

AUDIT AND GOVERNANCE COMMITTEE
– 15 JANUARY 2025

**CONSULTATION – STRENGTHENING THE STANDARDS AND
CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND**

Report by Director of Law and Governance and Monitoring Officer

RECOMMENDATION

1. **The Committee is RECOMMENDED to agree to the proposed consultation response outlined in the Annex**

Executive Summary

2. The Government has launched a consultation regarding the application of standards and conduct in local authorities. The consultation opened on 18 December 2024 and runs for 10 weeks, closing on 26 February 2025. It states: “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.”
3. In the Annex to this report is a set of proposed answers to the specific questions which are posed, together with supporting text where appropriate.
4. The Council operates a Members’ Code of Conduct, which is included in the Constitution. This is underpinned by the standards of conduct in public life (the “Nolan principles”) and all Members agree to adhere to the Code of Conduct. Where breaches of the Code are alleged to have been made, the Director of Law and Governance and Monitoring Officer has the responsibility to administer a system of Councillor Code of Conduct complaints.
5. Changes which arise from the consultation and supporting legislation may affect the system of Councillor complaints, which is administered by the Director of Law and Governance and Monitoring Officer, and the sanctions available.

The Consultation

6. In 2019 the Committee on Standards in Public Life proposed a number of improvements to the administration of councillor complaints. These included strengthening the sanctions available to local authorities in relation to Members who had been found to have breached the Code of Conduct. It also

recommended a national standard code of conduct, and a consistent approach to convening a committee with responsibility for standards. The proposals made by the Committee in 2019 are largely contained within the consultation paper.

7. As stated above, the consultation seeks views on introducing measures to strengthen the standards and conduct regime in England and ensure consistency of approach amongst councils investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension. Specific proposals being consulted upon for legislative change include:
 - (a) the introduction of a mandatory minimum code of conduct for local authorities in England
 - (b) a requirement that all principal authorities convene formal standards committees to make decisions on code of conduct breaches, and publish the outcomes of all formal investigations
 - (c) the introduction of the power for all local authorities (including combined authorities) to suspend councillors or mayors found in serious breach of their code of conduct and, as appropriate, interim suspension for the most serious and complex cases that may involve police investigations
 - (d) a new category of disqualification for gross misconduct and those subject to a sanction of suspension more than once in a 5-year period
 - (e) a role for a national body to deal with appeals.

In addition, the consultation seeks views on how to empower victims affected by councillor misconduct to come forward and what additional support would be appropriate to consider in this regard.

8. In the Annex to this report is a set of proposed answers to the specific questions which are posed, together with supporting text where appropriate. These are largely self-explanatory, but the following paragraphs set out some additional considerations in relation to the proposals. It is proposed that the annexed response is submitted as the Council's view on the consultation, but individual Councillors are able to send in their own responses and these could be organised within political groups as appropriate.
9. The introduction of a mandatory minimum code of conduct for local authorities in England would be welcome. It will provide certainty for officers and members that they are following a national scheme. This could lead to a shared understanding amongst local government officers and a uniformity of approach across the country.
10. The consultation refers to a requirement that all principal authorities convene formal standards committees to make decisions on code of conduct breaches and publish the outcomes of all formal investigations. In practice, as it is a statutory requirement for Monitoring Officers to administer a councillor complaints system and also that Councils establish a means by which the Monitoring Officer can do this, local authorities will have either a Standards Committee or responsibilities of a standards committee dealt with by one of its Council Committees. At Oxfordshire these responsibilities sit within the Audit

and Governance Committee and it is proposed that this does not need to change.

11. The consultation seeks views on the publication of outcomes of all formal investigations, which would be consistent with wider Council aspirations of conducting business with openness and transparency. However, there is an element of natural justice that should be considered in relation to alleged code of conduct breaches and it is suggested that the duty to publish material relating to complaints should not include all details of all allegations in case spurious material leads to unfair inferences against the subject Member. The preferred approach is for material to be published where there has been a process leading to formal investigation, which has led to a formal outcome.
12. The introduction of the power for all local authorities to suspend councillors or mayors found in serious breach of their code of conduct and, as appropriate, interim suspension for the most serious and complex cases that may involve police investigations is considered to be necessary. One of the main drawbacks of the current system is the lack of sanctions that reflect the seriousness of some breaches of a code of conduct. A new category of disqualification for gross misconduct and those subject to a sanction of suspension more than once in a 5-year period are also considered to be necessary additions to the system which will reflect the most serious cases.
13. A role for a national body to deal with appeals is also proposed.

Financial Implications

14. There are no financial implications.

Comments checked by:

Ian Dyson, Director of Financial and Commercial Services,
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Legal Implications

15. There are no legal implications arising from the report. If the consultation leads to a change in the law this will have implications for the Council which will be reported on at the relevant time.

Comments checked by:

Paul Grant, Head of Legal and Deputy Monitoring Officer,
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Staff Implications

16. The report does not result in any staff implications.

Equality & Inclusion Implications

17. The consultation itself has conducted its own equality and inclusion assessment as this will need to be considered by Government when introducing any new proposals.

ANITA BRADLEY

Director of Law and Governance and Monitoring Officer

Annex: UK Government Standards Consultation questions and proposed answers with supporting text

Background papers: The Government consultation paper can be found at:
<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>

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January 2025