

STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND (OPEN CONSULTATION)



REPORT OF LEGAL ADVISER AND MONITORING OFFICER

For Information

1. PURPOSE OF REPORT

- 1.1. To inform the Committee of the open consultation document issued through the Ministry of Housing, Communities and Local Government: 'Strengthening the standards and conduct framework for local authorities in England' (published 18 December 2024). Further, to determine if the Committee desires to engage through a response to this consultation (see **Appendix A**), which would be required by 26 February 2025.

2. RECOMMENDATIONS

- 2.1. That Members note and provide comment on the consultation document and delegate authority to the Legal Adviser and Monitoring Officer to respond to this consultation should that be the view of the Committee.

3. BACKGROUND

- 3.1. The Committee previously (22 February 2019), received a report regarding a review of 'Local Government Ethical Standards' (January 2019) through the Committee on Standards in Public Life. At that time the Committee responded through a 'call for evidence' in submitting a response through a stakeholder consultation (**Appendix B**).
- 3.2. The Committee on Standards in Public Life was established in 1994 as an independent advisory non-departmental public body to advise the Prime Minister on ethical issues relating to standards in public life. In addition, the Committee can conduct broad inquiries into standards of conduct and to promote the 'Seven Principles of Public Life' (selflessness, integrity, objectivity, accountability, openness, honesty and leadership).
- 3.3. The Government issued a White Paper on English Devolution (published 16 December 2024) and signalled it would issue a consultation document that would include the introduction of a national body to deal with the most serious standards cases and appeals. This was previously the case, as introduced under the provisions of The Local Government Act, 2000 through The Standards Board for England.

- 3.4 The Standards Board being abolished under The Localism Act, 2011. In the White Paper the Government criticised the Localism Act, 2011 for not providing councils “with sufficient powers to maintain higher standards”. The Government has therefore published the open consultation document ‘Strengthening the standards and conduct framework for local authorities in England’ to obtain the views of all ‘relevant authorities’ (defined by Section 27(6) of the Localism Act, 2011, which includes fire and rescue authorities constituted by a scheme under the Fire and Rescue Services Act, 2004, as is the case for the Cleveland Fire Authority.

4. STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK

- 4.1. Following the introduction of the ethical framework under the provisions of the Local Government Act, 2000, a model Code of Conduct was introduced under The Local Authorities (Model Code of Conduct) (England) Order, 2001 with later revisions under The Local Authorities (Model Code of Conduct) Order, 2007. However, the Localism Act, 2011, introduced a new dynamic, in that, a ‘relevant authority’ could adopt its own style of code provided ‘when viewed as a whole’ it is consistent with the seven principles of conduct in public life (Section 28 of the Act refers).
- 4.2. The Authority’s Code complies fully with the current requirements as laid out under the Localism Act, 2011. Further, the Authority’s Code includes an extract from The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012, and the extract from the Local Government Association’s ‘Template Code and Guidance Note on Conduct.’
- 4.3. The open consultation document includes the following proposals:
- A mandatory Code of Conduct that would ‘update’ the present Code and would cover, amongst other matters, discrimination, bullying, use of social media.
 - A requirement for ‘principal local authorities’ to convene formal Standards Committees. Chaired by an Independent Person with voting rights.
 - Powers to suspend Members for a maximum of six months on a finding of misconduct, with the option to withhold allowances were deemed appropriate and including premises and facilities bans.
 - Interim suspension (initially for a maximum of three months, thereafter, reviewed by the Standards Committee) whilst a matter is under investigation i.e., in the most serious cases ‘that may involve protracted investigations or he police, for example alleged fraud or assault’.
 - Disqualification if subject to suspension more than once and potentially an immediate suspension in cases of serious misconduct. Disqualification for multiple breaches and gross misconduct would be for a period of five years.
 - Publication of all code breach investigation outcomes on an annual basis.
 - Appeals, potentially through a national body.

5. SUMMARY

- 5.1. The 'consultation questions' are appended herewith (Appendix A) with a response required by 26 February 2025. Members are requested to consider the attached questions and whether a response should be made by the Committee on behalf of the Authority.

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