

Cabinet Member n/a

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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/publications/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england-consultation-results-and-government-response).

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 an 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