



Recommended responses from the Finance and Governance Committee to the consultation on Strengthening the Standards and Conduct Framework for Local Authorities in England

Question 2: Do you think the Government should prescribe a mandatory minimum code of conduct for local authorities in England?

Cllr Brooks proposed this be answered 'Yes'; seconded by Cllr Pearce; all in favour.

Question 3: If yes, do you agree there should be scope for local authorities to add a mandatory minimum code of conduct to reflect specific local challenges?

Cllr Brooks proposed this be answered 'Yes – It is important that local authorities have flexibility to add a prescribed code'; seconded by Cllr Coleby; all in favour.

Question 4: Do you think the government should set out a code of conduct requirement for members to cooperate with investigations into code breaches?

Cllr Brooks proposed this be answered 'Yes'; seconded by Cllr Coleby; five votes in favour and one abstention.

Question 5: Does your local authority currently maintain a standards committee?

Cllr Pearce proposed this be answered 'Yes'; seconded by Cllr Parker; all in favour.

Question 6: Should all principal authorities be required to form a standards committee?

Cllr Pearce proposed this be answered 'Yes'; seconded by Cllr Parker; all in favour.

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?

Cllr Brooks proposed this be answered 'Yes, decisions should only be heard by standards committees'; seconded by Cllr Parker; all in favour.

Question 8: Do you agree that the Independent Person and co-opted members should be given voting rights?

Cllr Brooks proposed this be answered 'No, only elected members should have voting rights'; seconded by Cllr Parker; all in favour.

Question 9: Should standards committees be chaired by the Independent Person?

Cllr Brooks proposed this be answered 'No'; seconded by Cllr Coleby; all in favour.

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

It was suggested should individual members have personal experiences regarding complaints, that they submit individual responses.

Cllr Pearce proposed the following response be sent 'If one party of the complaint is a member of the public and not subject to the Code of Conduct, the Monitoring Officer is asked this be taken into account in the handling of the complaint as there is currently an imbalance. The Monitoring Officer should make the call on individual circumstances on whether a series of complaints are vexatious or harassment and deal with them accordingly. Under the current system, both parties should have access to the Independent Person. Furthermore, if the Monitoring Officers does refer to the complaint as vexatious, it is not the decision of the office, it should be the decision of the Committee on the



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nature of the complaint. Cllr Coleby seconded the proposal and a vote was held with all in favour.

Question 11: Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?

Cllr Pearce proposed this be answered 'No – only cases in which a member is found guilty of wrongdoing should be published' and the text box for other views to add that names should not be released unless the principal authority has lifted the confidentiality of the case; seconded by Cllr Brooks; all in favour.

Question 12: Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?

Cllr Brooks proposed this be answered 'Yes'; seconded by Cllr Coleby; all in favour.

Questions 13, 13a, 14, 15, 16 and 17 were non applicable as they related to local authorities.

Question 18: Do you think local authorities should be given the power to suspend elected members for serious code of conduct breaches?

Cllr Brooks proposed this be answered 'Yes – authorities should be given the power to suspend members'; seconded by Cllr Coleby; all in favour.

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 the independent body?

Cllr Pearce proposed this be answered 'Yes – the decision to suspend for serious code of conduct breaches should be for the standards committee'; seconded by Cllr Rappensberger; five votes in favour and one abstention.

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?

Cllr Pearce proposed this be answered 'No – it should be for individual councils to determine their own arrangements for managing constituents' representation during a period of councillor suspension'; seconded by Cllr Rappensberger; all in favour.

Question 21: If the government reintroduced the power of suspension, do you think there should be a maximum length of suspension?

Cllr Blowers proposed this be answered 'Unsure'; seconded by Cllr Pearce; four votes in favour; one vote against; one abstention.

Question 22 was not applicable due to the answer provided for question 21.

Question 23: Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?

Cllr Brooks proposed this be answered 'Yes – councils should have the option to withhold allowances from suspended councillors'; seconded by Cllr Pearce; all in favour.

Question 24: Do you think it should be put beyond doubt that local authorities have the power to



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ban suspended councillors from council premises and to withdraw the use of council facilities in cases where they deem it appropriate?

Cllr Brooks proposed this be answered 'Yes – premises and facilities bans are an important tool in tackling serious conduct issues'; seconded by Cllr Parker; all in favour.

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?

Cllr Parker proposed this be answered 'No'; seconded by Cllr Brooks; all in favour.

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?

Cllr Pearce proposed this be answered 'Yes, powers to suspend on an interim basis would be necessary' and gave an example of this being necessary where safeguarding issue were involved; seconded by Cllr Brooks; all in favour.

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?

Cllr Pearce proposed this be answered 'Yes – the option to institute premises and facilities bans whilst serious misconduct cases are investigated is important'; seconded by Cllr Parker; all in favour.

Question 28: Do you think councils should be able to impose an interim suspension for any period of time they deem fit?

Cllr Pearce proposed this be answered 'No' with a comment added to support a proposal for interim suspension to last a maximum of three months, which would be reviewable for extension; seconded by Cllr Rappensberger; all in favour.

Question 29: Do you agree that an interim suspension should initially be for up to a maximum of three months and then subject to review?

Cllr Pearce proposed this be answered 'Yes'; seconded by Cllr Parker; all in favour.

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?

Cllr Pearce proposed this be answered 'Yes – there should be safeguards'; seconded by Cllr Rappensberger; all in favour.

Question 30a: If you have answered yes to above question, what safeguards do you think might be needed to ensure that unlimited suspension is not misused?

It was agreed for Committee members to send their individual answers to the office.

Question 31: Do you think councillors should be disqualified if subject to suspension more than once?

Cllr Pearce proposed this be answered 'No – the power to suspend members whenever they breach codes of conduct is sufficient'; seconded by Cllr Parker; all in favour.

Question 32: Is there a case for immediate disqualification for gross misconduct, for example in



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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?

Cllr Pearce proposed this be answered in the free text option with the comment 'only in case of criminal conviction'; seconded by Cllr Parker; all in favour.

Question 33: Should members have the right to appeal a decision to suspend them?

Cllr Pearce proposed this be answered 'Yes – it is right that any member issued with a sanction of suspension can appeal the decision'; seconded by Cllr Rappensberger; all in favour.

Question 34: Should suspended members have to make their appeal within a set timeframe?

Cllr Pearce proposed this be answered 'Yes – but within a different length of time, suggesting 15 days'; seconded by Cllr Rappensberger; all in favour.

Question 35: Do you consider that a complaint should have a right of appeal when a decision is taken not to investigate their complaint?

Cllr Pearce proposed this be answered 'Yes'; seconded by Cllr Rappensberger; all in favour.

Question 36: Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?

Cllr Coleby proposed this be answered 'Yes'; seconded by Cllr Pearce; all in favour.

Question 37: If you answered yes to either of the previous two questions, please use the free text box to share views on what you think is the most suitable route of appeal for either or both situations

Cllr Pearce proposed the following comment be submitted: 'the appeal should be handled by a party who did not handle the initial complaint (i.e. a different body or national appeal body) to ensure the process remains independent; seconded by Cllr Coleby; all in favour.

Question 38: Do you think there is a need for an external national body to hear appeals?

Cllr Coleby proposed this be answered 'Yes - an external appeals body would help to uphold impartiality'; seconded by Cllr Pearce; all in favour.

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

Cllr Pearce proposed this be answered 'Both of the above should be in scope' and to provide the explanation that the process should provide equality to the complainant and the person being complained about; seconded by Cllr Rappensberger; all in favour.

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?



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Please choose one of the following:

- **It would benefit individuals with protected characteristics**
- **It would disadvantage individuals with protected characteristics**
- **Neither**

Cllr Pearce proposed this be answered 'Neither' as it would be dependent on the individual cases and the nature of the protected characteristics; seconded by Cllr Rappensberger; all in favour.