

Question 1

Please tick all that apply - are you responding to this consultation as (various options):

Suggested response – North Lincolnshire Council’s Standards Committee.

Mandatory minimum prescribed code of conduct

Question 2

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

- Yes
- No
- If no, why not? [Free text box]

Suggested response – Yes. In North Lincolnshire, all town and parish councils have adopted the Code suggested by NLC, based on the Model Code and other best practice. However, there may be scope in the future for specific councils to agree their own revised, minimal Code. A mandatory minimum prescribed Code would prevent this.

Question 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
- No – a prescribed code should be uniform across the country
- Unsure

Suggested response – Yes. NLC has used the flexibilities to build upon the Model Code to reflect local circumstances and learning, and to address loopholes.

Question 4

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

- Yes
- No
- Unsure

Suggested response – Yes. A requirement to co-operate is included in the North Lincolnshire Code. However, making it a requirement would prevent councils from opting out in the future.

Standards Committees

Question 5

Does your local authority currently maintain a standards committee?

- Yes

- No
- Any further comments [free text box]

Suggested response – Yes.

Question 6

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

- Yes
- No
- Any further comments [free text box]

Suggested response – Yes.

Question 7

In most principal authorities, code of conduct complaints are typically submitted in the first instance to the local authority Monitoring Officer to triage, before referring a case for full investigation. Should all alleged code of conduct breaches which are referred for investigation be heard by the relevant principal authority's standards committee?

- Yes, decisions should only be heard by standards committees
- No, local authorities should have discretion to allow decisions to be taken by full council
- Unsure

Suggested response – Yes. The Monitoring Officer plays a crucial role in dealing with incorrect, low-level, or vexatious complaints and should be the person to triage complaints and to deal with them in the first instance. Complaints which have been referred for investigation should be considered by a Standards Committee or a sub-committee, as should complaints referred to it by the Monitoring Officer.

Question 8

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

- Yes – this is important for ensuring objectivity
- No – only elected members of the council in question should have voting rights
- Unsure

Suggested response – no. Whilst the Independent Person / co-optees' views are important, decisions should be made by accountable, democratically elected councillors.

Question 9

Should standards committees be chaired by the Independent Person?

- Yes
- No

- Unsure

Suggested response – No. There is no evidence that elected members, including Chairs, do not act impartially.

Question 10

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

Suggested response – It would be helpful to enable the Monitoring Officer, in consultation with the Independent Person, to reject clearly vexatious, tit-for-tat, or factually incorrect complaints, without the requirement to put them through the entire local process.

c) Publishing investigation outcomes

Question 11

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

- Yes - the public should have full access to all allegations and investigation outcomes
- No - only cases in which a member is found guilty of wrongdoing should be published
- Other views – text box

Suggested response – No. Cases should only be published where a councillor is found to have breached the Code of Conduct. Exceptions are given where the Standards Hearing Panel has agreed to exclude the press and public. This balances public transparency and protection for sensitive cases.

d) Requiring the completion of investigations if a member stands down

Question 12

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

- Yes
- No
- Unsure

Suggested response – No. If a member stands down the investigation should cease as there is no public interest in continuing with the process. However, it may be appropriate that if that person becomes a member again within a designated period i.e. 5 years then any paused investigations should be reopened.

e) Empowering individuals affected by councillor misconduct to come forward

Question 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 box] – **circa 30.**

Question 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 [Number box] -1**
- **Complaints made by other elected members [Number box] 13**
- **Complaints made by the public [Number box] 16**
- **Complaints made by any other source [Number box] - 0**

Question 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? Please give reasons if you feel comfortable doing so.

- Yes
- No
- [Free text box]

Suggested Response – to discuss. However, this question is aimed at officers, so the Standards Committee may choose not to respond to this question.

Question 15

If you are an elected member, have you ever been subject to a code of conduct complaint? If so, did you feel you received appropriate support to engage with the investigation?

- Yes
- No
- [Free text box]

Suggested Response – for the Standards Committee to discuss.

Question 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?

[Free text box]

Suggested Response – for the Standards Committee to discuss.

Question 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?

[Free text box]

Suggested Response – for the Standards Committee to discuss.

6. Introducing the power of suspension with related safeguards

Question 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
- No – authorities should not be given the power to suspend members
- Unsure

Suggested Response – Yes. North Lincolnshire Council’s Standards Committee has felt for many years that the current sanctions available are too limited. Suspension should require a unanimous decision of a Standards Hearing Panel.

Question 19

Do you think that it is appropriate for a standards committee to have the power to suspend members, or should this be the role of an independent body?

- Yes - the decision to suspend for serious code of conduct breaches should be for the standards committee
- No - a decision to suspend should be referred to an independent body
- Unsure
- [Free text box]

Suggested Response – Yes, the Standards Committee should be the key local and democratic body to suspend members, except in the most serious cases.

Question 20

Where it is deemed that suspension is an appropriate response to a code of conduct breach, should local authorities be required to nominate an alternative point of contact for constituents during their absence?

- Yes – councils should be required to ensure that constituents have an alternative point of contact during a councillor’s suspension
- No – it should be for individual councils to determine their own arrangements for managing constituents’ representation during a period of councillor suspension
- Unsure

Suggested response – Yes. This appears to be a sensible approach. It is appropriate that there is an alternative point of contact during a councillor’s suspension.

a) The length of suspension

Question 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
- Yes – however the government should set a different maximum length (in months)
[Number box]
- No – I do not think the government should set a maximum length of suspension

- Unsure

Suggested response – Yes, six months should be the maximum length of suspension available.

Question 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
- Frequently – likely to be applied in most cases, with some exceptions for less serious breaches
- Almost always – likely to be the default length of suspension for code of conduct breaches
- Unsure

Suggested response – infrequently. The maximum length of suspension is likely to be used very infrequently, and only for the most serious cases.

b) Withholding allowances and premises and facilities bans

Question 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
- No – suspended councillors should continue to receive allowances
- Unsure

Suggested response – Yes. Suspending allowances in very serious cases would give the Standards Committee further options.

Question 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
- No – suspended councillors should still be able to use council premises and facilities
- Unsure

Suggested response – Yes. Premises and facilities bans are an additional option for a Standards Committee.

Question 25

Do you agree that the power to withhold members' allowances and to implement premises and facilities bans should also be standalone sanctions in their own right?

- Yes
- No
- Unsure

Suggested response – Yes. Standalone sanctions are an additional option for a Standards Committee.

c) Interim suspension

Question 26

Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?

- Yes, powers to suspend on an interim basis would be necessary
- No, interim suspension would not be necessary
- Any further comments [free text box]

Suggested response – Yes. This would provide an additional tool for Standards Committees in the most serious cases.

Question 27

Do you agree that local authorities should have the power to impose premises and facilities bans on councillors who are suspended on an interim basis?

- Yes - the option to institute premises and facilities bans whilst serious misconduct cases are investigated is important
- No - members whose investigations are ongoing should retain access to council premises and facilities
- Unsure

Suggested response – Yes. This would provide an additional tool for Standards Committees in the most serious cases.

Question 28

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

- Yes
- No
- Any further comments [free text box]

Suggested response – No. There should be a balance between granting additional powers and their limitations.

Question 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
- No
- Any further comments [free text box]

Suggested response – No. There should be a balance between granting additional powers and their limitations.

Question 30

If following a 3-month review of an interim suspension, a standards committee decided to extend, do you think there should be safeguards to ensure a period of interim extension is not allowed to run on unchecked?

- Yes – there should be safeguards
- No – councils will know the details of individual cases and should be trusted to act responsibly

Suggested response – Yes. There should be a balance between granting additional powers and their limitations.

Question 30a

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

Suggested response – whilst we are not in favour of extending 3-month suspensions, monthly reviews may provide a safeguard.

d) Disqualification for multiple breaches and gross misconduct

Question 31

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

- Yes – twice within a 5-year period should result in disqualification for 5 years
- Yes – but for a different length of time and/or within a different timeframe (in years) [Number boxes]
- No - the power to suspend members whenever they breach codes of conduct is sufficient
- Any other comments [free text box]

Suggested response – For the Standards Committee to discuss. If members are breaching the code so significantly that they are getting suspended more than once then they may want to consider more significant sanctions.

Question 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
- No
- Unsure
- [Free text box]

Suggested response – Yes. This would provide an additional tool for Standards Committees in the most serious cases.

e) Appeals

Question 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
- No – a council's decision following consideration of an investigation should be final
- Unsure

Suggested response - Yes – for the most serious cases, it is right that members should have a right of appeal.

Question 34

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

- Yes – within 5 days of the decision is appropriate to ensure an efficient process
- Yes – but within a different length of time (in days) [Number box]
- No – there should be no time limit for appealing a decision

Suggested response – Yes. Time limit to be discussed by the Standards Committee.

Question 35

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

- Yes
- No
- Unsure

Suggested response – No. The decisions of the Standards Committee should be respected.

Question 36

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

- Yes
- No
- Unsure

Suggested response – No. The decisions of the Standards Committee should be respected.

Question 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.

[Free text box]

Suggested response – N/A

f) Potential for a national appeals body

Question 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
- No – appeals cases should be heard by an internal panel
- Any further comments [free text box]

Suggested response – No. Whilst we are not in favour of appeals, if they are allowed then the decision should be taken locally.

Question 39

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

- Be limited to hearing elected member appeals
- Be limited to hearing claimant appeals
- Both of the above should be in scope
- Please explain your answer [free text box]

Suggested response – Both of the above should be in scope. Whilst we are not in favour of appeals, if they are allowed then they should be open to all types of appeals.

7. Public Sector Equality Duty

Question 40

In your view, would the proposed reforms to the local government standards and conduct framework particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring responsibilities?

Please tick an option below:

- it would benefit individuals with protected characteristics
- it would disadvantage individuals with protected characteristics
- neither

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

[Free text box]

Suggested response – it would benefit individuals with protected characteristics.