

## Standards Committee

**Wednesday, 5 February 2025 at 5.15 pm**  
**Phoenix Chambers, Phoenix House, Tiverton**

**Next ordinary meeting**  
**Wednesday, 18 June 2025 at 5.15 pm**

**Please Note:** This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

**The meeting will be hybrid and an audio recording made and published on the website after the meeting.**

[To join the meeting online, click here](#)

Meeting ID: 327 259 172 572  
Passcode: Mz4BAG

### Membership

Cllr A Glover  
Cllr E Buczkowski  
Cllr J Buczkowski  
Cllr F J Colthorpe  
Cllr G Czapiewski  
Cllr M Fletcher  
Cllr L Taylor  
Cllr N Woollatt  
Cllr D Wulff

# **A G E N D A**

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

- 1       **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2       **PUBLIC QUESTION TIME**  
To receive any questions from members of the public.
- 3       **MINUTES** (*Pages 7 - 12*)  
To consider whether to approve the minutes as a correct record of the meeting held on 11 December 2024.
- 4       **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**  
To record any interests on agenda matters.
- 5       **CHAIR'S ANNOUNCEMENTS**  
To receive any announcements the Chair of the Committee may wish to make.
- 6       **AMENDMENTS TO THE CONSTITUTION FOLLOWING MOTIONS APPROVED BY COUNCIL**  
To note that there were no amendments to the Constitution following Motions approved by Council in the period since the last meeting.
- 7       **STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND** (*Pages 13 - 32*)  
To consider a report from the Director of Legal, People and Governance (Monitoring Officer) on the Strengthening the Standards and Conduct Framework for Local Authorities in England and to provide a response to the Council's position.
- 8       **APPLICATION FOR DISPENSATION** (*Pages 33 - 36*)  
To consider a report from the Director of Legal, People and Governance (Monitoring Officer) on the application for Dispensation.
- 9       **ACCESS TO INFORMATION – EXCLUSION OF THE PRESS AND PUBLIC**  
Discussion with regard to item 10, may require the Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee would need to decide whether, in

all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Recommended that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 respectively of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

10 **COMPLAINTS**

To receive an update from the Director of Legal, People and Governance (Monitoring Officer) with regard to any on-going complaints being dealt with. During the discussion it may be necessary to consider passing the following resolution at item 9 to protect the Members of District, Town and Parish Council's being discussed.

11 **SCHEME OF DELEGATION FOR COMMITTEES AND ADVISORY GROUPS**

To consider whether the Standards Committee agree for a working group to review the Scheme of delegation for Committees and Advisory Groups.

12 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Members are asked to note that the following items are already identified in the work programme for the next meeting:

## **Guidance notes for meetings of Mid Devon District Council**

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

### **1. Inspection of Papers**

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk)

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

### **2. Members' Code of Conduct requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

### **3. Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

### **4. Public Question Time**

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting.

Notification in this way will ensure the meeting runs as smoothly as possible

## **5. Meeting Etiquette for participants**

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called "turn on live captions" which provides subtitles on the screen.

## **6. Exclusion of Press & Public**

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

## **7. Recording of meetings**

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

## **8. Fire Drill Procedure**

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

## **9. WIFI**

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

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**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 11 December 2024 at 5.15 pm

**Present**

**Councillors**

A Glover (Chair)  
E Buczkowski (Vice-Chair), J Buczkowski,  
F J Colthorpe, G Czapiewski, M Fletcher,  
L Taylor, N Woollatt and D Wulff

**Also Present**

**Councillor**

B Holdman

**Also Present**

**Officer(s):**

Stephen Walford (Chief Executive),  
Maria De Leiburne (Director of Legal, People and  
Governance (Monitoring Officer) and  
Laura Woon ( Democratic Service Officer)

**Councillor**

**Online**

J Lock

**14 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies received.

**15 PUBLIC QUESTION TIME**

None received.

**16 MINUTES**

The minutes of the previous meeting were **APPROVED** as a true record and signed by the Chair.

**17 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

**18 CHAIR'S ANNOUNCEMENTS**

The Chair had no announcements to make.

## 19 **AMENDMENTS TO THE CONSTITUTION (05:15:00)**

The Committee **NOTED** the amendments to the constitution.

## 20 **DISCLOSURE BARRING SYSTEM (DBS) WORKING GROUP (06:30:00)**

The Committee had before it, a report \* from the Director of Legal, HR & Governance (Monitoring Officer) on the Disclosure Barring Service (DBS) for working group report.

The Director of Legal, HR & Governance (Monitoring Officer) outlined the content of the report with particular reference to the following:

- This was an update to Cabinet Members on the outcomes of the Standards Working Group who considered DBS checks for Members.
- The Working Group consisted of Cllrs Luke Taylor (Leader), James Buczkowski (Cabinet Member for Finance, Risk & Governance) and Andrea Glover (Chair of Standards Committee).
- The outcomes were in the report and the Safeguarding guidance notes and DBS checks was included.
- An update to the report on the financial implication were now £21.50 It had increased, therefore to carry out the DBS checks it would be via a third party provider with a total cost of £38.48.
- The cost for 42 members would be a total of £1616.16.

The following was discussed:

- There was a lot of discussion around the different parts and of the validity of conducting DBS checks and no actions taken from central government on Councillors to have a DBS Check.
- The most important part was trust from the electorate and for them to feel safe and secure when present with a Councillor.
- Within 2.6 of the report following consultation with the Head of Paid Service and Safeguarding Lead (where safeguarding issues), the Head of Paid Service would discuss the matter with the relevant member in consultation with Leader of the relevant Political Group and advice provided on any steps that should be taken. What about ungrouped members.
- Would the Chair of the Council not be a relevant person to consult with for those members that were ungrouped?
- The DBS to be transferable to other activities members were involved in.
- What would happen given that there was no legislation or government procedure, if the councillor just simply refused to submit the DBS or did not authorise it being shared with the group leader. What would happen?
- The code of conduct was based on legislation and/or government guidance, whereas the DBS was not.
- The Council should write to government to mandate enhanced DBS Checks.
- Would the DBS be published in the public domain and the risks this would have.
- The legislation stated 'you cannot stand for election' if you had been convicted of a crime within the past five years.
- What would the values be to the Council if Councillors had a DBS check?



- The DBS check would be a small part of the guidance and procedures in regards to safeguarding Councillors.
- This would be a safeguarding measure for the residents.

It was therefore **RESOLVED** the Standards Committee recommend to Full Council that:

- a) DBS checks are mandatory for all Members from May 2027 onwards;
- b) That any member can voluntarily have a DBS check from January 2025 until May 2027 when they become mandatory;
- c) The Head of Housing & Health is delegated to make any necessary changes to the Corporate Safeguarding Policy and related DBS policy in conjunction with the Cabinet member for Quality of Living, Equalities and Public Health;
- d) This Council write to government to ask for enhanced DBS Checks for all Councillors in the future.

(Proposed by the Chair)

Note: \* Report previously circulated.

Note: \*\* P Colthorpe voted against.

Note:\*\*\* N Woollatt Abstained from voting due to not being at the start of the debate.

## 21 **GOVERNMENT CONSULTATION - ENABLING REMOTE ATTENDANCE AND PROXY VOTING AT COUNCIL MEETINGS (36:00:00)**

The Committee had before it, a report \* from the Director of Legal, HR & Governance (Monitoring Officer) outlining the Government Consultation, enabling remote attendance and proxy voting at Council meeting.

The Director of Legal, HR & Governance (Monitoring Officer) outlined the content of the report with particular reference to the following:

- ‘Enabling remote attendance and proxy voting at local authority meetings’, with the consultation closing on the 19 December 2024.
- This consultation seeks views on the detail and practical implications of allowing remote and hybrid attendance at local authority meetings.
- The possible introduction of proxy voting for those occasions when an elected member, due to personal circumstances, may be unable to attend even remotely. For example, during maternity, paternity or adoption leave.
- The Standards committee to debate and review ahead of the response being submitted after it would be presented to Full Council next week.

The following was discussed:

- The Motion 563 from the 19th of May 2020.
  - a) This Council resolved to hold all member briefings and working/advisory groups (where practicable) remotely in the future which would aid the reduction of carbon emissions and provided significant savings on Members travel expenses.
  - b) This Council agreed to lobby central Government requesting that Regulation 5 of the Local Authorities and Police and Crime Panels

(Coronavirus) (Flexibility of Local Authority and Police and Crime Panel meetings) (England and Wales) Regulations 2020 be extended past May 2021 and be formed into new legislation allowing Members to have the option to attend any meeting of the Council either in person or remotely.

- Members that were present when meetings were online and had the flexibility to keep their function as a Councillor.
- Measures that would be in place for those attending and distractions that may take place with meetings being held online.
- The option for hybrid meetings rather than just online, the engagement from members in a room.
- Full Council to remain in person only for Councillors to come together.
- Question 5 of the consultation and the figures that had been put forward.
- That remote attendance at meetings was generally welcomed across the committee.
- The Members of the Committee did not wish to see a return to fully remote meetings.
- The role of Chair should be in person for meetings.
- Further discussions would be required on how the Council might implement the changes.
- Setting rules around attendance of meeting online or if they were not to attend similar to the rules around sending substitutes to meeting.
- Physical presents of members, officers and Members of the public present.
- On occasions where a person was unwell, should they be attending meetings at all, even remotely?
- Remote meetings would be helpful in cases of inclement weather (flooding, snow etc) and would allow the meeting to still take place and that attendance and voting would be recognised.
- The Standards Committee expressed concerns over this particular proposal, with the governance of the proposal being of significant concern.
- A lack of clarity of how proxy voting would work when amendments were moved at a meeting, for example;
- Whether the use of proxy voting could be seen as predetermination.
- If the responses to the consultation from the discussion the evening be circulated to members of the Committee first before it goes to Full Council.

It was therefore **RESOLVED** the Standards Committee recommend to Full Council that:

1. That the Council **NOTED** the Government Consultation.
2. The Director of Legal, People & Governance (Monitoring Officer) be delegated to respond to the Government with the Councils response.

(Proposed by the Chair)

Note: \* Report previously circulated.

## 22 **COMPLAINTS (1:15:25)**

The Committee **NOTED** a verbal update from the Director of Legal, People and Governance (Monitoring Officer) which provided an update on complaints received.

The following was highlighted:

- Since the last standards committee on the 19th of June, the Monitoring Officer had received two code of conduct complaints regarding 3 town and parish Councillors and 8 in total of code of conduct complaints regarding three district Councillors.

The following was discussed:

- The concerns on the benefit on the numbers of complaints.
- Were there any themes of reoccurrence or issues with certain Councils?
- To have a better understanding at the next meeting of those complaints upheld and this information not to be in the public domain.

### 23 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1:19:00)

The Committee requested that the following be on the agenda for the next meeting:

- The Code of Conduct Complaints appeal procedures.
- Guide to making a complaint about a Councillor review.
- Protocol of good practice.
- The regular reporting of complaints to have further details, those upheld and if any common themes.
- To Review the Scheme of Delegation on Committees and Advisory Group including the terms of reference, but not the Policy Development Group.

(The meeting ended at 18.36)

**CHAIR**

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## **Report for: Standards Committee**

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Date of Meeting:	3 February 2025
<b>Subject:</b>	<b>Government consultation 'Strengthening the Standards and Conduct Framework for Local Authorities in England'</b>
Cabinet Member:	Cllr L Taylor - Leader
Responsible Officer:	Maria de Leiburne, Director of Legal, People & Governance (Monitoring Officer)
Exempt:	There are no exemptions within the documents
Wards Affected:	All
Enclosures:	None

### **Section 1 – Summary and Recommendation(s)**

This report provides an overview of the recent government consultation on proposed changes to the local government standards regime. The consultation, titled "Strengthening the Standards and Conduct Framework for Local Authorities in England," seeks to gather views on a range of reforms aimed at enhancing the effectiveness and fairness of the standards system. To consider the government consultation and provide the Councils position.

#### **Recommendation(s):**

**That the Standards Committee recommends to Council that:**

- 1. The Council notes and provides feedback on the Government Consultation; and**
- 2. The Director of Legal, People & Governance (Monitoring Officer) be delegated to respond to the Government with the Councils response.**

### **Section 2 – Report**

#### **1.0 Introduction**

- 1.1 On 18th December 2024, the government opened a consultation seeking views on strengthening the standards and conduct framework for local authorities in England.
- 1.2 The consultation runs until 26th February 2025.
- 1.3 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.
- 1.4 Specific proposals being consulted upon for legislative change include:
  - the introduction of a mandatory minimum code of conduct for local authorities in England
  - 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
  - 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
  - a new category of disqualification for gross misconduct and those subject to a sanction of suspension more than once in a 5-year period
  - a role for a national body to deal with appeals
- 1.5 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.

## 2.0 **Ministerial forward**

The government is determined to fix the foundations of local government so councils can sustainably provide decent public services and shape local places, and so elected representatives can be fully accountable to the public they serve. Doing so is critical to national renewal, our missions, and our plans to push power out of Westminster and into the hands of local people with skin in the game.

At the core of this agenda is a plan to make local government across England fit, legal, and decent – so that councils have the backing from central government to deliver the high standards and strong financial management that they strive for, without needless micromanagement of day-to-day local decision-making. This plan includes:

- fixing our broken audit system
- improving oversight and accountability

- giving councils genuine freedoms to work for, and deliver in the best interests of, their communities
- improving the standards and conduct regime

This consultation is focused on the proposed reforms to the standards and conduct regime that will contribute to making sure England is covered by effective local and strategic authorities that are well-governed, with high standards met and maintained.

It is an honour and a privilege to be elected as a member and with it comes an individual and collective responsibility to consistently demonstrate and promote the highest standards of conduct and public service.

Members take decisions affecting critical local services such as social care, education, housing, planning, licensing, and waste collection. With greater devolution, local authorities will increasingly be taking decisions to shape local transport, skills, employment support, and growth. Decisions that are the responsibility of members impact virtually every citizen's life at some level, and the electorate has a right to expect that it can trust its local elected members to uphold the highest ethical standards and act in the best interests of the communities they serve.

I strongly believe that the vast majority of local elected members maintain high standards of conduct and that they are driven by duty and service. I believe that people stand for elected office in their local communities with the best intentions to act in the interests of those communities, bringing an energy and commitment to working collaboratively, creatively, and respectfully.

Members, officers, reporters and members of public are entitled to support and participate in the local democratic process in the confidence that high standards are maintained. This government wants to celebrate the positive power of public service and, in doing so, we want to give individual authorities appropriate and proportionate means to deal with misconduct effectively and decisively when it does occur. We also want to ensure that anyone can rightly feel confident about raising an issue under the code of conduct whether it impacts them personally and/or is a code conduct breach that brings the reputation of the council into disrepute.

With approximately 120,000 councillors in England across all types and tiers of local government, we know there are rare instances of misconduct. Robust political debate is part of our democratic system, but we know from local councils that there are examples of bullying, harassment or other misconduct, when from even a very small minority of members can have a seriously destabilising effect, potentially bringing a council into disrepute and distracting from the critical business of delivering for residents.

This government is committed to working with local and regional government to establish partnerships built on mutual respect, genuine collaboration and meaningful engagement. Our ambition is to create a rigorous standards and

conduct framework that will actively contribute to ensuring that local government throughout the country is fit, legal, and decent. With this in mind, this consultation seeks your views on a range of proposals to give local leaders the tools they need to establish and maintain a strong and ethical public service and democratic culture, and the people they serve the confidence that local democracy works for them.

### 3.0 Proposed Responses to Consultation Questions

3.1 The consultation questions are set out below for Standard committee members' to consider.

3.2

#### 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

**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 Committee**

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) 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] – **Not relevant as submitted by MDDC**

### 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] - **Not relevant as submitted by MDDC**

### 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] - **Not relevant as submitted by MDDC**

### 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 (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 subject to review?

- 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:

- 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]

#### **Financial Implications:**

None – Consultation only

**Legal Implications** None

**Risk Assessment** No risks have been identified.

**Impact on Climate Change** None.

**Equalities Impact Assessment** None directly arising from this report.

#### **Relationship to Corporate Plan**

Our values and priorities – equally important to the ‘what’ we are trying to achieve, is the ‘how’ the organisation operates and conducts itself.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Maria de Leiburne

Agreed by the Monitoring Officer

**Date:** 27 January 2025

**Chief Officer:** Stephen Walford

Agreed by or on behalf of Chief Executive

**Date:** 28 January 2025

**Cabinet member notified:** Yes

### **Section 4 - Contact Details and Background Papers**

Maria de Leiburne, Director of Legal, People & Governance (Monitoring Officer)

Email: mdeleiburne@middevon.gov.uk

#### **Background Information:**

Further details of the consultation here: [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#)

Respond to the consultation here: [Strengthening the standards and conduct framework for local authorities in England - Ministry of Housing, Communities and Local Government - Citizen Space](#)



Report for:	Standards Committee
Date of Meeting:	3 February 2025
<b>Subject:</b>	<b>Applications for Dispensations</b>
Cabinet Member:	Cllr L Taylor - Leader
Responsible Officer:	Maria de Leburne, Director of Legal, People & Governance (Monitoring Officer)
Exempt:	There are no exemptions within the documents
Wards Affected:	All
Enclosures:	None

## **Section 1 – Summary and Recommendation(s)**

To consider applications for dispensations from Members of this Council to enable them to take part in matters relating to devolution and/or local government reorganisation.

### **Recommendation(s):**

- 1 Approve the granting of dispensations to the dual-hatted County and District Council members, outlined in this report to enable them to discuss and vote on any matter relating to devolution or local government reorganisation in Devon. Such dispensations to take effect immediately.
- 2 Approve the granting of dispensations to District Council members who are employed by or are a spouse/partner of an employee of another District or County Council in Devon to enable them to discuss and vote on any matter relating to devolution or local government re-organisation in Devon. Such dispensations to take effect immediately.
- 3 That the dispensations are approved on the basis that granting the dispensations is in the interests of persons living in the authority's area.
- 4 That the dispensations are granted until the next District Council elections, or until such time as the District Council ceases to exist, whichever event comes first.

## Section 2 – Report

### 1.0 Introduction

- 1.1 MDDCs Code of Conduct came into effect on February 2016 and was reviewed in October 2021. It applies to you only when acting in your capacity either as a Councillor or Co-opted (voting) Member of the Council or its Committees and Sub-committees.

In the case of interests other than DPIs (which include but are not limited to Other Registrable Interests (ORIs)), if you are present at any meeting and you are aware that you have a Personal Interest in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered disclose the nature of the interest to the meeting (or, if it is a Sensitive Interest as described in paragraph 9 of the Code, disclose merely the fact that it is a personal interest).

In deciding whether it is appropriate for you to still participate in the discussion or voting on the matter, you should note that in accordance with paragraph 2.5(a) of this Code, you “must not use or attempt to use your position as a Councillor or Co-opted Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.”

- 1.2 The Government has recently issued a White paper that makes proposals in relation to devolution and local government reorganisation which impacts upon Devon. The Council has members who are either dual-hatted members of Devon County Council or who are employed by another District in Devon or the County Council or a partner/spouse of someone so affected.
- 1.3 Such dual-hatted members would have to apply to the Monitoring Officer for dispensations ahead of each and every meeting over the coming years to enable them to take part in the discussions and debate. They have therefore sought dispensation in relation to any matter relating to devolution or local government reorganisation in Devon, for a period up until the next election, to enable them to represent the views of their residents.
- 1.4 In addition, members who are either employees of another District or County Council in Devon or a spouse/partner of such an employee may also need to apply to the Monitoring Officer for dispensations to enable them to take part in the discussions and debate. In this instance, they too would be seeking dispensations in relation any matter relating to devolution or local government reorganisation in Devon, for a period up until the next election, to enable them to represent the views of their residents.
- 1.5 On the basis of the above, it is considered appropriate to grant dispensations to enable them to be involved in the discussion and vote in matters that may

potentially affect another local authority in Devon alongside those being considered as impacting on Mid Devon and its residents.

- 1.6 There are five categories of dispensation, three of which can be granted by the Standards Committee and two by the Monitoring Officer (MO). These are detailed below:

Monitoring Officers delegation:

To grant dispensations to Members pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct to speak only or to speak and vote where without the dispensation:

(a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or

(b) considers that without the dispensation each Member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.

The Standards Committee may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, the Committee considers that:

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

(b) granting the dispensation is in the interests of persons living in the District, or

(c) it is otherwise appropriate to grant the dispensation

Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

Members are invited to consider the dispensation applications and decide whether or not to approve the granting of dispensations to those members outlined in the report.

**Financial Implications** None

**Legal Implications** None

**Risk Assessment** No risks have been identified

**Impact on Climate Change** None

**Equalities Impact Assessment** None directly arising from this report

**Relationship to Corporate Plan**

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**Section 3 – Statutory Officer sign-off/mandatory checks**

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**Background Information:**