

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

STANDARDS COMMITTEE

The meeting will be held at **7.00 pm** on **11 February 2025** at the **Committee Room 2, Civic Offices, New Road, Grays, Essex, RM17 6SL**

Membership:

Councillors Cathy Kent (Chair), Barry Johnson (Vice-Chair), Deborah Arnold, John Fox, Martin Kerin, Sue Shinnick, Charles Clarke and Jasdip Singh Nijjar

Substitutes:

Councillors Andrew Jefferies, Jacqui Maney, Srikanth Panjala and Lee Watson

Agenda

Open to Public and Press

	Page
1. Apologies	
2. Minutes	5 - 8
To approve as a correct record the minutes of the Standards Committee held on 5 November 2024.	
3. Items of Urgent Business	
4. Declarations of Interests	
5. Member Development Strategy and the Training and Induction Schedule 2025-2026	9 - 46
6. Ethical Framework update	47 - 56
7. Constitution Review: code of conduct and procedure	57 - 86
8. Consultation on strengthening the standards and conduct framework for local authorities in England	87 - 106

9.	Work Programme	107 - 108
10.	Item 6 - Appendix 3 - EXEMPT - Complaints Update	109 - 112

Queries regarding this Agenda or notification of apologies:

Please contact Jenny Shade, Principal Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: 3 February 2025

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Declaring Interests Flowchart – Questions to ask yourself

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- Is your register of interests up to date?
- In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?
- Have you checked the register to ensure that they have been recorded correctly?

When should you declare an interest at a meeting?

- What matters are being discussed at the meeting? (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet what matter is before you for single member decision?

Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

Non-pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register.



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and-leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps.

Public Minutes of the Meeting of the Standards Committee held on 5 November 2024 at 7.00 pm

Present: Councillors Barry Johnson (Vice-Chair), Deborah Arnold, John Fox, Martin Kerin, Sue Shinnick and Lee Watson (Substitute) (substitute for Cathy Kent)

Charles Clarke, Co-Opted Member
Jasdip Singh Nijjar, Co-Opted Member

Apologies: Councillor Cathy Kent

In attendance: Daniel Fenwick, Executive Director Corporate Services/Monitoring Officer
Helen Nicol, Assistant Director Legal and Governance
Jenny Shade, Principal Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting was being recorded, with the audio recording to be made available on the Council's website.

In the absence of the Chair, the Vice Chair, Councillor Barry Johnson chaired the meeting.

7. Minutes

The minutes of the Standard Committee held on the 16 July 2024 were approved as a correct record.

8. Items of Urgent Business

There were no urgent items of business.

9. Declarations of Interests

There were no declarations of interest.

10. Member Training and Development Update

The report presented set out the feedback and review of the refreshed training schedule as well as highlighting additional activities to enhance the offer both in year and for the future. The committee were asked to review and comment on the Member attendance and feedback received from training sessions so far in 2024/25.

The following members spoke on this item – Councillors D Arnold, Johnson, L Watson, Fox and Shinnick. The following comments were made:

- Understand the reason why some members did not engage in the training process.
- Agreed the standard of training had improved.
- More intermediate/advanced training for longer standing members.
- Training should not be just for new members.
- As a new member had found the training excellent and very informative.
- Noted the importance of new members attending as many training sessions as possible to understand the process.
- Agreed more use should be made of courses being offered by LGA.
- More interactive training sessions rather than PowerPoint.
- Agreed attending training takes a lot of time out of members busy schedules.
- Suggested away sessions, possibly overnight, to spend more quality time learning.
- Agreed that non-Thurrock officers should present the training.
- It was recognised that member training could be more interactive to engage more members and to get the training requirement balance right.
- Comments were noted and would be looked into especially as part of the member induction.

RESOLVED

- 1. Noted the attendance figures and feedback provided for sessions so far and make any recommendations in relation to increasing or improving engagement or delivery of sessions.**
- 2. That the Committee supported the drafting of a schedule of attendees for experienced Members to attend the LGA Leadership Academy in future years. This schedule be cross-party.**

11. Update on review of councillor conduct sections of the Constitution

The report presented set out the initial findings of a review of the code of conduct and the complaints procedure to handle complaints under the code.

The following members spoke on this item – Councillors D Arnold, Johnson and co-opted members Charles Clarke and Nijjar Jasdip Singh. The following comments were made:

- Questioned why reports on complaints were still being printed on pink paper when the council was trying to be more open and transparent.
- Noted that when complaints were received they were allegations until proven and was at the interest of those parties for this information to remain confidential.
- Noted the lengthy process and whether the format could be changed to speed this up.
- Questioned if it would be possible to note how many attempts had been made to set up meetings with individual complainants and to potentially build a limit into how many offers of a meeting were given.

- Whether there was a maximum cut of time between the complaint being received and completion.
- Debate took place on whether any breaches to code of conduct should be brought to full council for discussion rather than the Advisory Panel making that decision.
- Members discussed whether the chair of the Advisory Panel should be an external body.

RESOLVED

The committee recommended to:

- 1. Considered and agreed the proposal not to amend the Council's Code of Conduct.**
 - 2. Noted the comments in respect of the Code of Conduct complaints procedure and agreed to receive a report at the next meeting for consultation.**
 - 3. Agreed the complaint process table as set out at Appendix 1, which the Monitoring Officer would adopt into the current constitution (pursuant to his powers to do so) in advance of the constitution review to assist with clarity on processing complaints.**
- 12. Sensitive Members Interests - Employment Information and the register of interests**

The report presented set out the rationale for not including within the public register of members' interest details of the Employment Office, Trade, Profession or Vocation of any member, unless a member specifically requests that they would like such information to be public.

There were no questions from members.

RESOLVED

- 1. Agreed the guidance note of the Monitoring Officer in relation to the exclusion or disclosure of sensitive member interests (relating to members' employment office, trade, profession or vocation), as set out in appendix 1.**
 - 2. Agreed, the guidance note be published on the Council's website to strengthen transparency and all members are written to by the Monitoring Officer to make them aware of the guidance.**
- 13. Ethical Framework Update**

The report presented provided an update to the committee on ethical compliance and conduct in Thurrock to help assess the ethical health of the authority. It covered the relevant reporting period (17 July 2024 to the 27

October 2024; the last Standards Committee being held on 16 July 2024, and publication of the agenda and reports for this Standards Committee being 28 October 2024): The report also covered information on the gifts and hospitality declared by Councillors; declarations of interest at meetings, new complaints received under the members' Code of Conduct and actions taken, together with details of any complaints concluded during the period and outcomes.

The meeting went into exempt session at 7.37pm.

The meeting convened into open session at 7.46pm.

RESOLVED

- 1. Noted and provided comment on the register of gifts and hospitality at Appendix 1.**
- 2. Noted and provided comment on the register of declarations of interest at Appendix 2.**
- 3. Noted and provided comment on Code of Conduct complaints received and concluded during the period, as set out in exempt Appendix 3.**

14. Work Programme

The Constitution Review – Ethical Governance to be added to the 11 February 2025 meeting.

A full recording of this meeting can be viewed from the following link:

[Standards Committee - Tuesday 5 November 2024, 7:00pm - Thurrock Council committee meeting webcasts](#)

The meeting finished at 7.49 pm

Approved as a true and correct record

CHAIR

DATE

Any queries regarding these Minutes, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

Report to Standards Committee

Report Title	Member Development Strategy and the Training and Induction Schedule 2025-2026
Date of Meeting	Tuesday 11 February 2025
Report Author	Matthew Boulter
Corporate Director	Executive Director Corporate Services/Monitoring Officer
Lead Cabinet Member(s)	Cabinet Member for Resources
Wards Affected	(All Wards);
Identify exempt information and exemption category	Choose an item. Open
Appendices (if any)	<ol style="list-style-type: none"> 1. Member Development Strategy 2025-26 2. Member Training Schedule 2025-26 3. Community Equality Impact Assessment

1. Executive Summary

- 1.1 This report sets out the refreshed Member Development Strategy, as well as the Member Training and Induction Schedule for 2025-2026, which underpins the Council's approach to Member development. The report allows Members to review the contents annually and for this year, take note of any amendments to the documents following the internal audit of the Member training offer from the summer of 2024.

2. Recommendations

For the reasons set out in this report, the Committee is recommended to:

- 2.1 Approve the Member Development Strategy 2025-26 attached at appendix 1
- 2.2 In accordance with Section 13 of the Strategy, Standards Committee to make any recommendations to Full Council on the resources and budget available for Member Development for consideration for the 2026/27 year.

- 2.3 Agree the Member Training Schedule 2025-26 attached at appendix 2.
- 2.4 Endorse the application of Member learning pathways attached at appendix 2.
- 2.5 In relation to paragraph 4.7, provide any views on what could be usefully included into a 'Development Day' in May 2025 for Members to attend and how best to market it to Members to ensure attendance.

3. Commissioner's Comments

- 3.1 This report has been shared with Commissioners through January's Governance Recovery Board and has been updated to incorporate the comments and feedback from the meeting. Commissioners welcome the work done to refresh the Member Development Strategy and would strongly encourage all members to prioritise their learning and development by engaging with the Council's strengthened training and development offer.

4. Proposals – the rationale and evidence for the recommendations Member Development Strategy

- 4.1 The Member Development Strategy exists to provide a structure and framework to deliver Member development in the most effective, efficient and accessible way for Members. It is a key document in ensuring consistency in supporting both new and developing Members throughout a year.
- 4.2 In the summer of 2024 Internal Audit reviewed Member Training against a set of controls taken from the National Audit Office's Good Practice Guide entitled 'Audit and Risk Assurance Committee Effectiveness Tool' (May 2022). In summary, the audit review found good progress and made some suggestions for developing the offer to enhance it further.
- 4.3 The Member Development Strategy 2025-26 features a number of amendments following recommendations from this internal audit. These amendments are:
 - a) Member role descriptions have been added at appendix C of the Strategy to identify core skills required for certain roles and to indicate a training pathway for these roles.
 - b) Section 4 (bullet point 4) has been amended to reflect clearer principles on how a learning culture will be facilitated and sustained.

- c) The use of individual Member development profiles as a tool to chart and manage development is enhanced and given greater profile in the document.

Member Training and Induction Schedule 2025-26

- 4.4 The Member training schedule 2025-26 is attached as appendix 2 and shows the suite of training sessions available to Members for the year. In addition to the specialist committee training (for example, planning, licensing and audit training among others) the schedule also offers a range of skills based sessions for Members, which include dealing with casework, chairing meetings and decision making among others.
- 4.5 The sessions will be delivered between officers and specialist external trainers. The Council has received funding from the Local Government Association (LGA) for the external training for this year.
- 4.6 Following feedback from Members that the training schedule is a noticeable demand on their time on top of their other council commitments, the sessions have been spread across a longer period (into the autumn of 2025). A number of Member learning pathways have been developed (see appendix 2) to allow Members to identify efficiently which sessions are essential or suitable for them in their specific council and committee roles.
- 4.7 The induction day for May 2025 will likely not be held in its usual form due to the potential cancellation of elections. In January Governance Recovery Board (GRB) supported maintaining a dedicated day in May for all Members to attend a development style day. They suggested that the code of conduct training be delivered on this day in anticipation of all Members attending. The issue was also discussed at the Whips Meeting in January where further suggestions were made about having breakout activity sessions and a guest speaker on Devolution/Local Government reform from a Member perspective. Political assistants have been asked to survey Members on the best days to hold such an event and to get commitment from Members to attend. To ensure value for money in facilitating the day, 50% of the Council's Member would be required to attend.

Leadership Academy

4.8 The Leadership Academy is the LGA's flagship training programme and is designed for more experienced or senior Members. The Standards Committee supported the use of the Academy course to continue to develop Members. For 2025-26, the Council has received funding from the LGA to send two Members on the course, who will be identified in consultation with groups.

5 Alternative Options Considered

5.1 The Member Development Strategy has been useful in 2024-25 in setting an approach for both Member/Democratic Services and political assistants to promote and deliver activities to support Member Development and to engage Members more personally on their development journeys. The amendments for 2025-26 come from audit recommendations and officers' experience of the deliverability of the strategy in the previous year. The Standards Committee has the opportunity to make recommendations when considering the Strategy to ensure the Strategy reflects any further desires or needs from the Membership of the Council.

5.2 The Member Training and Induction Schedule has taken into account the feedback given by Members via training feedback forms but also in discussions at an informal feedback session arranged in the summer 2024.

6. Consultation

6.1 The Standards Committee are asked to review the Strategy and Schedule for 2025-26 and agree it is fit for purpose in supporting the development of all Members.

7. Financial Implications

7.1 All additional costs incurred through the use of external trainers will be covered by the LGA Grant award for 2025/26 which has been agreed in principle. The total proposed cost of the external training is £15,000. There are no additional financial implications, and all other costs of delivery will be covered through existing budgets under Members Services Cost Centre PR063.

Implications Verified by Rob Chimani, Interim Finance Manager Date: 9 December 2024

8. Risks

The following section sets out the main risks, which should be taken into account when considering the recommendations in this report.

Are there any relevant risks included on the Corporate, Directorate or Service risk register? **NO**

The following additional risks should also be considered:

RISK DESCRIPTION & CONSEQUENCE	MITIGATIONS	RESIDUAL RISK STATUS (after mitigations)
<p>Not delivering the Strategy and Schedule presents the risk of not supporting Members properly in their roles and can, in time, lead to poor community leadership and decision making.</p>	<ul style="list-style-type: none"> ▪ The Strategy being considered at a meeting in March each year to allow Member and Democratic Services and political assistants to co-ordinate tasks and assign roles to ensure the Strategy is delivered. ▪ A review of the progress and engagement of Members with the Strategy is undertaken each summer with the same officers to pick up on any challenges or learning. 	<p>Green</p>
<p>Failure to implement effective Member training could lead to an extended period of intervention for the Council.</p>	<p>Successful implementation of the Schedule and Strategy using the activities set out in the mitigation above will ensure the meaningful development of the training offer in future years and will give opportunity for the offer to align with organisational requirements annually.</p>	<p>Green</p>

Implications Verified by Kelly McMillan, Project Manager (Risk) Date: 9 December 2024

9. Legal and Governance Implications

9.1 The Localism Act 2011 creates the ethical standards framework under which all members and co-opted members of the Council are required to comply

with the Code of Conduct. The Monitoring Officer is responsible for ensuring that appropriate training is given to members on the ethical standards framework and the Code. This includes ensuring that training is provided on induction, and on a regular basis. Under paragraph 8 of the Code of Conduct all members are under an obligation to undertake Code of Conduct training provided by the Council.

9.2 Further the terms of reference for both the Planning and Licensing Committee provide that members of those committees should not participate in decision making until they have undertaken the mandatory training that is provided by the Council and that members should endeavour to attend any other specialised training sessions.

9.3 Otherwise there is not a statutory or constitutional requirement to provide training, however, it is clearly good practice to do so to ensure high standards of conduct and decision making by the Council.

Implications Verified by Helen Nicol, Assistant Director Legal & Governance
Date 7 January 2025

10. Equality and Diversity Implications (including the public sector equality duty)

10.1 A Community Equality Impact Assessment has been completed for the strategy which will be reviewed to reflect member needs alongside implementation. The Strategy takes into account individual Member learning needs by providing a one to one contact system where an assigned officer can pick up any issues a Member may have accessing training and learning opportunities.

Implications Verified by Natalie Smith, Head of Community Development
Date 17 December 2024

11. Other Relevant Implications

11.1 None.

12. Background Documents

12.1 None.

Relevance Check

Budget Reduction/Service Area: Legal and Governance Services

Service Lead: Matthew Boulter

Date: December 2024

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed?

This is part of the Community Equality impact Assessment completed for this strategy.

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Member Development Strategy 2025/26



Contents

Page

Purpose	3
Vision and values	3
Aims	3
Management of the strategy	4
Member Learning & Development Sub Committee	4
Roles and composition	4
Identifying member development needs	5
How development needs will be met	6
Support for new members	6
Resourcing	7
Appendix A - Member Support Scheme	8
Appendix B – Action Plan	9
Appendix C – Member Role Descriptions	10

Revision HistoryVersion Number	Description	Date Modified	Author
1.0	Draft	17/7/23	Matt Boulter
2.0	Draft for Standards Committee Approval	08/11/24	Matt Boulter

Contributors and Reviewers

Name	Position / Role
Chris Stephenson	Governance & Scrutiny Programme Manager

Approvals

Prepared by		Agreed by	
Name	Matt Boulter	Name	
Position	Head of Democratic Services	Position	
Date	30/11/24	Date	

Purpose

1. Many people who are elected as Members have their own political views and core social values. Those in political groups will receive leadership and support from their own group.
2. This strategy outlines the support that will be given to Councillors and any Co-opted Members to help them fulfil their roles and contribute to the delivery of the Council's strategic objectives. It will ensure that a long-term view is taken of Member Development but is also one which can flex to fit changing needs and priorities.
3. This strategy recognises that Councillors are not employees of the Council and strives to help them seek a balance between their demanding roles, both inside, and outside, of the Council.

Vision and Values

4. The vision for the Member Development Strategy is that all Councillors, and any co-opted Members, have the necessary skills and knowledge to perform effectively and efficiently in their current roles, and to be able to develop those skills/knowledge for future roles in the Council. To help achieve this vision, the key values that underpin the Strategy are:
 - Development opportunities will be available to all Councillors and Co-opted Members irrespective of political allegiance
 - Member development will be based on the identified and agreed needs of the individual Councillor or Co-opted Member through their participation in the Member Development Profile (MDP) process
 - Member development will be delivered through methods, at locations, and at times, that ensure equality of access for Councillors or Co-opted Members' personal circumstances, backgrounds and learning styles
 - The Council has a learning culture that sees continuous development and life-long learning for Councillors and Co-opted Members as vital to its success. This will be achieved by raising the profile of Member Development through i) regular engagement with the Standards Committee, ii) promotion of the MDPs as a tool for Members to track and manage their personal development alongside officers and iii) promote political group leaders to use the MDPs to support their Members in all aspects of skills development.
 - The Council acknowledges that Councillors and any Co-opted Members may have transferable skills from their work place and/or life experiences that can be used to help them perform their Council role

Aims

5. The Strategy has the following aims:
 1. To create a clear framework for the development of Councillors and Co-opted Members based on their individual needs and the needs of the Council as a whole
 2. To ensure that all Councillors and Co-opted Members have the skills at a level that is suitable for their roles and responsibilities
 3. To ensure Councillors have the skills and knowledge necessary to oversee the delivery of high quality public services by the Council through their community leadership
 4. To ensure that Councillors and Co-opted Members feel confident and motivated to undertake their roles

5. To ensure that Councillors and Co-opted Members are fully aware of their roles and responsibilities, legal requirements and matters of good practice as a means of delivering good governance
6. To support the continued development of Councillors and Co-opted Members and help prepare them for roles that they may fulfil in the future
7. To ensure a consistency of approach to Member development
8. To attract and retain high calibre Councillors from as wide a range of backgrounds as possible

Governance of the Strategy

6. Member development must be undertaken and managed if this strategy is to be successful. To do this, it is vital that Councillors play an integral part in the management of the development programme. The Standards Committee will advise the Council on all Member Development matters and will evaluate the programme of Member Development to ensure that it is responsive to Members' needs as follows:
 - At least once a year, the committee will evaluate the implementation and effectiveness of this strategy. If necessary, it will be updated to take account of lessons learned, Member feedback, latest developments and best practice.
 - Where possible, Members will be asked to complete evaluation forms after each training session in the core programme either via a paper form at the session or electronically afterwards. Members attending externally provided courses will be encouraged to provide feedback to the Council on them to ensure that value for money is obtained.
 - Member Development Plan (MDP) meetings will be offered to all new Councillors within 6 months of their election with a review taking place annually afterwards or earlier, on request. The review meeting will include an opportunity for Members to comment on the training provided since their initial review and to assess the impact training has had on their ability and capacity to carry out their role, and any ongoing benefits.
 - During the year at least one comprehensive survey of Members will be undertaken to investigate a range of issues relating to their needs and their views of the services provided for them.
 - Where appropriate, exit interviews will be undertaken with Members who have resigned or who are not seeking re-election to determine whether Member Development opportunities contributed to their decision. Evaluation and feedback will be analysed and will inform the provision of Member training and will shape future policies. Each year, the sub-committee will review the feedback that is received in respect of Member Development and share this information with other Councillors, and if necessary, with Cabinet.

Role of Standards Committee

7. The Strategy is owned by the Council as a whole. However, it will be the responsibility of the Standards Committee and the Democratic/Member Services team to ensure that the Strategy is reviewed and updated to reflect any changes arising from external and internal factors, and that it continues to be fit for purpose.

Role and Composition

8. The Standards Committee includes representatives from all the political groups that make up the Council, with officer support being provided by a Democratic Services Officer. The Committee will agree and review training and development for Councillors and any Co-opted Members. The main purpose of the committee's role on this issue is to:
 - To champion and promote learning and development among members
 - To develop a Member Development Plan, based on Council and individual priorities, and undertake timely reviews to measure progress of the Plan

- To identify and develop suitable learning opportunities to ensure that development needs are met, including the Member Induction Programme and support throughout the term of office
- To evaluate the quality of training to ensure that training is delivered to a consistently high standard and offers value for money and make recommendations to the Executive, the Council or its committees as appropriate.
- Provide strong leadership and guidance in respect of Member Development.
- Ensure that learning and development is effective in building capacity and ensuring that Councillors have the necessary skills and knowledge to carry out their community leadership roles effectively.
- To ensure equal access for all Councillors to training and development and to promote the use of information technology for and by Members.

Identifying Member Development Needs

9. Member development needs will be identified as follows:

1. Corporate Training Needs

The environment in which local government operates may change frequently and fundamentally. This is because of changes in the law, corporate priorities, or changes to local government services/structures. The Council must be alert to these changes and be ready to adapt its learning and development to suit every circumstance, and to fill any gaps in skills and knowledge that arise.

2. Role of Members

It is vital that Member Development and this Strategy relate directly to the roles and duties that Members have to fulfil. To ensure this, the Council has developed a number of Role Descriptions for Councillors which are included in the Council's Constitution. The Standards Committee will ensure that there is a programme of development that enables Councillors and Co-opted Members to have the skills and knowledge to fulfil the specific roles identified. Each newly elected Councillor or Co-opted Member will be invited to participate in an induction programme relevant to their role.

3. Specialist Role Needs

Many Members will have additional roles that they currently carry out, or roles that they aspire to, in the future, and these will require specialist or more focused training. These roles include:

- Chairman or Vice-Chairman of Committees or Sub-Committees
- Leadership, for example Leader of the Council or Leader of a Political Group
- Cabinet Member or Shadow Portfolio Holders
- Regulatory Committees such as Licensing and Planning which exercise quasi-judicial functions
- Scrutiny
- Audit and Governance
- Civic and ceremonial protocols

4. Identifying Personal Development Needs

The skills needed to carry out the roles listed in 1 – 3 above set out the training needs for Councillors. However, for a truly effective training needs analysis which identifies specific development needs for individual Members, a more in-depth discussion is needed on a one-to-one basis. This can best be achieved through participation in the MDP process.

This involves:

- Participation in an individual Member Development Profile/plan meeting where Councillors can identify any gaps in their skills / knowledge to inform their development needs.
- Considering other relevant, necessary skills eg presentational skills, speed reading, public speaking etc.
- Discussions with Political Group Leaders or the Democratic Services Team.
- Reviewing the impact of learning and development through the MDP process as well as feedback received through course evaluation.
- Councillors maintaining their own personal development / training records and regularly reviewing if there any gaps in their skills / knowledge. Based on the above, an overall Member Development Programme will be developed each year but will be reviewed by the MLDS on a regular basis to ensure that it is responsive to the needs of Members and the Council.

How Development Needs will be Met

10. To support the diverse development needs of Councillors and Co-opted Members, a range of options will be made available to suit different learning styles and individual circumstances. In some cases, these can be delivered through the Council's own internal resources or, where necessary, specialist providers with a proven track records in terms of training will be brought in. Potential development delivery methods may include:

- Training courses
- Informal in-house briefings and workshops, including joint Member / officer training where appropriate
- External conferences and seminars
- Member briefings
- Written learning materials
- Peer Mentors
- E-Learning packages
- Distance learning packages
- Visits to other Councils or relevant partners
- Shadowing opportunities
- Sharing of knowledge amongst other Elected Members
- Personal research or preparation for specific projects.

11. Councillors will be encouraged to be involved in Member Development, where appropriate, by leading workshops, disseminating expert knowledge, offering mentoring or by encouraging the take-up of Member Development opportunities. The delivery of these activities will also be considered as contributing towards a Member's own continued professional development and can be a method of achieving goals identified on their specific Member Development Profile.

Support for New Members

12. The following specific support will be offered to new Councillors:

- After the elections, each new Councillor will be provided with an Induction Guide providing a more detailed introduction to the Council and practical information about being a Councillor.
- A comprehensive Induction Programme will be provided to ensure that newly-elected Councillors can quickly participate fully in the business of the Council. This will include an opportunity to meet

senior officers, find out about the Council's key priorities, be given information to get them started and receive basic training on key areas such as the Code of Conduct.

- Details of the Democratic Services Team will be given to provide support with information and signposting.
- Councillors who have been elected at by-elections will be provided with a similar Induction Programme and support.
- New Councillors will be offered a tour of key locations across Thurrock
- New Councillors will also be offered a Member Development Profile meeting within 6 months of being elected to identify any specific training needs. In addition, the Member Support Scheme (Appendix A) provides for a Democratic or Member Services Officer to be assigned to a newly elected Member immediately following the election. Members can also request peer support and/or mentoring by a more experienced Member which is particularly helpful for newly-elected colleagues as well as those Councillors stepping into key roles. This provides development benefits for both the mentor and the mentee.

Resourcing

13. Each year, the Standards Committee will identify the budget and resources that are needed to support Member Development and will refer any recommendations for the Member Development budget to Full Council (as part of the annual budget review process).

- Financial budget allocation and other capacity to support Member Development activities
- Member support from within the Democratic Services Team
- Conference / Seminar attendance by specific postholders e.g. Cabinet Members, Group Leaders, Chairmen of Committees etc
- Opportunities for cross-authority / partner training on a countywide, regional or national basis
- Specific training programmes provided by national / regional course providers e.g. Local Government Association, South East Employers etc.
- Relevant opportunities for learning through seminars, conferences or visits hosted by partners.

The budget for Member Development for 2025/26 is £5000

Appendix A - Member Support Scheme

14. The Member Support Scheme provides Councillors with a named contact from Democratic & Member Services following their election. In addition, if requested, a peer Mentor who is usually a Councillor from their own political group, can be assigned to help with signposting and providing advice on all issues affecting the life of a Councillor.
15. The Scheme is not designed to replace the direct contact and access that all Councillors can expect when they wish to speak to their Group Leaders, the Chief Executive, Directors or Heads of Services. It is also not intended that it will create personal assistants or research assistants for individual Councillors as this work is undertaken by Political Assistants.
16. Democratic & Member Services and Mentors can offer support and advice, especially during the first year after a Member is elected or if they have been appointed to a new role, and can help the Councillor understand the requirements of the role and develop their confidence. The Member Support Scheme enables Councillors to:
 - be more aware of where to go for information and support
 - feel more confident in their representative and decision-making roles
 - be able to make an early contribution to the work of the Council and representing their local community.
17. If Members need factual information about Council services and details about who to contact within the Council, or any other day to day information about Council business, contact can be made with their named Democratic or Member Services Officer or anyone within the Democratic Services Team.
18. What can a Councillor expect from their named Democratic Services Officer or a Mentor?
 - A friendly response to questions however trivial they may seem
 - Support and advice from the Officer/Mentor's personal knowledge and experience
 - Signposting to an appropriate officer or Councillor to take forward a query as needed – this will usually be at service head or team leader level for any new service enquiry or it could be a Cabinet Member
 - A sounding board to help the Councillor reflect on new experiences and issues raised
 - A response to emails and telephone calls as promptly as possible and to be advised who will respond to queries if the Democratic Services Officer/Mentor is away for an extended period of time
 - A prompt response to requests to meet with the Democratic/Member Services Officer/Mentor
19. How and when is a named Officer or Peer Mentor assigned?

The named Officer will be appointed immediately following the election and will contact the new Councillor within the first day or so after the Count. Once notified of a request for a Peer Mentor, the Democratic Services Officer will contact Political Group Leaders to ask for a nomination as soon as practicable. The Member Support Scheme is informal and intended to be helpful, therefore, Councillors can make as much or as little use of it as they wish.

Appendix B – Member Development Strategy Action Plan

Strategy Theme	Action	Intended Outcome	Date Completed / Review Date
Develop and strengthen the use of Member Development Profiles	Liaise with political assistants and group whips to ensure all members have a one to one meeting with their group leadership to ensure they have identified any personal training needs. These are to be logged on their profile.	More intelligence being received from Members throughout the year to allow the training programme to respond to in-year and emerging training needs.	March 2026 (with review throughout 2025/26)
Create a yearly plan for external training opportunities to ensure that Members have information and opportunity to attend external training opportunities (within budget limits)	-Political assistants to work with groups to create a list of desired external training opportunities. - Member and Democratic Services to create advanced list of LGA/LGiU/CfGS training courses to share with groups.	Members have access to a more varied and specialised training suite to develop skills in specialist and current issues.	August 2025
Implement feedback activity to allow Members to i) assess the training programme, ii) assess the productivity/impact of their committee and iii) assess the performance of the chair.	-Send online and anonymous surveys to Members for completion. -Evaluate and collate responses -Share with chairs and members as appropriate	Improve Member engagement with the development of personal and committee performance.	April/May 2025
Implement exit surveys for retiring Members.	-Send online survey to retiring Members -Evaluate and collate responses -Share with Standards Committee as part of regular reporting	Improve Member engagement with the development of personal and committee performance.	May 2025

Appendix C - Role Descriptions

Chair

The main functions of this role are:

Chairing

1. Can confidently, and orderly, lead a Committee meeting and its Members through an agenda in a public facing setting;
2. Can facilitate conversations within a time limited environment ensuring all voices are heard, no matter how challenging;
3. Can set a positive and productive tone even in challenging circumstances.

Leading the Committee Function

1. A visible, respected leader within and outside the organisation who advocates for good scrutiny and a culture of openness, transparency and securing good outcomes for the people of Thurrock;
2. To have strong individual and collective relationships with the Deputy, Committee Chairs, Executives, other chairs and Commissioners and officer community across the Council and key partners;
3. Has a clear grasp of the strategic issues facing Thurrock (the Council and the place) and is able translate that into relevant action.

Developing the Committee's Work Programme and Advocating Best Use of Available Resources

1. Ability to convene a diverse set of internal and external stakeholders (elected, officer and appointed) towards a shared set of priorities and outcomes;
2. To work in concert with officers to rigorously prioritise, and ultimately reprioritise, the workload of the Committee and its Members in a dynamic fashion;
3. To personally maintain an overview / watching brief of the strategic dimensions of Council business and issues facing Thurrock to develop own understanding and support the understanding of others.

Vice Chair

1. To fulfil all the functions above and especially so in the event of the Chair's absence;
2. To be a close and trusted support to the Chair.

Committee Member

Attendance at Meetings

Consistent attendance at, and continuous engagement between, meetings;

Provide active, informed comments and questions to drive understanding and scrutiny of key areas of interest;

Chairing a Task & Finish Review or sub-committee where needed on a time limited basis into an issue of relevance to the Committees work programme.

Developing the Committee's Work Programme and Advocating Best Use of Available Resources

To contribute to the development of the Committee's work programme taking ownership of items put forward balancing evidence, rigorous prioritisation and resource demands on the Committee and its Members' wider agenda.

To personally maintain an overview / watching brief of the strategic dimensions of Council business and issues facing Thurrock to develop own understanding and support the understanding of others based on former Chairmanship role.

Representing the Committee Function

A visible, respected leader within and outside the organisation who advocates for good application of the function of the committee (standards, O & S and others) and a culture of openness, transparency and securing good outcomes for the people of Thurrock.

DRAFT

Member Training Schedule 2025/26

[Dates to be Finalised in Consultation with Final Municipal Calendar]

Title	Date	Time	In-House / External Provider	Type of Training	Pathway
Member Induction	6 May 2025	9am-4pm	In-House	Induction and Orientation	All
Hitting the Ground Running	6 May 2025	1.30pm	External Provider	Member Skills	All
Dealing with Casework Training	14 May 2025	7pm	External Provider	Member Skills	New Councillor
Planning Training	28 May 2025	7pm	In-House / External Provider	Committee Skills	1. Specialist Committee 2. Chair
Standards & Code of Behaviour Training	29 May 2025	7pm	In-House	Member Skills	1. New Councillor 2. Cabinet 3. All
Meetings Training	4 June 2025	7pm	External Provider	Committee Skills	1. New Councillor 2. O & S 3. Chair
Licensing Training	5 June 2025	7pm	In-House / External Provider	Committee Skills	1. Specialist Committee 2. Chair
Audit Committee	12 June 2025	6pm	In-House	Committee Skills	1. Specialist Committee 2. Chair
Effective Speaking as a Councillor	17 June 2025	7pm	External Provider	Member Skills	1. New Councillor 2. Chair 3. Cabinet
Officer / Member Relations Training	24 June 2025	7pm	External Provider	Member Skills	1. New Councillor 2. Cabinet
Mock Council Meeting	2 July 2025	7pm	In-House	Committee Skills	1. New Councillor 2. All
Members & Social Media Training	8 July 2025	7pm	In-House	Member Skills	All

Standards Training	15 July 2025	6pm	In-House	Committee Skills	1. Specialist Committee 2. Chair
Corporate Parenting Training	16 July 2025	7pm	In-House	Committee Skills	1. Specialist Committee 2. Chair
Effective Scrutiny	30 July 2025	7pm	External Provider	Member Skills	1. Specialist Committee 2. O & S 3. Chair 4. Cabinet
Chairing Skills Training	4 September 2025	7pm	External Provider	Committee Skills	Chair
Staff Recruitment Training	23 September 2025	7pm	In-House	Member Skills	Specialist Committee
Robust Decision-Making Training	30 September 2025	7pm	External Provider	Member Skills	1. O & S 2. Chair
Safeguarding & Child Exploitation Training	1 October 2025	7pm	In-House	Member Skills	All
Member Roles on Outside Body Training	21 October 2025	7pm	In-House	Member Skills	Members sitting on outside bodies

Member Learning Pathways

The following pathways allow Members to identify which training sessions they should attend throughout the municipal year in order to learn the key topics for their role.

New Councillor Pathway:

1. Hitting the ground running – Governance Overview
2. Standards & Code of Behaviour
3. Effective Speaking as a Councillor
4. Meetings! Understanding the Standing Orders/Procedures so you can make an impact
5. Dealing with Casework – What you need to know
6. Members & Social Media – risks and Danger Zones
7. Officer Member/Relations
8. Mock council Meeting

O & S Pathway:

1. Effective Scrutiny
2. Meetings! Understanding the Standing Orders/Procedures so you can make an impact
3. Robust Decision Making – The role of Members.

Chair Pathway:

1. Effective Speaking as a Councillor
2. Meetings! Understanding the Standing Orders/Procedures so you can make an impact
3. Chairing Skills
4. Robust Decision Making – The role of Members.
5. Training on the Chair's committee specialism (O & S, Planning, Licensing etc)

Cabinet Pathway:

1. Standards & Code of Behaviour
2. Effective Speaking as a Councillor
3. Officer Member/Relations
4. Effective Scrutiny
5. LGA Leadership Academy [Attendees to be agreed with group leadership each municipal year].

Committee Specific Training:

1. Members Roles on Outside Bodies
2. Planning training
3. Licensing Training
4. Standards Training
5. Audit Training
6. Safeguarding & Child Exploitation
7. Staff Recruitment
8. Corporate Parenting

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Community Equality Impact Assessment (CEIA)

Service area and lead officer

Name of service	Democratic Services
CEIA Lead Officer	Matthew Boulter
CEIA Lead Officer job title	Head of Democratic, Member & Scrutiny Services
CEIA Lead Officer email address	mboulter@thurrock.gov.uk
Please insert business case reference e.g. CTS (where applicable)	N/a

Subject of this assessment

State the name of, and briefly summarise, the specific policy, strategy, function or service that is the subject of this assessment

Member Development Strategy:

This Strategy sets out the principles and parameters for delivering meaningful training to all Members of the council throughout a municipal year. It sets out what different may expect in terms of support from the council and its officers.

Borough-wide or location-specific?

Borough-wide Location-specific – please state locations below.

Click or tap here to enter text.

Which of the following is the proposal? (Tick all that apply)

A new policy, strategy, function or service

Change to an existing policy, strategy, function or service

Other – please provide details below

Click or tap here to enter text.

Why is this policy, strategy, function or service development or review needed?

The Strategy was introduced in 2023-24 and should reflect the changing needs and requirements of Member training from year to year. The refresh presented to Standards Committee in this report allows Members to acknowledge the amendments that have been made to the Strategy in the past year and provide input to the development of the document. The amendments in the 2025-26 version have mainly been made following internal audit recommendations from summer 2024.

1. Engagement, consultation and supporting information

1.1. What steps you have taken, or do you plan to take, to engage or consult (where applicable) the whole community or specific groups affected by this development or review? **This is a vital step.**

Please ensure you provide details of the following (where applicable):

- What consultation/engagement activity took place, and over what timescales
- A demographic profile of those targeted by this activity
- The methods adopted to engage residents and groups, and the type of data (quantitative or qualitative) gathered
- A list of the questions asked to respondents
- If consultation or engagement activity has yet to take place, use the details currently available to provide an outline of the planned activity to cover the points above

Steps you have taken, or plan to take, to engage or consult

All Members have the opportunity to feedback on the performance and relevance of training sessions through our feedback form, presented in hard copy and online after each training session. The feedback is used to inform the Strategy and training schedule for the coming year.

Members also attended an open training feedback session in the summer of 2024, which was organised by Democratic Services. Around ten Members attended this session to answer specific questions from officers on the style and content of training and this feedback was used to shape the offer to different levels of Member for 2025/26.

Formal engagement with Members is through the Standards Committee and the report presented to its meeting in March 2025 provides the opportunity for Members to comment on the Strategy and its budget. Formal recommendations of the committee will then shape the final strategy document, which will be implemented from May 2025.

1.2 Outline the results of the activity and clarify how these results have factored into decision making processes, and supported your understanding of the impact/s the proposal will have upon the community

A high level summary of the engagement/consultation activity results, clarifying how these have factored into decision making processes and supported the understanding of potential impacts

The results of the feedback from Members is outlined in the report but can be summarised as follows: 1. More experienced Members should be given the opportunity to attend the LGA Leadership Academy course as funds and opportunity dictate, 2. Development of role descriptions which in turn set out pre-determined training paths to ensure efficiency. 3. Spreading training sessions across the year to ensure pacing and giving Members to opportunity to attend.

1.3 What Thurrock-specific data or intelligence sources have you used to inform your assessment of the impact? How have these helped you understand who will be affected by the development or review? Is there other national or regional data and intelligence you have used to form the basis of your understanding?

Sources of data or intelligence, and how they have been used to inform understanding

The Feedback forms completed by Members throughout the 2024-25 training sessions has been used as the main source of intelligence for shaping the 2025-26 offer. This data is summarised in the March 2025 report.

2. Community and workforce impact

When completing this part of the assessment, please consider the following guidance:

- Be clear about all impacts, particularly negative impact upon groups
- Focus on those who will be impacted and consider the impacts they will experience
- Cross reference each individual impact with appropriate data and intelligence sources
- Ensure specific or technical terms are clearly clarified and explained, and all acronyms are spelled out

2.1. What impacts will this development or review have on communities, workforce and the health and wellbeing of local residents? Please consider the sub-groups listed in each section. See the [WHIASU Population Group checklist](#) for further identified impact groups.

Please ensure a full response is provided for every question, including where only neutral impacts are anticipated.

If a neutral impact is anticipated (and therefore no specific mitigation activity required), state this clearly to show you have considered this for each group.

Communities and groups	Positive	Neutral	Negative	Summary of positive and negative impacts	How will positives be maximised, and negatives minimised or eliminated?
<p>Local communities in general</p> <ul style="list-style-type: none"> • Impacted community groups • Relevant cultural groups • Homeless • People seeking asylum 	☒	☐	☐	<p>The Strategy only impacts Members. The Strategy supports varied learning for Members with different learning needs.</p>	<p>Each Member will have a Member Training Profile which helps officers and the group hone the right learning paths and styles for that Member. Furthermore, the learning pathways developed for each role a Member may take up gives the opportunity for the training to be specific to role needs.</p>

Communities and groups	Positive	Neutral	Negative	Summary of positive and negative impacts	How will positives be maximised, and negatives minimised or eliminated?
Age e.g. <ul style="list-style-type: none"> • Early years (from pregnancy to first year of life) • Children and young people • General adult population • Older people 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As above	As Above
Disability e.g. <ul style="list-style-type: none"> • Those with physical or sensory disabilities or learning difficulties 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As Above	As Above.
Gender reassignment e.g. <ul style="list-style-type: none"> • Those who have yet to, are undergoing, or have undergone gender reassignment 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As Above	As Above

Communities and groups	Positive	Neutral	Negative	Summary of positive and negative impacts	How will positives be maximised, and negatives minimised or eliminated?
Marriage and civil partnership e.g. <ul style="list-style-type: none"> • Married and divorced people • Those in a civil partnership • Co-habiting couples 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As Above	As Above
Pregnancy and maternity e.g. <ul style="list-style-type: none"> • Expecting parents • New parents on maternity or paternity leave • Parent/child groups • Lone parent families 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As Above	As Above
Race e.g. <ul style="list-style-type: none"> • Black, Asian and Minority ethnic groups including Gypsies, Roma and Travellers 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As Above	As Above

Communities and groups	Positive	Neutral	Negative	Summary of positive and negative impacts	How will positives be maximised, and negatives minimised or eliminated?
Religion or belief e.g. <ul style="list-style-type: none"> • People of different religions or holding particular beliefs • Religious cultural or community groups • Religious and cultural events throughout the community/year 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As Above	As Above
Sex <ul style="list-style-type: none"> • Male/Female 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As Above	As Above
Sexual orientation e.g. <ul style="list-style-type: none"> • Heterosexual people • Lesbian, gay and bisexual people 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As Above	As Above

Communities and groups	Positive	Neutral	Negative	Summary of positive and negative impacts	How will positives be maximised, and negatives minimised or eliminated?
<p>Location-specific impact, if any</p> <p>e.g.</p> <ul style="list-style-type: none"> Specifically impacted wards or regions of Thurrock Isolated or over-populated areas Those living in areas of poor economic conditions/with poor health indicators Those unable to access services 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As Above	As Above
<p>Workforce</p> <ul style="list-style-type: none"> Employees of Thurrock Council – this may include specific services within the authority 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Officers are supported to deliver the correct training as prescribed by the consultation with Members.	Officers are kept engaged with the training schedule throughout the development stage.

Communities and groups	Positive	Neutral	Negative	Summary of positive and negative impacts	How will positives be maximised, and negatives minimised or eliminated?
<p>Health and wellbeing of residents</p> <p>e.g.</p> <ul style="list-style-type: none"> • People with severe physical and/or mental health conditions • Health impacts in local areas i.e. low air quality/high pollution • Community impacts upon wellbeing i.e. low community safety/high crime • Economic impacts upon health i.e. income, poverty, debt 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/a	N/a
<p>Socio-economic outcomes</p> <p>e.g.</p> <ul style="list-style-type: none"> • Economically inactive people • People on low income, with debt or in poverty • People unable to work due to ill health • Unemployed people 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/a	N/a

Communities and groups	Positive	Neutral	Negative	Summary of positive and negative impacts	How will positives be maximised, and negatives minimised or eliminated?
Veterans and serving members of the armed forces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/a	N/a
Unpaid carers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/a	N/a

3. Monitoring and review

3.1. How will you review community and equality impact once the policy, strategy, function or service has been implemented? These actions should be developed using the information gathered in sections 1 and 2 and included in your service area's business plans. Consider:

- When and who will review and update the CEIA throughout the delivery of the proposal?
- What future work, including further consultation and engagement, is set to take place?
- What ongoing reviews of the CEIA and the proposal will take place?

Action	By when	By who
Continue to collect feedback from Members after each training session	Ongoing.	Democratic Services

Continue to hold a Member & Democratic Services bi-yearly review meeting to check the status of the Strategy and its terms.	August and April	Democratic and Member Services
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4. Next steps

4.1. The information gathered must be used to inform reports presented to Cabinet or overview and scrutiny committees. This will give members a necessary understanding of the impact their decisions will have on different groups and the whole community.

Summarise the implications and customer impact below. This summary should be added to the committee reports template in the Diversity and Equality Implications section for review and sign-off at the consultation stage of the report preparation cycle.

Summary of implications and customer impact

A Community Equality Impact Assessment has been completed for the Strategy which will be reviewed to reflect member needs alongside implementation. The Strategy takes into account individual Member learning needs by providing a one to one contact system where an assigned officer can pick up any issues a Member may have accessing training and learning opportunities.

5. Sign off

5.1. This Community Equality Impact Assessment must be authorised by the relevant Project Sponsor, Head of Service, or Assistant Director. This should not be the CEIA Lead Officer. Officers authorising this assessment are responsible for:

- the accuracy of the information
- making sure actions are undertaken

Name	Role	Date
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Helen Nicol	Assistant Director of Legal Services	Click or tap here to enter text.
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11 February 2025	ITEM: 6
Standards Committee	
Ethical Framework update	
Wards and communities affected: N/A	Key Decision: No
Report of: Helen Nicol, Assistant Director Legal and Governance and Deputy Monitoring Officer	
Accountable Assistant Director: Helen Nicol, Assistant Director Legal and Governance and Deputy Monitoring Officer	
Accountable Director: Daniel Fenwick, Executive Director of Corporate Resources and Monitoring Officer	
This report is public with an exempt appendix	
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>	
Version: Final	

Executive Summary

The Council’s Constitution (at Chapter 7) in the members’ Code of Conduct (“the Code”) sets out the minimum standards of conduct required of Councillors. Councillors are required to ensure that any gifts and hospitality offered, that meet the required threshold, are registered with the Monitoring Officer. Further, Councillors are required to register and disclose their interests.

This report provides an update to the committee on ethical compliance and conduct in Thurrock to help it assess the ethical health of the authority. It covers the relevant reporting period (28 October 2024 to 3 February 2025; the report for the last Standards Committee on 5 November 2024 reported up to 27 October 2024, and publication of the agenda and reports for this Standards Committee being 3 February 2025):

- Gifts and hospitality declared by Councillors;
- Declarations of interest at meetings;
- New complaints received under the members’ Code of Conduct and actions taken, together with details of any complaints concluded during the period and outcomes.

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

1. Recommendation(s)

For the reasons set out in the report, the Standards Committee is asked to:

- 1.1 Note and provide any comment on the register of gifts and hospitality at Appendix 1;
- 1.2 Note and provide any comment on the register of declarations of interest at Appendix 2;
- 1.3 Note and provide any comment on Code of Conduct complaints received and concluded during the period, as set out in exempt Appendix 3.

2. Introduction and Background

The Council has a statutory duty to promote and maintain high standards of conduct by members and co-opted members of the council¹. References throughout this report to members means members and co-opted members. This includes agreeing and maintaining a code of conduct that maintains high standards of ethical conduct and behaviour that uphold the seven principles of standards in public life (the Nolan Principles), which are:

Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing
Honesty	Holders of public office should be truthful
Leadership	Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs

¹ S.27 Localism Act 2011

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

The Council's Code of Conduct adopts the LGA model code and embeds the Nolan Principles. This report sets out how councillors have complied with key requirements in the Code of Conduct.

Gifts and hospitality

- 2.1 The Code requires Councillors not to accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on the Member's part to show favour from persons seeking to acquire, develop or do business with the Council, or from persons who may apply to the Council for any permission, licence or other significant advantage.
- 2.2 In order to protect Councillor's positions and the reputation of the local authority, Councillors are advised to exercise caution in accepting any gifts or hospitality which are (or reasonably believed to be) offered because they are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult, in which case Councillors could accept it but must ensure it is publicly registered.
- 2.3 The Code provides that Councillors must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of the date it was received. The Monitoring Officer places their notification on a public register of gifts and hospitality. Likewise, it is also a requirement of the Code for Councillors to register with the Monitoring Officer any significant gift or hospitality that they have been offered but have declined to accept. Councillors are reminded by Democratic Services at regularly intervals to declare gifts and hospitality.
- 2.4 Attached as Appendix 1 is a record of the gifts and hospitality declared during the relevant period. It is noted that one councillor made a declaration during the relevant period.

Declarations of interest

- 2.5 The Code requires members to register, disclose and not participate in any matter in which a member has a disclosable pecuniary interest as required by and defined by law in the Localism Act 2011 and prescribed regulations.
- 2.6 The Code sets out the requirements on registering and disclosing interests, members must:
- *Ensure that their register of interests is kept up to date and within 28 days of becoming aware of any new interest, or change to a registered interest, notify the Monitoring in writing.*
 - *Where a matter arises at a meeting which relates any of their disclosable pecuniary interests, make a verbal disclosure of the existence and nature of the interest, not participate in any discussion or vote on the matter, and must not remain in the room unless a member has been granted a dispensation.*
- 2.7 The Code also requires members to make a verbal disclosure of the existence of a "Other Registrable interest" or "Non-Registrable Interest" at any meeting at which they are present in any

Version Control (delete as appropriate)

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item of business to be considered, before the consideration of the item of business or as soon as the interest becomes apparent.

- 2.8 Attached as Appendix 2 is the record of Declarations of Interest made during the period, there are no declarations recorded.

Code of Conduct complaints

- 2.9 Section 27 of the Localism Act 2011 requires the Council to promote and maintain high standards of ethical behaviour by members of the Council. The number and type of complaint received by a council can help show where there are concerns with the conduct of councillors and direct the committee and monitoring officer to areas where additional guidance or other work may be necessary. Other trends may be identifiable, e.g. how many complaints are made by councillors against other councillors, which may suggest an element of political “tit for tat” in the use of the complaints process and which may be better dealt with by other means, e.g. discussion and mediation between the groups.
- 2.10 In discharging this duty the Council has adopted a Code of Conduct for members, which is currently set out in Chapter 7, Part 3 of the council’s constitution. The Code applies to members whenever they are acting in their capacity as councillors.
- 2.11 Accompanying the Code is a procedure that sets out how a complaint received pursuant to the Code will be dealt with.
- 2.12 Attached as **Appendix 3** is an exempt appendix containing a table that shows new complaints that have been opened during the period and also those that have been closed. The table has been updated to reflect on comments made by Standards Committee in July regarding information contained in this table. There are also a relatively low number of live complaints, but there are common themes to current open complaints – all from residents/ stakeholders and involve treating with respect allegations (although none have been proven as yet).

3. Issues, Options and Analysis of Options

- 3.1 Not applicable.

4. Reasons for Recommendation

- 4.1 To promote and maintain high standards of ethical behaviour of all Councillors.
- 4.2 To create and maintain public confidence in the role of councillors and local government.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The Independent Person in respect of complaints received as and when required.

6. Impact on corporate policies, priorities, performance and community impact

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6.1 The members Code of Conduct encourages good conduct and safeguard the public's trust and confidence in the role of councillors, thereby assisting the Council to meet its corporate policies and priorities, as well as maintaining public confidence.

7. Implications

7.1 Financial

There are no financial implications arising from this report.

7.2 Legal

The body of the report sets out the relevant statutory provisions. There are no additional legal comments.

7.3 Diversity and Equality

There are no specific diversity or equalities issues arising from this update report. All information regarding Community Equality Impact Assessments can be found here: <https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

7.4 Risks

The aim of the requirement to declare declaration of interest and gifts and hospitality register is to guard against the risk of allegations of impropriety by individuals.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Members' Code of Conduct: [Thurrock Council - The Constitution, chapter 7, part 3](#)
- Procedure for making a Code of Conduct complaint: [Thurrock Council - The Constitution, chapter 7, part 2](#)

9. Appendices to the report

- Appendix 1 – Gifts and Hospitality update
- Appendix 2 – Declarations of Interest update
- Appendix 3 – Code of Conduct complaints update (exempt)

Report Author:

Helen Nicol, Assistant Director Legal & Governance and Deputy Monitoring Officer, Corporate Services

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Appendix 1 – Gifts and Hospitality record 28 October 2024 to 3 February 2025

1 declaration – Cllr V Morris-Cook – November 2024 - £55 Thameside Theatre – Tickets for Panto and Producers

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**Appendix 2 – Declarations of Interest record 28 October 2024 to
3 February 2025**

None.

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11 February 2025	ITEM: 7
Standards Committee	
Constitution Review: code of conduct and procedure	
Wards and communities affected: N/A	Key Decision: No
Report of: Helen Nicol, Assistant Director Legal and Governance and Deputy Monitoring Officer	
Accountable Assistant Director: Helen Nicol, Assistant Director Legal and Governance and Deputy Monitoring Officer	
Accountable Director: Daniel Fenwick, Executive Director of Corporate Resources and Monitoring Officer	
This report is public	
Version: Final	

1 Executive Summary

- 1.1 Currently Chapter 7 of the council's Constitution contains the council's ethical governance framework, which implements the statutory requirements set out in the Localism Act 2011.
- 1.2 The Monitoring Officer and Deputy Monitoring Officer are undertaking a review of the constitution as part of the overarching governance improvement programme. At the November Standards Committee it was resolved that the Code of Conduct would not be amended, as it follows the LGA Model Code. The purpose of this paper is to present a draft of the chapter of the new constitution dealing with the arrangements for dealing with a councillor code of conduct complaint, which takes into account feedback from members at the November Standards Committee hearing. Following Standards Committee any further revisions required will be made and the new chapter then referred to Council for approval.

2 Recommendation(s)

For the reasons set out in this report, the committee is recommended to:

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- 2.1 **approve and recommend to Full Council for approval the revised complaints procedure and associated changes to the Standards Committee and Standards Hearing Panel terms of reference in Appendix 1 and 3; and**
- 2.2 **delegate to the Executive Director of Corporate Resources and Monitoring Officer any minor or clerical changes required between Standards Committee and submission of the report to Full Council.**

3 Introduction and Background

- 3.1 The Council has a statutory duty to promote and maintain high standards of conduct by members and co-opted members of the council¹. Chapter 7 of the Constitution sets its standards for ethical governance and the following sections:
 - 3.1.1 An overview of ethical governance
 - 3.1.2 The standards functions
 - 3.1.3 The procedure for making complaints against a councillor for breach of the code of conduct
 - 3.1.4 The members' code of conduct
 - 3.1.5 The officers' code of conduct
 - 3.1.6 The protocol for member and officer relations
 - 3.1.7 Politically restricted posts
- 3.2 The constitution review proposes to group and streamline the constitution so that there are four clear sections (this is in line with good practice), as follows:
 - 3.2.1 Part 1 – Introduction
 - 3.2.2 Part 2 – Decision making
 - 3.2.3 Part 3 – Scrutiny and open governance
 - 3.2.4 Part 4 – Governance and ethical frameworks
- 3.3 Part 4 of the proposed revised constitution is of most relevance to Standards Committee and it is proposed going forward to simplify the structure of the ethical framework. Below is the

¹ S.27 Localism Act 2011

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proposed structure of the new Part 4, together with the second column of the table providing an update of the status of the revisions:

4.1 Protocol for Member and Officer relations	To be drafted
4.2 Councillor's Code of Conduct	No changes proposed, save numbering to original and being called Councillors' Code of Conduct rather than Members' Code of Conduct for consistency. Existing provision follows LGA Model.
4.2A Protocol for councillors – Gifts and Hospitality	To be drafted
4.3 Arrangements for dealing with a complaint under the councillors' code of conduct	Being considered with this paper. Process table agreed at November 2024 Standards Committee.
4.4A Protocol for planning processes	To be reviewed (currently in the planning committee terms of reference)
4.4B Protocol for licensing processes	To be reviewed (currently in the licensing committee terms)
4.5 Councillors social media protocol	To be drafted
4.6 Members allowance scheme	Reviewed annually
4.7 Contract Procedure Rules	Keep existing until 24 February 2025 when Procurement Act 2023 comes into force. New CPR complete and approved by Full Council for implementation on the date above.
4.8 Finance Procedure Rules	In process of revision
4.9 Local Code of Corporate Governance	Complete and approved by Full Council
4.10 Code of conduct for officers	Existing code to be reviewed

3.4 The Committee's helpful feedback in November regarded the efficiency of the process of complaints and also a proposal that any panel hearing a conduct complaint was chaired by a person independent to the Council, to be elected by the panel.

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- 3.4.1 The new draft arrangements for dealing with a conduct complaint is attached at Appendix 1. Rather than amending the existing procedure, these have been drafted as new and so amendments are not shown. The existing procedure is attached as Appendix 2 for comparison.
- 3.4.2 The terms of reference for Standards Committee and the Standards Hearing Sub-Committee which appear in Chapter 5 of the current constitution are at Appendix 3 (changes are shown as underlined/ strike through).
- 3.5 The Committee will note that within the draft there is more detail regarding the process for dealing with a complaint, the considerations to be made at each stage and also more detail regarding the procedure for a Standards Hearing Panel dealing with a determination hearing. This is intended to help ensure the better and more efficient complaints handling, by providing clarity for both the complainant and the councillor subject to the complaint, as well as those councillors appointed to any Standards Hearing Panel in determining the complaint.
- 3.6 The amendments reflect that at November's Committee there was a strong preference that any chair of the Standards Hearing Panel would be independent to the council. It is noted however that the independent chair cannot vote on the determination of any complaint, as this is reserved to a committee of councillors under the Localism Act 2011. It would normally be the chair who has a casting vote in the case of a split decision (the voting requirements being a simple majority). To avoid any issues of a tied vote, the draft proposals are to have 5 elected members constituting a sub-committee convened to deal with a determination hearing.
- 3.7 The Committee will note from other reports at this meeting the government is consulting on strengthening the standards regime, introducing mandatory arrangements, and introducing additional sanctions for serious breaches of the code of conduct. The latter has been a concern for the committee but required primary legislation to provide for sanctions, as the Localism Act 2011 removed all sanctions available to council. There is no timescale provided for this and as such, it is recommended that there are merits in continuing work on the revised ethical framework and governance sections of the constitution.

4 Issues, Options and Analysis of Options

- 4.1 See the body of the report.

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5 Reasons for Recommendation

5.1 See the body of the report

6 Consultation (including Overview and Scrutiny, if applicable)

6.1 Not applicable.

7 Impact on corporate policies, priorities, performance and community impact

7.1 The code of conduct promotes and encourages good conduct and safeguard the public's trust and confidence in the role of councillors, thereby assisting the Council to meet its corporate policies and priorities, as well as maintaining public confidence.

8 Implications

8.1 Financial

8.1.1 There are no financial implications arising from this report.

8.2 Legal

8.2.1 The Council is required by Chapter 7 of the Localism Act 2011 to have a code of conduct that implements the Nolan Principles and the monitoring officer must make arrangements for a procedure by which complaints under the code will be determined.

8.3 Diversity and Equality

8.4 There are no specific diversity or equalities issues arising from this report.

8.5 Risks

8.5.1 There are no risk implications arising from this report.

9 Other implications

9.1 None.

10 Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

N/A

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11 Appendices to the report

Appendix 1 – draft new chapter: ‘Arrangements for dealing with a complaint under the councillors’ code of conduct’

Appendix 2 – current procedure for dealing with a complaint under the members’ code of conduct

Appendix 3 – amended terms of reference for Standards Committee and Standards Hearing Panel Sub-Committee

Report Author:

Helen Nicol

Assistant Director Legal & Governance and Deputy Monitoring Officer

Corporate Services

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Arrangements for dealing with complaints against members under the Councillor Code of Conduct

Glossary

Complainant	The person making the complaint
Determination Hearing	The committee at which an investigated complaint is heard.
Independent Chair	Independent chair of the Standards Hearing Panel, appointed by Standards Committee
Independent Person	A person or persons appointed by the Council under the Localism Act 2011 to advise it, the Monitoring Officer or the councillor on the determination of complaints
Investigating Officer	A council officer, officer of another council and /or independent investigator instructed by the Monitoring Officer
Monitoring Officer	The council officer with statutory responsibilities under s5 Local Government and Housing Act 1989. This may include any other officer the Monitoring Officer has authorised to carry out their functions under this procedure
Standards Committee	The committee of the council that determines complaints about councillors that are investigated
Standards Hearing Panel	The sub-committee making the decision at the Determination Hearing
Subject Councillor	The elected councillor or co-opted member subject to the complaint

1. Introduction

1.1 This procedure applies to all complaints submitted under the Councillors' Code of Conduct adopted by Thurrock Council

1.2 The Council's Monitoring Officer is responsible for the conduct of complaints made under the Councillors' Code of Conduct and may nominate another officer of suitable experience and seniority to carry out any of the functions listed in this procedure.

1.3 These arrangements provide that the Authority has appointed at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by the subject councillor. These appointments take place at the Annual Council Meeting.

1.4 The Councillors' Code of Conduct applies to elected members and voting co-opted members when they are acting in that capacity. Complaints must be submitted to the Council's Monitoring Officer. The Monitoring Officer will consider whether a failure to comply with the rules about 'Disclosable Pecuniary Interests' should be directed to the Police if s/he considers there are reasonable grounds to believe that a criminal offence may have occurred. Complaints about a potential breach of the general obligations should be submitted to the Monitoring Officer for consideration.

1.5 Complaints can only be considered where a councillor is acting in an official capacity for the Council. It does not apply to a councillor's acts or omissions in their private life.

STAGE 1 SUBMITTING A COMPLAINT & INITIAL ASSESSMENT

2. Submitting a Complaint

2.1 Complaints must:

2.1.1 be submitted in writing;

2.1.2 include the identity of the complainant unless there are substantial reasons not to do so;

2.1.3 provide information that substantiates the allegations made; and

2.1.4 outline the form of resolution the Complainant is seeking.

2.2 The complainant should use the complaints form accessed via the Thurrock Council website: [Complaints about councillors](#) | [Governance ethics and standards](#) | [Thurrock Council](#).

2.3 If the Monitoring Officer considers that the complaint does not include sufficient information, the complainant will be asked to provide the additional information and the complaint may not be accepted until that information is received or may be rejected if the information is not provided as requested.

2.4 The Monitoring Officer will inform the following people that a complaint has been made:

2.4.1 The subject councillor(s);

2.4.2 The council's independent person(s) who will be consulted on the complaint;

2.4.3 The investigating officer appointed to investigate the complaint or persons whom they contact as part of an investigation; and

2.4.4 The council's Standards Committee (as part of the regular reporting on councillor complaints).

2.5 The Monitoring Officer will provide those persons set out in 2.4 above with the name of the complainant against whom the complaint has been made and the complainant together with a summary of a complaint. They will provide full details of a complaint where necessary or appropriate to be able to deal with the complaint.

2.6 The Monitoring Officer will consider a request by a complainant or witness to keep their identity confidential (from the councillor against whom the complaint has been made and / or others) but will only grant such a request in exceptional circumstances

3. Initial Assessment.

3.1 The Monitoring Officer, in consultation with the Independent Person, will consider the complaint and make a decision as to whether it warrants further action.

3.2 If the Monitoring Officer determines that the complaint is about an employee or the provision of a Council service, it will be referred to the relevant service for response. The Monitoring Officer will not consider the complaint under the Code of Conduct arrangements but will refer the matter for consideration under the appropriate complaints procedure.

3.3 The Monitoring Officer will dismiss complaints where there is no prima facie evidence of a code of conduct breach or where no further action is warranted, having discussed them with the Independent Person. The complainant will be notified in writing providing reasons for the decision. The subject councillor will also be informed and will be given a summary of the complaint.

3.4 Should either the complainant or the subject councillor disagree with the initial assessment decision, they may request a review of the decision, which will be determined by the council's Chief Executive. Any such request for a review must be submitted in writing to the Monitoring Officer setting out the reasons for the review.

3.5 The Monitoring Officer will provide reports on a cyclical basis to the Standards Committee on all complaints received and their determination.

STAGE 2 - INFORMAL RESOLUTION

4. Informal Resolution

4.1 If the Monitoring Officer decides that the complaint warrants further action s/he will normally consider if an informal resolution between the complainant and the subject councillor is possible, by taking one of the following actions:

4.1.1 Writing to both parties requiring them to seek resolution of the complaint with a reasonable period and suggesting possible alternative action to achieve this; and

4.1.2 Providing such assistance to informally resolve the complaint as is considered reasonable, including the involvement of the Independent Person, political groups or party representatives as appropriate.

4.2 Informal resolution will normally include agreement to withdraw the complaint and may include the following:

4.2.1 An explanation by the subject councillor of the circumstances surrounding the complaint;

4.2.2 An apology from the subject councillor;

4.2.3 Agreement by the subject councillor to attend relevant training or to take part in a mentoring process;

4.2.4 Both parties (the subject councillor and the complainant) agreeing to engage in a process of mediation or conciliation;

4.2.5 An acknowledgement by the complainant that the complaint did not arise from misconduct by the subject councillor; or

4.2.6 Any other action capable of resolving the complaint.

4.3 The Independent Person is available to the subject councillor to give them advice on the complaint and what form of resolution they would consider appropriate. Providing such guidance would not normally prevent the Independent Person from giving a view to the Standards Committee about the complaint at a later stage.

4.4 If the complainant informs the Monitoring Officer that their complaint has been resolved by informal resolution, no further action will be taken except that the Monitoring Officer:

- 4.4.1 will ensure any actions arising from the informal resolution are completed; and
- 4.4.2 if so, will inform both the complainant and subject councillor that no further action will be taken on the complaint and will record the outcome and report it to the next meeting of the Standards Committee

4.5 Where informal resolution has been rejected or has not been successfully achieved or where the Monitoring Officer considers that it is not appropriate, the Monitoring Officer, in consultation with the Independent Person, will determine whether to proceed to formal investigation or whether no further action is warranted having regard to the circumstances of the complaint.

5. Monitoring Officer Assessment

5.1 The Monitoring Officer will determine if the complaint merits investigation and keep a written record of their decision including reasons.

6. Complaints that will not normally be investigated

6.1 The following complaints are normally not suitable for investigation, save where the Monitoring Officer considers there are exceptional circumstances:

- 6.1.1 Complaints that are really about the council services, its policies or performance. Such complaints will be referred to the relevant service area in accordance with the council's Complaints Policy.
- 6.1.2 Complaints that are really about the political policies or performance of a councillor in their role. Such complaints will be referred to the councillor and / or their political group for response.
- 6.1.3 Complaints that relate to another authority or an alleged breach of another authority or body's Code of Conduct.
- 6.1.4 Vexatious or frivolous complaints or complaints which are intended to insult individuals.
- 6.1.5 Minor or "tit-for-tat" complaints that do not justify the time and resources of an investigation.
- 6.1.6 Complaints which relate to matters or events more than 3 months before the date of the complaint.
- 6.1.7 Complaints by a councillor against another councillor will not normally be investigated unless the Monitoring Officer considers that other processes, e.g. informal mediation or political group processes, have been exhausted.
- 6.1.8 Complaints by officers should be first made under the councillor / officer protocol.

6.1.9 Complaints that are already subject to other internal or external processes will not normally be investigated until those other processes have been completed, to enable the complaint to be resolved by other means. Determination of such complaints will normally be suspended until the other process is finalised.

7. The Public Interest

7.1 The Monitoring Officer will consider whether it is in the public interest to investigate the complaint taking into account and balancing the following factors:

7.1.1 The seriousness of the alleged breach;

7.1.2 The level of culpability alleged against the subject councillor including if it is alleged the subject councillor has financially benefitted from the alleged breach;

7.1.3 What harm if any is alleged to have been caused to the complainant or others;

7.1.4 What is the impact on the wider community of the alleged breach;

7.1.5 Is an investigation and potential hearing a proportionate response to the complaint?

STAGE 3 - INVESTIGATION

8. Appointment of an Investigating Officer

8.1 The Monitoring Officer will appoint an investigating officer to investigate the complaint and submit a written report to the Monitoring Officer. The investigating officer may be a council officer, the officer of another local authority, or an external investigating officer.

8.2 The investigating officer may, with the Monitoring Officer's agreement, appoint persons to assist in the conduct of his/her functions or provide professional advice or services.

9. Notification

9.1 The Monitoring Officer shall notify the subject councillor in writing:

9.1.1 that the allegation has been referred for formal investigation and the conduct which is the subject of the allegation.

9.1.2 the identity of the person making the allegation

9.1.3 the identity of the investigating officer.

9.1.4 the procedure which will be followed in respect of the allegation; and

9.1.5 not to contact the complainant or seek to improperly influence the determination of the complaint by any means

9.2 The Monitoring Officer will notify the complainant in writing of the same matters including that the subject councillor should not contact them or seek to improperly influence the determination of the complaint

10. Conduct of the Investigation

10.1 The investigating officer must:

10.1.1 Collate sufficient information to determine whether the subject councillor has acted in breach of the Code of Conduct and, where there has been a breach of the Code of Conduct, whether any action should be taken in respect of the councillor or in consequence of the breach, and what any action should be

10.1.2 Prepare and present a report of the above findings and the evidence to support them to the Monitoring Officer.

11. Production of Documents, Information and Explanations

11.1 The investigating officer (and any person authorised on his/her behalf) is authorised to:

11.1.1 make such enquiries of any person or organisation and request any person or organisation to provide any document or information which is in their possession or control, or provide any explanation, as he/she thinks necessary for the purposes of carrying out the investigation;

11.1.2 require the council to provide any document which is in its possession or control which the investigating officer thinks necessary for the purposes of carrying out the investigation;

11.1.3 request any person to attend and appear before him/her or otherwise provide any information, document or explanation as he/she thinks necessary for the purposes of carrying out the investigation.

12. Representation

12.1 Any person interviewed by the investigating officer may arrange to be accompanied at their own expense by a solicitor, trade union or friend.

13. Interview Notes

13.1 Where practicable, following the interview the investigating officer shall produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask them to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose. The investigating officer will determine whether to accept or reject any amendments but will keep a copy of any response.

14. Additional evidence of breach of the Code of Conduct

14.1 Where, in the course of his/her investigation, the investigating officer becomes aware of any other matter which appears to him/her to evidence of a different or additional breach of the Code of Conduct by the councillor the investigating officer shall inform the Monitoring Officer with any supporting information.

14.2 The Monitoring Officer shall then determine following consultation with the independent person:

14.2.1 whether or not to investigate the additional matter in accordance with this procedure;

14.2.2 whether or not to instruct the investigating officer to investigate the additional matter or appoint a different investigating officer;

14.2.3 If so, notify the subject councillor of the additional allegations and how it will be investigated if at all

15. Early termination of the investigation

15.1 The investigating officer may terminate his/her investigation at any point, where they are satisfied that they have sufficient information to report to the Monitoring Officer.

16. The Draft Report

16.1 The investigating officer will prepare and submit to the Monitoring Officer a draft report setting out:

16.1.1 the details of the allegation;

16.1.2 the relevant provisions of statute, the Code of Conduct or protocols;

16.1.3 the subject councillor's initial response to notification of the allegation [if any];

16.1.4 the relevant evidence obtained during the investigation;

16.1.5 a list of any documents relevant to the matter;

16.1.6 a list of those persons whom he/she has interviewed and those organisations from whom he/she has sought information;

16.1.7 details any person or organisation that did not cooperate with a request to provide evidence;

16.1.8 a statement of his/her draft findings of fact;

16.1.9 findings whether the councillor has or has not failed to comply with the Code of Conduct and if so, findings on whether any action should be taken in respect of the councillor or in consequence of the breach, and what any action should be;

16.1.10 the reasoning for all findings;

16.2 The Monitoring Officer will provide comments on the report to the investigating officer within 14 days of receipt and may meet or speak with the investigating officer during this time to discuss the draft report.

16.3 The investigating officer shall then send a copy of his/her draft report in confidence to the subject councillor and the complainant and request that they send any factual comments thereon to him/her within 14 days.

16.4 The investigating officer may send a copy of, or relevant extracts from his/her draft report in confidence to any person on whose evidence he/she has relied in compiling the draft report, and request that they send any comments thereon to him/her within 14 days.

17. Final Report

17.1 The investigating officer shall reconsider and amend his/her draft report in the light of any comments received and send their final report to the Monitoring Officer.

17.2 The investigating officer should append copies of any documents which the Investigating Officer has relied on in reaching his/her conclusions.

17.3 The Monitoring Officer will review the investigating officer's report and, if he/she is satisfied that the investigating officer's report shall then:

17.3.1 where the final report concludes that there has not been a failure to comply with the Code of Conduct will write to the complainant and the subject councillor concerned notifying them that he/she is satisfied that no further action is required and provide a copy of the final report.

17.3.2 where the final report concludes that there has been a failure by the councillor to comply with the Code of Conduct will either refer the matter for hearing before the Standards Committee or, after consulting the Independent Person, seek local resolution.

17.4 Local resolution means a resolution of the complaint through agreement between the complainant and the subject councillor to resolve the complaint taking into account the investigating officer's findings. The Monitoring Officer may consider it is not appropriate for the more serious allegations and it requires the agreement of both parties.

17.5 If the report is dealt with by local resolution then the complaint is closed.

STAGE 4 : HEARING & DETERMINATION

18. Determination Hearing

18.1 The Standards Hearing Panel will meet to consider the investigating officer's report to determine whether the subject councillor has failed to comply with the Code of Conduct and, if so, whether to impose a sanction on the subject councillor.

19. Pre-Hearing Process

19.1 The Monitoring Officer shall arrange for the Standards Committee to convene a Standards Hearing Panel meeting to hold a Determination Hearing.

19.2 The Monitoring Officer shall inform the Chair of the Standards Committee and Independent Person of the requirement to hold a Determination Hearing.

19.3 Where the Monitoring Officer is the investigating officer, they will arrange for a separate legal advisor to the Standards Hearing Panel to be appointed in respect of the allegation.

19.4 The Standards Committee will appoint an Independent Chair to chair the Standards Hearing Panel meeting. Reference to the chair through the remainder of this section means the independent chair appointed to the panel.

20. Notification of Investigating Officer's Report

20.1 The Monitoring Officer shall send the investigating officer's report to the subject councillor and the complainant, subject to agreement of an undertaking of confidentiality.

21. Subject councillor's representations

21.1 The subject councillor shall be asked to provide a written response within 14 working days of the receipt of the report setting out:

21.1.1 Any disagreement with findings of fact and the reasons for any disagreement;

21.1.2 If they intend to be represented at the hearing (at their own expense) and if so the representative's contact details;

21.1.3 if they intend to give evidence at the Determination Hearing orally or in writing;

21.1.4 the identity of any relevant witnesses at the Determination Hearing

21.1.5 if they consider any part of the investigating officer's report or the Determination Hearing should be withheld from public access or held in private in accordance with the Council's Access to Information Rules including the reasons for the request;

21.2 The Monitoring Officer will inform the subject councillor if, at the Determination Hearing, they dispute the investigating officer's report without having previously notified the Monitoring Officer the chair of the Hearing Panel may either:

21.2.1 adjourn the meeting to enable the investigating officer to provide a response; or

21.2.2 refuse to allow the disputed matter to be raised.

22. Investigating Officer's Response

22.1 The Monitoring Officer shall invite the investigating officer to comment on the subject councillor's response, and to say whether or not they wish:

22.1.1 to be represented or be present at the Determination Hearing;

22.1.2 to call relevant witnesses to give evidence or submit written or other evidence;

22.1.3 The Monitoring Officer may request the investigating officer to the Determination Hearing to present their report and answer questions.

23. The Hearing Date & Arrangements

23.1 The Monitoring Officer will set a date and make the arrangements for the Determination Hearing following consultation with the chair including:

23.1.1 the calling of witnesses requested by the subject complainant and investigating officer

23.1.2 any additional witnesses requested by the chair whom it is considered will assist the Hearing Panel reaching its decision;

23.1.3 the agenda and documentation to be considered at the hearing

23.1.4 whether or not the whole or part of the hearing or documentation will be exempt from public access and the grounds for this decision

23.2 The Monitoring Officer and Chair may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable or where witnesses will not provide evidence of fact that will not assist the Hearing Panel to reach its decision.

24. The Monitoring Officer's Report

24.1 The Monitoring Officer will prepare a report for the Determination Hearing that will:

24.1.1 append the Investigating Officer's report and any response from the subject complainant;

24.1.2 confirm the agreed facts;

24.1.3 confirm the disputed facts;

24.1.4 confirm the witnesses who will give evidence; and

24.1.5 the proposed procedure for the Hearing, including any arrangements for the whole or part of the meeting will be held in private.

24.2 The report will be published in accordance with the Council's Access to Information Rules and may, if finalised, be shared with the parties to the hearing on a confidential basis.

25. Hearing Procedure

25.1 The Hearing Panel shall adopt an inquisitorial approach at the hearing seeking information and clarifying facts and issues.

25.2 The Hearing Panel may seek legal advice from their advisor.

26. Order of Business

26.1 The initial order of business at the meeting shall be as follows:

26.1.1 confirmation of quorum;

26.1.2 declarations of interest;

26.1.3 introductions;

26.1.4 consideration as to whether to adjourn or to proceed in the absence of the subject councillor if they are not present; and

26.1.5 any procedural issues (including a request to hold all or part of the meeting in private).

27. Proceeding in the subject councillor's absence

27.1 If the subject councillor is not present at the start of the Hearing:

27.1.1 The Chair will ask the Monitoring Officer whether the subject councillor has been notified of the hearing and if indicated their intention not to attend the formal hearing and the reasons; and

27.1.2 The Hearing Panel will decide whether or not in all the circumstances it is necessary to adjourn the hearing to a later date or make a determination in the absence of the subject councillor.

28. Investigating Officer Presentation

28.1 The Investigating Officer will present their report and may introduce relevant evidence, including witness evidence.

28.2 The subject councillor or his/her representative may ask questions of the Investigating Officer or any witness on any matter relevant to any dispute of fact.

28.3 The Hearing Panel or Independent Person may ask questions of the investigating officer or any witness.

29. The subject councillor's case

29.1 The subject councillor will present their report and may introduce relevant evidence, including witness evidence.

29.2 The investigating officer may ask questions of the subject councillor or any witness on any matter relevant to any dispute of fact.

29.3 The Hearing Panel or Independent Person may ask questions of the subject councillor or any witness on any matter relevant to any dispute of fact.

30. Submissions

30.1 The investigating officer and then the subject councillor or his/her representative will have the opportunity to make a final submission. The Chair may determine the length of any submissions.

31. The decision

31.1 The Hearing Panel will consider their decision in private and may consult with the Independent Person. Decisions will be made on the balance of probabilities.

31.2 The Hearing Panel will first decide whether or not the subject councillor has breached the Code of Conduct in respect of each allegation made.

31.3 The Hearing Panel may ask further questions of the investigating officer or the subject councillor or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.

31.4 The Hearing Panel may seek legal advice at any time. Such advice may be given in the presence of the Investigating Officer and the subject councillor if appropriate.

31.5 The Chair will advise the subject councillor and the investigating officer of the Hearing Panel's findings and whether the Code of Conduct has been breached.

31.6 If the Hearing Panel decide that the subject councillor has acted in breach of the code, the Hearing Panel will invite representations from the investigating officer and subject councillor as to what action, if any, it should take. The Hearing Panel may ask questions of the subject councillor and the investigating officer.

31.7 The Hearing Panel may, having heard any representations, will make one of the following decisions:

31.7.1 No further action needs to be taken; or

31.7.2 Impose a sanction on the subject councillor

31.8 The Chair will announce the Hearing Panel decision, the action, if any, it is proposed to take and the reasons for the decision. The Chair may state that full reasons for the decision will be provided later in writing

31.9 The Hearing Panel will consider any recommendations to the Council arising from the consideration of the allegation, e.g. a need for training.

31.10 The Hearing Panel will decide whether or not its findings shall be published.

32. Sanctions

32.1 Where the subject councillor is found in breach of the Code of Conduct, there is no statutory power to sanction the Member. The Panel may decide to recommend to the Monitoring Officer:

32.1.1 That no further action is necessary

32.1.2 To impose one or more of the following sanctions (or any other lawful sanction as advised by the Monitoring Officer):

a. Censure or reprimand the member

b. Publish its findings in respect of the councillor's conduct

c. Report its findings to Council for information

d. Recommend to the councillor's group leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council

e. Recommend to the Leader of the Council that the councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities

f. Recommend to Council that the councillor be replaced as Executive Leader

g. Instruct the Monitoring Officer to arrange training for the member

h. Remove the councillor from all outside appointments to which he/she has been appointed or nominated by the authority

i. Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or

- j. Exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings

33. Appeal

33.1 There is no right of appeal against the Hearing Panel decision.

34. Notice of Findings

34.1 The Monitoring Officer will draft the Hearing Panel's decision in writing including reasons for the Chair's approval.

34.2 The approved written decision will be sent to the subject councillor, the independent person, the complainant, the investigating officer and any other authority concerned.

34.3 Where the Hearing Panel decides that its findings shall be published, the Monitoring Officer shall arrange for a summary of the findings to be published in such manner as the Hearing Panel shall determine.

34.3.1 Where the Hearing Panel determines there was no breach of the Code of Conduct, the notice shall:

- a. state the Hearing Panel finds the councillor did not fail to comply with the Code of Conduct and shall give its reasons for reaching that finding; and

34.3.2 Where the Hearing Panel determines the councillor failed to comply with the Code of Code but no action is required, the notice shall:

- a. state the Hearing Panel finds the councillor failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;

- b. specify the details of the failure; and

- c. give reasons for the findings.

34.3.3 Where the Hearing Panel determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice shall:

- a. state the Hearing Panel found the councillor failed to comply with the Code of Conduct;

- b. specify the details of the failure;

- c. give reasons for the findings; and

- d. specify the sanction imposed.

35. Governance

35.1 The Panel Hearings are not subject to the Council's Procedure Rules as they apply to Committees or Working Groups save as required by law or as set out below.

35.2 The Council's Access to Information Rules will apply to Panel Hearings and so will normally be held in public.

35.3 The Panel has power to postpone the hearing and / or adjourn a part heard hearing to a later if, in either case, it considers this is necessary to allow it to hold a fair hearing but taking into account the need to determine all complaints in a prompt manner.

35.4 The Panel may determine the length of the hearing and any individual stages – for example, the length of final submissions – taking into account the nature and complexity of the complaint and evidence and ensuring that both parties have a reasonable opportunity to present their case. The Panel will inform the parties of any time limits at the start of the meeting.

35.5 The Panel will take advice from the Monitoring Officer or any legal advisor appointed by the Monitoring Officer to advise the Panel in her/his absence at any time during the hearing or while they are considering the outcome.

35.6 Decisions will be made by simple majority and the standard of proof to be applied is the balance of probabilities in any findings against the member. Abstentions are not permitted. The Independent Chair is not able to vote.

Part 2 – Procedure for making Complaints against a Councillor for breach of the Code of Conduct

1 Introduction

- 1.1 This Procedure provides for the receipt, initial assessment, investigation and determination of complaints made under the Code of Conduct for Members
- 1.2 The following terms used in this Procedure are defined as follows.

Complainant	the person making the complaint
Member	the elected councillor or co-opted member subject to the complaint
Investigator	either an officer of the Council and / or an independent Investigator whom the Monitoring Officer has asked to investigate a complaint
Monitoring Officer	the Council officer with statutory responsibilities under section 5 of the Local Government and Housing Act 1989 and as set out below in this Code – in Thurrock Council, the Monitoring Officer is currently the Executive Director of Corporate Services, and Monitoring Officer
Independent Person	a person or persons appointed by the Council to advise it or the Member on the determination of complaints
Members Advisory Panel	the Members' Advisory Panel is a Working Group of the Council's Standards Committee which will conduct a local hearing to consider whether the Member has failed to comply with the Code of Conduct and, if so, whether to recommend actions in respect of the Member to the Monitoring Officer
Appellant	the person appealing a decision under this Procedure
Respondent	the person responding to an appeal

2 How to make a complaint

- 2.1 Any person may make a complaint under the Code of Conduct. Complaints must:
- 2.1.1 Be made in writing – that is, by email or letter – addressed to the:

**Monitoring Officer
Legal Services
Civic Offices
New Road
Grays
RM17 6SL**

or to the contact email address on the Council's website

- 2.1.2 Include the full name and address of the Complainant
- 2.1.3 Identify the Member complained of
- 2.1.4 Set out the nature and substance of the alleged breach of the Code of Conduct for Members. It is recommended that complaints include or attach evidence to support the allegation.

2.2 Upon receipt of a complaint complying with 2.1 above, the Monitoring Officer will send a copy of the Complaint to the Member and the Independent Person.

3 Initial assessment

- 3.1 The Council's Monitoring Officer will receive and assess all complaints to determine whether the complaint should be investigated. If the Monitoring Officer considers that s/he can resolve the complaint through informal mediation or discussion, s/he may take this step before determining whether a complaint should be investigated.
- 3.2 The following complaints are normally not suitable for investigation, save where the Monitoring Officer accepts there are exceptional circumstances:
 - 3.2.1 Complaints that are really about Council services, its policies or performance. Such complaints will be referred to the relevant service area in accordance with the Council's Complaints Policy.
 - 3.2.2 Complaints that are really about the political policies or performance of a councillor in their role. Such complaints will be referred to the councillor and / or their political group for response.
 - 3.2.3 Complaints that relate to another authority or an alleged breach of another authority or body's Code of Conduct.
 - 3.2.4 Vexatious or frivolous complaints or complaints which are intended to insult individuals.
 - 3.2.5 Minor or "tit-for-tat" complaints that do not justify the time and resources of an investigation.
 - 3.2.6 Complaints which relate to matters or events more than 3 months before the date when the complainant first became aware of the matters or events.
 - 3.2.7 Complaints by a member against another member will not normally be investigated until the Monitoring Officer considers that other processes – for example, informal mediation or political group processes have been exhausted.
 - 3.2.8 Complaints by officers should be first made under the Member / Officer Protocol
 - 3.2.9 Complaints that are already subject to other internal or external processes will not be investigated until those other processes have completed to enable the complaint to be resolved by other means. Determination of such complaints will be suspended until the other process is finalised.

- 3.3 In making decisions at 3.1 and 3.2, the Monitoring Officer will consult the Council's independent person (or where it has more than one independent person, one of the independent persons).
- 3.4 The Monitoring Officer may request further evidence or information from the Complainant. The Monitoring Officer may request an initial response from the Councillor complained of (or any other person) or take any other steps s/he considers reasonable to assist her determination.
- 3.5 The Monitoring Officer will inform the complainant and member in writing of their decision within 30 days of receipt of the complaint. Where the Monitoring Officer is not able to respond within this time, s/he will inform the complainant and member of the date by which a decision will be made.
- 3.6 The Complainant will have 7 days from the date of the Monitoring Officer's letter to ask for a review of a decision not to investigate a complaint. The application for review must be submitted in writing to the Monitoring Officer setting out the reasons for the review. The review will be determined by the Council's Chief Executive. If the Chief Executive considers the review should be upheld, the complaint will be investigated in accordance with Section 4.

4 Investigation

- 4.1 The Monitoring Officer will arrange for the complaint to be investigated by either an officer of the Council and / or an independent investigator. The Monitoring Officer may provide terms of reference for the investigation, which will focus on investigation of the factual evidence in support or against the allegation. The Member concerned has a duty to co-operate with the investigation.
- 4.2 The Investigation will follow its terms of reference and will include but is not limited to:
- 4.2.1 An opportunity for the Complainant to provide further evidence to support their allegation and / or the names of witnesses that they consider may provide relevant evidence.
 - 4.2.2 An opportunity for the Member to provide further evidence to support their allegation and / or the names of witnesses that they consider may provide relevant evidence.
 - 4.2.3 Taking evidence from any witnesses (or considering any documents) the Investigator considers may be relevant to the investigation.
- 4.3 If the Investigator considers that the terms of reference of the investigation may require amendment – for example, there is evidence of an additional potential breach of the Code of Conduct – he/she will raise this with the Monitoring Officer who will determine the appropriate course of action.
- 4.4 The Investigation will take no longer than 2 months from the date of the appointment of the investigator, unless the Monitoring Officer agrees that the investigation period should be extended.

4.5 The Investigator will provide a written report to the Monitoring Officer in respect of the allegations.

5 Members' Advisory Panel hearing

5.1 The Monitoring Officer will report the matter to the Members' Advisory Panel (Panel) which will conduct a local hearing to consider whether the Member has failed to comply with the Code of Conduct and if so, whether to recommend action in respect of the Member to the Monitoring Officer. The Members' Advisory Panel (a Working Group of the Standards Committee) will be held within 30 days of receipt by the Monitoring Officer of the investigation report to determine recommendations on the complaint. The Independent Person will be present at the Panel's Hearing and may advise both the Panel and the Member.

5.2 The Panel Hearing will normally take the following order:

- **Investigation Report**

The Investigator will present their report and evidence (and may call witnesses). The Complainant and Member may question the investigator and any witnesses

- **The Complainant's Case**

The Complainant presents their evidence and calls any witnesses. The Member may then question the Complainant and any witnesses.

- **The Member's Case**

The Member presents their evidence and calls any witnesses. The Complainant may then question the Member and any witnesses.

- **Final Submissions**

The Complainant and Member will present their final submissions in this order.

5.3 The Panel may ask questions of any person at any time.

5.4 After hearing final submissions, the Panel will withdraw to consider its decision and may consult with the Independent Person when doing so.

5.5 After reaching its decision, the Panel will either announce its recommendation at the hearing or inform the parties that the decision will be provided in writing to them within 7 days. Any verbal decision must be followed by written confirmation of the decision and its reasons within 7 days.

6 Sanction

6.1 Where a member is found in breach of the Code of Conduct, there is no statutory power to sanction the Member. The Panel may decide to recommend to the Monitoring Officer:

6.1.1 That no further action is necessary

- 6.1.2 To impose one or more of the following sanctions (or any other lawful sanction as advised by the Monitoring Officer)
 - 6.1.3 Censure or reprimand the member
 - 6.1.4 Publish its findings in respect of the member's conduct
 - 6.1.5 Report its findings to Council for information
 - 6.1.6 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council
 - 6.1.7 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities
 - 6.1.8 Recommend to Council that the member be replaced as Executive Leader
 - 6.1.9 Instruct the Monitoring Officer to arrange training for the member
 - 6.1.10 Remove from all outside appointments to which he/she has been appointed or nominated by the authority
 - 6.1.11 Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
 - 6.1.12 Exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings
- 6.2 Before reaching its decision, the Complainant and Member have the right to make submissions as to the appropriate sanction (if any). Where the decision is communicated in writing, the Council will re-convene the Panel Hearing to consider the question of sanction and the above procedure will apply. In such situations, either party may submit its representations in writing to the Monitoring Officer in advance of the re-convened hearing.

7 Appeals against a determination hearing decision

- 7.1 There is no right of appeal by either party against a decision of the Monitoring Officer or of the recommendations of the Member's Advisory Panel.
- 7.2 If you feel that the authority has failed to deal with the complaint properly, a complaint may be made to the Local Government Ombudsman.

8 Governance

- 8.1 The Panel Hearings are not subject to the Council's Procedure Rules as they apply to Committees save as required by law or as set out below.
- 8.2 The Council's Access to Information Rules will apply to Panel Hearings and so will normally be held in public.

- 8.3 The quorum for the Panel shall be two elected Members of the Council drawn from at least two different political parties and two Independent Members.
- 8.4 The Panel has power to postpone the hearing and / or adjourn a part heard hearing to a later if, in either case, it considers this is necessary to allow it to hold a fair hearing but taking into account the need to determine all complaints in a prompt manner.
- 8.5 The Chair of the Panel shall have a second and casting vote.
- 8.6 The Panel may determine the length of the hearing and any individual stages – for example, the length of final submissions – taking into account the nature and complexity of the complaint and evidence and ensuring that both parties have a reasonable opportunity to present their case. The Panel will inform the parties of any time limits at the start of the meeting.
- 8.7 The Panel will take advice from the Monitoring Officer or any legal advisor appointed by the Monitoring Officer to advise the Panel in her/his absence at any time during the hearing or while they are considering the outcome.
- 8.8 Decisions will be made by simple majority and the standard of proof to be applied is the balance of probabilities in any findings against the member. Abstentions are not permitted.

2.	Standards Committee	
Appointed by: The Council, in accordance with the provisions of S101 and S102 Local Government Act 1972 and Regulations made thereunder.	Number of Elected Members: Six elected members	
Chair and Vice-Chair appointed by: The Chair will be appointed by Council. There will be one Vice Chair, who will be appointed by Council The Vice-Chair shall deputise for the Chair in his or her absence.	Political Proportionality: Rules of political proportionality apply. Substitutes: Substitutes are permitted for the Standards Committee. Frequency: At least quarterly.	
Quorum: At least three voting members of the Committee	Co-opted Members: Up to six non-voting, to be appointed by the Committee Independent Person to be appointed by the Council: Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011 The Independent Person shall be invited to attend the meetings of the Standards Committee	
Terms of Reference: 1.1 Promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority 1.2 Receiving periodic reports from the Monitoring Officer on dispensations granted / refused, complaints received against Members, complaints resolved informally, complaints resolved after an investigation and a Members Advisory Panel Hearing and assessing the operation and effectiveness of the Members' Code of Conduct 1.3 Advising on all Member training, including arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct 1.4 Assisting Councillors and co-opted Members to observe the Members' Code of Conduct 1.5 To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority's assessment criteria 1.6 Advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council 1.7 Maintaining oversight of the Council's arrangements for dealing with complaints		

- 1.8 Informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints
- 1.9 Appointment of a Standards Hearing Sub-Committee (a Working Group of the Committee) to hear and make recommendations to the Monitoring Officer concerning complaints about Members and Co-Opted Members referred to it by the Monitoring Officer
- 1.10 On referral by the Monitoring Officer to grant dispensations after consultation with the Independent Person pursuant to S33(2) (b), (c) and (e) of the Localism Act 2011
- 1.11 Hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011

Composition and Terms of Reference of a Standards Hearing Panel (~~A Working Group~~ a sub-committee).

2A.	Standards Hearing Panel	
Appointed by: The Committee, pursuant to section 102 Local Government Act 1972 for the purposes of section 28(6) and (7) of the Localism Act 2011	Number of Elected Members: Two <u>Three</u> elected members appointed from members of the Standards Committee and two other members (i.e. members not appointed to Standards Committee).	
Chair and Vice-Chair appointed by: <u>The Chair shall be an Independent Chair appointed by the Committee (who may be an Independent Person)</u>	Political Proportionality: Rules of political proportionality do not apply. Substitutes: None. Frequency: As and when required. Venue: To be determined by the Monitoring Officer.	
Quorum: At least two <u>three</u> elected members and two other members.	Co-opted Members to be appointed by Council: Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011 The Independent Person to attend the meetings of the Standards and with hearings into allegations of misconduct.	
Terms of Reference: <ol style="list-style-type: none"> 1. To conduct a hearing into an allegation that a councillor or co-opted member has breached the Councillors' Code of Conduct. 2. Following a hearing, make one of the following recommendations to the Monitoring Officer: <ol style="list-style-type: none"> (i) That the councillor has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the hearing (ii) That the councillor has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the hearing 		

(iii) That the councillor has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed

3. The Standards Hearing Panel may recommend to the Monitoring Officer any action or combination of actions available, or recommend any informal resolution or combination of informal resolutions as are available by law or policy.
4. After making a finding the Standards Hearing Panel shall, as soon as reasonably practicable provide written notice of its recommendations and the reasons for its decision to Monitoring Officer, the councillor and complainant.

11 February 2025	ITEM: 8
Standards Committee	
Consultation on strengthening the standards and conduct framework for local authorities in England	
Wards and communities affected: N/A	Key Decision: No
Report of: Helen Nicol, Assistant Director Legal & Governance	
Accountable Assistant Director: Helen Nicol, Assistant Director Legal & Governance	
Accountable Director: Daniel Fenwick, Executive Director Corporate Resources and Monitoring Officer	
This report is public	
Version: Final	

Executive Summary

The government has launched a consultation on introducing a mandatory minimum code of conduct for councillors of local authorities in England, and measures to strengthen the standards and conducts regime. The proposals include that local authorities should have the power to suspend councillors serious code of conduct breaches for a maximum of 6 months. The consultation closes at 11.59pm on 26 February 2025 and this report seeks the Standard Committees views on the proposals in order to shape the Council’s response to the consultation.

Commissioner Comment:

N/A

1. Recommendation(s)

- 1.1 **Members of Standards Committee are requested to provide their comments on the proposed measures to introduce a mandatory minimum code of conduct for local authorities in England, and to strengthen the standards and conduct regime, to help shape the Council’s response to the consultation.**

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

2. Introduction and Background

- 2.1 The government's 'English Devolution White Paper – Power and Partnership: Foundations for Growth' was published on 16 December 2024. At paragraph 4.24, titled 'Audit, Insight and Standards' it states:

“The Localism Act 2011 established the current standards framework for local government. We believe the Act did not provide councils with sufficient powers to maintain high standards and have heard from local leaders who say it is ineffectual, inconsistently applied and lacking in adequate power to sanction the small number of members who seriously breach codes of conduct.....In response we will give the relevant authorities appropriate and proportionate means to deal with misconduct effectively and decisively when it does occur”.

- 2.2 On 18 December 2024, the government launched an open consultation on 'strengthening the standards and conduct framework for local authorities in England'. The consultation closes at 11.59pm on 26 February 2025. The full consultation document can be found here: [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#)

- 2.3 The consultation requests feedback on the proposals and asks specific questions of consultees. The relevant section of the consultation is set out in Appendix 1 for ease of reference and it is requested Standards Committee consider the proposals and questions at the meeting and provide their comments in response.

3. Issues, Options and Analysis of Options

- 3.1 This is an open consultation being conducted by the government, there is of course no obligation on the council to respond. However, there is an opportunity presented to help shape the changes that are proposed to the council standards regime, and as such it is recommended that a response to consultation is provided.

4. Reasons for Recommendation

- 4.1 See 3.1 above.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 N/A

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Improvement of culture and standards forms part of the council's Improvement and Recovery programme.

7. Implications

7.1 Financial

There are no financial implications of participating in a consultation exercise.

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

7.2 Legal

Implications verified by: **Helen Nicol**
Assistant Director Legal and Governance

23 January 2025

The current standards regime is governed by Localism Act 2011 as set out in the body of the report. The government is proposing to legislate for the introduction of a mandatory minimum code of conduct, a requirement for authorities to constitute a formal standards committee, publication of investigation outcomes, and introducing the power of suspension of a councillor for serious breaches of the code of conduct. This is at consultation stage at the moment, and the purpose of this report is to obtain member feedback to shape the consultation response. Following the closure of the consultation, the position will need to be monitored for legislative changes made so that the council can respond and amend the constitution, processes and procedures accordingly.

7.3 Diversity and Equality

No diversity and equality implications arise from this report.

7.4 Risks

No risks arise from this report.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

N/A

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

English Devolution White Paper: [English Devolution White Paper - GOV.UK](#)

9. Appendices to the report

- Appendix 1 – Proposals for consultation

Report Author:

Helen Nicol
Assistant Director Legal & Governance
Corporate Resources

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

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Standards Committee 11 February 2025

Report on consultation on strengthening the standards and conduct framework for local authorities in England

Proposals and questions for consultation

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

Strengthening the Standards and Conduct framework

a) Mandatory minimum prescribed code of conduct

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

Codes of conduct play an important role in prescribing and maintaining high standards of public service, integrity, transparency, and accountability. At their best, they establish clear guidelines for behaviour and expectations that members always act ethically in the public's best interest. Currently, there is significant variation between adopted codes, ranging from those who choose to adopt the LGA's full model code to those who simply conform with the minimum requirement of restating the Nolan principles.

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

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

Question 2

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

- Yes
- No
- If no, why not? [Free text box]

Question 3

If yes, do you agree there should be scope for local authorities to add to a mandatory minimum code of conduct to reflect specific local challenges?

- Yes – it is important that local authorities have flexibility to add to a prescribed code
- No – a prescribed code should be uniform across the country
- Unsure

Question 4

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

- Yes
- No
- Unsure

b) Standards Committees

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

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

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

Question 5

Does your local authority currently maintain a standards committee?

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

Question 6

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

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

Question 7

In most principal authorities, code of conduct complaints are typically submitted in the first instance to the local authority Monitoring Officer to triage, before referring a case for full investigation. Should all alleged code of conduct breaches which are referred for investigation be heard by the relevant principal authority's standards committee?

- Yes, decisions should only be heard by standards committees
- No, local authorities should have discretion to allow decisions to be taken by full council
- Unsure

Question 8

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

- Yes – this is important for ensuring objectivity
- No – only elected members of the council in question should have voting rights
- Unsure

Question 9

Should standards committees be chaired by the Independent Person?

- Yes
- No
- Unsure

Question 10

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

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?

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

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

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?

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?

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

Question 20

Where it is deemed that suspension is an appropriate response to a code of conduct breach, should local authorities be required to nominate an alternative point of contact for constituents during their absence?

- Yes – councils should be required to ensure that constituents have an alternative point of contact during a councillor’s suspension
- No – it should be for individual councils to determine their own arrangements for managing constituents’ representation during a period of councillor suspension
- Unsure

a) The length of suspension

The Committee on Standards in Public Life recommended in their 2019 Local Government Ethical Standards^{[footnote 31](#)} (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

**Standards Committee
Work Programme - 2024/2025**

Dates of Meetings: 16 July 2024, 5 November 2024, 11 February 2025

Topic	Lead Officer	Requested by Officer/Member
16 July 2024		
Ethical Framework Update	Daniel Fenwick/Helen Nicol	Officers
Terms of Reference	Democratic Services	Officers
Sensitive Interests	Dan Fenwick/Matthew Boulter	Officers
Work Programme	Democratic Services	Officers
5 November 2024		
Review of Code of Conduct and Complaint Procedure	Helen Nicol	Officers
Member Training and Development Update	Democratic Services	Officers
Ethical Framework Update	Helen Nicol	Officers
Sensitive Members Interests – Employment Information and the register of interests	Helen Nicol	Officers
Work Programme	Democratic Services	Officers
11 February 2025		
Member Development Strategy, Training Schedule 2025/26 and Member Induction May 2025	Matt Boulter / Helen Nicol	Officers
Ethical Framework Update	Helen Nicol	Officers
Constitution Review: code of conduct and procedure	Helen Nicol	Officers
Consultation on strengthening the standards and conduct framework for local authorities in England	Helen Nicol	Officers
Work Programme	Democratic Services	Officers

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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