

**Report for:** Standards Committee, 4<sup>th</sup> February 2025

**Title:** Standards Update

**Report authorised by:** Fiona Alderman, Assistant Director for Legal and Governance (Monitoring Officer)

**Lead Officer:** Fiona Alderman, Assistant Director for Legal and Governance (Monitoring Officer)

**Ward(s) affected:** N/A

**Report for Key/  
Non-Key Decision:** N/A

## 1. Describe the issue under consideration

An update for members of Standards Committee on matters of relevance to the work of the committee.

### 1 Cabinet Member Introduction

1.1 N/A

## 2. Recommendations

3.1 The committee are asked to:

- To note the contents of this report; and
- To provide their views, collectively or individually, on the consultation on the government standards system

## 6. Background

### Consultation on changes to the standards system

- 1.2 The Government has launched a consultation on wide-ranging reforms to the local government standards system, including reintroducing powers of suspension and widening circumstances in which members can be disqualified.
- 1.3 The consultation, '[Strengthening the standards and conduct framework for local authorities in England](#)', also asks for views on implementing sanctions such as premises bans for councillors, setting up a national body for handling appeals, and requiring councils to have standards committees

- 1.4 In a foreword to the document, Jim McMahon, Minister for Local Government and English Devolution, said the reforms aim to help councils run smoothly and hand them the "appropriate and proportionate means to deal with misconduct effectively and decisively when it does occur"
- 1.5 The document detailed proposals for members to be disqualified for five years if they have been suspended more than once within a five-year period. This could "curb the risk of repeat offending and continued misconduct once councillors return from a suspension", it said.
- 1.6 In the event of a suspension, the consultation proposed introducing a right of appeal for any member subject to a decision to suspend them.
- 1.7 It added that members should only be able to appeal any given decision to suspend them once; an appeal should be invoked within five working days of the notification of suspension, and that – following receipt of a request for appeal – arrangements should be made to conduct the appeal hearing within 28 working days.
- 1.8 It said: "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.
- 1.9 "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."
- 1.10 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.
- 1.11 The document also called for views on whether appeals panels should be in-house within local authorities or whether it is right that this responsibility sits with an independent national body.
- 1.12 It said: "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."
- 1.13 On powers of suspension, the document suggested 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".
- 1.14 On this point, it said: "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."

- 1.15 It added: "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."
- 1.16 Regarding suspensions, the consultation called for views on whether respondents believe local authorities should be given the power to suspend elected members for serious code of conduct breaches.
- 1.17 It also asked if respondents think that it is appropriate for a standards committee to have the power to suspend members, or whether this should be the role of an independent body.
- 1.18 Additionally it asked for views on whether there should be a maximum length of suspension.
- 1.19 Sanctions could also include withholding allowances and introducing premises and facilities bans for members.
- 1.20 Withholding allowances for members who have been suspended for serious code of conduct breaches "could act as a further deterrent against unethical behaviour", according to the document.
- 1.21 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", it added.
- 1.22 Granting local authorities 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", the document noted.
- 1.23 It continued: "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."
- 1.24 On the possibility of introducing interim suspensions, the consultation said: "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."
- 1.25 In such cases, the Government proposed that there should be an additional power to impose interim suspensions until a serious or complex case under investigation is resolved.
- 1.26 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, under the proposal.

- 1.27 However, the Government said 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.
- 1.28 "The decision to impose an interim suspension would not represent a pre-judgement of the validity of an allegation", it noted.
- 1.29 Elsewhere in the document, the Government said it wants to introduce a requirement for all principal authorities to convene a standards committee.
- 1.30 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, according to the Government. "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," it added. The consultation also seeks views on whether standards committee membership would be required to include at least one Independent Person - as well as at least one co-opted member from a parish or town council - and, secondly, whether standards committees should be chaired by the Independent Person.
- 1.31 In addition, the consultation asked whether councils should be required to publish annually a list of allegations of code of conduct breaches and any investigation outcomes.
- 1.32 "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", the document said.
- 1.33 Additionally, the consultation asked whether investigations into the conduct of members who stand down before a decision should continue until their conclusion and the findings be published.
- 1.34 It also detailed Government proposals 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".
- 1.35 It said: "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."
- 1.36 The Government will likely set out such a mandatory code in regulations to allow flexibility to review and amend in future, according to the document.

## The Code of Practice on Good Governance for Local Authority Statutory Officers

- 6.1 The Code of Practice on Good Governance for Local Authority Statutory Officers was published in July 2024:-

[Code-of-Practice-on-Good-Governance-for-Statutory-Officers-June-2024.pdf](#)

- 6.2 It concerns the Head of Paid Service, the s151 officer and the Monitoring Officer and aims to assist the three officers in the golden triangle to effectively work together to best advise their authority, implement its decisions, and help achieve good outcomes. In Haringey the roles are held by the Chief Executive (Head of Paid Service), the Director of Finance (s151 officer) and the Assistant Director of Legal and Governance. Their role can be summarised as being, collectively, to hold sufficient skills, information and tools to understand a problem and the solutions presented, and then being able to speak truth unto power about it. Not least, it is to provide that their authority's decisions are implementable, are financially sound, are lawful and comprehensible to others.
- 6.3 It is set out as a set of seven **Standards of the Golden Triangle**, and beneath these a set of requirements, of:
1. Understand Governance: Roles and responsibilities
  2. Act Wisely: A duty of enquiry & the exercise of statutory functions
  3. Lead Ethically: The Seven Principles of Public Life
  4. Act Effectively: Robustness in working arrangements
  5. Resource the Roles: Get the tools to do the job
  6. Build Resilience: Deputies and development
  7. Deliver sound decision making: The outcome of good governance

## Ethical Behaviours and Governance

### Teignbridge District Council

- 6.4 A report by external auditors, Grant Thornton, has said that relationships between Members and officers need to improve had noted that a revised Member-Officer Protocol had been drafted to address issues but the report of December 2023 highlighted that the Protocol had not yet been agreed. Challenges with Member behaviour was affecting the ability of officers to work effectively.
- 6.5 A previous report to Standards Committee on 26 June 2023 summarised the findings of the Local Government and Social Care Ombudsman that there had been faults in a Teignbridge District Council investigation into a councillor's conduct. Following this the Council referred the former Monitoring Officer, Karen Tricky, to the Solicitors Regulation Authority. The SRA dismissed the referral, with no action to be taken
- 6.6 Monitoring Officer's Comment

- Grant Thornton published a paper in 2023, in partnership with Lawyers in Local Government, the Association of Local Authority Treasurers Societies, SOLACE and CIPFA, on preventing failure in local government. It highlighted the need for appropriate behaviours as defined by the Seven Principles of Public Life.
- Leadership being shared between councillors and senior officers, appropriate behaviours underpin effective relationships, enabling good communication, constructive challenge and collective problem-solving.
- A recent report by the Local Government Association set out learning from five councils with experience of finance and governance challenges. This reiterated that a healthy organisational culture requires effective Member- officer relationships to establish trust and informed decision-making.

### Standards Cases

#### Ashfield District Council

6.7 Councillor Tom Hollis, Deputy Leader of Ashfield District Council, has pleaded guilty of failing to disclose a pecuniary interest following re-election in 2019 and 2021. In 2018, Councillor Hollis had loaned £70,000 to another councillor who had used the money to purchase a property. Councillor Hollis failed to register the loan, with the Deputy Chief Magistrate reportedly saying “Throughout the period 2019 to 2021 he was the beneficial owner of the said property and was re-elected twice without disclosure on his part of that financial interest”. While the magistrate acknowledged that there was no benefit to the councillor from the non-disclosure, Councillor Hollis was fined £2,400 for the failure.

#### 6.8 Monitoring Officer’s Comment

- A failure to register or disclose a Statutory Disclosable Pecuniary Interest is a criminal offence under the Localism Act 2011. One of the categories is any beneficial interest in land which is in the area of the council. Statutory Disclosable Pecuniary Interests include any interests of a Member’s spouse or civil partner, or person with whom a Member lives as if they were a spouse or civil partner.
- Members are regularly reminded to update their registers of interest.

#### Hartlepool Borough Council

6.9 Two councillors have been found to have breached the Code of Conduct for “untrue statements” made in a Conservative Party leaflet circulated in summer 2023.

6.10 The statements were: “FACT: No other political party in Hartlepool has ever frozen council tax”; and that the Council leader, Councillor Mike Young, had “immediately instructed officers to start preparing for a budget that froze council tax”. An independent investigation was carried out following a referral from Council to the Audit and Governance Committee.

6.11 The investigation found that the first statement had no “factual basis” while the second statement was untrue. It concluded that Councillor Young and



Councillor Tom Cassidy had breached the requirement “not to bring my role or local authority into disrepute”. The Audit and Governance Committee accepted the findings and imposed sanctions to apologise to full Council, with a formal censure if the apology was not offered.

- 6.12 The papers were exempt from publication but an extract of the Investigating Officer’s report was submitted to Council in February. Apologies were made at the February meeting of Council.
- 6.13 Monitoring Officer’s comment
- 6.14 This case highlights how the Code of Conduct applies in all forms of communication when a Member is acting in their capacity as a councillor, including where a reasonable member of the public with knowledge of all the facts would gain the impression that a Member is acting as a councillor. The actions and behaviours of sitting councillors are under greater scrutiny than that of other candidates, with the potential for bringing their office or the council into disrepute. Statements within political campaigning literature of sitting councillors that are considered to be misleading could be found to be in breach of the Code of Conduct.

#### Tower Hamlets Council

- 6.15 A standards investigation has been carried out following allegations that a councillor at Tower Hamlets Council had sought and failed to elicit a bribe. Santosh Nair had appealed the refusal of a renewal for a sexual entertainment licence, claiming the councillor had sought to elicit a bribe in return for granting the licence. The council reached a settlement agreeing to reinstate the lap dancing club’s licence and pay Mr Nair’s legal costs and damages.
- 6.16 A meeting of the Standards Advisory Committee, on 7 December 2023, heard that an external investigator had been appointed due to the seriousness of the allegation but slow progress was being made. A police investigation was halted after finding insufficient evidence. In June 2024, the Committee heard that the case had been close due to insufficient evidence.
- 6.17 During the meeting, the Committee expressed concern that it had not been sufficiently updated on the progress of the investigation or the related settlement.
- 6.18 Monitoring Officer’s Comment
- Where a complaint is made against a councillor, the Monitoring Officer will follow the Complaint Handling Protocol which has recently been updated in November 2024. An allegation of eliciting a bribe could be considered as a potential breach of the Code of Conduct obligations not bring the local authority into disrepute and not to use, or attempt to use, the councillor’s position improperly to their advantage. Given the seriousness of the allegations, an investigation would be the likely outcome although other factors such as the potential for evidence supporting the complaint would need to be considered. The Monitoring Officer would also need to consider

whether the matter has or should be referred to the police and that the police investigation takes priority.

- Where it has been determined that a complaint requires investigation, the Monitoring Officer will determine whether the investigation be undertaken internally or an external investigator appointed.

#### South Tyneside Metropolitan Borough Council

6.19 Iain Malcolm, former leader of South Tyneside Metropolitan Borough Council, has been found to have breached the councillors' Code of Conduct by failing to treat the Monitoring Officer and the Corporate Director, Business and Finance with respect, through conduct that amounted to bullying. He had also attempted to influence the actions of statutory officers and brought the council and office of councillor into disrepute. As Mr Malcolm was no longer a serving councillor, no sanctions could be imposed.

6.20 Monitoring Officer's Comment

6.21 In the event of the Monitoring Officer bringing a complaint against a Member for conduct such as bullying, the likely process followed would be to ask the Deputy Monitoring Officer to consider the complaint, in consultation with one of the Independent Persons, and who would then refer it to Assessment Sub-Committee for a decision on whether it should be investigated.

#### Warwickshire County Council

6.22 Three councillors, Brian Hammersley, Jeff Morgan, and Clare Golby, have apologised for comments made about children with special educational needs at a Scrutiny Committee meeting in Warwickshire County Council but an investigation has concluded that there was no breach of the Code of Conduct

6.23 The comments had included: "Not automatically accepting the plea of a mother saying that little Willy has ADHD when in actual fact little Willy is just really badly behaved and needs some strict form of correction" . While Councillors Hammersley and Morgan were found to have used phrases that were "disrespectful and showed a lack of care and sensitivity", there was insufficient evidence that Councillor Golby had carried out bullying, harassment or unlawful discrimination. In the cases of Councillors Hammersley and Morgan, the enhanced protections during political debate from Article 10 of the European Convention on Human Rights led to the finding of no breach of the Code of Conduct.

6.24 Recommendations were made that the Chief Executive of the Council explore how councillors could be supported to engage in debate while using respectful, courteous and sensitive language.

6.25 Monitoring Officer's Comment

6.26 The comments reported at the Scrutiny Committee meeting could be considered under the respect provision of the Code of Conduct. In an investigation into a potential breach, the need for councillors to express and



challenge views, ideas, opinions and policies would need to be balanced with the requirement for politeness and courtesy in behaviour and speech. It would need to be assessed as to whether groups of people, such as those with special education needs or their carers, had been subjected to personal attack in the comments made. Any apologies already given would also need to be considered in the event of a breach being found.

**7. Contribution to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes**

**N/A**

**8. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)**

**Finance**

- 8.1 There are no direct financial implications arising from the recommendations in this report.

**Legal**

- 8.2 This is a report of the Assistant Director of Legal and Governance (Monitoring Officer). Their comments are included in the body of this report.

**Equality**

- 8.3 There are no direct equalities implications arising from the recommendations in this report.

**9 Use of Appendices**

- 9.1 N/A

**10 Background Papers**

- 10.1 XXXX