="list-style-type: none"> • 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 	<p>Response 38</p> <p>Yes but only on the most serious matters, i.e. where a suspension is imposed</p> <p>Response 39</p> <p>Yes , to consider appeals to a suspension or the consideration of a disqualification order.</p>
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5. Public Sector Equality Duty

<p>Question 40</p> <p>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?</p> <p>Please tick an option below:</p> <ul style="list-style-type: none"> • it would benefit individuals with protected characteristics • it would disadvantage individuals with protected characteristics • neither <p>Please use the text box to the right to make any further comment on this question</p>	<p>Response 40</p> <p>To be discussed</p>
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