

**Minutes of the Extraordinary Council Meeting of the Town Council on
Monday 27th January 2025 at 7.00pm**

Present

St Michael's Ward

Cllr J Brown
Cllr R Sexton
Cllr L Wakefield

St Paul's Ward

Cllr S Craddock
Cllr D Hayler
Cllr S Sexton

In attendance

Stephen Hill, Town Clerk
Heloise Marlow, Deputy Town Clerk
1 Member of the public

24/267 Apologies for absence

Cllr M Baldock (personal)
Cllr R Coombs (personal)
Cllr J Fotheringham (personal)
Cllr C Kolek (personal)
Cllr L Smart (personal)
Cllr C Maunder (personal)
Cllr T McCollum (personal)
Cllr A Pearsall (personal)
Cllr S Thorne (personal)
Cllr M Sheen (personal)
Cllr H Turner (personal)

24/268 Declarations of Interests

None

24/269 Dispensations

None

24/270 Public Question Time for items on the agenda

None

24/271 Strengthening the Standards and Conduct Framework for Local Authorities

Members discussed the Consultation and the following responses:

Question 2

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

Yes

Question 3

If yes, do you agree there should be scope for the local authorities to add to a mandatory minimum code of conduct to reflect specific local challenges?
Cllr Craddock spoke in favour of the proposal with Cllrs R Sexton and Lucy Wakefield against.

Members RESOLVED unanimously the following answer:

No – a prescribed code should be uniform across the country.

Proposed by Cllr Brown and seconded by Cllr Wakefield.

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

Question 5

Does your local authority currently maintain a standards committee?

No

Question 6

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

Yes

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?

Members discussed this item

Members RESOLVED that the following answer:

Yes, decisions should only be heard by standards committees.

Proposed by Cllr R Sexton and seconded by Cllr Brown

For 5; Against 0; Abstentions 1

Question 8

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

Cllr S Sexton advised that the Independent Persons were not elected and were there to assist with the investigation, the Monitoring Officer and Chair and support Councillors due to their expertise. To be truly independent they should not be able to vote.

Cllr Brown spoken in favour of giving Independent Persons voting rights and Cllr R Sexton spoken in favour of giving co-opted Members voting rights.

Cllr Brown proposed that the answer to the question should be Yes – this is important for ensuring objectivity. There was no seconder.

Members RESOLVED the following answer:

No – only elected members of the council in question should have voting rights.

Proposed by Cllr Craddock and seconded by Cllr Wakefield

For: 4; Against 1; Abstention 1

Question 9

Should standards committees be chaired by the Independent Person?

Cllr Craddock spoke in favour of answering the question Yes and proposed this. There was no seconder.

Members RESOLVED the following answer:

No

Proposed by Cllr Wakefield and seconded by Cllr S Sexton.

For 5; Against 1; Abstentions 1

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

“On occasions there will be vexatious complainants, whether from within or outside councils. It is important that there is some method of identifying them as such and having the option to ignore future complaints. However, this should be through a purely independent body, at a higher level than the council that is requiring them to be labelled as vexatious”.

Question 11

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

Cllr Brown spoke in favour of the proposal stating that EDDC already publishes this information.

Cllr S Sexton spoke against the proposal. This would allow members to be identified and could lead to a loss of confidence in that person when an allegation was then not substantiated, and this was unfair. The allegation, name and sanction should only be published if the allegation was proven

Members RESOLVED the following answer:

No – only cases in which a member is found guilty of wrongdoing should be published.

Proposed by Cllr Craddock and seconded by Cllr R Sexton

For: 5; Against 0; Abstentions 1.

Question 12

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

Members RESOLVED unanimously the following answer:

Yes

Proposed by Cllr R Sexton and seconded by Cllr J Brown.

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?

1

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 [0]
- **Complaints made by other elected members [1]**
- Complaints made by the public [0]
- Complaints made by any other source [0]

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.

Not applicable

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?

Not applicable

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 like to receive?

Not applicable

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?

All sanctions should be enforceable and if ignored lead to further sanctions such as suspension or disqualification from office.

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.

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.

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.

Question 21

If the government reintroduced the power of suspension, do you think there should be a maximum length of suspension?

No – I do not think the government should set a maximum length of suspension.

Question 22

If yes, how frequently do you consider councils would be likely to make use of the maximum length of suspension?

Not applicable

Question 23

Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?

Cllr S Sexton proposed, and Cllr Hayler seconded the following answer:

No – suspended councillors should continue to receive allowances.

For: 2; Against 3; Abstentions 1.

The motion failed.

Members RESOLVED that the following answer:

Yes- councils should have the option to withhold allowances from suspended councillors.

Proposed by Cllr Craddock and seconded by Cllr Brown

For: 3; Against 2; Abstentions 1

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.

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?

Members RESOLVED the following answer:

Yes

Proposed by Cllr R Sexton and seconded by Cllr Brown

For: 5; Against 0; Abstentions 1.

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.

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.

Question 28

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

No

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

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.

Question 30a

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

The investigator would need to provide a progress report every 3 months.

Question 31

Do you think councillors should be disqualified if subject to suspension more than once?

Cllr Brown proposed that the answer to the question be:

Yes – twice within a 5-year period should result in disqualification for 5 years.

There was no seconder.

Members RESOLVED the following answer:

No – the power to suspend members whenever they breach codes of conduct is sufficient.

Proposed by Cllr R Sexton and seconded by Cllr Craddock

For: 4; Against 1; Abstentions 1.

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 the chance to respond before a decision is made?

Yes

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.

Question 34

Should suspended members have to make their appeal within a set timeframe?

Yes – but within a different length of time (15 days)

Question 35

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

Yes

Question 36

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

Members RESOLVED the following answer:

No

Proposed by Cllr S Sexton and seconded by Cllr R Sexton

For 5; Against 1; Abstention 0.

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.

No answer provided.

Question 38

Do you think there is a need for an external national body to hear appeals?

The appeal body should be the tier higher than the Council hearing the complaint.

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

Not applicable

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.

Neither.

Members RESOLVED unanimously to agree the additional responses (not already voted on) and to delegate to the Town Clerk in Consultation with the Chair and Vice Chair to provide the Council's answers to the Government's consultation.

Proposed by Cllr Craddock and seconded by Cllr Wakefield.

24/272 To close the meeting

The meeting closed at 9.00pm.