

Public Document Pack



Meeting: Democracy and Standards Committee
Date: Monday 3rd February, 2025
Time: 7.00 pm
Venue: Council Chamber, Corby Cube, George Street, Corby, NN17 1QG

The meeting will be available for the public to view live at our Democratic Services' YouTube channel:

<https://www.youtube.com/c/DemocraticServicesNorthNorthantsCouncil>

To members of the Democracy and Standards Committee

Councillor Andy Mercer (Chair), Councillor Ian Jelley (Vice-Chair), Councillor Jean Addison, Councillor Wendy Brackenbury, Councillor Robin Carter, Councillor Emily Fedorowycz, Councillor Matt Keane, Councillor Graham Lawman, Councillor Paul Marks, Councillor Dorothy Maxwell, Councillor Bill McElhinney, Councillor Simon Rielly and Councillor Kevin Watt

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Sanjit Sull, Monitoring Officer North Northamptonshire Council			


Proper Officer
Friday 24 January 2025

This agenda has been published by Democratic Services.

Committee Administrator: Carol Mundy

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ITEM	NARRATIVE	DEADLINE
Members of the Public Agenda Statements	Requests to address the committee must be received by 12 Noon on the day before the meeting. Speakers will be limited to speak for 3 minutes.	5pm 30 January 2024

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Where a matter arises at a meeting which **relates to** other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

Where a matter arises at a meeting which **relates to** your own financial interest (and is not a Disclosable Pecuniary Interest) or **relates to** a financial interest of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

Members are reminded that they should continue to adhere to the Council's approved rules and protocols during the conduct of meetings. These are contained in the Council's approved Constitution.

If Members have any queries as to whether a Declaration of Interest should be made please contact the Monitoring Officer at – monitoringofficer@northnorthants.gov.uk

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Minutes of a meeting of the Democracy and Standards Committee held at 7pm on Monday 25th November, 2024 in the Council Chamber, Corby Cube, Corby, Northants.

Present: -

Councillor Andy Mercer (Chair)
Councillor Jean Addison
Councillor Wendy Brackenbury
Councillor Matt Keane
Councillor Graham Lawman
Councillor Paul Marks

Councillor Dorothy Maxwell
Councillor Bill McElhinney
Councillor Simon Rielly
Councillor Kevin Watt

Officers:

Kamila Coulson-Patel, Assistant Director Legal & Governance (Dep. Monitoring Officer),
Ben Smith, Head of Democratic Services,
Heather Jackson, Head of Electoral Services
Carol Mundy, Senior Democratic Services Officer (Committees/Members)
Emma Robinson, Democratic Services Assistant

109 Apologies for absence

Resolved that apologies for absence be noted from Councillors Carter, Fedorowycz and Jelley.

110 Members Declarations of interest (if any)

Resolved to note that no declarations were made.

111 Notification of any requests to address the meeting

Resolved to note that no requests to address the meeting had been received.

112 Approval of the minutes of the additional meeting held on 7 October 2024

The minutes of the meeting held on 7 October 2024 were received.

Councillor W Brackenbury proposed that the minutes be approved and this was seconded by Councillor Marks and on being put to the vote declared carried.

Resolved that the minutes of the meeting held on 7 October 2024 be approved and signed as an accurate record of the meeting.

113 Polling District & Polling Place Review 2024 - Final Recommendations

The circulated report of the Director of Law and Governance was received to update members on the consultation responses received in relation to the polling district and polling place review with a view to making a Polling Place Order.

Details of the proposed Polling Districts and Polling Places 2024 was appended to the report.

The report detailed the consultation, which had closed on 25 October, and from which the final proposals had been formulated. Heather Jackson, Head of Electoral Services presented the report to committee and explained the work that had been undertaken to make sure the polling districts and places were as convenient and suitable for the electorate as possible. She highlighted specific wards within the report which were further detailed.

Members discussed their various concerns and made suggestions, some of which had previously been explored. It was also noted that where possible Schools would not be used to avoid disruption to education provision. It was advised that if members had individual concerns that they contact the election office as soon as possible with these directly so that officers could carry out further investigations.

The chair proposed that any suggested amendments by ward councillors forwarded to the Head of Electoral Services

The chair proposed that any suggested amendments to the final recommendations be forward to the Head of Electoral Services to be considered by the Chair of Democracy & Standards Committee in consultation with the Director of Law and Governance. This was seconded by Councillor Marks.

This along with the recommendations within the report was put to the vote and declared carried. There were two abstentions.

Resolved that:

- (i) The consultation responses be noted;
- (ii) Approval be given to the recommendations for polling districts and polling places, as detailed in the Polling Districts and Polling Places 2024 – Final recommendations report;
- (iii) Approval be given to the ongoing monitoring of polling districts and polling places to enable updates to be made to the arrangements where necessary to reflect community identity, accessibility and convenience for voters;
- (iv) Approval be given to the Director of Law and Governance to make a Polling Places Order, reflecting the arrangements set out in the appendix to the report, by 31 January 2025;
- (v) Approval be given to the Head of Electoral Services in consultation with the Chair of Democracy and Standards Committee and the Director of Law & Governance to make any necessary changes to the final recommendations prior to the publication of the Polling Places Order.
- (vi) Approval be given to the Director of Law and Governance to make changes to the above-mentioned Polling Places Order, if a change is needed to a polling district or place at short notice and there is insufficient time for the change to be considered by the Democracy and Standards Committee;
- (vii) the Register of Electors detailing the new electoral arrangements, will be published on 1 February 2025, and not as previously timetabled for 1

December 2024, thus enabling the revised register to incorporate details of the new polling districts before the May 2025 elections.

114 Appointment of co-opted Town and Parish and Town representatives to the Democracy and Standards Committee

The circulated report of the Assistant Director Legal & Democratic Services (Interim) and Deputy Monitoring Officer was received.

Ben Smith, Head of Democratic Services, informed the committee of the progress made in relation to the nominations and selection of the co-opted town and parish council representatives to join the democracy and standards committee.

The process had closed on 3 November 2024 with 24 town and parish councils voting for a total of eight candidates. Biographies for each candidate had been provided and circulated. The three successful candidates were Beth Ring of Weekley Parish Council, who received the highest number of votes, Paul Davis of Oundle Town Council, who received the second highest number of votes. Three councillors each received seven votes and having consulted with the chair of the committee, the three councillors were invited to draw lots for the third position. The result was that Keith Gautrey-Prue of Deane and Deanethorpe Parish Council was the third councillor.

It was proposed by the chair that the candidates be appointed to the democracy and standards committee, this was seconded by Councillor Marks and on being put to the vote the motion was declared carried.

Resolved that the democracy and standards committee:

- (i) Notes the process undertaken for the nominations and selections of co-opted town and parish representatives to the committee and candidates proposed for appointment;
- (ii) Recommends to full-council the appointment of three candidates namely Beth Ring, Weekly Parish Council, Paul Davis, Oundle Town Council and Keith Gautrey-Prue, Deane and Deanethorpe Parish Council for a term of office until May 2025 with the provision to extend to May 2029, provided eligibility criteria is met.

115 Consultation on Remote Meetings and Proxy Voting

The circulated report of the Assistant Director of Legal and Democratic Services (Interim) and Deputy Monitoring Officer was received to inform the committee of the government consultation on the subject of remote meetings and proxy voting.

Kamila Coulson-Patel presented the report and explained that this was a government consultation that the council had been asked to respond to. If the legislation was made, individual councils would be able to make their own local arrangements regarding the type and number of meetings that could be held remotely. The committee was invited to formulate a consensus to enable a response to be formulated on this subject.

Members discussed the option with most of the committee feeling the option would be of benefit, they considered that remote meetings had worked well during Covid with

debate and decisions being able to be made. Many commented that travel time and distance for many councillors particularly in inclement weather and during the winter months was of concern. The cost of travel and effect on the climate were also something that needed to be considered.

Committee also commented that the local arrangements would need to make it clear which meetings would be held remotely, for example it was suggested that shared services meetings, where councillors and senior officers were present, but was a relatively short meeting, would benefit for being held remotely. Whilst a council meeting should be held in person. Some concern over broadband connections was also raised as some members experienced connection problems.

Depending on the results of the consultation, it was suggested that in the future a working group be considered to decide which meetings would be best served remotely.

In relation to proxy voting, there was concern as this was more difficult to monitor and evidence. More information would be needed in this regard on the actual process for making sure this was effective.

In summary the chair considered that the views of the committee were in favour of some meetings being held remotely, subject to local arrangements being in place, and that more information on the practicalities of the process for proxy voting would be required before a decision could be made.

Resolved that the committee:

- (i) notes the government consultation about remote meetings and proxy voting;
- (ii) gives delegated authority to the monitoring officer, in consultation with the chair of democracy and standards committee, to submit a response on behalf of the authority based on the consensus view.

116 Close of meeting

There being no further business the chair closed the meeting at 7.55pm.

Chair

Date

Democracy and Standards Committee 3rd February 2025

Report Title	Consultation on Strengthening the standards and conduct framework for local authorities in England
Report Author	Kamila Coulson-Patel (Assistant Director Legal and Democratic Services (Interim) and Deputy Monitoring Officer)

Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	
Which Corporate Plan priority does the report most closely align with? Our priorities for the future North Northamptonshire Council (northnorthants.gov.uk)	Modern public services

List of Appendices

Appendix A – Consultation Questions (Extract)

1. Purpose of Report

- 1.1. This report sets out the details of a government consultation on the subject of strengthening the standards and conduct framework for local authorities in England, it invites the Committee to provide a consensus on the response to be submitted on behalf of the Council.

2. Executive Summary

- 2.1. The Government opened a consultation on 18th December running until 26th February 2025 seeking views on strengthening the standards and conduct framework for local authorities in England.
- 2.2. The area of the consultation was a topic of national interest arising from the report of the Committee of Standards in Public Life (CSPL) relating to ethical standards in public life
- 2.3. The report of CSPL made a series of recommendations; some best practice which could be adopted locally without changes required to legislation other recommendations were made which would require a change in legislation.

Following receipt of the report and recommendations it was indicated that the Government would not be making legislative changes arising from the report and its recommendations.

- 2.4. Many of the recommendations arising from the CSPL report requiring legislative changes have been captured within this open consultation. A copy of the consultation is shown at Appendix A and the Committee is invited to provide views on the consultation on behalf of the council.

3. Recommendations

- 3.1. It is recommended that the Democracy and Standards Committee:
 - (a) Note the government consultation on the subject of standards and conduct in local government;
 - (b) Provide views on the consultation to inform the response to be submitted on behalf of the Council to the consultation; and
 - (c) Delegate authority to the Monitoring Officer in consultation with the Chair of Democracy and Standards to submit the response on behalf of the authority based on the consensus view.
- 3.2. Reason for Recommendations – This is a high-profile consultation which has been highlighted as an area for reform to improve engagement in particular within local government. The Committee is invited to provide a consensus view to facilitate a response to the consultation on behalf of the council. Any changes to legislation arising from the outcome of this consultation would need to be considered by this committee, Council and changes to the Constitution to be made to reflect any updates to legislation or best practice recommendations.
- 3.3. Alternative Options Considered – The option to not to provide an update to the committee was considered and rejected on the basis that this consultation links directly to the activities of this committee and looks to promote engagement in local government. The option to update the committee and not invite a response was considered and rejected on the basis this does not promote the views of the Council in this consultation and the work directly linked to the activities of this Committee.

4. Report Background

- 4.1. This consultation seeks views on introducing measures to strengthen the standards and conduct regime in England and ensure consistency of approach amongst councils investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension.
- 4.2. The Localism Act 2011 established the current standards and conduct framework for local authorities. The current regime requires every local authority to adopt a code of conduct and set out rules on requiring members to register and disclose pecuniary and non-pecuniary interests. Beyond these requirements, it is for individual councils to set their own local code. In 2021

the Local Government Association (LGA) published an updated model code of conduct and guidance and North Northamptonshire Council adopted the model code as the best practice standards.

- 4.3. There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct. Sanctions for member code of conduct breaches have been subject to criticism due to the limited extent when compared to the pre 2011 arrangements.
- 4.4. The current consultation highlights that the government consider the current local authority standards and conduct regime is in certain key aspects ineffectual, inconsistently applied, and lacking in adequate powers to effectively sanction members found in serious breach of their codes of conduct.
- 4.5. Specific proposals being consulted upon for legislative change include:
 - a) the introduction of a mandatory minimum code of conduct for local authorities in England
 - b) a requirement that all principal authorities convene formal standards committees to make decisions on code of conduct breaches, and publish the outcomes of all formal investigations
 - c) the introduction of the power for all local authorities (including combined authorities) to suspend councillors or mayors found in serious breach of their code of conduct and, as appropriate, interim suspension for the most serious and complex cases that may involve police investigations
 - d) a new category of disqualification for gross misconduct and those subject to a sanction of suspension more than once in a 5-year period
 - e) a role for a national body to deal with appeals
 - f) In addition, the consultation seeks views on how to empower victims affected by councillor misconduct to come forward and what additional support would be appropriate to consider
- 4.6. Members are reminded that any changes arising from this consultation will require changes to legislation. The consultation is open but views as specifically sought from individual members of the public; prospective and current local authority members/representatives; all relevant local authorities; and those bodies that represent the interests of local members/representatives at all levels.

5. Issues and Choices

- 5.1. The consultation consists of 39 questions, which are shown in full at Appendix A with the associated commentary shown.
- 5.2. It is recommended that the Democracy and Standards Committee provide a response to the consultation on behalf of the council to the questions relevant to the authority.

- 5.3. As with earlier consultations prior to submitting the response on behalf of the Council, to ensure as wide as possible response within the area, Councillors of North Northamptonshire Council will be made aware of the consultation through the Councillor communications such as the Councillor bulletin upon the publication of this report. Councillors will be invited to share their views with the representatives on the committee. Councillors will be informed that they are permitted to submit their individual responses.

6. Next Steps

- 6.1. Upon the views of the Committee being shared it is recommended that the Committee delegate responsibility to the Monitoring Officer in consultation with the Chair of the Committee to submit a response to the consultation on behalf of the authority.

7. Implications (including financial implications)

7.1. Resources and Financial and Transformation

- 7.1.1. There are no arising resources, financial and transformation implications arising from the consultation response however a change to the legislation requiring further consideration by the Committee and in turn the Council will have implications under this heading.

7.2. Legal and Governance

- 7.2.1. The Council complies with its legislative obligations set out in the Localism Act 2011. This consultation seeks views to determine whether changes are required and in turn legislation. The Monitoring Officer will consider any legislative changes which may arise from this consultation and update the committee and where appropriate Council on proposed constitutional changes to be considered arising from any changes in legislation and to determine local arrangements.

7.3. Relevant Policies and Plans

- 7.3.1. There are no relevant policies or plans linked to this consultation stage.

7.4. Risk

- 7.4.1. There are no significant risks arising from the proposed recommendations in this report.

7.5. Consultation

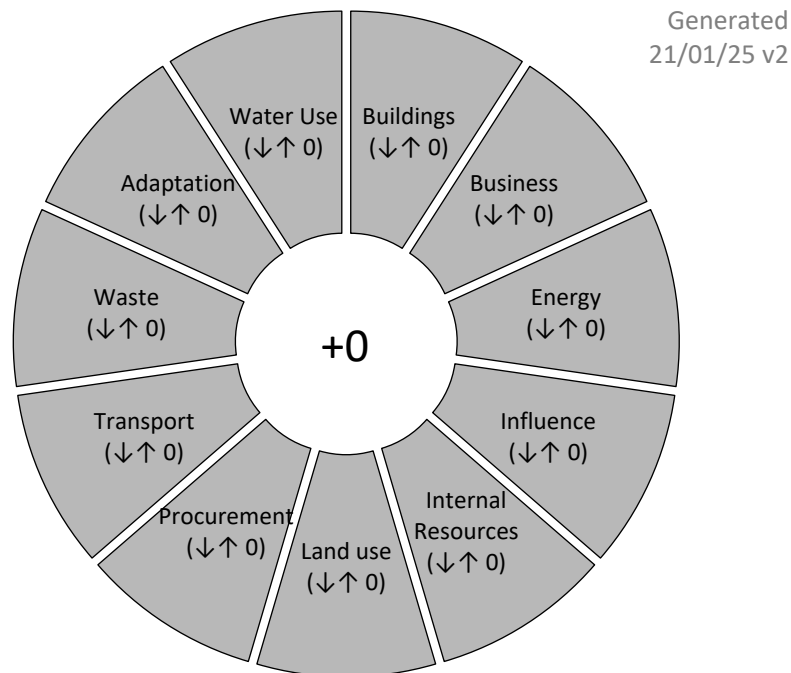
- 7.5.1. Upon publication of this report, all North Northamptonshire Councillors will be made aware of this consultation and invited to share their views with the representatives on the Democracy and Standards Committee.
- 7.5.2. Further engagement is planned upon the publication of this report to share the updates with NCALC for circulation and distribution within their network as appropriate.

7.6. Equality Implications

7.6.1. There are no arising equality implications from this consultation stage however any changes to legislation requiring consideration by the council will be likely to contain equality implications.

7.7. Climate Impact

7.7.1. There are no arising climate impact implications from this consultation stage however any changes to legislation requiring consideration by the council may contain climate impact implications.



North Northamptonshire Council has committed to being a carbon neutral organisation by 2030, 4 yrs & 11 mos away.

7.8. Community Impact

7.8.1. There are no arising community impact implications from this consultation stage however any changes to legislation requiring consideration by the council will be likely to contain community impact implications.

7.9. Crime and Disorder Impact

7.9.1. There are no significant implications arising from this report relating to crime and disorder.

8. Background Papers

8.1. [UK Government Consultation - Strengthening the standards and conduct framework for local authorities in England \(link\)](#)

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4. Who we would like to hear from

Responses are invited from local authority elected members and officers from all types and tiers of authorities, and local authority sector representative organisations. We are also particularly keen to hear from those members of the public who have point of view based on their interest in accessing local democracy in their area or standing as a candidate for local government at any tier to represent their local community at some future point.

Please be assured that all responses to this consultation are anonymous, and no information will be disclosed in any future published response to the consultation, or reporting of the consultation results, that will compromise that anonymity.

Question 1

Please tick all that apply - are you responding to this consultation as:

a) an elected member – if so please indicate which local authority type(s) you serve on

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

b) a council officer – if so please indicate which local authority type

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority

- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

c) a council body – if so please indicate which local authority type

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

d) a member of the public

e) a local government sector body – please state

5. Strengthening the Standards and Conduct framework

a) Mandatory minimum prescribed code of conduct

The government proposes to legislate for the introduction of a mandatory minimum code of conduct which would seek to ensure a higher minimum standard of consistency in setting out the behaviours expected of elected members. The government will likely set out the mandatory code in regulations to allow flexibility to review and amend in future, this will also provide the opportunity for further consultation on the detail.

Codes of conduct play an important role in prescribing and maintaining high standards of public service, integrity, transparency, and accountability. At their best, they establish clear guidelines for behaviour and expectations that members

always act ethically in the public's best interest. Currently, there is significant variation between adopted codes, ranging from those who choose to adopt the LGA's full model code to those who simply conform with the minimum requirement of restating the Nolan principles.

A prescribed model code which covers important issues such as discrimination, bullying, and harassment, social media use, public conduct when claiming to represent the council, and use of authority resources could help to uphold consistently high standards of public service in councils across the country and convey the privileged position of public office. It could also provide clarity for the public on the consistent baseline of ethical behaviour they have a right to expect.

We would be interested in understanding whether councils consider there should be flexibility to add to the prescribed code to reflect individual authorities' circumstances. They would not be able to amend the mandatory provisions.

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]

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

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

b) Standards Committees

Currently, there is no requirement for local authorities to constitute a formal standards committee. The only legal requirement is for local authorities to have in place 'arrangements' to investigate and make decisions on allegations of misconduct.

The government believes that all principal authorities should be required to convene a standards committee. Formal standards committees would support consistency in the handling of misconduct allegations, applying the same standards and procedures to all cases and providing a formal route to swiftly identify and address vexatious complainants. Furthermore, having a formal standards committee in place could support the development of expertise in handling allegations of misconduct, leading to more informed decision-making. Removing the scope for less formal and more ad hoc arrangements would also enhance transparency and demonstrate to the public that standards and conduct issues will always be dealt with in a structured and consistent way.

This section of the consultation seeks views on two specific proposals to enhance the fairness and objectivity of the standards committee process. Firstly, it considers whether standards committee membership would be required to include at least one Independent Person, as well as (where applicable [\[footnote 2\]](#)) at least one co-opted member from a parish or town council. Secondly, it seeks views on whether standards committees should be chaired by the Independent Person.

Question 5

Does your local authority currently maintain a standards committee?

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

Question 6

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

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

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

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

Question 9

Should standards committees be chaired by the Independent Person?

- Yes
- No
- Unsure

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.

[Free text box]

c) Publishing investigation outcomes

To enhance transparency, local authorities should, subject to data protection obligations, be required to publish a summary of code of conduct allegations, and any investigations and decisions. This will be accompanied with strong mechanisms to protect victims' identity to ensure complainants are not dissuaded from coming forward for fear of being identified,

There may be a range of views on this, as publishing the outcome of an investigation that proves there is no case to answer could still be considered damaging to the reputation of the individuals concerned, or it could be considered as helpful in exposing instances of petty and vexatious complaints.

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

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

In circumstances where a member stands down during a live code of conduct investigation, councils should be required to conclude that investigation and publish the findings. The government is proposing this measure to ensure that, whilst the member in question will no longer be in office and therefore subject to any council

sanction, for the purposes of accountability and transparency there will still be full record of any code of conduct breaches during their term of office.

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

e) Empowering individuals affected by councillor misconduct to come forward

The government appreciates that it can often be difficult for those who experience misconduct on the part of elected members, such as bullying and harassment, to feel that it is safe and worthwhile to come forward and raise their concerns. If individuals believe there is a likelihood that their complaint will not be addressed or handled appropriately, the risk is that victims will not feel empowered to come forward, meaning misconduct continues without action. We recognise that standing up to instances of misconduct takes an emotional toll, particularly in unacceptable situations where the complaints processes are protracted and do not result in meaningful action. We are committed to ensuring that those affected by misconduct are supported in the right way and feel empowered to come forward. This section seeks feedback from local authorities with experience of overseeing council complaints procedures, or sector bodies and individuals with views on how this might be carried out most effectively. We are also keen to hear from those who work, or have worked, in local government, and who have either witnessed, or been the victim of, member misconduct.

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]

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]
- Complaints made by other elected members [Number box]
- Complaints made by the public [Number box]
- Complaints made by any other source [Number box]

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]

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]

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]

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]

6. Introducing the power of suspension with related safeguards

The government believes that local authorities should have the power to suspend councillors 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. This section of the consultation explores these proposed provisions in greater detail.

While the law disqualifies certain people from being, or standing for election as, a councillor (e.g. on the grounds of bankruptcy, or receipt of a custodial sentence of 3 months or more, or it subject to the notification requirements of the Sexual Offences Act 2003 - meaning on the sex offenders register) councillors cannot currently be suspended or disqualified for breaching their code of conduct.

Feedback from the local government sector in the years since the removal of the power to suspend councillors has indicated that the current lack of meaningful sanctions means local authorities have no effective way of dealing with more serious examples of member misconduct.

The most severe sanctions currently used, such as formally censuring members, removing them from committees or representative roles, and requiring them to undergo training, may prove ineffective in the cases of more serious and disruptive misconduct. This may particularly be the case when it comes to tackling repeat offenders.

The government recognises that it is only a small minority of members who behave badly, but the misconduct of this small minority can have a disproportionately negative impact on the smooth running of councils. We also appreciate the frustration members of the public and councillors can feel both in the inability to deal decisively with cases of misconduct, and the fact that offending members can continue to draw allowances.

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

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]

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

a) The length of suspension

The Committee on Standards in Public Life recommended in their 2019 Local Government Ethical Standards^[footnote 3] (CSPL) report that the maximum length of suspension, without allowances, should be 6 months and the government agrees with this approach. The intent of this proposal would be that non-attendance at council meetings during a period of suspension would be disregarded for the purposes of section 85 of the Local Government Act 1972, which states that a councillor ceases to be a member of the local authority if they fail to attend council meetings for 6 consecutive months.

The government believes that suspension for the full 6 months should be reserved for only the most serious breaches of the code of conduct, and considers that there should be no minimum length of suspension to facilitate the proportionate application of this strengthened sanction.

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

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

b) Withholding allowances and premises and facilities bans

Giving councils the discretion to withhold allowances from members who have been suspended for serious code of conduct breaches in cases where they feel it is appropriate to do so could act as a further deterrent against unethical behaviour. Holding councillors financially accountable during suspensions also reflects a commitment to ethical governance, the highest standards of public service, and value for money for local residents.

Granting local authorities the power in legislation to ban suspended councillors from local authority premises and from using council equipment and facilities could be beneficial in cases of behavioural or financial misconduct, ensuring that suspended councillors do not misuse resources or continue egregious behaviour. Additionally, it would demonstrate that allegations of serious misconduct are handled appropriately, preserving trust in public service and responsible stewardship of public assets.

These measures may not always be appropriate and should not be tied to the sanction of suspension by default. The government also recognises that there may be instances in which one or both of these sanctions is appropriate but suspension is not. It is therefore proposed that both the power to withhold allowances and premises and facilities bans represent standalone sanctions in their own right.

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

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

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

c) Interim suspension

Some investigations into serious code of conduct breaches may be complex and take time to conclude, and there may be circumstances when the misconduct that has led to the allegation is subsequently referred to the police to investigate. In such cases, the government proposes that there should be an additional power to impose interim suspensions whilst and until a serious or complex case under investigation is resolved.

A member subject to an interim suspension would not be permitted to participate in any council business or meetings, with an option to include a premises and facilities ban.

We consider that members should continue to receive allowances whilst on interim suspension and until an investigation proves beyond doubt that a serious code of conduct breach has occurred or a criminal investigation concludes. The decision to impose an interim suspension would not represent a pre-judgement of the validity of an allegation.

We suggest that:

- Interim suspensions should initially be for up to a maximum of 3 months. After the expiry of an initial interim suspension period, the relevant council's standards committee should review the case to decide whether it is in the public interest to extend.
- As appropriate, the period of time spent on interim suspension may be deducted from the period of suspension a standards committee imposes.

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]

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

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]

Question 29

Do you agree that an interim suspension should initially be for up to a maximum of 3 months, and then be reviewed?

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

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

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?

[Free text box]

d) Disqualification for multiple breaches and gross misconduct

When councillors repeatedly breach codes of conduct, it undermines the integrity of the council and erodes public confidence. To curb the risk of repeat offending and continued misconduct once councillors return from a suspension, the government considers that it may be beneficial to introduce disqualification for a period of 5 years for those members for whom the sanction of suspension is invoked on more than one occasion within a 5-year period.

This measure underlines the government's view that the sanction of suspension should only be used in the most serious code of conduct breaches, because in effect a decision to suspend more than once in a 5-year period would be a decision to disqualify an elected member. However, we consider this measure would enable councils to signal in the strongest terms that repeated instances of misconduct will not be tolerated and would act as a strong deterrent against the worst kind of behaviours becoming embedded.

Currently a person is disqualified if they have been convicted of any offence and have received a sentence of imprisonment (suspended or not) for a period of 3 months or more (without the option of a fine) in the 5-year period before the relevant election. Disqualification also covers sexual offences, even if they do not result in a custodial or suspended sentence.

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]

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]

e) Appeals

The government proposes that:

- A right of appeal be introduced for any member subject to a decision to suspend them.
- Members should only be able to appeal any given decision to suspend them once.
- An appeal should be invoked within 5 working days of the notification of suspension; and
- Following receipt of a request for appeal, arrangements should be made to conduct the appeal hearing within 28 working days.

The government believes that were the sanction of suspension to be introduced (and potentially disqualification if a decision to suspend occurs a second time within a 5-year period) it would be essential for such a punitive measure to be underpinned by a fair appeals process.

A right of appeal would allow members to challenge decisions that they believe are unjust or disproportionate and provides a safeguard to ensure that the sanction of suspension is applied fairly and consistently.

We consider that it would be appropriate to either create a national body, or to vest the appeals function in an existing appropriate national body, and views on the merits of that are sought at questions 38 and 39 below. Firstly, the following questions test opinion on the principle of providing a mechanism for appeal.

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

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

The government is also keen to explore if a right of appeal should be provided, either in relation to whether a complaint proceeds to full investigation and consideration by the standards committee, or where a claimant is dissatisfied with the determination of 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

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

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]

f) Potential for a national appeals body

There is a need to consider whether appeals panels should be in-house within local authorities, or whether it is right that this responsibility sits with an independent national body. Whereas an in-house appeals process would potentially enable quicker resolutions by virtue of a smaller caseload, empowering a national body to oversee appeals from suspended members and complainants could reinforce transparency and impartiality and help to ensure consistency of decision-making throughout England, setting precedents for the types of cases that are heard.

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]

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]

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:

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- 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]

Democracy and Standards Committee Monday 3rd February 2025

Report Title	Code of Conduct updates
Report Author	Kamila Coulson-Patel, Assistant Director of Legal and Democratic Services (Interim) and Deputy Monitoring Officer

Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	N/A
Which Corporate Plan priority does the report most closely align with? Our priorities for the future North Northamptonshire Council (northnorthants.gov.uk)	Modern public services

List of Appendices

None.

1. Purpose of Report

- 1.1. To provide an update to members in respect of the Democracy and Standards Committee duty to promote and maintain standards of conduct by Members and Co-opted members of the North Northamptonshire Council and the Town and Parish Councils within its region.

2. Executive Summary

- 2.1. Part 3.3 of the North Northamptonshire Council Constitution, the Democracy and Standards Committee has a number of Standards functions within its remit.
- 2.2. This report specifically sets out the current position on the code of conduct complaints, trends and further work to direct the Monitoring Officer and her team to support in the delivery of high ethical standards.

3. Recommendations

- 3.1. It is recommended that the Democracy and Standards Committee:
 - (a) Note the updates contained within the reports
 - (b) Provides any feedback to the Monitoring Officer on further work arising from the reports
- 3.2. Reason for Recommendations – To enable the Committee to effectively carry out its duty to promote and maintain high standards of conduct by Members and co-opted members of the Council, Parish and Town Council in North Northamptonshire.
- 3.3. Alternative Options Considered – There were no alternative options considered in relation to this report as it is in the interest of the Council and members of the public that standards of conduct are maintained and reviews with areas of further work identified.

4. Report Background

- 4.1. As set out in paragraph 2.1 above, the Standards responsibilities of the Committee are to oversee and develop the Council's Code of Conduct and the overall standards of conduct for Council Members, co-opted Members, and Parish and Town Councillors of North Northamptonshire
- 4.2. Part 8.3 of the Constitution sets out arrangements for dealing with member complaints, which provides for an initial process conducted by the Monitoring Officer, in consultation with one of the Council's Independent Persons for Standards.
- 4.3. For every complaint received, the Monitoring Officer is required to conduct an initial assessment, firstly by applying a 'public interest' test of whether the complaint 'can' and 'should' be investigated, using the following criteria:
 - i. Is the person you are complaining about a Councillor?
 - ii. Is the conduct complained about within the jurisdiction of the Code of Conduct?
 - iii. Did the conduct occur within the last six months?
 - iv. Is the conduct something that is covered by the Code
 - v. Is there evidence which supports the complaint?
 - vi. Is the conduct something which it is possible to investigate?
 - vii. Would an investigation be proportionate and in the public interest?
- 4.4. In conducting the initial assessment the Monitoring Officer will then whether the complaint should be referred for investigation or to seek alternative resolution, having a regard to a range of factors:
 - i. Whether there is sufficient information upon which to base a decision;
 - ii. How serious is the alleged complaint;
 - iii. Is the complaint politically motivated, vexatious or tit for tat;
 - iv. Did the action complained about occur recently or not;

- v. Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
 - vi. Whether the matter is considered suitable for alternative resolution and whether either the Member concerned, or the complainant is not prepared to accept this as a solution.
- 4.5. It should be noted that the Monitoring Officer deals with a number of enquiries throughout the year from councillors, clerks and members of the public which are dealt with informally, but that do not lead to formal complaints.
- 4.6. Specific detailed information regarding complaints has not been provided as this may be prejudicial to the conduct of the ongoing complaints process. Personal details have also not been included to protect both the identity of councillors and the complainant.
- 4.7. In the last reporting period, there has been a total of 15 complaints which fell within the scope of complaints which could be considered by the Monitoring Officer. Of those, six were recorded as no further action; one was local resolution to take the form of training, and no investigations were recommended. There are eight pending complaints and for context, four of these relate to the same issue, three relate to the same conduct and one standalone complaint which was received shortly before the production of this report is now in the assessment phase awaiting comment from the member. There are eight pending complaints and for context, four of these relate to the same issue, three relate to the same conduct and one standalone complaint which was received shortly before the production of this report.
- 4.8. The above data does not provide the complaint picture of complaints raised but rejected as out of scope on the current arrangements within the legislative framework. The above data does not provide the complete picture of complaints raised but rejected as out of scope on the current arrangements within the legislative framework. The approach to this and considerations for members is set out at 5.3.

5. Issues and Choices

- 5.1. Future reports to the Democracy and Standards Committee will contain a separate appendix detailing the complaint type, brief summary, relevant paragraph of the Code of Conduct, the outcomes and outline of the reasons. The reports will also contain commentary on the statistics and a comparison table for the previous period and year by year.
- 5.2. This information will assist the Committee in promoting high ethical standards through improved awareness and insight. The Committee are invited to feedback on any further improvements sought to be incorporated into future reports.
- 5.3. Noting the number of complaints presented which do not fall with the current arrangements of the Councillor Code of Conduct based on the present legislative framework, the Monitoring Officer considers that further information can be provided on the website at the complaints page to highlight examples of what will be considered to fall within the Code. Regrettably complainants

incorrectly completing the form increases the administrative burden on the team, reduces capacity to handle complaints and creates frustration by complainants that their complaint was not within scope and rejected. It is suggested the Monitoring Officer explores with the customer experience team to will explore improvements to the online form to sign post the complaint as they work through the form and where appropriate highlighting that this may need to be redirected, i.e. complaints regarding the administration of the Town or Parish Council, a council officer, a councillor who was not acting in their official capacity.

- 5.4. In the complaints which have been considered as falling within the scope of complaints, two themes are emerging on the nature of the complaints; firstly conduct at council meetings and secondly councillor interests.
- 5.5. In relation to conduct at council meetings, these to date have been marked as no further action as his has fallen within the political speech. The current legal framework and caselaw protects the freedom of expression Article 10, which includes Councillors, caselaw has established that:
 - The enhanced protection applied to all levels of politics, including local.
 - Article 10 protected not only the substance of what was said, but also the form in which it was conveyed. In a political context, the immoderate, offensive, exaggerated and aggressive may be tolerated where it would not otherwise be. Article 10 protected the right to make incorrect but honestly made statements; it did not protect statements which the publisher knew to be false.
 - Politicians were subject to wider limits of acceptable criticism. They were expected to be more thick-skinned and tolerant to comment than ordinary citizens.
 - Enhanced protection applies also to those who commented upon politics and politicians, notably the press.
- 5.6. To the public and councillors this conduct and legislative interpretation is at odds with national campaigns to promote civility in public life and debate not hate. In complaints relating to conduct in the chamber the decision does record the importance of civility and mutual respect even where there are passionate debates. As part of the proposed member induction and future work in relation to standards this debate not hate campaign and civility in public life will be included to support councillors in ensuring public confidence in local democracy.
- 5.7. In relation to interests, generally this has been in relation to a perception of an interest rather than a failure to declare an interest, in such cases no further action is recommend as the outcome and a standard reminder for Councillors to review their interest and be aware of the arrangements for declaring interests on items. The Monitoring Officer will cover the reminder with officers to review their interests as part of the member communications and again this will be picked up as part of the post May elections.
- 5.8. The Monitoring Officer continues to receive requests for complaints to be considered anonymously. In most cases without reasons provided but where a reason has been provided and a determination has been made that this has not been accepted requests have been made to provide clarity on this arrangement.

The arrangements of the Council do not differ to that of many other councils but recognising that a request has been made to look into this, the Monitoring Officer seeks to review the procedure and guidance in relation to requests for anonymity and bring the updates to this work to the committee for decision on any proposed changes to the arrangements.

6. Next Steps

- 6.1. It is recommended that further reporting on the code of conduct be reported to the committee on a six-monthly basis.

As set out earlier in the report, the Monitoring Officer will conduct a review of the procedure in relation to the arrangements for the handling of anonymous complaints and bring a future report to the Committee for consideration. The Monitoring Officer will also engage with Customer Experience team explore improvements on the online form and webpage for enhanced signposting when this does not fall within the Code of Conduct complaints process.

7. Implications (including financial implications)

7.1. Resources and Financial and Transformation

- 7.1.1. There are no direct financial implications arising from this report, however the handling and processing of complaints is resource intensive. A high number of complaints does have an impact upon resources and so it is important that the Committee and all Councillors promote and maintain high standards of conduct to help limit the number of complaints received.

7.2. Legal and Governance

- 7.2.1. Complaints are received in accordance with the arrangements for dealing with allegations of breaches of the North Northamptonshire Members' Code of Conduct and of codes adopted by Parish and Town Councils within North Northamptonshire. The Council has a legal duty to respond to complaints made against councillors of allegations of a breach of the Code of Conduct, in accordance with the Localism Act 2011
- 7.2.2. Part 9.2 of the Constitution, the Officer Scheme of Delegation, gives the Director of Customer and Governance (as Monitoring Officer) the authority to assess Code of Conduct complaints received and to determine whether an investigation should be conducted, in accordance with the procedure set out in Part 8.3, Arrangements for Dealing with Member Complaints.

7.3. Relevant Policies and Plans

- 7.3.1. There are no relevant policies or plans save for the arrangements for the handling of code of conduct complaints as set out in the constitution.

7.4. Risk

7.4.1. There are no significant risks arising from the proposed recommendations in this report.

7.5. Consultation

7.5.1. No consultation activity was required or undertaken in the production of this report.

7.6. Equality Implications

7.6.1. There have been no equality implications identified in producing this report

7.7. Climate Impact

7.7.1. With the Council's declaration of a climate emergency in July 2021 and the approval of the Carbon Management Plan in December 2022, we have committed to working towards becoming a carbon neutral council by 2030

7.7.2. [Climate Change Impact Assessment \(intranet link\)](#).

7.8. Community Impact

7.8.1. None.

7.9. Crime and Disorder Impact

7.9.1. None.

8. Background Papers

8.1. None.