**GAPTC Response to NALC Standards Survey**

**Strengthening the Standards and Conduct Framework Consultation - Sector Survey**

These are GAPTC's responses to the [government consultation on strengthening the standards and conduct framework for local authorities in England](https://www.gov.uk/government/consultations/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england). The survey must be completed by **2 February**, and we strongly urge all our councils to respond. Standards matter!

**Please Note:**
These model responses to the survey are provided purely as a **template** or **guide** to assist you. You are under no obligation to use them and are free to adapt or change them in any way that reflects your council's views. Alternatively, you may choose to ignore them entirely. They are intended solely as a resource to help you formulate your own responses, and we want to emphasise that we are not dictating or prescribing what our members should say. The decision on how to respond remains entirely yours.

**Q1. Name of local council**
*Enter your council name*

**Q2. Name of county association**
Gloucestershire Association of Parish and Town Councils (GAPTC)

**Q3.** Do you think the government should prescribe a mandatory minimum code of conduct for local authorities in England?
**Answer:** Yes.

**Q4.** Do you agree there should be scope for local authorities to add to a mandatory minimum code of conduct to reflect specific local challenges?
**Answer:** Yes - it is important that local authorities have flexibility to add to a prescribed code.

**Q5.** Explanation:
While a national mandatory minimum code ensures consistency and upholds public confidence, local authorities face unique challenges that require tailored approaches. Allowing councils to supplement the core code ensures relevance and effectiveness in addressing their local governance issues.

**Q6.** Do you think the government should set out a code of conduct requirement for members to cooperate with investigations into code breaches?
**Answer:** Yes.

**Q7.** Explanation:
Requiring members to cooperate with investigations ensures accountability and reinforces the integrity of the standards process. It also helps expedite investigations, providing clarity and fairness for all parties involved.

**Q8.** Should all principal authorities be required to form a standards committee?
**Answer:** Yes.

**Q9.** Explanation:
Standards committees provide a clear and structured mechanism for addressing conduct issues, ensuring transparency, consistency, and accountability across local authorities.

**Q10.** Should all alleged code of conduct breaches which are referred for investigation be heard by the relevant principal authority’s standards committee?
**Answer:** Yes, decisions should only be heard by an independent standards committee.

**Q11.** Explanation:
Standards committees have the necessary independence and expertise to ensure fair, impartial, and consistent decision-making processes.

**Q12.** Do you agree that the Independent Person and co-opted members should be given voting rights?
**Answer:** Yes – this is important for ensuring objectivity.

**Q13.** Explanation:
Granting voting rights ensures impartiality and provides an independent perspective, which strengthens public confidence in the process.

**Q14.** Should standards committees be chaired by the Independent Person?
**Answer:** Yes.

**Q15.** Explanation:
Having an Independent Person as chair enhances objectivity and minimises the risk of political influence in decision-making.

**Q16.** If you have further views on ensuring fairness and objectivity and reducing incidences of vexatious complaints, please use the free text box below.
**Answer:** Councils should have clear guidelines for handling vexatious complaints and ensure processes are transparent and proportionate.

**Q17.** Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?
**Answer:** No - only cases in which a member is found guilty of wrongdoing should be published.

**Q18.** Explanation:
Publishing unproven allegations may unfairly damage reputations. Only substantiated cases should be made public to maintain trust and transparency.

**Q19.** Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?
**Answer:** Yes.

**Q20.** Explanation:
Investigations should continue to ensure accountability and prevent councillors from avoiding scrutiny by stepping down.

**Q21.** 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?
**Answer:** Respond as appropriate.

**Q22.** Explanation:
GAPTC supports a culture of openness and encourages reporting by ensuring clear processes and support mechanisms are in place.

**Q23.** 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?
**Answer:** Respond as appropriate.

**Q24.** Explanation:
It is crucial that councillors facing complaints receive appropriate support and guidance to ensure a fair process and avoid undue stress.

**Q25.** 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?
**Answer:** Respond as appropriate.

**Q26.** 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?
**Answer:** Providing confidential reporting channels, independent support, and clear guidance on the process would encourage reporting and protect individuals from potential retaliation.

**Q27.** Do you think local authorities should be given the power to suspend elected members for serious code of conduct breaches?
**Answer:** Yes – but only independent bodies should be able to impose suspensions.

**Q28.** Explanation:
While it is important to have the power to suspend elected members for serious code of conduct breaches, this responsibility should rest with an independent body rather than local authorities or standards committees. Independent bodies can ensure impartiality, consistency, and fairness across all councils, removing the risk of bias or political influence in suspension decisions.

To promote fairness and uniformity, clear guidelines should be established outlining appropriate suspension periods for specific breaches of the code of conduct. This approach would safeguard public trust and ensure that disciplinary measures are applied proportionately and transparently.

**Q29.** 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?
**Answer:** No - a decision to suspend should be referred to an independent body.

**Q30.** Explanation:
An independent body would ensure consistency, impartiality, and public trust in decisions to suspend members.

**Q31.** 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?
**Answer:** Yes – councils should be required to ensure that constituents have an alternative point of contact during a councillor’s suspension.

**Q32.** Explanation:
Constituents should not be left without representation, and councils should have clear contingency plans in place.

**Q33.** If the government reintroduced the power of suspension, do you think there should be a maximum length of suspension?
**Answer:** Yes – however the government should set a maximum length.

**Q34**. Please specify in months the maximum length the government should set.

**Answer:** Twenty-four months or to the end of the councillor’s terms of office, whichever occurs first.

**Q35**. Explanation

**Answer:** A two year maximum suspension period would ensure that those suspended for gross misconduct don’t return to council business until their misconduct has been purged.

**Q36.** How frequently do you consider councils would be likely to make use of the maximum length of suspension?

**Answer:** Very infrequently, likely to be applied only to the most egregious code of conduct breaches.

**Q37**. Explanation

Suspensions of the maximum length would be reserved for the most severe breaches of the code of conduct, such as those involving the highest levels of gross misconduct, serious breaches of trust, or actions that significantly undermine public confidence in the council.

Councils are generally inclined to apply proportionate sanctions and would likely consider lengthy suspensions only in cases where a member’s continued involvement would pose a substantial risk to the effective functioning of the council or the well-being of the community. Moreover, given the potential for disruption and division within small councils, local authorities should be encouraged to use such measures judiciously to avoid unnecessary conflict while maintaining high standards of conduct.

**Q38**. Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?
**Answer:** Yes – councils should have the power to withhold allowances from suspended councillors.

**Q39.** 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?
**Answer:** Yes – premises and facilities bans are an important tool in tackling serious conduct issues.

**Q40.** Explanation:
Ensuring suspended members do not have access to council facilities can help prevent further issues and maintain public confidence.

**Q41.** 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?
**Answer:** Yes.

**Q42.** Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?
**Answer:** Yes, powers to suspend on an interim basis might be necessary in some cases. However the law assumes that an accused person is innocent until proven guilty, therefore appropriate safeguards must be introduced to ensure that the power to suspend on an interim basis is not misused.

**Q43.** Explanation:
Interim suspensions ensure that councillors facing serious allegations do not continue to undermine public confidence while an investigation is ongoing, or interfere with the conduct of such investigation. This measure protects the integrity of the council.

**Q44.** 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?
**Answer:** Yes - the option to institute premises and facilities bans whilst serious misconduct cases are investigated is necessary.

**Q45.** Explanation:
Restricting access to council premises and facilities prevents any misuse of council resources and maintains public confidence in the council's governance.

**Q46.** Do you think councils should be able to impose an interim suspension for any period of time they deem fit?
**Answer:** No.

**Q47.** Explanation:
A uniform framework with time limits ensures fairness and prevents councils from imposing disproportionately lengthy suspensions without periodic review.

**Q48.** Do you agree that an interim suspension should initially be for up to a maximum of 3 months, and then subject to review?
**Answer:** Yes.

**Q49.** Explanation:
A 3-month period allows sufficient time for investigations to take place while ensuring that cases are reviewed regularly to prevent unnecessary delays and hardship.

**Q50.** 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?
**Answer:** Yes – there should be safeguards.

**Q51.** What safeguards do you think might be needed to ensure that unlimited suspension is not misused?

**Answer**: To prevent the misuse of extended interim suspensions, it is essential to implement several key safeguards that ensure fairness, transparency, and proportionality.

Firstly, any extension beyond the initial suspension period should be subject to regular independent review by an external body to provide an impartial assessment of whether the continued suspension is justified. Additionally, a defined maximum period for extensions should be set by the government, allowing for incremental reviews (e.g., additional three-month periods) up to a reasonable limit, ensuring that suspensions do not become indefinite.

Transparency is also crucial, and councils should be required to publish summary reports outlining the rationale for continued suspension without compromising confidentiality. This would help maintain public trust and demonstrate accountability. Furthermore, it is important to provide suspended members with the right to appeal extension decisions to an external, independent body, ensuring due process and guarding against potential bias or misuse. Each extension should be evidence-based, with clear documentation demonstrating why the suspension remains necessary, supported by input from relevant stakeholders such as monitoring officers or legal advisors.

Finally, councils must consider the proportionality of any extended suspension, weighing the impact on both council operations and the councillor's ability to fulfil their duties. These measures will help to balance the need for effective governance with the rights of individuals and the integrity of the council.**Q52**. Do you think councillors should be disqualified if subject to suspension more than once?
**Answer:** Yes – twice within a 5-year period should result in disqualification for 5 years.

**Q53.** Explanation

Repeated suspensions indicate a persistent disregard for the expected standards of conduct and the ethical responsibilities of public office. Disqualification after two suspensions within a five-year period serves as a necessary deterrent against repeated misconduct and reinforces the importance of maintaining public trust in local governance.

A five-year disqualification period is appropriate as it provides sufficient time for reflection and ensures that individuals who have demonstrated an inability to adhere to the code of conduct are prevented from undermining the integrity of the council. This measure would also help to protect councils from ongoing disruption caused by repeat offenders and promote a culture of accountability and professionalism.

It is important to ensure that councillors uphold the highest standards of behaviour, and introducing a clear consequence for repeated breaches will encourage greater adherence to the code of conduct.

**Q54**. 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?

**Answer**: Yes

**Q55**. Explanation

Immediate disqualification for gross misconduct is necessary to uphold the integrity of local governance and protect the safety and well-being of councillors, officers, and the public. Serious offences such as theft, physical violence, or other forms of gross misconduct significantly undermine public trust and the effective functioning of the council.

Allowing individuals who have committed such offences to continue serving would damage the reputation of the council and could create a hostile working environment.

However, it is crucial that due process is followed, ensuring a thorough and impartial investigation is conducted and the accused member is given the opportunity to respond before any final decision is made. This approach balances the need for swift and decisive action with the principles of fairness and natural justice.

Implementing immediate disqualification measures in cases of gross misconduct sends a clear message that such behaviour will not be tolerated and reinforces the importance of high ethical standards in public office.

**Q56**. Should members have the right to appeal a decision to suspend them?
**Answer:** Yes - it is right that any member issued with a sanction of suspension can appeal the decision.

**Q57.** Explanation:
The right to appeal ensures fairness and due process, reinforcing confidence in the standards framework.

**Q58.** Should suspended members have to make their appeal within a set timeframe?
**Answer:** Yes – within seven clear days of the member being notified of the decision is appropriate to ensure an efficient process.

**Q59.** Explanation

Setting a timeframe of seven clear days (beginning with the day on which the member received notification of the decision) for submitting an appeal ensures that the process remains efficient and prevents unnecessary delays that could impact council operations.

A defined appeal period encourages timely resolution, allowing for a swift review of the decision while maintaining fairness for the suspended member. This timeframe strikes a balance between providing the councillor with a reasonable opportunity to prepare their appeal and ensuring that the council can continue functioning without prolonged uncertainty. It also aligns with best practices in other regulatory and disciplinary frameworks, promoting consistency and accountability.

Furthermore, an efficient appeals process helps maintain public confidence by demonstrating that misconduct allegations are taken seriously and dealt with in a timely manner.

**Q60.** Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint?

Answer: Yes.

**Q61**. Share views on what you think is the most suitable route of appeal.

 **Answer:** A suitable route of appeal when a decision is made not to investigate a complaint should aim to balance fairness, efficiency, and proportionality. It is essential to uphold public confidence in the standards process while ensuring that councils are not overburdened by excessive or vexatious appeals.

The first step should involve an internal review process conducted by a senior officer or a different monitoring officer who was not involved in the original decision. This allows any potential oversights or errors to be identified and corrected quickly without the need for escalation. To maintain efficiency, a clear timeframe should be established, such as allowing complainants seven clear days to lodge an appeal and requiring the council to respond within a further 14days.

If the complainant remains dissatisfied after the internal review, they have the right of referral to the Local Government and Social Care Ombudsman (LGSCO). This independent body can assess whether the decision-making process was conducted fairly and reasonably, offering an impartial external check while preventing councils from becoming entangled in repeated internal reviews.

For cases that do not require formal escalation, mediation, such as that provided by county associations such as GAPTC, could serve as an informal resolution method. Mediation allows for constructive dialogue between parties and can help resolve issues without the need for a more adversarial or legalistic process.

By combining an internal review for quick resolution, an external ombudsman for independent oversight, and mediation as an alternative resolution mechanism, this approach provides a fair and structured system. It ensures that complainants have access to an appeals process while safeguarding councils from unnecessary administrative burdens.

**Q62**. Explanation

This suggested appeal process aims to provide a fair and efficient system for complainants while ensuring councils are not overwhelmed by unnecessary, repetitive or vexatious appeals. It offers a structured, tiered approach that allows for a balance between internal accountability and external impartiality, ultimately enhancing public trust in the complaints process.

The internal review process serves as the first step, allowing councils to reconsider their initial decision by assigning the appeal to a senior officer or a different monitoring officer who was not involved in the original complaint assessment. This ensures that potential mistakes or oversights are addressed swiftly, reducing the need for further escalation. Establishing clear timeframes—such as a -seven clear day window for lodging an appeal and another 14 days for the Council to conduct a review—ensures the process remains efficient and does not cause undue delays.

If the complainant is not satisfied with the internal review, the next level of appeal involves referring the matter to the Local Government and Social Care Ombudsman (LGSCO). This independent body provides an impartial review of whether the council followed the correct procedures and made a fair decision. The LGSCO offers an authoritative external perspective without burdening local councils with additional administrative processes.

In situations where disputes persist but formal escalation is not desirable, mediation, such as that offered by county associations such as GAPTC, provides an alternative avenue. Mediation can help resolve conflicts informally by facilitating dialogue between parties, reducing hostility, and fostering cooperation. This approach prevents the appeal process from becoming overly adversarial while still ensuring complainants feel heard and valued.

By combining these three levels of appeal—internal review, independent oversight, and mediation—this suggested framework delivers a comprehensive and proportionate solution. It ensures that complainants have a clear path to challenge decisions while protecting councils from unnecessary administrative strain and focusing resources on genuine concerns.

**Q64**. share views on what you think is the most suitable route of appeal.

**Answer**: The most suitable route of appeal should include a tiered approach to ensure fairness, transparency, and efficiency. Initially, an internal review process should be conducted by a senior officer or an independent monitoring officer not involved in the original decision. This would allow the council to reconsider the case impartially and address any potential oversights.

If the complainant remains dissatisfied, they have the right of referral to an independent body such as the Local Government and Social Care Ombudsman (LGSCO). This ensures that decisions are subject to impartial scrutiny, reinforcing public confidence in the process.

For cases that do not warrant formal escalation, an informal mediation process facilitated by the county association (e.g., GAPTC) could provide an opportunity for constructive dialogue, helping to resolve concerns amicably and prevent further escalation.

This tiered system offers an appropriate balance, ensuring that genuine concerns are addressed while preventing the process from becoming overly adversarial or burdensome.

**Q65**. Explanation

Allowing complainants the right to appeal when an allegation is not upheld ensures that the process remains transparent and accountable. It provides reassurance that decisions have been made fairly and encourages confidence in the council’s commitment to maintaining high standards of conduct.

A structured appeals process helps to prevent potential errors, bias, or procedural misjudgements from undermining public trust. However, it is important to strike a balance to avoid frivolous appeals that could divert resources from core council functions. Implementing a clear and proportionate system of internal review, external oversight, and mediation will ensure that legitimate concerns are addressed efficiently without overwhelming the complaints process.

**Q66**. Do you think there is a need for an external national body to hear appeals?
**Answer:** Yes – an external appeals body would help to uphold impartiality. To avoid unnecessary costs to the public the powers of the LGSCO could be extended so that it could become the “external appeals body”.

**Q67.** Explanation:
An independent national body would provide consistent and unbiased decisions, ensuring local councils follow best practices and legal requirements.

**Q68.** If you think there is a need for an external national appeals body, do you think it should:
**Answer:** Both of the above should be in scope.

**Q69.** Explanation:
An external appeals body should be accessible to both elected members and complainants to guarantee a balanced and transparent process.

**Q70.** 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?
**Answer:** It would benefit individuals with protected characteristics.

**Q71.** Explanation:
A robust and transparent framework would create a safer and more inclusive environment, encouraging participation from individuals with protected characteristics while addressing misconduct effectively.