REPORT TO PERSONNEL COMMITTEE

POLICY IN RESPECT OF COUNCILLOR CONDUCT ISSUES

Report Reference P-26-04
Meeting Date 1st June 2026
Agenda Item 10
Prepared by A Keppel-Green, Town Clerk

1.0 BACKGROUND

1.1 BACKGROUND

A member of staff has raised concern about the conduct of a councillor and specifically the ability/action of the council to prevent the impact this has. The specifics of the correspondence will be discussed under a separate item.

1.2 LEGAL FRAMEWORK

The current legislation governing councillor conduct is the Localism Act 2011, which, under s27, requires the council to adopt a Code of Conduct for its members. The Localism Act replaced earlier legislation (Local Government Act 2000) and introduced a narrower range of sanctions for failure to comply with the code. It should be noted that it is anticipated at the government will legislate to introduce a new standards regime in the current parliament.

It is common (indeed specifically referenced in the legislation and a recommendation of the Committee on Standards in Public Life) that parish and town councils adopt the same code as the principal authority. The town council adopted its current code in 2019; Cheshire East adopted a new code in 2022.

The Localism Act sets out that a principal authority (i.e. Cheshire East Council) must have arrangements to investigate and make decisions on allegations that a breach of the code of conduct has occurred. These arrangements must cover allegations that a member of a parish or town council has breached the relevant code.

There are two key pieces of case law that have been established since the Localism Act 2011, each concerning decisions of town councils that were found to be unlawful with respect to dealing with councillor conduct. Taylor vs Honiton Town Council 2016 established that a council cannot substitute or add additional sanctions to those recommended by the principal authority. Harvey vs Ledbury Town Council 2018 established that no formal process concerning the conduct of a councillor can be implemented except the formal process under the Localism Act, specifically this prevents a formal grievance against a councillor being considered under a grievance procedure.

The legal position is, therefore, that the council can maintain informal processes for dealing with allegations of councillor misconduct, but cannot operate any formal process which would have the effect of deciding if a councillor has failed to observe the code of conduct.

1.3 EXISTING COUNCIL POLICY

The council's dignity at work policy states:

2.3 If you feel you are being bullied or harassed by a councillor, this should be raised with the Town Clerk.

2.4 The Town Clerk will inform the Town Mayor and a decision on how to deal with the situation will be made in consultation with you.

2.5 The situation will either be dealt with through informal resolution (detailed below), or through the submission of a formal complaint to the Monitoring Officer under the Councillor Code of Conduct.

2.6 The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

The council's grievance policy states:

1.3 Any written complaint or grievance which alleges that a member has failed to comply with the council's Code of Conduct will be referred to Monitoring Officer at Cheshire East Council and cannot be considered through the grievance procedures. This will follow the complaints procedures in place as determined by Cheshire East Council.

The council's code of conduct states:

Respect for Others

4.12 You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.

4.13 You must not:

(i) do anything which may cause Knutsford Town Council to breach any equality Laws

(ii) compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, Knutsford Town Council

(iii) bully (1) any person, including other Councillors, officers of Knutsford Town Council or members of the public

(iv) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of an investigation or proceedings in relation to an allegation that a Member (including yourself) has failed to comply with his or her local council code of conduct.

2.0 INFORMAL RESOLUTION PROCEDURE

For the reasons set out in section 1.2, the council is unable to consider implementing any formal stages for dealing with allegations of member misconduct, including bullying.

The council could look to implement a suggested informal resolution procedure. The important aspect of this must be that at no stage is there any investigation, determination of wrongdoing or implementation of a sanction.

This process seeks to informally resolve potential misconduct issues raised by employees concerning member conduct. It does not replace or prevent a formal complaint being raised by an employee at any time, nor does it prevent a self-referral by the member.

Stage One	The Town Clerk to meet with the member and raise the issue outlining the conduct that has aggrieved the member of staff.
Stage Two	If issues recur, a second meeting is held. The Town Mayor, Personnel Committee Chair or relevant group leader (if applicable) will also be in attendance. The conduct that has aggrieved the member of staff will again be discussed with the expectations of what constitutes acceptable behaviour outlined.
Stage Three	If issues recur, the employee will be supported to submit a Code of Conduct Complaint. Whilst the complaint is being considered, interim protection measures will be implemented as appropriate by the Town Clerk and relevant line manager. These may include: • Filtering correspondence • Preventing in person contact • Chaperoning in person contact • Redistribution of duties to minimise contact

At either stages 1 or 2, the council may also arrange a mediation meeting with both parties.

3.0 UPDATED CODE OF CONDUCT

As noted in 1.2, the council has not revised its code of conduct since 2019 and Cheshire East Council adopted a revised code in 2022 based on a model code prepared by the Local Government Association. The newer code is more detailed and provides clearer guidance to members. The draft revised code is appended.

It is suggested that the committee recommend to Full Council that it adopt the updated Code of Conduct.

4.0 DECISIONS REQUIRED

The committee should consider:

a) Adoption of the informal resolution procedure
b) A recommendation to Full Council that it adopt a revised Code of Conduct