

**Committee on
Standards in
Public Life**

Local Government Standards Seminar

Summary Note

**Thursday 20 February 2025
2pm - 5:30pm**

**The Institution of Mechanical Engineers
One Birdcage Walk
London, SW1H 9JJ**

Attendees:

Committee on Standards in Public Life

- Doug Chalmers CB DSO OBE, Chair
- The Rt Hon Lady Arden of Heswall DBE
- Ewen Fergusson
- Councillor Ruth Dombey OBE
- Professor Gillian Peele

CSPL Research Advisory Board

- Professor Mark Philp

External participants

- Helen Bailey, Chief Executive, Sutton Borough Council
- Helen Bradley, National Lead Monitoring Officer, Lawyers in Local Government
- Councillor Abi Brown OBE, Local Government Association
- Martin George, Deputy Editor, Local Government Chronicle
- Abdool Kara, Executive Director, National Audit Office
- Diana Melville, Governance Advisor, Chartered Institute for Public Finance and Accountancy
- Nicholas Moss OBE, Independent Person, North Hertfordshire District Council
- Councillor Marianne Overton MBE, Local Government Association
- Rob Smith, Chief Executive, Society of Local Council Clerks
- Councillor Keith Stevens, Chair, National Association of Local Councils
- Jeanette Thompson, Service Director Legal and Community, North Hertfordshire District Council
- Alexander Bougatef, Interim Borough Solicitor, Monitoring Officer, Oldham Metropolitan Borough Council
- Professor James Downe, Professor of Public Policy & Management, Director of Research, Cardiff University
- Nigel Ellis, Chief Executive Officer, Local Government & Social Care Ombudsman
- Sukdave Ghuman, Director of Law and Governance & Monitoring Officer, Slough Borough Council
- Lloyd Haynes, Chief Finance Officer (s151 Officer), East Staffordshire Borough

Council

- Simon Mansell MBE, Group Manager (Assurance) and Data Protection Officer, Cornwall Council
- Graeme McDonald, Managing Director, Society of Local Authority Chief Executives and Senior Leaders (SOLACE)
- John Teasdale, Head of Legal and Regulatory Services (Monitoring Officer), East Staffordshire Borough Council

Introduction

Purpose of seminar

The primary purpose of the seminar was to produce evidence to inform CSPL's submission to the government consultation on strengthening the local authority standards and conduct framework in England, and to consider whether CSPL's 2019 Local Government Ethical Standards report's recommendations remain valid.

The consultation sought 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 a mandatory code of conduct and the powers of suspension and disqualification.

The Committee on Standards in Public Life (CSPL) has a long-standing interest in local government standards, which it first considered in 1997 and, most recently, in its 2019 report, 'Local Government Ethical Standards'. The report made 26 recommendations, and identified a further 15 best practice recommendations¹.

The CSPL is very grateful to all those who attended and were willing to give up their time and share their expertise with us. A number of attendees had surveyed their members in advance of the seminar, and this provided added weight and insight to the discussion.

The following summary note, prepared by the CSPL Secretariat, does not attribute comments or views to any particular individual or organisation.

Summary of discussion

Session 1: Code of Conduct

The meeting broadly agreed that there should be a mandatory minimum code of conduct, which would provide strength and consistency as this was a key issue of public confidence. Although the ability to *add* to the code in a locality, to take account of particular issues, could be helpful, *amending* the code may well undermine the spirit behind the proposal of having a mandatory code, notwithstanding the fact that this could also give local councillors 'ownership' of the code in their area, which was held to be important. However, care would need to be taken that there was primarily one code, "rather than thousands", to enable any future appeals body to deal more easily with that function.

It was felt important that there was accompanying guidance that supported any published code of conduct, perhaps in the form of appendices, to provide guidelines and greater clarity on the issues or behaviour in scope. For example, describing what type of behaviours constituted bullying under the code, would leave people in no doubt about the standard of personal behaviour required. This needed explaining as people had differing views on what constituted acceptable behaviour. A requirement within the code of conduct for members to cooperate with investigations into code breaches, should be included.

¹https://assets.publishing.service.gov.uk/media/5c5c3f68e5274a3184bac66f/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

It was noted that the Devolved Administrations have mandatory codes, and 'what works' in other areas (e.g. Wales) should be explored.

Session 2: Standards Committees and Independent Person/s

It was agreed that all principal authorities should be required to form a standards committee which was properly constituted and, many thought, not combined with other committees, as different committees needed diverse skills.

The idea of lay members chairing a standards committee was thought to be a good idea as it demonstrates independence, although a couple of voices thought that there could be advantages in a political member chairing instead. The differences between an Independent Person and lay members was explored, and it was felt that the role description for an Independent Person should be closely defined. The Independent Person and lay members should have voting rights.

It was felt that a standards committee need not be politically proportionate but that they should "pick the right people with a high level of integrity". The differences between members' behaviour at committees - as opposed to full council meetings when party politics may come to the fore - was noted.

Session 3: Investigations

The process of conducting investigations when allegations were made was explored. Attendees agreed that most complaints are triaged by the Monitoring Officer and do not result in investigations "as these aren't crimes" and the quasi-judicial nature of investigations was considered. Clarity of language was needed to ensure understanding. Investigations needed to be proportionate to ensure good use of public money, but the public perception of closing investigations prior to their natural conclusion "could feel murky".

Transparency was important and the publication of results was "the right thing to do". If results were not published, local social media "filled the void anyway", so publication of complaints upheld, and not upheld, was vital.

The publication of vexatious complaints could also be considered in terms of transparency, and to guide future complainants about the type of matters that would and would not be investigated. It was rare that a complaint could not be anonymised sufficiently to protect the complainant, although this should be the only exception to substantive publication.

When a member resigned during the investigation, it was largely felt that the investigation should be pursued to its conclusion and the results published (where possible) because there was nothing to stop the member "popping up" in a neighbouring constituency in the future. This action could be frustrated by a member's right to silence however, this should not prevent publication.

Session 4: Suspension

The question of whether suspensions should be permitted was explored, "as you need a good reason to interfere with an electoral result". There was support for suspension for egregious breaches of behaviour while an investigation was pursued. However, it was noted

that some investigations could take years to reach their conclusion if the police and Crown Prosecution Service became involved, which resulted in a democratic deficit.

In addition, although operating as office holders, did councillors move more towards becoming employees in HR terms if suspension is used? This was a difficult area and rules and guidance were needed to operate effectively. The question of provision of support to members and councils was raised, as legal fees could start to be incurred.

Conciliation to resolve complaints was felt to be useful, although an apology could subsequently be used as a political tool in neighbourhood leafletting. It was clear that suspension needed to be a neutral act as “people are innocent until found guilty” however, there needed to be a sliding scale of consequences, or ladder of sanctions, for poor behaviour similar to sentencing guidelines, including the option to withhold allowances and institute premises and facilities bans where appropriate.

Session 5: Disqualification

The participants found difficulty with the issue of disqualification in many cases. There was an argument as to whether the member remained a ‘fit and proper person to hold public office’, however, disqualification was ‘an extreme sanction’ because “they were elected and someone else [unelected] is disqualifying them”.

There was, however, support for disqualification for criminal offences and it was felt that the current criteria for disqualification under criminal law - contained within schedule 9 of the Elections Act 2022 - could be reviewed and amended. If a councillor was judged to be guilty by a court, then disqualification could be appropriate but if it fell to an officer of the council to adjudge on behaviour, this was far more difficult democratically.

There was widespread dislike for the ‘two strikes and you’re out’ proposal, instead a nuanced judgement was needed. For repeated poor behaviour, disqualification could be appropriate, but for performance matters, participants were not so sure. However, if a councillor had acted recklessly with council finances, for example, disqualification should be considered; participants at the seminar felt that deciding where you draw the line was a finely balanced argument.

The question of who had the power to suspend was considered; should this be the standards committee or others? It was felt that there was not enough legal coverage for Monitoring Officers to undertake this aspect of the role.

Session 6: Appeals and the provision of a national body

Participants felt that it was important to have a right of appeal, however, five days was felt to be too short a time limit because advice from other sources might be needed. Any appeal needed to be “timely, sharp and focussed”, “light touch and proportionate”, and “bring closure” to the complaint, in effect “be the end of the line”.

Some participants felt that a national body was the right approach to enable a level of expertise and consistency however, others felt that a different situation from previous arrangements was needed and that alternative models were available.

One option suggested was a regional approach which mirrored magistrates' complaints arrangements, and had an independent chair. It was felt appropriate for councillors to hear cases concerning other councillors, and the arrangement could act as a tribunal in terms of powers, although experienced people were needed.

Learning and feedback to generate improvement was important as was future-proofing, as far as possible, whatever arrangements were settled upon. Arrangement for legal representation needed to be considered, as an accused may not have resources and may need legal support. Equally, indemnification for officials was required. It is likely that costs will fall to a council.

Any appeal needed to be able to change the decision of the council, not just look at whether the correct procedures were followed.

In terms of complainants' rights to appeal, it was felt that allowing appeal to another body would likely be disproportionate and cumbersome; "you can go to the LGO now". Any complainant rights should be sufficient and proportionate; balance was needed. The government should learn from the experience of the former Standards Body for England.

Session 7: Other Matters

The participants then considered other matters relating to local government standards.

One suggestion, which received wide support, considered whether there was scope to broaden the councillor's declaration of acceptance to underline the expectation that members should behave decently at all times. Joining the declaration of acceptance with the code of conduct could emphasise its importance.

The sense of when councillors were acting in their public or private capacity, particularly when engaging on social media, required clarity. People had different perceptions of how councillors should behave and "the world has changed in recent years".

The idea, again, of 'future-proofing' whatever arrangements were decided upon was vital. For example, how would these ideas work for directly elected mayors, PCCS and combined authorities?

One view was that principal councils needed a discretionary power to recover costs from parish councils in hearing appeals, in an effort to balance the books but also to curb poor behaviour within local government; others felt not.

The idea of consistency between councils was felt important, while allowing for local nuances, and the process of corporate peer challenge should be encouraged. The question of who monitors the monitoring officers was also raised.

In summary, the meeting agreed that the recommendations contained within the CSPL 2019 review of local government standards remained valid. There was a drive for local people to manage local affairs, wherever possible, and for complaints to be resolved at the lowest possible level, with a sliding scale of consequences. Publicising a role description for councillors was also suggested, so that "people know what they are signing up for" along with publishing any revised code of conduct.