



# TONBRIDGE & MALLING BOROUGH COUNCIL

## EXECUTIVE SERVICES

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**Chief Executive**  
Damian Roberts

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West Malling (01732) 844522

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

9 January 2026

To: MEMBERS OF THE JOINT STANDARDS COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Joint Standards Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Monday, 19th January, 2026 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

DAMIAN ROBERTS

Chief Executive

## A G E N D A

1. Guidance on the Conduct of Meetings

5 - 8

### PART 1 - PUBLIC

2. Apologies for Absence

- |    |                                    |         |
|----|------------------------------------|---------|
| 3. | Notification of Substitute Members | 9 - 10  |
| 4. | Declarations of Interest           | 11 - 12 |

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

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| 5. | Minutes | 13 - 16 |
|----|---------|---------|

To confirm as a correct record the Minutes of the meeting of the Joint Standards Committee held on 2 June 2025.

#### **Matters submitted for Information**

- |    |   |         |
|----|---|---------|
| 6. | Strengthening the Standards and Conduct Framework for Local Authorities in England - Outcome of Government Consultation | 17 - 28 |
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This report informs Members of the outcome of the Government's consultation "Strengthening the standards and conduct framework for local authorities in England", together with the actions proposed by the Government in response.

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|----|-----------------------------------|---------|
| 7. | Code of Conduct Complaints Update | 29 - 34 |
|----|-----------------------------------|---------|

This report updates Members on the complaints made to the Monitoring Officer that a Member may have failed to comply with their authority's Code of Conduct.

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|----|--------------|---------|
| 8. | Urgent Items | 35 - 36 |
|----|--------------|---------|

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

#### **Matters for consideration in Private**

- |    |                               |         |
|----|-------------------------------|---------|
| 9. | Exclusion of Press and Public | 37 - 38 |
|----|-------------------------------|---------|

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

#### **PART 2 - PRIVATE**

- |     |              |         |
|-----|--------------|---------|
| 10. | Urgent Items | 39 - 40 |
|-----|--------------|---------|

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr D A S Davis (Chair)  
Cllr Mrs S Bell (Vice-Chair)

Cllr K Barton  
Cllr G C Bridge  
Cllr Mrs T Dean  
Cllr S M Hammond  
Cllr J R S Lark

Cllr B A Parry  
Cllr M R Rhodes  
Cllr R V Roud  
Cllr K B Tanner

### **Parish and Town Representatives:**

Vacancy  
Mr A Sullivan  
Mr J Reading  
Mr B Stead  
Mr N Newman  
Mr M Williams  
Mr O Baldock  
Mr A Petty  
Mrs W Palmer  
Mr M Carboni  
Prof M McKinlay  
Ms K Mordecai-Wolfe  
Mr D Gaunt  
Mr D Beach

Addington  
Aylesford  
Borough Green  
Burham  
Ditton  
East Peckham  
Hadlow  
Kings Hill  
Platt  
Plaxtol  
Ryarsh  
Snodland  
Trottiscliffe  
Wrotham

Mr D Mercier  
Mr P Cummins

Independent Person  
Independent Person

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## **GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED**

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxiAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) in the first instance.

### **Attendance:**

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact [committee.services@tmhc.gov.uk](mailto:committee.services@tmhc.gov.uk) for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

### **Ground Rules:**

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

### **Voting:**

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Joint Standards Committee					
	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Labour
1	Robin Betts	Bill Banks	Lee Athwal		
2	Matt Boughton	Tim Bishop	Anna Cope		
3	Martin Coffin	James Clokey	Mark Hood		
4	Des Keers	Frani Hoskins	Robert Oliver		
5	Colin Williams	Michelle Tatton	Stacey Pilgrim		

May 2025

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Declarations of interest

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## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **JOINT STANDARDS COMMITTEE**

#### **MINUTES**

**Monday, 2nd June, 2025**

**Present:** Cllr D A S Davis (Chair), Cllr K Barton, Cllr R P Betts (substitute), Cllr G C Bridge, Cllr J Clokey (substitute), Cllr J R S Lark, Cllr B A Parry, Cllr M R Rhodes, Cllr K B Tanner.

Together with parish/town council representatives Mr O Baldock (Hadlow Parish Council) and Mr A Sullivan\* (Aylesford Parish Council)

\*participated via MS Teams

Cllr L Chapman were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Borough Councillors Mrs S Bell, Mrs T Dean, S Hammond and R Roud and Parish/Town Councillors J Reading (Borough Green), W Steam (Burham), W Palmer (Platt) and M Carboni (Plaxtol).

#### **PART 1 - PUBLIC**

##### **ST 25/7 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute Members were recorded as set out below:

- Cllr Betts substituted for Cllr Bell
- Cllr Clokey substituted for Cllr Dean

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillor had the same rights as the ordinary member of the committee for whom they were substituting.

##### **ST 25/8 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **ST 25/9 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Joint Standards Committee held on 20 January 2025 be approved as a correct record and signed by the Chairman.

**MATTERS FOR DECISION UNDER DELEGATED POWERS****ST 25/10 DEBATE NOT HATE**

The report of the Monitoring Officer invited Members to consider the Local Government Association's publication on how councils could better support councillors to prevent and handle abuse.

In August 2024 the Local Government Association (LGA) published the results of an online survey sent to all councillors in England and Wales to investigate the extent to which they had experienced abuse or intimidation due to their councillor role. A copy of the survey outcome was attached at Annex 1 to the report and the key findings were set out in paragraph 4.6 of the report. Also attached to the report was a copy of the LGA publication 'Debate Note Hate: Ending abuse in public life for Councillors' (Annex 2), a copy of the LGA toolkit 'Ending abuse in public life self-assessment' (Annex 3) with a summary of the improvement steps (Annex 4) and a copy of the survey questions used by the LGA, modified to allow for use by Tonbridge and Malling Borough Council (Annex 5).

Of the 10% who responded to the survey, several councillors reported abuse and intimidation. It was crucial to distinguish between acceptable political debate and harassment or intimidation and knowing where to draw the line was essential. It was proposed that the Council conduct its own survey to see if its councillors experienced similar to those reported in the survey.

Issues arising from the LGA survey included the reporting of only 2% of physical violence incidents to the police, highlighting the need for more scrutiny, especially in the digital age. Whilst there were statistical concerns, Members did not consider the low response rate to invalidate the concerns and felt that it was essential that councillors receive appropriate support.

Members felt that the digital age had exacerbated the problem and empowered individuals to broadcast their views more widely; and recognised that the majority of councillors were committed to upholding ethical standards.

In order to be proactive rather than reactive to abuse, Members felt that it was important to identify where and how intimidation and abuse was happening and determine how best Members could be supported in the future. Members supported a survey of Borough Council Members to establish a baseline so improvement could be monitored and activities tracked to alleviate problems. Furthermore, it was felt that a working group, comprising individuals with experience in these issues, be established to review the survey responses.

**RESOLVED:** That

- (1) the contents of the report and accompanying annexes, be noted;
- (2) the progress made in completion of the self-assessment toolkit at Annex 3, be noted;
- (3) the improvement steps to address the gaps in the self-assessment toolkit set out in the summary at Annex 4, be agreed;
- (4) a panel of Members to oversee the delivery of the improvement steps at Annex 5, be agreed;
- (5) a survey as set out at Annex 4, be undertaken, to gain a better understanding of the extent to which all Tonbridge and Malling Borough Councillors have suffered abuse and intimidation; and
- (6) the Borough Council monitors any reports of abusive and threatening behaviour to determine whether any protected characteristic group is affected more or less than any other.

**MATTERS FOR CONSIDERATION IN PRIVATE****ST 25/11 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.19 pm

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## Joint Standards Committee

19 January 2026

### Part 1 - Public

#### Matters for Information



Cabinet Member	n/a
Responsible Officer	Adrian Stanfield, Monitoring Officer
Report Author	Adrian Stanfield, Monitoring Officer

#### **Strengthening the standards and conduct framework for Local Authorities in England – outcome of government consultation**

### **1 Summary and Purpose of Report**

- 1.1 This report informs Members of the outcome of the Government's consultation "Strengthening the standards and conduct framework for local authorities in England", together with the actions proposed by the Government in response.

### **2 Corporate Strategy Priority Area**

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 This report will contribute to the above priority by ensuring that the Joint Standards Committee is kept aware of the government response to the consultation on important reforms to the ethical standards regime.

### **3 Recommendations**

- 3.1 Members are asked to note the contents of this report.

### **4 Introduction and Background**

- 4.1 On 18 December 2024 the Ministry of Housing Communities and Local Government (MHCLG) published a consultation on strengthened sanctions for local authority conduct breaches in England. The proposals set out in that consultation related to both the Borough Council and all parish/ town councils within Tonbridge & Malling together with other relevant authorities e.g. Kent County Council.
- 4.2 A proposed response to the consultation was reported to a previous meeting of this committee on 20 January 2025.

- 4.3 The effectiveness of the existing sanctions for breaches of the code has been a longstanding concern, not only for TMBC & Town/ Parish Councils within the borough but generally for authorities across England. A previous report was submitted to Members on 5 March 2018 in respect of a consultation paper published by the Committee on Standards in Public Life. Members considered that the lack of effective sanctions, such as the ability to suspend a member of the Council, should be identified as a fundamental weakness and should be reinstated. The Monitoring Officer was therefore authorised to respond to make these views known to the Committee on Standards in Public Life.
- 4.4 The Monitoring Officer subsequently submitted the response approved by this Committee to the MHCLG.
- 4.5 This report provides Members with an overview of the results of this consultation, and the Government's response to the findings which were published on 11 November 2025. A copy of the full response, including the consultation response report can be found at [Strengthening the standards and conduct framework for local authorities in England – consultation results and government response - GOV.UK](https://www.gov.uk/government/consultations/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england).

## 5 Consultation

- 5.1 The consultation received 2,092 responses, and the Government response states that “frustration with the lack of meaningful sanctions, and safeguards, even when elected members are under police investigation or carry out repeated breaches, was also clearly apparent amongst respondents. For a standards regime to be fit for purpose it must provide both appropriate safeguards and sanctions”.
- 5.2 The proposals and 40 consultation questions were arranged under 2 principal headings as follows:

### **Strengthening the Standards and Conduct framework**

#### **(1) Mandatory code of conduct**

- 5.3 The government consultation proposed legislating to introduce a minimum mandatory code of conduct, likely to be set out in regulations. A mandatory code with the Seven Principles of Public Life will ensure that every elected member, or co-opted member, in England is clear what standard of conduct and behaviour is demanded of them in all aspects of their public office.
- 5.4 The results were conclusively in favour of government prescribing a mandatory code with 94% of respondents answering ‘yes’. Some 61% of respondents thought that there should be scope for local authorities to add to a mandatory code to reflect local circumstances.

- 5.5 In response to the views expressed in the consultation, the government proposes to legislate to prescribe a mandatory code by taking a power in the primary legislation to set out the code in regulations.
- 5.6 This will provide the opportunity for further engagement on the detailed content of the code and provide the flexibility to review and amend in future as required. Local authorities will be able to develop their own guidance and protocols which must align with the mandatory code but will not, in themselves, be part of the code or arrangements for enforcement.
- 5.7 The mandatory code will include a behavioural code, the requirement for elected members and co-opted members to co-operate with code of conduct investigations, and that submitting multiple vexatious complaints would be a code of conduct breach.

**(2) Standards Committees/ publication of allegations and investigation outcomes/ requiring completion of investigations if an elected member stands down**

- 5.8 To strengthen and support the consistent handling of misconduct allegations, the government proposed that all principal authorities, and strategic authorities, should be required to convene a standards committee. This proposal would require no change to our existing practice, as we have maintained a Standards Committee for many years.
- 5.9 91% of respondents agreed that all principal authorities should be required to form a standards committee. 62% of respondents agreed that sanction decisions on formal investigations into code of conduct breach allegations should be heard and taken by a standards committee.
- 5.10 In response to the question of whether Independent Persons and co-opted members serving on standards committees should be given voting rights, 68% agreed this is important to ensure objectivity and 63% considered that standards committees should be chaired by an Independent Person. The government considers that co-opted members should have voting rights.
- 5.11 The government considers that there is merit in standards committees being chaired by someone who is independent and not an elected member of the authority, but that it would not be appropriate to be the Independent Person whose role is defined in law as an advisor on standards investigations. There is no intention to change the role of the Independent Person.
- 5.12 On the question of whether local authorities should be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes views varied. 47% considered that the public should have full access to all allegations and investigation outcomes, while 50% thought only cases in which a member is found guilty of wrongdoing should be published.

- 5.13 The government considers that local authorities should only be required to publish a list of code of conduct allegations following full investigation and a standards committee determination on whether to uphold the complaint or not, and as appropriate any sanction applied. This avoids the risk of allegations whilst an investigation is ongoing being in the public domain at a point when it is yet to be resolved.
- 5.14 The final question in the standards committee section of the consultation asked for views about whether investigations should continue to their conclusion if the member stands down before a determination on their case is arrived at, and if the investigation findings should still be published. A total of 84% of respondents agreed with this proposal.
- 5.15 The government considers that it is important to be consistent in holding to account any member who breaches the code of conduct or provide the opportunity for that individual to be publicly exonerated where an investigation concludes there was no case to answer regardless of if they stand down during an investigation.
- 5.16 The above would require a change to our existing practice, as our local assessment criteria does not provide for a complaint to proceed if a councillor stands down after the complaint is made.
- 5.17 In response to the views expressed with regards to standards committees the government:
- proposes to legislate to require all relevant principal authorities to formally constitute a standards committee (or, as appropriate, a sub-committee convened for the purposes of considering code of conduct cases); and engage further with sector representatives to consider the specific requirements for the membership of standards committees prior to legislating on the matter.
  - will require, subject to relevant legal restrictions, any code of conduct investigation to be completed, and investigation findings and decisions arising be published, including when the investigation findings are 'no case to answer' and the member is exonerated, and in the event a member stands down during an investigation.
- 5.18 In addition, the government will:
- engage with sector representative bodies and stakeholder to develop 'best practice' guidance on the handling of code of conduct complaint allegations
  - retain the statutory responsibility of promoting and maintaining high standards of conduct by elected members and co-opted members on the authority and engage with sector representative organisations to consider developing guidance on what more could be done by individual authority standards committees to deliver on this responsibility

### **(3) Empowering individuals affected by councillor misconduct to come forward**

- 5.19 The consultation asked local authorities to provide a figure for the average number of code of conduct complaints received against elected members over a 12-month period. 705 respondents answered this question. There was a very wide variation in the number of complaints reportedly received which likely reflects whether the respondent local authority type was a principal authority with multiple parishes in their area. Responses ranged from 0 to 174 average complaints. 48% of respondents noted receiving between 1 and 10 complaints, whilst 14% said they received more than 10 complaints. 37% said they had received no complaints.
- 5.20 352 of the 705 respondents provided a breakdown of the number of complaints made by officers, other elected members, the public, or any other source. 55% of complaints came from the public. 12% were complaints from other elected members, 30% were complaints from officers.
- 5.21 The consultation then asked anyone who currently works or had worked within a local authority if they had been a victim of (or witnessed) misconduct by an elected member but felt unable to come forward to explain why that was the case. There were 676 responses to this question. The recurrent themes that emerged included:
- a sense that a code of conduct complaint would be pointless given the lack of meaningful sanctions in the current system is no real deterrent
  - a fear that the misconduct behaviours, frequently cited as bullying, would only likely escalate and be personally directed at them
- 5.22 A high proportion of respondents to this question came from the parish council sector. Parish clerks often work alone as the only paid officer or as a member of a very small officer team. They may live in the same community where parish councillors reside and will likely have a higher degree of interaction with the elected members or co-opted members than officers working in principal and upper tier authorities. All these factors serve to amplify the personal impact on parish council staff.
- 5.23 630 respondents replied to the question asking if they had come forward with a complaint what support was offered, and 1324 responded to what in addition could be offered to support individuals raising a complaint.

In summary, the views expressed were as follows:

- the majority reported receiving little or no support – though a handful did indicate they had received support from the Monitoring Officer, Independent Person or other council staff
- numerous respondents, both complainants and respondent elected members, commented that they felt anxious, isolated and fearful during the process
- they wanted to feel confident that they would be taken seriously and listened to
- that if effective sanctions and consequences for misconduct were introduced there was a need to have greater confidence in the independence of the decision makers on cases
- they wanted the assurance that appropriate confidentiality and anonymity for the complainant would be applied
- that access to one-to-one buddy support as needed at key stages of the process would be helpful

5.24 In response to the question of whether elected members had ever been subject to a code of conduct complaint and, if so, did they feel they received appropriate support, 377 comments were received. In summary the comments revealed the following:

- there is no consistency in the level of personal support offered to the elected or co-opted member in a code of conduct complaint situation – a few reported receiving support from either or both the Monitoring Officer or the Independent Person but most stated that they had received no support
- a significant proportion reported that the complaints were vexatious and politically motivated so had largely not been carried forward for investigation

5.25 In response the government plans to:

- legislate to provide both complainant and the respondent elected or co-opted member with a 'right for review' of standards committee investigation decisions
- set out the grounds in legislation for assessing eligibility to consider a right for review request at the local level

5.26 In addition, the government will:

- include recommended actions to support those affected through the complaint and investigation process in the best practice guidance we have committed above to develop with sector representative organisations and stakeholders
- investigate with key stakeholders and sector representative organisations the case for creating an independent confidential helpline support offer for complainants

#### **(4) Introducing the power of suspension with related safeguards**

- 5.27 The consultation proposed the introduction of the power for authorities to suspend elected members for serious code of conduct breaches for a maximum of 6 months, with the option to withhold allowances and institute premises and facilities bans where deemed appropriate.
- 5.28 87% of respondents agreed that local authorities should be given the power to suspend members. 60% agreed that a decision to suspend should be made by the standards committee, whilst 27% thought the decision should be referred to an independent body. 647 comments were received on the question of whether the decision to suspend should lie with the local authority standards committee or be for an independent body.
- 5.29 If it were to be deemed that suspension is an appropriate response to a code of conduct breach, 60% of respondents considered councils should be required to put in place an alternative point of contact for constituents, whilst 31% considered it should be for councils to determine such arrangements.
- 5.30 On the question of the maximum length of suspension, 51% of respondents were of the view that government should set a maximum of 6 months. 15% considered that the maximum period should be different and 21% did not think the government should prescribe the maximum period. Respondents were asked to opine on what the maximum length should be if different from 6 months, there were 371 responses to this part of the question. Whilst there was a range of views, few thought it should be less than 6 months with the most popular alternative length of maximum suspension suggested as 12 months.
- 5.31 The consultation also sought views on whether councils should have the option to withhold allowances from suspended elected members and 87% of respondents agreed.
- 5.32 88% of respondents agreed that authorities should have the power to implement premises and facilities bans.
- 5.33 In response, the government proposes to legislate to:
- provide authorities with a power to suspend elected members for serious code of conduct breaches for a maximum of 6 months, with the option to withhold allowances and institute premises and facilities bans where deemed appropriate
  - confirm that a decision to sanction with a period of suspension, and/or institute premises and facilities bans can only be taken by a standards committee, following receipt and consideration of a formal investigation report, and following consideration of the views of the Independent Person



- the legislation will enable standards committees to have the discretion to withhold elected member allowances and ban disruptive members from using council facilities or entering property, either as standalone sanctions or in addition to suspension

### **(5) Interim suspensions**

- 5.34 The consultation proposed a power for interim suspension when elected members, or co-opted members, are subject to complex investigations into serious code of conduct breaches, for example which may be referred to the police to investigate or be pending a court hearing.
- 5.35 In addition, it was proposed that:
- interim suspensions should initially be for a maximum of 3 months, and, after that period, the relevant standards committee should review the case to decide whether it is in the public interest to extend
  - as appropriate, the period spent on interim suspension may be deducted from any period of suspension a standards committee subsequently imposes
- 5.36 79% of respondents agreed with the proposals to suspend on an interim basis and 73% agreed that it should be for an initial period of 3 months and then subject to review.
- 5.37 The final consultation question asked if at the point when the initial 3-month period of interim suspension was reached and a standards committee decided to extend there should be safeguards to ensure interim suspension was not allowed to run on unchecked.
- 5.38 72% agreed that there should be safeguards, but 23% considered that authorities know the details of individual cases and should be trusted to act responsibly.
- 5.39 In response the government plans to legislate to give authorities the power to place an elected member or co-opted member on interim suspension in response only to serious code of conduct allegations subject to external investigation, from the police or other bodies within the criminal justice system, and/or where a court hearing and sentencing is awaited i.e. cases where there are legitimate safeguarding considerations, and the council is not in control of the pace and resolution of the investigation.
- 5.40 The government also plans to legislate to confirm that the grounds to justify a standards committee taking a decision to impose interim suspension must only take place if the matter is subject to law enforcement investigation and include:
- The seriousness of the allegations. Meaning the allegations against the individual must be of a serious criminal nature and subject to police investigation/pending sentencing



- Risk of Harm. Where the nature and seriousness of the allegations is such that if the elected member were to continue in their role during the investigation, it could result in a risk of harm to either the public, the complainant, the subject member, or the authority and its reputation.

- 5.41 The legislation will set the maximum period of interim suspension at an initial 3 months and require ongoing review if the case remains unresolved after that initial period.
- 5.42 The government will engage further with sector representative bodies on the question of whether authorities should be required to publish on their website a notice of decision to place an elected member or co-opted member on interim suspension whilst investigations are ongoing and, as appropriate, a notice exonerating an elected member placed on interim suspension in the event the external investigation results in no charges being brought or when a court decides not to uphold the charge against the subject member.

### **(6) Disqualification for multiple breaches and gross misconduct**

- 5.43 The consultation sought views on proposals that elected members who are suspended more than once during a 5-year period should be subject to disqualification, and if immediate disqualification should apply to instances of gross misconduct (for example, theft or physical violence impacting the safety of other members and/or officers).
- 5.44 With regards to the proposal to introduce disqualification for anyone subject to the sanction of suspension twice within a 5-year period 60% of respondents agreed, 19% disagreed and 15% agreed but considered disqualification should be for a different length of time and/or with a different timeframe.
- 5.45 On the question of immediate disqualification for gross misconduct, provided there has been an investigation of the incident and the elected member has had a chance to respond before a decision is made, 82% of respondents agreed.
- 5.46 In response the government intends to introduce legislation to disqualify an elected member or co-opted member if they receive a sanction of suspension for the maximum period of 6 months twice over a 5-year period.

### **(7) Appeals**

- 5.47 The consultation proposed that any elected member subject to a decision to suspend them should have the right to appeal, that an appeal should be invoked within 5 working days of notification of a suspension decision and that an appeal hearing should be conducted within 28 working days.
- 5.48 86% of respondents agreed that elected members should have the right to appeal a decision to suspend them. 53% agreed with the proposals that an appeal should be made within 5 working days and a further 36% considered that a

different length of time within which to bring an should apply. Views were invited on the latter point and ranged between 7 working days to 100, with the most popular alternative to the proposed 5 working days being 10 or 14.

- 5.49 Respondents were also asked if complainants should have a right of appeal if a decision was taken not to investigate their complaint and if they should have a right of appeal when an allegation of misconduct is not upheld. The majority answered yes to both questions with 53% agreeing to the first question and 46% agreeing to the second. Those not in agreement were 30% and 35% respectively.
- 5.50 The government considers that both complainants and the subject elected member should have the right for review a standards committee decision following investigation. This right of review would be conducted at a local level and only those cases that have be the subject of a review will be eligible for then progressing to the national appeals function. The government has said it will work with stakeholders to finalise grounds for exercising the right for review
- 5.51 In response to the question of whether appeals panels should be in-house within authorities or whether there was a need for an external national function to hear appeals to the sanction of suspension, 69% agree with the statement that and external national body would help uphold impartiality, with 25% of the view that appeals should be held by an internal panel. And 56% thought both member and claimant appeals should be in scope.
- 5.52 In response, the government plans to legislate on arrangements for appeals against code of conduct decisions following further consideration of the detailed requirements to support the proposed local 'right to review' code of conduct case decisions, and the scope and scale of a national appeals function.

## **6 Other Options**

- 6.1 None – any changes to the statutory framework for ethical standards are a matter for the government, including any alternative options considered.

## **7 Financial and Value for Money Considerations**

- 7.1 None arising from this report. However, there may be financial implications which arise from the proposed changes to the standards regime.

## **8 Risk Assessment**

- 8.1 The proposed changes to standards framework in England will require a review of existing arrangements to ensure compliance with new legislative requirements.

## **9 Legal Implications**

- 9.1 The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its Members and to adopt a code of conduct that is consistent with the Nolan Principles.
- 9.2 The Localism Act 2011 does not currently provide local authorities with any express powers to suspend or disqualify an elected member in response to a code of conduct complaint, implement a premises/ facilities ban or withhold members' allowances.

## **10 Consultation and Communications**

- 10.1 Not applicable.

## **11 Implementation**

- 11.1 The government has indicated that it intends to legislate to implement the proposals arising from the consultation. No timescale has been announced for introduction of the necessary legislation.
- 11.2 The Government has also indicated that they intend to consult further on various proposals prior to the formal legislative procedure commencing.

## **12 Cross Cutting Issues**

### **12.1 Climate Change and Biodiversity**

- 12.1.1 Adaptation and resilience have not been considered.
- 12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

### **12.2 Equalities and Diversity**

- 12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background Papers	None
Annexes	None

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## Joint Standards Committee

19 January 2026

### Part 1 - Public

#### Matters for Information



Cabinet Member	n/a
Responsible Officer	Adrian Stanfield, Monitoring Officer
Report Author	Adrian Stanfield, Monitoring Officer

#### Code of Conduct complaints - update

##### 1 Summary and Purpose of Report

- 1.1 This report updates Members on the complaints made to me as Monitoring Officer that a Member may have failed to comply with their authority's Code of Conduct.

##### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Upholding high standards of conduct is an essential element of ensuring that the Council is able to deliver its services in the most efficient way.

##### 3 Recommendations

- 3.1 Members are asked to note the outcome of complaints assessed by the Monitoring Officer since the previous update to this Committee on 20 January 2025.

##### 4 Introduction and Background

- 4.1 In accordance with the arrangements adopted by the Borough Council for dealing with complaints that a councillor has breached their authority's code of conduct, complaints are subject to an initial assessment by me in consultation with the Independent Person(s) and the Chair and Vice-Chair of the Joint Standards Committee. In advance of that assessment I invite the Councillor against whom the complaint is made to submit their initial views to me so that these may be taken into account in our deliberations.
- 4.2 Our adopted procedure requires that complaints are assessed against the following preliminary criteria –

**The legal jurisdiction test** - this contains 6 elements, including

- was the person complained of acting in an official capacity at the time of the alleged conduct?
- If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct?

If a complaint fails one or more of the jurisdiction tests, no further action will be taken and the complaint will be rejected;

**The local assessment criteria test** - if a complaint passes the legal jurisdiction test, I am then required to apply the local assessment criteria test. There are 12 elements to this test, including

- The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;
- The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter

- 4.3 If one or more of the local assessment criteria applies to the complaint, no further action will be taken by me and the complaint will be rejected.
- 4.4 If a complaint passes the above tests, the next stage is then to consider whether the complaint merits investigation, or if it is more appropriate for it to be resolved on an informal basis. In certain cases it may also be appropriate to take no action, notwithstanding the fact that a complaint has passed the initial tests.
- 4.5 As previously agreed by this Committee, personal details of Complainants or Subject Members are not published unless a complaint leads to investigation and public hearing before the Hearing Panel.

## 5 Outcome

- 5.1 Details of the complaints assessed since 20 January 2025 are set out in the table attached at Annex 1.
- 5.2 Members of the Committee are asked to note that a further 4 complaints were received, but not progressed as the Monitoring Officer, in consultation with the Chair/ Vice-Chair of the Joint Standards Committee and the Independent Persons, were unable to agree to the complainants' requests for anonymity.
- 5.3 1 complaint was made to the Local Government and Social Care Ombudsman (LGSCO) during 2025 in relation to 6 complaints submitted to the Monitoring Officer during the period June 2024 to January 2025. The LGSCO decided that it would not investigate the complaint because they have previously investigated

and decided part of the complaint and there is insufficient evidence of fault to warrant an investigation.

## **6 Other Options**

6.1 Not applicable.

## **7 Financial and Value for Money Considerations**

7.1 None arising from this report.

## **8 Risk Assessment**

8.1 It is important for transparency purposes to share complaint outcomes with the Joint Standards Committee. However, there are risks associated with publishing any personal data (whether that relates to the complainant, subject member or witnesses), hence the safeguards set out in paragraph 4.5 above.

## **9 Legal Implications**

9.1 The Borough Council is required under s28(6) of the Localism Act to have in place arrangements under which allegations can be investigated and decisions on allegations can be made.

## **10 Consultation and Communications**

10.1 The Chair and Vice-Chair of the Joint Standards Committee, together with the Independent Persons have been consulted on all of the complaints set out in the Annex, prior to the Monitoring Officer reaching a decision.

10.2 The outcomes of all complaints are reported to the complainant and subject member(s), together with the clerk to the parish/ town council (where applicable).

## **11 Implementation**

11.1 No further action is required in order to implement the decisions set out in Annex 1.

## **12 Cross Cutting Issues**

12.1 Climate Change and Biodiversity

12.1.1 Limited or low impact on emissions and environment.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background Papers	None
Annexes	Annex 1 – summary of complaints made to Monitoring Officer



## STANDARDS COMPLAINTS 2025

## JOINT STANDARDS COMMITTEE

REF.	AUTHORITY	SUMMARY OF COMPLAINT	RESOLUTION/ OUTCOME
1	Wateringbury Parish Council	Allegations of financial irregularities and disclosure of confidential information during parish council procurement process.	Complaint raised issues relating to financial irregularities and data protection. Complainant advised to pursue matter with auditors for Parish Council and Information Commissioner.
2	Wateringbury Parish Council	Allegations of bullying, intimidation and threats arising from series of messages sent via social media.	Informal resolution – recommendation that subject member apologise to complainant.
3	Wateringbury Parish Council	Allegation that Cllr knowingly made false statements in article in village magazine.	Complaint rejected – failed para 1.2(d) of the Legal Jurisdiction Test (subject member acting as a member of another authority).
4	TMBC/ KCC	Multi-faceted complaint, including allegations of bypassing Parish Council in obtaining speed survey/ making dishonest comments during meeting.	Complaint failed paras 1.2(c) and (e) of Legal Jurisdictional Test (subject member acting as a member of another authority/ if the facts could be established as a matter of evidence, could the alleged complaint be capable of a breach of the code of conduct).

5	TMBC	Multi-faceted complaint, including allegations of rude and condescending tone in email/ misuse of KCC influence/ disclosure of confidential information.	Complaint failed para 1.2(e) of Legal Jurisdictional Test i.e. if the facts could be established as a matter of evidence, could the alleged complaint be capable of a breach of the code of conduct (all bar one element). Remaining element failed paras (d), (g) and (j) of Local Assessment Criteria.
6	TMBC	Allegation that Cllr made discriminatory comments in social media posts.	Complaint rejected – failed para 1.2(c) of the Legal Jurisdiction Test (member not acting in official capacity)

# Agenda Item 8

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 9

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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# Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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