



Leicester
City Council

MEETING OF THE STANDARDS COMMITTEE

DATE: TUESDAY, 25 FEBRUARY 2025
TIME: 5:30 pm
PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Committee

Councillor Dr Barton (Chair)
Councillor Dr Moore (Vice-Chair)
Councillors Cank, Dawood and Joannou.

Ms Fiona Barber (Independent Member)
Mr Mike Galvin (Independent Member)
Ms Jayne Kelly (Independent Member)
Ms Alison Lockley (Independent Member)
Mr Simon Smith (Independent Member)

Standing Invitees:

Mr Michael Edwards (Independent Person)
Mr David Lindley (Independent Person)

Members of the Committee are invited to attend the above meeting to consider the items of business listed overleaf.

For Monitoring Officer

Officer contacts:

Jessica Skidmore (Governance Services Officer),
e-mail: committees@leicester.gov.uk
Leicester City Council, 3rd Floor, Granby Wing, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Information for members of the public

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- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact: **Jessica Skidmore Governance Services Officer**, email committees@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

NOTE:

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1. Apologies For Absence

2. Declarations Of Interest

Members are asked to declare any interests they may have in the business to be discussed.

3. Minutes Of The Previous Meeting

Appendix A

The minutes of the meeting of the Standards Committee, held on 5 December 2023 have been previously circulated and Members are asked to confirm that they are a correct record.

4. Revised Arrangements For Dealing With Standards Complaints At Leicester City Council Under The Localism Act 2011

Appendix B

The Monitoring Officer submits a report outlining the process for Standards Complaints.

5. Responding To The Government's Consultation On The Future Of The Standards Regime

Appendix C

The Monitoring Officer submits a report regarding the consultation launched on 18th December 2024 by the Ministry of Housing, Communities and Local Government, seeking views on proposals to introduce measures to strengthen the standards and conduct regime for local authorities in England.

The Committee is recommended to note and respond to the consultation.

6. Complaints Against Councillors - Update

Appendix D

The Monitoring Officer submits a report giving feedback on complaints against Councillors reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against Councillors. The Committee is recommended to receive and note the report.

Members of the Public are to note that the Committee reserves the right to move into private session at any time, if required, should further information be requested or discussed that is in breach of paragraphs 1, 2 and 7c of the Local Government (Access to Information) Act 1985. Further information can be found under Item 7, Private Session of this agenda.

7. Private Session

Members of the Public to Note

Under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

The Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended and consequently that the Cabinet makes the following resolution:-

“that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to any individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7c

The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local

Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

8. ANY OTHER URGENT BUSINESS



Leicester
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Appendix A

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: TUESDAY, 5 DECEMBER 2023 at 5:30 pm

P R E S E N T :

Councillor Dr Barton (Chair)

Councillor Joannou

Councillor Whittle

Councillor Dr Moore

Also present:

Ms Jayne Kelly

Independent Member

Ms Alison Lockley

Independent Member

Mr Simon Smith

Independent Member

Mr Mick Edwards

Independent Person

* * * * *

1. APOLOGIES FOR ABSENCE

Apologies were received from Fiona Barber and Mike Galvin.

2. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda.

There were no declarations of interest.

3. REVIEW OF TERMS OF REFERENCE

The Monitoring Officer submitted a report on a review of the Terms of Reference for the Committee.

The Monitoring Officer went through the Terms of Reference noting the changes. The only change was in item 10 which had been changed to reflect the new political balance of the Council.

In response to questions, it was noted that an extraordinary meeting was possible if no ordinary meeting of this Committee had been held for some time, and that Councillors could not investigate themselves so Sub-Committees

comprised a majority of Independent Members.

There was discussion on how to maintain the overseer function of the Committee when there were only two scheduled meetings of the Committee each year. It was suggested that a six-monthly update by email could be circulated to Committee Members relating to complaints logged, as well as any key deliverables against the Terms of Reference. The Monitoring Officer welcomed this idea.

AGREED:

That a six monthly be sent to Members updating on complaints received as well as any relevant updates against the Terms of Reference.

4. MINUTES OF PREVIOUS MEETING

AGREED:

That the minutes of the meeting of the Standards Committee held 27 April 2022 be approved as a correct record.

5. BIENNIAL REPORT OF STANDARDS COMMITTEE JULY 2021 - JUNE 2023 ANALYSIS OF MEMBER COMPLAINTS

The Monitoring Officer submitted a report dealing with Elected Member complaints for the period 1st July 2021 to 30th June 2023.

The only point of note was around the new phenomenon of 'group' complaints. It was noted that in these cases it was clear who the 'leaders' of the complaining group were who could be reached out to.

AGREED:

That the Committee notes the report.

6. ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS AT LEICESTER CITY COUNCIL UNDER THE LOCALISM ACT 2011

The Monitoring Officer submitted a copy of the current procedural 'arrangements', for review by the Committee. It was noted that these procedures were followed in every case.

There was discussion of the process around vexatious complaints. It was noted that if a complaint was rejected on grounds of being vexatious it would be logged and reported on in the normal way.

There was discussion around the process where a Councillor did not cooperate with the outcome of a complaint (e.g. for informal resolution by way of an apology). Currently the Arrangements state that matter is taken-up by the Monitoring Officer as a separate potential breach of the Code of Conduct. It was suggested that the complainant should nonetheless be able to revive the

original complaint else they would be left without resolution to their grievance.. The Monitoring Officer would consider options around this.

It was suggested that in cases where an incident causing a complaint occurs in a public forum, that it be encouraged that the Councillor in question apologise in a similar public forum where the Monitoring Officer and the statutory Independent Person felt this was appropriate. The Committee supported adding this option to the arrangements.

Other points for thought the Monitoring Officer raised were around the terminology for 'low-level breaches', and Member conduct outside of Council business, which included discussion on when a Member actually began as a Councillor.

AGREED:

1. That the Monitoring Officer is asked to consider options to allow complainants to 'row back;' complaints if the Councillor in question refuses to cooperate with the outcome of the original complaint.
2. That the Committee supports adding wording to the procedural arrangements that Councillors be encouraged to apologise in a public forum if the breach has occurred in a public forum.
3. The use of the term "low level" be reviewed and amended by the Monitoring Officer

7. COMPLAINT AGAINST COUNCILLORS - UPDATE

The Monitoring Officer submits a report giving feedback on complaints against Councillors reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against Councillors.

It was noted that longer lasting cases were due to receiving persistent challenge throughout the process, rather than inactivity on the part of the M.O and I.P.

It was noted that at present there were 4 ongoing cases.

AGREED:

That the Committee notes the report.

8. ANY OTHER URGENT BUSINESS

There being no further business, the meeting closed at 7.08pm.

ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS AT LEICESTER CITY COUNCIL UNDER THE LOCALISM ACT 2011

A. CONTEXT

These “Arrangements” set out how you may make a complaint that an Elected or co-opted Member of this Authority has failed to comply with the Authority’s Code of Conduct, and sets out how the Authority will deal with allegations of a failure to comply with the Authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “Arrangements” under which allegations that a member or co-opted member of the Authority or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a Member against whom an allegation has been made

B. THE CODE OF CONDUCT

The Council has adopted a Code of Conduct for members, which is available for inspection on the authority’s website and on request from Reception at the Civic Offices. <https://www.leicester.gov.uk/contact-us/comments-compliments-and-complaints/complaints-about-councillors>

C. PRINCIPLES UNDERLYING THE SCHEME

The following principles should underpin Leicester City Council’s Arrangements:

- a. There should be simplicity to the scheme so that it is easily understood and transparent
- b. There should be flexibility at every stage of the process for informal resolution and / or robust decisions to be taken about “no further action”.
- c. There should be Member involvement at key stages in the process.
- d. There should be the involvement of Independent Members (IM) and the Independent Person (IP) at key stages of the process.
- e. The Monitoring Officer should have greater powers to deal with complaints relating to the Code of Conduct.

- f. All Members and co-opted Members shall cooperate with the application of these Arrangements, recognising that failure to do so can result in the incurring of wasted costs and reputational damage to the Council.
- g. Rights for complainants to seek a “review” of a decisions at various stages should be limited, consistent with the reduced scope and severity of allowable outcomes that can be imposed under the new regime
- h. At any stage in the process where it is clear that a matter should be referred to the police this should be done and the local investigation should be suspended.

D. THE PROCESS

1. Who may complain?

Complaints must be about Elected Members (to include the Elected Mayor) or co-opted Members and can be made by members of the public, Elected Members or officers of the Council. Where the Monitoring Officer lodges a complaint, it shall be made to the Standards Committee via the Deputy Monitoring Officer

2. To whom must a complaint be made?

Complaints must be made to the Monitoring Officer by writing to:

The Monitoring Officer
Legal Services Division
Leicester City Council
115 Charles Street
Leicester
LE1 1FZ

Or e-mail: monitoring-officer@leicester.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the Register of Members’ Interests and who is responsible for administering the system in respect of complaints of member misconduct on behalf of the Standards Committee

In order to ensure that all of the correct information is available to process the complaint they should preferably be submitted on the model complaint form, which can be downloaded from the authority’s website and is available on request from Reception at the Civic Offices.

The complainant should provide their name and a contact address or e-mail address, so that the Monitoring Officer can acknowledge receipt of the complaint and keep them informed of its progress. If the complainant wishes to keep their name and address confidential this should be discussed with the Monitoring Officer. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

Complaints should be lodged promptly, and normally within 3 months of the alleged breach occurring unless there are good reasons for the Monitoring Officer or Independent Person to accept a complaint lodged outside of this period.

3. How to complain?

Complaints must be made in writing either by letter, e-mail or on-line. Anonymous complaints will not be accepted because of the difficulties they cause with investigation. Appropriate safeguards for employees of the Council wishing to make a standards complaint will be afforded in parallel to those that might apply under the whistle blowing policy. Safeguards will also be in place, at the discretion of the Monitoring Officer, to protect confidential or sensitive information about a complainant, the disclosure of which may cause, or be likely to cause, "serious harm"

The complainant should be encouraged (either through questions on the standard complaint form or through subsequent discussion for clarification) what remedy is sought. This will help to identify informal methods of resolution at the earliest stages.

4. What will happen to the complaint?

The complaint will be acknowledged with the complainant within 5 working days

The complaint will also be notified (by sending a copy of the full complaint) to the subject Member within 5 further working days, save where there are exceptional or legal reasons for the Monitoring Officer agreeing with the complainant that there are elements of it, or the entirety of it, that must be kept confidential at this initial stage

Within 15 further working days the following actions will be taken by the Monitoring Officer, after consultation with the Independent Person:

- a. Revert to the complainant to seek further clarification.
- b. Refer the matter for further fact finding by Monitoring Officer (where further information is needed before deciding what route to follow).
- c. Reject the complaint on the grounds that it is not related to the Code of Conduct, or may be covered by another process
- d. Reject the complaint on the grounds that it discloses no breach or potential breach of the Code of Conduct
- e. Reject the complaint on the basis that it is (i) trivial or (ii) not in the public interest to pursue or (iii) vexatious (see Appendix 1 attached for definition).
- f. Recommend informal resolution where (i) Code engaged and not breached, but where some gesture of reparation would still be in the interests of fairness; or (ii) Code engaged but **the breach would render it disproportionate** ~~low level breach only has occurred, such as not to warrant formal investigation~~ **or further action.**
- g. Refer the matter for immediate further investigation.
- h. Refer the matter straight to the Standards Advisory Board where there is (i) clear evidence of a breach of the Code and (ii) it would be disproportionate and

unnecessary to commission an investigation under g. above and (iii) informal resolution is not appropriate

- i. In exceptional cases, refer the matter to the Standards Committee or subcommittee thereof for a decision on a. to h. above on the grounds that the Monitoring Officer feels it would be inappropriate to make the decision himself/herself.

The complainant and the subject Member will receive a letter after expiry of the 5 days indicating which of the above outcomes is to be pursued.

By law the Subject Member has the right to consult with the Independent Person during the course of a complaint. Appendix 2 describes how this right is to be exercised.

Matters referred for fact finding - The Monitoring Officer will undertake this fact-finding exercise by inviting the Member to attend for a discussion within 10 working days, or submitting information in writing. After obtaining the subject Member's factual account the Monitoring Officer will engage with the Independent Person (IP) to decide on next steps. The next steps will comprise either of outcomes c. to i. above.

Informal resolution - may incorporate acceptance by the subject Member that their behaviour was unacceptable and the offer of apology to the complainant, or other remedial action at the discretion of the Monitoring Officer (e.g. an offer of training). The outcome of 'informal resolution' does not require approval of the complainant or the subject Member (though the complainant may exercise a right to seek a "review" as per above).

Non-compliance with "informal" outcomes will be dealt with in accordance with Appendix 3 attached **and this means that the Monitoring Officer and the Independent Person may (i) re-open the original complaint and (ii) consider whether the non-compliance itself gives rise to a potential breach of the Code of Conduct, in which case a parallel complaint will be launched, to be handled by the Deputy Monitoring Officer .**

Where the behaviour complained-of takes place in a public forum, the Monitoring Officer and Independent Person will give consideration to whether the remedy ought to be expressed in a similar public forum e.g. a public meeting, or an online platform

Review of a complaint - The complainant may seek a "review" of a decision only under outcomes c. to f. Such requests must be lodged with the Monitoring Officer within 5 working days of receipt of the outcome letter. Any Review will be undertaken by the Monitoring Officer, this time in consultation with a different Independent Person. The Monitoring Officer will notify the Subject Member of the request for a "review" and the reasons given for it by the complainant. It will be a matter for the Monitoring Officer and the Independent Person if they wish to invite any comment or representations from the Subject Member at this point.

In the case of all outcomes up to and including referral for investigation, the Monitoring Officer will report outcomes to the Standards Committee by updating report at each meeting

Investigation - should the matter warrant detailed investigation, the Monitoring Officer will appoint an investigating officer. The Investigator will conduct a thorough review within three months. Upon receipt of the investigator's report by the Monitoring Officer (or by operation of the Monitoring Officer's own report under route h above) the matter will be referred for further decision to the Standards Committee (acting through its Standards Advisory Board), this time with the mandatory requirement to consult the Independent Person, who may determine:

- no further action
- referral for hearing

The option of 'no further action' may only flow from an investigator's own conclusion that no breach has occurred. If the Investigator (or Monitoring Officer) finds breaches, then the Board cannot decide, without a hearing, that no breach has occurred and no further action needs to be taken.

The option of 'informal resolution' is not available once a matter has been referred for Investigation (and the Investigator or Monitoring Officer finds breaches). Equally, where the Board refer a matter for hearing in order to establish if breaches have occurred (for example after disagreeing with an Investigator who concludes there have been no breaches) informal resolution will not, at that point, be a viable outcome because the matter has ceased to be dealt with 'informally'.

Hearing Panel

If the matter is referred for hearing then a Hearing Panel will be convened to hear the evidence, make findings of fact and determine appropriate outcomes. The Hearing Panel (like the Standards Advisory Board) is a sub-committee of the Council's Standards Committee. The Independent Person is invited to attend all meetings of the Hearing Panel and his/her views are sought and taken into consideration before the Hearing Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of misconduct.

The Hearing Panel is an advisory committee and can only make recommendations to the main Standards Committee in individual cases that it has adjudicated upon. As its findings are advisory, they must be referred to the main Standards Committee for endorsement. This is achieved by way of written report.

The complainant and the subject member would be written to and given reasons for any decision following a formal investigation/hearing, and no rights of review shall be afforded, save the right to challenge the process by way of Judicial Review or referral to the Local Government Ombudsman if appropriate.

A Standards Advisory Board or a Hearing Panel may make a recommendation to the Standards Committee that an Investigative Report be made public, whether the Report concludes that breaches of the Code of Conduct have been established or not.

5. Outcomes

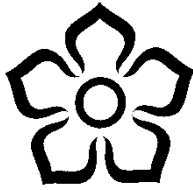
The Hearing Panel may make recommendations to the Standards Committee for:

- a. Censure or reprimand the Member by letter
- b. Press release of findings
- c. Report findings to Council for information (with or without a subsequent motion of censure being proposed by Council)
- d. Recommendation to Group (or Full Council in the case of ungrouped Members) of removal from Committees/subcommittees of Council
- e. Recommendation to Elected Mayor that the Member be removed from The Executive, or from particular portfolio responsibilities
- f. Recommendation that the Member be removed from outside bodies to which they have been appointed by the Council
- g. Withdrawal of facilities provided to the Member by the Council
- h. Excluding the Member from the Council's offices or other premises (with the exception of accessing meetings of Council, Committees and subcommittees)
- i. Instructing the Monitoring Officer to arrange training for the Member

6. Revision of these arrangements

The Council may by resolution agree to amend these arrangements at any time, and delegates to the Monitoring Officer and/or Chair of the Standards Committee the right to depart from these arrangements where he/she considers it is necessary to do so in order to secure effective and fair consideration of any matter

Kamal Adatia
City Barrister & Head of Standards
February 2025



Leicester
City Council

WARDS AFFECTED

All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

STANDARDS COMMITTEE

25th February 2025

RESPONDING TO THE GOVERNMENT'S CONSULTATION ON THE FUTURE OF THE STANDARDS REGIME

Report of the Monitoring Officer

1. PURPOSE OF REPORT

- 1.1. On 18th December 2024 the Ministry of Housing, Communities and Local Government launched a consultation seeking views on proposals to introduce measures to strengthen the standards and conduct regime for local authorities in England. This report prompts Standards Committee to explore the proposals being consulted upon, and invites feedback.

2. RECOMMENDATIONS

- 2.1. For Standards Committee to note and respond to the consultation

3. REPORT

Main themes

3.1.1. These are as follows:

- Introducing a mandatory minimum prescribed Code of Conduct – establishing higher minimum standards of expected behaviour covering issues such as discrimination, bullying, use of social media and use of authority resources, and other issues not featuring in the current minimum requirements and providing clarity for the public on the consistent baseline of ethical behaviour they have a right to expect.
- Requiring local authorities to have a Standards Committee - to ensure all Local Authorities have formal, transparent processes to uphold and promote standards.
- Requiring local authorities to publish a summary of code of conduct allegations, any investigations and decisions – to enhance transparency, subject to data protections obligations and with strong mechanisms to protect victims' identities.
- Requiring the completion of investigations if a member stands down – ensuring there is a full record of any code of conduct breaches during a member's term of office.
- Empowering individuals affected by councillor misconduct to come forward – ensuring those affected by misconduct are supported and are confident to come forward.
- Introducing the power of suspension with related safeguards (including proposals regarding the length of suspension; withholding allowances and premises and facilities bans, interim suspension; disqualification for multiple breaches and gross misconduct, appeals and potential for a national appeals body) - to allow Local Authorities to enforce their own standards and provide a meaningful sanction for dealing with more serious examples of member misconduct and to curb the risk of "repeat offending" signalling that poor behaviour will not be tolerated.

Question 1

(simply asks about the status of the consultee)

Question 2

2.1 The introduction of a mandatory minimum prescribed code of conduct for local authorities in England Currently, the Localism Act 2011 only requires a code consistent with the 7 Nolan principles of standards in public life. New regulations would provide a flexible vehicle for prescribing and amending a code, which would be consistent throughout England, and government indicates these regulations would be subject to their own consultation on the detail. One of the criticisms made of current arrangements is that having different codes, results in different expectations of conduct, unsatisfactory cover and/or different interpretations of key concepts such as discrimination and bullying. As far back as 2019, the Committee on Standards in Public Life, in Local Government Ethical Standards, highlighted the importance of properly addressing important areas of behaviour such as social media use and bullying and harassment and stated that the variation in quality and quantity of codes leads to confusion for the public and councillors (especially those sitting on more than one authority). The complication for questions 2 and 3 is that as any deviation/additions recreate the problems of inconsistency countrywide. However, some flexibility for question 3 might be valuable if councillors believe there might be genuinely different local circumstances that need addressing and as long as the core prescribed part is unaffected.

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

Question 5

Standards Committees

2.2 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. Currently, the investigation process includes either a principal local authority full council or Standards Committee decision, following consultation with an independent person.

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]

Question 11

Publishing investigation outcomes

2.3 A new transparency provision, requiring local authorities (subject to data protection) to publish summaries of code allegations, investigations and decisions (not including the complainant's identity) One of the questions that arises is whether publication where councillors are found not guilty would expose vexatious complaints and aid their reputation or the opposite.

Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?

- Yes - the public should have full access to all allegations and investigation outcomes
- No - only cases in which a member is found guilty of wrongdoing should be published
- Other views – text box

Question 12

Requiring the completion of investigations if a member stands down

2.4 A new accountability and transparency requirement for investigations to be completed if a member stands down Currently councillors can avoid being investigated and held to account by resigning their position, leaving no investigation or public record of their breaches.

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

Empowering individuals affected by councillor misconduct to come forward

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]

Question 18

Introducing the power of suspension with related safeguards

2.6 The introduction of the power with safeguards for all local authorities (including combined authorities) to suspend councillors found in serious breach of their code of conduct. Currently there are no suspension provisions (although in previous ethical conduct regimes similar sanctions did exist) and sanctions are limited to barring

members from key positions, requiring apologies or training, and public criticism. It is not currently possible to suspend councillors for the serious matters which would bar councillors from standing for office, such as being on the sex offenders register. The reintroduction of such sanctions might counter the problem of the standards regime being seen as a 'toothless tiger' given that removing councillors from committees or representative roles and requiring training 'may prove ineffective in the cases of more serious and disruptive misconduct' particularly repeat offenders. The maximum period of 6 months suspension would apply to the most serious cases but even then councillors would be protected from losing their position as a councillor for failing to attend meetings for 6 months

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

The length of suspension

Question 21

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

- Yes – the government should set a maximum length of suspension of 6 months
- Yes – however the government should set a different maximum length (in months)
[Number box]
- No – I do not think the government should set a maximum length of suspension
- Unsure

Question 22

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

- Infrequently – likely to be applied only to the most egregious code of conduct breaches
- Frequently – likely to be applied in most cases, with some exceptions for less serious breaches
- Almost always – likely to be the default length of suspension for code of conduct breaches
- Unsure

Question 23

Withholding allowances and premises and facilities bans

2.7 New provisions for withholding allowances where serious breaches have occurred and for imposing premises bans or withdrawing facilities These would be discretionary powers and a deterrent from unethical behaviour by holding councillors financially accountable for their actions and ensures values for money for the public. Withholding allowances and/or banning councillors from local authority premises and from using Council equipment or facilities ensures they do not 'misuse resources or continue egregious behaviour' and are sanctions that can be applied with or without a suspension having been imposed

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

- Yes – councils should have the option to withhold allowances from suspended councillors
- No – suspended councillors should continue to receive allowances
- Unsure

Question 24

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

- Yes – premises and facilities bans are an important tool in tackling serious conduct issues
- No – suspended councillors should still be able to use council premises and facilities
- Unsure

Question 25

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

- Yes
- No
- Unsure

Question 26

Interim suspension

2.8 A new provision for interim suspension for the most serious and complex cases that may involve police investigations Under this additional power, councillors would not be permitted to participate in any council business or meetings and premises and/or facilities bans could also be applied. However, there is no assumption of guilt and any allowances would still be paid until there is a serious breach of the code of conduct or criminal offence. The interim suspension would be for a maximum of 3 months, reviewable for extension. The standards committee may reduce any suspension later applied by the length of any interim suspension period

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]

Question 31

Disqualification for multiple breaches and gross misconduct

2.9 A new category of disqualification for gross misconduct and those subject to a sanction of suspension more than once in a 5-year period. Currently there are no suspension or disqualification provisions despite the need for meaningful sanctions and deterrents. Effectively the decision to impose a second suspension would be a decision to disqualify a councillor. Little commentary is provided in the consultation in relation to the option of immediate disqualification for gross misconduct. While there are extreme cases where this might be appropriate, there must be suitable safeguards (see below).

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]

Question 33

Appeals

2.10 A new appeals process Here, important safeguards are proposed including a right to appeal once against a decision to suspend. The process is relatively rapid with the councillor having to request an appeal within 5 working days of the decision to suspend, and the appeal being held within 28 working days of the request. Mirroring previous regimes (the disbanded Standards Board for England), an independent national body could deal with the most serious standards cases and appeals and create consistency countrywide or a localised arrangement could be introduced. Other questions arise about extending appeal rights to complainants when there is a decision not to investigate or where an allegation is not upheld and whether any created national body should hear all appeals.

Should members have the right to appeal a decision to suspend them?

- Yes - it is right that any member issued with a sanction of suspension can appeal the decision
- No – a council’s decision following consideration of an investigation should be final
- Unsure

Question 34

Should suspended members have to make their appeal within a set timeframe?

- Yes – within 5 days of the decision is appropriate to ensure an efficient process
- Yes – but within a different length of time (in days) [Number box]
- No – there should be no time limit for appealing a decision

Question 35

Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint?

- Yes

- No
- Unsure

Question 36

Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?

- Yes
- No
- Unsure

Question 37

If you answered yes to either of the previous two questions, please use the free text box below to share views on what you think is the most suitable route of appeal for either or both situations.

[Free text box]

Potential for a national appeals body

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]

COMPLAINTS UPDATE – February 2025

| Reference | Subject Member | Complainant | Nature of Complaint | Route | Outcome | Turnaround (working days) | Reparation/ Lessons |
|-----------|----------------|------------------|---|-------|---|---------------------------|--|
| 30/2023 | Cllr 1 | Cllr | Disrespectful remark made to opposition Cllr during sensitive debate at Full Council | MO/IP | Code engaged. Low-level breach not warranting formal investigation, and written apology forthcoming from subject Cllr | 40 | Chair of meeting did seek immediate retraction/apology at the meeting, which would have resolved the matter earlier |
| 34/2023 | Cllrs 2, 3 | Cllr | Derogatory remarks about Cllr overheard by that Cllr on exiting Town Hall after Council meeting | MO/IP | Complaint rejected because Cllrs 2 and 3 were not acting in their capacity as Cllrs when exchanging those derogatory remarks. | 36 | (Note this arises from the same debate that was under discussion in complaint 30/2023) Advice given by MO that Cllrs must exercise care when talking as private /political colleagues if they are in a public space |
| 05/2024 | Cllrs 4,5,6 | Member of public | Failure of Ward members to address request for help | MO/IP | No breach disclosed. One Cllr became ill during the relevant period. Co-Cllrs had assumed the first Cllr was dealing with it. Council cyber-attack compounded issues when first Cllr's illness precluded them from getting network access restored. | 30 | MO wrote to Whip to instil better communication/discipline about autoreplies on e-mails and alternative contact mechanisms when a Cllr is out of action. Co-Cllr took-up the case. |

| Reference | Subject Member | Complainant | Nature of Complaint | Route | Outcome | Turnaround (working days) | Reparation/ Lessons |
|-----------|----------------|------------------|--|-------|---|---------------------------|---|
| 07/2024 | Cllr 7 | Member of public | Ward Cllr completely unresponsive to e-mails | MO/IP | No breach, but apology owed and provided for failure to communicate. The substantive issue was a Planning matter, and the complainant's objections (albeit not responded to by the Cllr) were received and taken on board by the Planning officer before a decision was made. | 20 | MO wrote to the Cllr and the Group Leader to set some expectations for "customer care" when a Cllr is experiencing I.T. issues, or is otherwise temporarily unavailable |
| 14/2024 | Cllr 8 | Cllr | Cllr felt threatened and intimidated by Co-Ward Cllr threatening to "report" them for misconduct | MO/IP | No Breach. | 20 | |

| Reference | Subject Member | Complainant | Nature of Complaint | Route | Outcome | Turnaround (working days) | Reparation/ Lessons |
|-----------|----------------|-------------|--|---------------|-----------|---------------------------|---------------------|
| 15/2024 | Cllr 9 | Staff | Behaviour of Cllr at a briefing meeting was disrespectful and breached confidentiality | Investigation | (pending) | N/A | |

