

## Response ID ANON-VGFQ-8EC2-6

Submitted to Strengthening the standards and conduct framework for local authorities in England  
Submitted on 2025-02-26 23:27:26

Scope of this consultation

Ministerial foreword

Background: Standards and Conduct framework and sanctions arrangements

Who we would like to hear from

Personal data

About you

1 In what capacity are you responding to this consultation?

A local government sector body

Local government sector body

Please state which organisation this is a response from:

Organisation:

ADA (Association of Drainage Authorities)

Strengthening the Standards and Conduct framework

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

Yes

If no, why not?:

ADA would support the introduction of a mandatory minimum code of conduct for internal drainage boards (IDBs) in England. ADA already publishes a model code of conduct in line with the Nolan Principles as guidance for IDBs, and would welcome engagement with Defra and MHCLG to update this further in the future.

ADA believes that prescribed codes should be uniform across the country as there is a risk that creating local flexibility could lead to divergence in the codes adopted, and therefore make it harder to judge potential breaches objectively. That said we do see a need for different codes for different types of authority (e.g. Parish Councils, Internal Drainage Boards, District Councils etc), and we think that such codes should be developed with engagement with their relevant representative bodies (e.g. NALC, ADA, District Councils Network/LGA).

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?

No – a prescribed code should be uniform across the country

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

Yes

Strengthening the Standards and Conduct framework

5 Does your local authority currently maintain a standards committee?

No

Add any further comments:

Our members are internal drainage boards, which are a form of smaller local public authority.

We do not believe that IDBs are at the scale of resource of a principal authority and therefore it would be disproportionate for IDBs to convene formal standards committees to make decisions on code of conduct breaches, and publish the outcomes of all formal investigations. How

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

No

Add any further comments:

We do not believe that IDBs are at the scale of resource of a principal authority and therefore it would be disproportionate for IDBs to convene formal standards committees themselves to make decisions on code of conduct breaches, and publish the outcomes of all formal investigations. We would be keen to work with Defra and MHCLG to consider commensurate procedures for IDBs to maintain standards and investigate code of conduct complaints.

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?

Unsure

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

Unsure

9 Should standards committees be chaired by the Independent Person?

Unsure

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

Add your comments:

In relation to internal drainage boards, ADA would be willing to discuss further a role for a national body to help ensure fairness and objectivity and reduce incidences of vexatious complaints, and deal with appeals.

A statutory definition of a vexatious complaint as one that is made without merit and is intended to annoy, harass, or cause disruption is required. Monitoring Officers should be empowered to dismiss vexatious complaints which are unreasonable, repetitive, or burdensome.

### Strengthening the Standards and Conduct framework

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

Not Answered

Other views (add your comments):

ADA believes the public should have full access to anonymised summaries of all allegations and investigation outcomes and, in addition, to published details of all cases in which a member is found to be in breach of the code.

### Strengthening the Standards and Conduct framework

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

Yes

### Strengthening the Standards and Conduct framework

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 of complaints:

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:

Complaints made by other elected members:

Complaints made by the public:

Complaints made by any other source:

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?

Not Answered

Please give reasons if you feel comfortable doing so.:

15 If you are an elected member, have you ever been subject to a code of conduct complaint?

Not Answered

If so, did you feel you received appropriate support to engage with the investigation?:

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?

Add your comments:

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?

Add your comments:

### Introducing the power of suspension with related safeguards

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

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

Add your comments:

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?

Unsure

### Introducing the power of suspension with related safeguards

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

If you think the government should set a different maximum length, what should this be, in months? :

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

### Introducing the power of suspension with related safeguards

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

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

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

## Introducing the power of suspension with related safeguards

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

Any further comments:

This should only apply to the most serious allegations of misconduct.

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

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

No

Any further comments:

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

Any further comments:

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

30a If you answered yes to above question, what safeguards do you think might be needed to ensure that unlimited suspension is not misused?

Add your comments:

A right of review by an independent body (there should be sector representation on that independent body) if any interim suspension reached a determined time threshold.

## Introducing the power of suspension with related safeguards

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

If you think councillors should be disqualified if subject to suspension more than once over a period different to 5 years, what should this be, in years? :

If you think the government should set a different disqualification period, what should this be, in years? :

Any other comments:

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

Any other comments:

## Introducing the power of suspension with related safeguards

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

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

If you think the government should set a different appeals timeframe, what should this be, in days?:

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

Yes

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

Yes

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.

Add your comments:

In relation to internal drainage boards, ADA would be willing to discuss further a role for a national body to deal with appeals as appropriate.

Introducing the power of suspension with related safeguards

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

Any further comments:

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

Both of the above should be in scope

Please explain your answer:

Public Sector Equality Duty

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?

It would benefit individuals with protected characteristics

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