

Response ID ANON-VGFQ-8ND3-H

Submitted to Strengthening the standards and conduct framework for local authorities in England
Submitted on 2025-01-31 10:15:13

Scope of this consultation

Ministerial foreword

Background: Standards and Conduct framework and sanctions arrangements

Who we would like to hear from

Personal data

About you

1 In what capacity are you responding to this consultation?

A member of the public

Strengthening the Standards and Conduct framework

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

Yes

If no, why not?:

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

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

Yes

Strengthening the Standards and Conduct framework

5 Does your local authority currently maintain a standards committee?

Yes

Add any further comments:

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

Yes

Add any further comments:

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

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

Unsure

9 Should standards committees be chaired by the Independent Person?

Unsure

10 If you have further views on ensuring fairness and objectivity and reducing incidences of vexatious complaints, please use the free text box below.

Add your comments:

Any independent individuals appointed to a Standards Committee should be suitably accredited to enable them to demonstrate they are capable of acting in an impartial manner and that they have the ability to satisfactorily resolve disputes. Such accreditation could be the result of either experience or qualifications, or both. Training should be a mandatory requirement of all members of a Standards Committee, including any coopted members. Trust in the process is essential. This makes voting rights a challenging issue. On the one hand, it could be considered that voting should only be available to elected members. On the other, it is possible that bias could be introduced, particularly if party political points are being scored. Genuinely independent individuals (with appropriate qualifications) could both Chair a Committee and ensure the process is completely impartial. To reduce the incidence of complaints about Councillor behaviours, demonstrable expression of the Nolan Principles should be encouraged (see our response to question 17 below). Communities should be confident that their elected representatives are focused on meeting their needs, not those of their political party.

There are also a number of other opportunities to consider that could reduce the number of vexatious complaints received, such as:

- More scrutiny and regulation in relation to Councillor appointments
- More use of Scrutiny Committees and Audit processes
- The introduction of a version of the Green Claims Code for the public sector.

There should be more scrutiny and regulation applied when Councillors are considered for standing for election. This should ensure there are no links with organised crime or other criminal enterprises as this would impact their ability to act within the Nolan principles and could intimidate other members of the party and potential complainants. It would be fairer for communities if they can be sure that their Councillors are not involved in any unscrupulous activities.

More use should also be made of Scrutiny Committees in advance of decision-taking. It is pointless a Scrutiny Committee reviewing documentation after decisions have been made but this is happening. Scrutiny Committee members should also be required to undertake mandatory training to ensure they fully understand their role.

Decision making should also be subject to rigorous audit, including ensuring that sufficient effort was made to involve communities in decisions that affect them. Following a Council's Statement of Community Involvement should be mandatory.

A version of the Green Claims Code

(<https://www.gov.uk/government/publications/green-claims-code-making-environmental-claims/environmental-claims-on-goods-and-services>) should be introduced to apply to all Council documentation. The adoption of these principles would give communities more confidence that the information being used for decision-making is robust, transparent and trustworthy and would support the independence, objectivity and accountability of Councillors. In summary, the principles are:

- claims must be truthful and accurate
- claims must be clear and unambiguous
- claims must not omit or hide important relevant information
- comparisons must be fair and meaningful
- claims must consider the full life cycle of the product or service
- claims must be substantiated.

Strengthening the Standards and Conduct framework

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

Other views (add your comments):

Strengthening the Standards and Conduct framework

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

Yes

Strengthening the Standards and Conduct framework

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 of complaints:

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:

Complaints made by other elected members:

Complaints made by the public:

Complaints made by any other source:

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?

Not Answered

Please give reasons if you feel comfortable doing so.:

15 If you are an elected member, have you ever been subject to a code of conduct complaint?

Not Answered

If so, did you feel you received appropriate support to engage with the investigation?:

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?

Add your comments:

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?

Add your comments:

Whilst I fully agree that the vast majority of local elected members maintain high standards of conduct and that they are driven by duty and service and that most people stand for elected office with the best intentions, it would be helpful if there was more demonstrable evidence that the Nolan principles are being upheld.

Individuals can feel bullied and/or threatened by people in power. This is not helped, by the behaviours of Government ministers, who have called those who campaign for future food security, improved climate mitigation and enriched/accelerated nature recovery "NIMBYs", "zealots" and "blockers". Such terms are not only insulting, they are also intimidating and can incite hate speech against people who are seeking to enhance proposals that do not benefit their communities. Such behaviour is not aligned with the Nolan Principles, and it should be recognised that the vast majority of such campaigners maintain the highest standards of conduct, are driven by service to their communities, and have the best interests of their communities and future generations at heart.

Government ministers and MPs must acknowledge that their behaviours should be above reproach. They are supposed to be leaders, role models and influencers. Addressing their behaviours would make it easier for those who lack confidence to come forward and raise complaints about their Councillors. It would also ensure that Ministers can require Councillor behaviour to be above reproach too.

Introducing the power of suspension with related safeguards

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

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

Add your comments:

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

Introducing the power of suspension with related safeguards

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

If you think the government should set a different maximum length, what should this be, in months? :

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

Introducing the power of suspension with related safeguards

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

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

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

Introducing the power of suspension with related safeguards

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

Any further comments:

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

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

No

Any further comments:

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

Any further comments:

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

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

Add your comments:

Such requests for extensions should be made in exceptional circumstances only and closely monitored, with reasons given for the lack of resolution within the initial 3-month period.

There should be a limit to the number of such extensions and to the length of time a further extension can be granted (suggestion is that only 1 extension should be allowed and that extension should be for a maximum of 4 further weeks).

Note that all responses relating to questions 18 to 40 assume the process is chaired by a suitably qualified independent individual.

Introducing the power of suspension with related safeguards

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

If you think councillors should be disqualified if subject to suspension more than once over a period different to 5 years, what should this be, in years? :

If you think the government should set a different disqualification period, what should this be, in years? :

Any other comments:

Any extensions to suspensions should not be counted as additional suspensions.

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

Any other comments:

Introducing the power of suspension with related safeguards

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

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

Yes – but within a different length of time (please specify)

If you think the government should set a different appeals timeframe, what should this be, in days?:

14

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

Yes

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

Yes

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.

Add your comments:

Assuming that the Standards Committee is chaired by a suitably qualified independent individual, it would be appropriate for an external national body to hear the appeal.

One would assume that:

1. Behaviour of Councillors will ensure the number of complaints is minimal
2. Appeals will be very few and far between

Introducing the power of suspension with related safeguards

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

Any further comments:

39 If you think there is a need for an external national appeals body, do you think it should:

Both of the above should be in scope

Please explain your answer:

Assuming that the Standards Committee is chaired by a suitably qualified independent individual, that very few complaints are raised, and even fewer appeals are requested, it would be appropriate for an external national body to address all types of appeal.

Public Sector Equality Duty

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?

It would benefit individuals with protected characteristics

Please use the text box below to make any further comment on this question:

It is important that people with protected characteristics or other vulnerabilities find it easy and safe to make a complaint, to follow the process and to appeal if they are dissatisfied with the outcome.