

Joint Standards Committee

23 January 2025

Report of the Monitoring Officer

Open Consultation on Strengthening the standards and conduct framework for local authorities in England

Summary

1. On 18 December 2024, the Government published a consultation paper on strengthening the standards and conduct framework for local authorities in England. This report sets out: (a) the main elements of the proposed changes and (b) invites members to respond either collectively or individually. The consultation closes on 26 February 2025.
2. Article 10 of the Council's Constitution sets out the terms of reference for the Joint Standards Committee. This includes:

"To respond to consultation documents and raise awareness of proposed changes to the Code of Conduct but adoption and revisions to the Members Code of Conduct shall be reserved to Full Council;"
3. Appendix 1 of the Constitution provides:

The Leader of the Council, the relevant Executive Member and the Chief Operating Officer must be consulted about responses to consultation papers issued by Government Departments or National or Regional Bodies.

Background

4. The Localism Act 2011 provides the legislative framework for the current standards regime in English authorities. It provides local authorities ("LAs") with a broad discretion as to the 'arrangements' they implement and the form of the Member Code of Conduct they adopt. It also removed the requirement for LAs to have a Standards Committee.

5. Members and co-opted members of the Council Joint Standards Committee, as well as the wider local government community, have long voiced frustration with the weakness of sanctions available for dealing with poor conduct. This is recognised in the consultation paper. The ability for LAs to deal effectively with conduct issues with the backing adequate sanctions is considered in the context of the wider devolution agenda.

“Members take decisions affecting critical local services such as social care, education, housing, planning, licensing, and waste collection. With greater devolution, local authorities will increasingly be taking decisions to shape local transport, skills, employment support, and growth. Decisions that are the responsibility of members impact virtually every citizen’s life at some level, and the electorate has a right to expect that it can trust its local elected members to uphold the highest ethical standards and act in the best interests of the communities they serve.”

6. Responses to the consultation are invited from local authority elected members and officers from all types and tiers of authorities. Responses are anonymous and must be submitted via the online consultation platform, Citizen Space.

Options

7. The JSC may choose to respond:
 - a. Not at all;
 - b. As individuals by completing the online survey;
 - c. Collectively on behalf of the Council in consultation with the Leader and Chief Operating Officer;
 - d. Individually and collectively.
8. If members of the JSC wish to make a corporate response it is proposed that the survey questions replicated at Annex 1 should be debated and the agreed responses recorded. The Monitoring Officer and JSC Chair will then consult the Leader, relevant Executive Member and Chief Operating Officer before the agreed survey responses are submitted by an officer.

Implications

9. **Financial** There are no financial implications to submitting a consultation response.

10. **Human Resources (HR)** There are no HR implications to submitting a consultation response.
11. **Equalities** There are no equalities implications to submitting a consultation response .
12. **Legal** As detailed within the report.

Recommendations and Reasons

13. Members may choose to respond to the consultation in whatever way they consider most appropriate. In light of long-standing concerns in respect of ineffective standards sanctions, responding is recommended.

Author:

Frances Harrison
Head of Legal Services &
Deputy Monitoring Officer
frances.harrison@york.gov.
uk

Chief Officer Responsible for the report:

Bryn Roberts
Director of Governance & Monitoring
Officer

**Report
Approved Y**

Date

6 January
2025

Specialist Implications Officer(s): None

Wards Affected: All

For further information please contact the author of the report

Annexes

Annex 1 Strengthening the standards and conduct framework
for local authorities in England

Background Papers:

- Consultation paper link:
<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#scope-of-this-consultation

- CYC webpage Councillor Conduct
<https://www.york.gov.uk/CouncillorConduct>

