



STANDARDS COMMITTEE

TUESDAY, 22 APRIL 2025

11.00 AM (OR AT THE CONCLUSION OF THE GOVERNANCE COMMITTEE, WHICHEVER IS LATER) COMMITTEE ROOM, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Colin Belsey (Chair)
Councillors Godfrey Daniel, Ian Hollidge, Johanna Howell, Philip Lunn,
Georgia Taylor and David Tutt

A G E N D A

1. Minutes of meeting held on 16 April 2024 (*Pages 3 - 4*)
2. Apologies for absence
3. Disclosures of interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct
4. Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.
5. Annual report of the Standards Committee (*Pages 5 - 30*)
Report by the Deputy Chief Executive
6. Any other items previously notified under agenda item 4

PHILIP BAKER
Deputy Chief Executive
County Hall, St Anne's Crescent
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10 April 2025

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STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held at Council Chamber, County Hall, Lewes on 16 April 2024.

PRESENT Councillors Colin Belsey (Chair), Godfrey Daniel, Ian Hollidge, Johanna Howell, Georgia Taylor and David Tutt and Philip Lunn (who joined via Microsoft Teams).

1. MINUTES OF MEETING HELD ON 18 APRIL 2023

1.1 It was RESOLVED to agree as a correct record the minutes of the last meeting of the Committee held on 18 April 2023.

2. REPORTS

2.1 A copy of the report referred to below is included in the minute book.

3. ANNUAL REPORT

3.1 The Committee considered a report by the Assistant Chief Executive that provided an update in relation to Member conduct issues and the work of the Standards Committee.

3.2 It was RESOLVED to:

- 1) note the report;
- 2) agree the report for submission to the County Council for consideration; and
- 3) agree that no amendments were required to the Code of Conduct at this current time.

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Report to: Standards Committee

Date: 22 April 2025

Title of report: Annual Report of the Standards Committee

By: Deputy Chief Executive

Purpose of report: To provide an update on Member Conduct issues, the work of the Standards Committee and the Monitoring Officer

RECOMMENDATIONS

The Standards Committee is recommended to:

- 1) note the report;
 - 2) agree the report for submission to the County Council for consideration; and
 - 3) review the Code of Conduct and consider whether to propose any amendments to the Code.
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1. Background information

1.1 The Standards Committee is required to submit an annual report to the County Council on its work during the previous year. The Committee is therefore asked to consider the draft report for submission to the County Council.

1.2 Between 1 April 2024 and 31 March 2025 two complaints were received against Members of the County Council and a log of the complaints considered by the Standards Committee is attached at Appendix 1.

1.3 It is considered that the standards of conduct among Members and co-opted members of the Council remains high and maintaining good standards is taken seriously. The table below shows the number of complaints resolved by the Assessment Sub-Committee over previous years:

Year	No. of complaints received	No. of complaints resolved
2024/25	2	2
2023/24	2	3
2022/23	2	2
2021/22	3	2
2020/21	0	0
2019/20	0	0
2018/19	2	2
2017/18	0	0
2016/17	1	1
2015/16	1	1
2014/15	3	3

2. Applications for Dispensation

2.1 In limited circumstances, Members can apply in writing for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests. During 2024/25 49 Members applied for a dispensation in relation to their membership of this Council and in a number of cases membership of a district or borough Council to be able to participate and vote in any discussions relating to the Government's proposals for either devolution and/or local government re-organisation. The dispensations were applied for under the Localism Act 2011 and the Council's Code of Conduct in relation to potential Disclosable Pecuniary Interests and/ or Prejudicial Interests. After considering all relevant factors, the Monitoring Officer granted dispensation to all Members who had applied as he was satisfied that:

- without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- granting the dispensation is in the interests of persons living in the authority's area; and
- it is otherwise appropriate to grant a dispensation.

There were no other applications for a dispensation made in 2024/25.

2.2 All dispensations are entered on the register of Members' interests and remain there for the appropriate period.

3. Register of Members' Interests

3.1 The Monitoring Officer is required to establish and maintain a register of interests of Members of the Council. All Members have completed and returned their registers and are reminded every three months of the need to notify the Monitoring Officer of any changes. The registers are available for public inspection and are available on the Council's website.

3.2 During 2024/25 Members were reminded that there is provision for information considered to be sensitive not to be published on their register of interest form. Sensitive information is that which, if disclosed, could lead to the Member, or a person connected to the Member, being subject to violence or intimidation. If a Member considers that the information relating to any personal interest is sensitive, and the Monitoring Officer agrees, the register available for inspection will not include the details of that interest other than stating that the Member has an interest and that the details are withheld. Members were reminded that if they consider an interest to be sensitive, they should still declare the matter and request that it be treated as sensitive information. The fact that a Member considers the information to be sensitive is not a reason for failing to declare the interest.

3.3 A register of Gifts and Hospitality is also maintained by the Monitoring Officer. Members have to register gifts and hospitality received with an estimated value of £50 or more. Members are reminded every three months of the need to declare gifts and hospitality of such a value.

3.4 There is an ongoing requirement to keep the information on the register of interest form up to date. Members must, within 28 days of becoming aware of any new registerable personal interest or change to any registered interest, give written notification to the Monitoring Officer.

4. Code of Conduct

4.1 The Committee at its last annual meeting agreed to maintain the Council's Code of Conduct. The current Code works well, is understood by Members and reflects Codes of the District and Boroughs, with the exception of Rother District Council, ensuring a consistent approach with dual hatted members.

4.2 It is recommended that the Committee review the Code of Conduct again now (attached at Appendix 2) and consider whether to propose any amendments to the Code.

5. Training

5.1 Following the election on 6 May 2021, training was given to Members on the Code of Conduct including register of interests, personal interests, disclosable pecuniary interests and gifts and hospitality. Further training on the Code in relation to 'Confidentiality and the Code of Conduct' was delivered to Members in September 2022. Following the by-elections in July and August 2023 new Members undertook training on the Code of Conduct in September which included register of interests, personal interests, disclosable pecuniary interests and gifts and hospitality. The session was made available to all Members and a number were in attendance. All Members have signed a declaration undertaking to comply with the County Council's Code of Conduct for Members and the training resources remain available to all Members.

6. Consultation response on strengthening the standards and conduct framework for local authorities in England

6.1 In December 2024 the Government opened a consultation on strengthening the standards and conduct framework for local authorities in England. The consultation asked for views on introducing measures that aim to ensure consistency of approach amongst councils investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension. In addition, the consultation sought views on how to empower victims affected by councillor misconduct to come forward and what additional support would be appropriate to consider.

6.2 The consultation sought the views of local authorities as well as individual members of the public. Prospective and current local authority members were also able to respond on an individual basis if they wished. The Standards Committee considered the consultation at a non-statutory meeting on 18 February 2025, with a copy of the responses submitted attached as Appendix 3. The consultation closed on 26 February 2025. The Committee will be provided with further information once the outcome of the consultation is known.

7. Conclusion

7.1 The Committee is recommended to note the activity of the last year, review the Code of Conduct and consider whether to propose any amendments to the Code, and to recommend to the County Council the Annual Report of the Standards Committee for consideration.

PHILIP BAKER
Deputy Chief Executive

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Complaints considered by the Standards Committee 1 April 2024 to 31 March 2025

Reference	Date Received	Type and Date of Committee	Summary of Complaint	Outcome	Resolved
SC.001.25	23 January 2025	Assessment Sub-Committee 19 March 2025	Breach of General Principles of Code of Conduct (Paragraphs 3(1) and 2(b) and 5)	No action to be taken	Yes
SC.002.25	12 February 2025	Assessment Sub-Committee 19 March 2025	Breach of General Principles of Code of Conduct (Paragraph 4)	No action to be taken	Yes

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CONSTITUTION – PART 5 – CODES AND PROTOCOLS

Code of Conduct for Members

On their election or co-option to the East Sussex County Council, members are required to sign an undertaking to comply with the authority's Code of Conduct.

This Code of Conduct, adopted by the authority on 20 July 2012, is set out below. It is made under Chapter 7 of the Localism Act 2011 and includes, as standing orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require members to leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.

Part 1 – General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of the authority, when acting in that capacity.

(2) This Code is based upon seven principles fundamental to public service, which are set out in **Appendix 1**. You should have regard to these principles as they will help you to comply with the Code.

(3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

(4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority's monitoring officer.

(5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding -

(a) whether to take action in relation to you and

(b) what action to take.

(6) Councillors are required to comply with any request regarding the provision of information in relation to a complaint alleging a breach of the Code of Conduct and must comply with any formal standards investigation.

(7) Councillors should not seek to misuse the standards process, for example, by making trivial or malicious allegations against another councillor for the purposes of political gain.

(8) In this Code—

“authority” means East Sussex County Council

“Code” means this Code of Conduct

“co-opted member” means a person who is not a member of the authority but who-

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member.

“register of members’ interests” means the authority's register of members' pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011.

Scope

2. —(1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of its equality duties (in particular as set out in the Equality Act 2010);

(b) bully or harass any person; Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

(c) intimidate or improperly influence or attempt to intimidate or improperly influence any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is—
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

(b) must, when using or authorising the use by others of the resources of your authority—

- (i) act in accordance with your authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Personal interests

8. – (1) The interests described in paragraphs 8(3) and 8(5) are your personal interests and the interests in paragraph 8(5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.

(2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests-

(a) the authority may deal with the matter as mentioned in paragraph 1(5) and

(b) if the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1(4).

(3) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(4) In sub-paragraph (3)(b), a relevant person is—

(a) a member of your family or a close friend; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (3)(a)(i) or (ii).

(5) Subject to sub-paragraphs (6) and (7), you have a personal interest which is also a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner have an interest within the following descriptions:

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and

Securities	<p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> <p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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These descriptions on interests are subject to the following definitions;

'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

'director' includes a member of the committee of management of an industrial and provident society;

'land' includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

'M' means the person M referred to in section 30 of the Localism Act 2011;

'member' includes a co-opted member;

'relevant authority' means the authority of which M is a member;

'relevant period' means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Localism Act 2011;

'relevant person' means M or any other person referred to in section 30(3)(b) of the Localism Act 2011;

'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

(6) In sub-paragraph (5), your partner means—

(a) your spouse or civil partner,

(b) a person with whom you are living as husband and wife, or

(c) a person with whom you are living as if you were civil partners,

(7) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that that your partner has the interest.

Disclosure of personal interests (See also Part 3)

9. —(1) Subject to sub-paragraphs (2) to (6), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) If the personal interest is entered on the authority's register there is no requirement for you to disclose the interest to that meeting, but you should do so if you wish a disclosure to be recorded in the minutes of the meeting.

(3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(4) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest and, if also applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.

(5) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(6) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where either-

(a) the interest is a disclosable pecuniary interest as described in paragraph 8(5), or

(b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) For the purposes of sub-paragraph (1)(b), you do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Interests arising in relation to overview and scrutiny committees

11. You also have a personal interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority—

(a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held—

- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
- (ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a dispensation from your authority's monitoring officer or standards committee;

(b) you must not exercise executive functions in relation to that matter; and

(c) you must not seek improperly to influence a decision about that matter.

(2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Where you have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described 8(3)(a)(i) or 8(3)(a)(ii)(a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

Part 3 – Registration of Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by the authority; or

(b) your election or appointment to office (where that is later),
register in the register of members' interests details of-

- (i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and
- (ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)

by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest falling within sub-paragraphs (1)(b)(i) or (1)(b)(ii) or any change to any personal interest registered under sub-paragraphs (1)(b)(i) or (1)(b)(ii), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in the register of members' interests.

(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Dispensations

15 - (1) The standards committee, or any sub-committee of the standards committee or the monitoring officer may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 12(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the standards committee, its sub-committee or the monitoring officer.—

(a) considers that without the dispensation the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by paragraph 12 from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Paragraph 12 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

APPENDIX 1

The Seven Principles of Public Life

The Principles of public life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

1. Holders of public office should act solely in terms of the public interest.

Integrity

2. Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

3. Holder of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

4. Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

5. Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

Honesty

6. Holders of public office should be truthful.

Leadership

7. Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Submitted to Strengthening the standards and conduct framework for local authorities in England
Submitted on 2025-02-25 10:38:37

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 council body

Local authority type

Please indicate the local authority type:

County Council

If other, please specify:

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

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?

No – only elected members of the council in question should have voting rights

9 Should standards committees be chaired by the Independent Person?

No

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:

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

No - only cases in which a member is found guilty of wrongdoing should be published

Other views (add your comments):

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

Yes

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:

2

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:

0

Complaints made by other elected members:

1

Complaints made by the public:

1

Complaints made by any other source:

0

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:

Complainants should be able to request that they remain anonymous. The name of the complainant would not then become known to the subject councillor. As things stand the Council's policy is that the complaint could remain anonymous, but only where it is the sub-committee's or Monitoring Officer's view that it would be in the public interest to maintain confidentiality.

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:

The Full Council delegates powers to the Standards Committee to deal with alleged breaches of the Code of Conduct. It is therefore appropriate that the Committee oversees the whole process in relation to a complaint including the matter of sanctions.

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

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

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

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:

But only in exceptional circumstances and relating to serious misconduct.

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:

This should be time-limited to reflect the seriousness of such a step.

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:

The Standards committee would have to consider a report setting out all relevant factors such as why investigation has not been completed, likely time scale before it is completed, any initial findings of investigator, whether the subject councillor has fully engaged in the process.

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

No - the power to suspend members whenever they breach codes of conduct is sufficient

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:

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:

There would be a need for clear parameters as to the offences that could lead to immediate disqualification and there should be a right of appeal to an external body.

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?:

21

35 Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint? No

36 Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld? No

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:

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:

Where there is a decision to disqualify a councillor.

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

Please explain your answer:

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?

Neither

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

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