

Audit & Governance Committee

24 February 2025

Response to the consultation on strengthening the standards and conduct framework for local authorities

For Decision

Cabinet Member and Portfolio:

Cllr N Ireland, Leader of the Council, Climate, Performance and Safeguarding

Local Councillor(s):

Cllr

Executive Director:

J Mair, Director of Legal & Democratic

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Report Status: Public

Brief Summary:

On 18 December 2024, the Government published a consultation paper on strengthening the standards and conduct framework for local authorities in England. The consultation seeks views on proposals including whether a mandatory minimum code of conduct for local authorities in England and a strengthened standards and conduct regime should be introduced for greater consistency in approach amongst councils and with stronger sanctions including a power of suspension.

The draft response at Appendix 1 has been prepared and shared with Dorset Council Group Leaders and the Chair and Vice-Chair of the Audit and Governance Committee for view and comment. The Audit and Governance Committee are

asked to consider and approve the response for submission by the Monitoring Officer.

The consultation closes on 26 February 2025.

Recommendation:

That the Committee consider and approve the draft consultation response, with any necessary amendment, for submission as the Council's formal response.

Reason for Recommendation:

The Audit and Governance Committee has responsibility for:

- (i) promoting and helping maintain high standards of conduct of Members (including co-optees), Parish and Town Councillors and any other relevant appointed representatives including advising the Council on issues relating to the Members' Code of Conduct; and,
- (ii) recommending training in respect of conduct standards and ensuring appropriate arrangements to consider and determine allegations of any breach concerning the Members' Code of Conduct and any other code / protocol concerning Member Conduct.

1. Report

- 1.1 The Localism Act 2011 provides the legislative framework for the current standards regime in English authorities. This represented a significant 'dilution' of the previous (2000-2012) standards regime which included an England-wide code of conduct, a national Standards Board and a power of suspension.
- 1.2 The current regime 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. The Code must be consistent with the 7 Nolan principles of standards in public life - selflessness, integrity, objectivity, accountability, openness, honest and leadership) and set out rules on requiring Members to register and disclose pecuniary and non-pecuniary interests. Beyond these requirements however, it is for individual councils to set their own local code.
- 1.3 The Local Government Association ("LGA") published a model code of conduct, which Dorset Council adopted in April 2021. The newer code has

also been adopted by most but not all Dorset Association of Parish and Town Councils (“DAPTC”) member councils.

- 1.4 Every LA must also have in place arrangements for investigating alleged breaches of its Code and must consult at least one ‘independent person’ before reaching decisions. Dorset Council’s arrangements were recently adopted on 11 February 2025.
- 1.5 Since 2012 there has been no provision for a sanction to suspend a councillor found to have breached the code of conduct. Sanctions for such breaches are currently limited to measures including barring members from a committee, a requirement to issue an apology or undergo code of conduct training, etc. with no power of enforcement.
- 1.6 Members of the Council’s Audit and Governance Committee, as well as the wider local government community, have voiced frustration with the weakness of sanctions available for dealing with poor conduct. This is recognised in the consultation paper.
- 1.7 The Government’s consultation focuses on proposals to introduce measures to strengthen the standards and conduct regime for local authorities in England. Proposals include:
 - the reintroduction of a single mandatory minimum code of conduct for local authorities in England;
 - 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;
 - new powers to suspend councillors found in serious breach of their code and if appropriate interim suspension;
 - a new category of disqualification for gross misconduct or multiple suspensions within a 5-year period;
 - a role for a national body to deal with appeals.
- 1.8 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.
- 1.9 The consultation closes on 26 February 2025.
- 1.10 The draft response at Appendix 1 has been prepared by the Monitoring Officer, in collaboration with the Dorset Association of Parish and Town Councils (“DAPTC”) and has been shared with Dorset Council Group

Leaders and Chair and Vice-Chair of the Audit and Governance Committee.
This sets out the consultation questions with suggested responses.

- 1.11 The Committee is invited to consider the suggested survey responses at Appendix 1 and approve these, amended, if necessary, as the Council's formal consultation response.

2. **Financial Implications**

There are no financial implications to submitting a consultation response.

3. **Natural Environment, Climate & Ecology Implications**

There are no natural environment, climate and ecology implications to submitting a consultation response.

4. **Well-being and Health Implications**

There are no well-being and health implications to submitting a consultation response.

5. **Other Implications**

There are no other implications to submitting a consultation response.

6. **Risk Assessment**

- 6.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: low

Residual Risk: low

7. **Equalities Impact Assessment**

None. There are no equalities implications to submitting a consultation response.

8. **Appendices**

Draft consultation response

9. **Background Papers**

Consultation paper link:

[Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#)

10. **Report Sign Off**

- 11.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)