

Committee Name and Date of Committee Meeting

Standards and Ethics Committee - 16 January 2025

Report Title

Standards and Ethics Committee - Consultation on strengthening the standards and conduct framework for local authorities in England

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Service Manager (Commercial and Property)

01709 823523

stuart.fletcher@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

A report requesting that the Standards and Ethics Committee contribute its views to the Government Consultation on strengthening the standards and conduct framework for local authorities in England.

Recommendations

1. That the Committee considers the Government consultation in respect of strengthening the standards and conduct framework for local authorities and that members provide their views on the issues raised in order to allow the Monitoring Officer to submit a consultation response on behalf of the Committee.

List of Appendices Included

Appendix 1 Consultation on strengthening the standards and conduct framework for local authorities in England.

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Standards and Ethics Committee - Consultation on strengthening the standards and conduct framework for local authorities in England

1. Background

- 1.1 The Government recently opened a consultation entitled "Strengthening the standards and conduct framework for local authorities in England". The purpose of this consultation is stated as follows:

This consultation seeks views on introducing a mandatory minimum code of conduct for local authorities in England, and measures to strengthen the standards and conduct regime in England to ensure consistency of approach amongst councils investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension.

- 1.2 Longer serving members of the Standards committee may recall providing their views to a similar consultation undertaken by the Committee on Standards in Public Life, in 2018. The CSPL published its report in 2019 making several recommendations amongst them being that the power to suspend Councillors in relation to serious breaches of the Code of Conduct should be made available to local authorities. The previous Government responded to this report in 2022 and while agreeing with some of the recommendations, did not feel it appropriate to strengthen the arrangements and sanctions available, in particular relation to the suspension of Councillors.

- 1.3 The new government puts forward a different approach within the Ministerial foreword to the Consultation whereby it is stated:

The government is determined to fix the foundations of local government so councils can sustainably provide decent public services and shape local places, and so elected representatives can be fully accountable to the public they serve. Doing so is critical to national renewal, our missions, and our plans to push power out of Westminster and into the hands of local people with skin in the game. At the core of this agenda is a plan to make local government across England fit, legal, and decent – so that councils have the backing from central government to deliver the high standards and strong financial management that they strive for, without needless micromanagement of day-to-day local decision-making. This plan includes:

- *fixing our broken audit system*
- *improving oversight and accountability*
- *giving councils genuine freedoms to work for, and deliver in the best interests of, their communities*
- *improving the standards and conduct regime*

1.4 As such the purpose of the consultation is as follows:

this consultation seeks your views on a range of proposals to give local leaders the tools they need to establish and maintain a strong and ethical public service and democratic culture, and the people they serve the confidence that local democracy works for them

1.5 Further the consultation states in relation Standards and Conduct framework and sanction arrangements;

The government considers that the current local authority standards and conduct regime is in certain key aspects ineffectual, inconsistently applied, and lacking in adequate powers to effectively sanction members found in serious breach of their codes of conduct.

1.6 Members are therefore requested to consider the consultation document which is available at [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#), with a copy at Appendix 1. Members are further requested to provide their views at the forthcoming Standards and Ethics Committee meeting, in order to allow Monitoring Officer to submit a consultation response on behalf of the Standards and Ethics Committee. Individual members are of course still at liberty to submit consultation response of their own.

2. Key Issues

2.1 The Standards and Ethics Committee is asked to provide its views in relation to matters raised within the government consultation.

2.2 The issues raised relate to ways of strengthening the standards and conduct framework, which may include a mandatory minimum prescribed code of conduct, the necessity for an authority to have a Standards Committee, publication of investigation outcomes and the empowerment of individuals affected by Councillor conduct to come forward.

2.3 Further matters relate to the possible introduction of the power of suspension along with any associated safeguards necessary. The length of any possible suspension is considered within the consultation, along with withholding allowances, premises and facilities bans, interim suspension, disqualification for multiple breaches and gross misconduct and whether any appeals process is necessary.

3. Options considered and recommended proposal

3.1 The recommended proposal is that the Committee considers the consultation and submits a response to Government. The only other option is that the Committee does not submit a consultation response, however this is not recommended as it is considered that the Committee's views on the matters being considered is of relevance, and would be beneficial for the Government to take into account when considering further legislation and measures in this area.

4. Consultation on proposal

4.1 N/A

5. Timetable and Accountability for Implementing this Decision

The consultation started on 18 December 2024 runs for 10 weeks. The response on behalf of the Standards and Ethics Committee will be submitted within this timescale.

6. Financial and Procurement Advice and Implications

6.1 The officer time in dealing with this issue is met within existing Legal Services resources.

7. Legal Advice and Implications

7.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct. This consultation is considering possible measures which would strengthen these arrangements and the possible sanctions available to the local authority.

8. Human Resources Advice and Implications

None

9. Implications for Children and Young People and Vulnerable Adults

None

10. Equalities and Human Rights Advice and Implications

None

11. Implications for Partners

None

12. Risks and Mitigation

None

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

Report Author:

Stuart Fletcher, Service Manager (Commercial and Property)

01709 823523 - stuart.fletcher@rotherham.gov.uk

This report is published on the Council's [website](#).