

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

6 January 2025

Local Government Association: Proposed Changes to the Local Government Standards Framework

1.0 PURPOSE OF REPORT

- 1.1 To inform the Committee of the proposed Government consultation on changes to the local government standards framework and the invitation by the Local Government Association to authorities to submit views on a range of standards topics in advance.

2.0 BACKGROUND

- 2.1 The Deputy Prime Minister announced at the Local Government Association (LGA) Annual Conference that the Government intends to consult on possible changes to the local government ethical framework.
- 2.2 The LGA have contacted local authorities, seeking their views on a range of standards issues through an online questionnaire, to inform and support the LGA's eventual response to the expected Government consultation.
- 2.3 A link to the questionnaire has already been sent to councillors direct by the LGA. The questionnaire is published online here - [Local Government Association \(LGA\): changes to the local government standards framework questionnaire Survey](#) and the LGA would also welcome views from officers and Independent Persons.
- 2.4 The deadline for responses is 9 January 2025.

3.0 THE QUESTIONNAIRE

- 3.1 The questionnaire asks for some introductory details of respondents and then asks the following specific questions and a range of checkbox answers:

B. The code of conduct

7. There is currently no mandatory national code of conduct for councillors although there is a [Model Councillor Code of Conduct](#). Which, if any, of the following is your preferred option?

- Authorities should be able to continue to have their own code of conduct if they choose
- There should be a mandatory national code of conduct with local flexibility to add additional requirements
- Don't know

8. Under the current law the code of conduct does not cover any private conduct. This means that actions and behaviour that occur in a person's private life, such as criminal convictions not explicitly relevant to councillor disqualification criteria are not covered by the code. Which, if any, of the following is your preferred option?

- The code of conduct should continue not to regulate any private conduct
- The code of conduct should be extended to consider private misconduct in certain circumstances, such as criminal convictions
- Don't know

C. Standards committees

9. There is currently no requirement for local authorities to have a standards committee, though many choose to do so. Existing standards committees are generally responsible for promoting high standards of councillor conduct and taking decisions on standards cases which have been investigated. Which, if any, of the following is your preferred option?

- Authorities should be required to have a standards committee
- It should continue as now for there to be no requirement for a standards committee
- Don't know

10. Do you think that councillors who sit on standards committees or equivalent should be required to complete mandatory training on their role and responsibilities?

- Yes
- No
- Don't know

11. Currently only elected members have voting rights on a standards committee; co-opted independent lay members are advisory and cannot vote on decisions by the committee. Which, if any, of the following is your preferred option?

- Co-opted members should have voting rights if they have been appointed to a standards committee
- Authorities should be given the choice to give co-opted members on their standards committees voting rights if they wish
- Only elected members should continue to have voting rights on a standards committee as now
- Don't know

D. Independent Persons

12. Under the current framework authorities must have an Independent Person whose views must be sought by the authority on matters under investigation. Which, if any, of the following is your preferred option?

- The Independent Person role should be maintained even if independent lay members on standards committees are given voting rights
- The Independent Person role should be replaced by independent lay members with voting rights on standards committees
- Don't know

E. Sanctions and the standards framework

13. Authorities have limited powers to sanction councillors who have been found to have breached the code of conduct, including public censure,

additional training and removal of special responsibilities. Councillors cannot be suspended or disqualified for breaching the code. Which, if any, of the following is your preferred option?

- The current sanctions are sufficient for maintaining high standards of councillor conduct
- Stronger sanctions are needed for maintaining high standards of councillor conduct
- Don't know

14. At the moment the standards framework is devolved totally to individual local authorities. If the Government introduces stronger sanctions for breaches of the code of conduct, which if any of the following is your preferred option?

- The system should remain entirely devolved and stronger sanctions should be made available to local authorities
- The system should remain largely devolved, but independence should be strengthened if stronger sanctions are going to be introduced, for example, a stronger role for the Independent Person or the mandatory introduction of standards committees with independent co-opted members
- The system should remain devolved for lower-level breaches of the code; breaches that could result in stronger sanctions, such as financial or democratic sanctions, should be dealt with by an independent body
- A system of national oversight should be reintroduced
- Don't know

15. Which of the following sanctions do you think would support authorities' ability to maintain high standards of councillor conduct and behaviour?
You may tick more than one box

- Withdrawal of allowances for a maximum period of time
- A system of fines
- An order to pay reasonable costs for the authority's investigation
- Suspension with allowances up to a maximum period
- Suspension without allowances up to a maximum period
- A recall mechanism allowing members of the public to trigger a by-election, similar to the arrangements in Parliament
- Disqualification from public office up to a maximum period
- Not applicable – I don't think further sanctions are needed
- Don't know
- Other (please specify)

16. It is a criminal offence to fail to register or declare certain interests known as Disclosable Pecuniary Interests (DPIs), and conviction can lead to disqualification from holding office for up to five years. If the power to suspend or disqualify councillors was reintroduced do you think the Government should keep the criminal offence or repeal it?

- Keep the criminal offence
- Repeal the criminal offence and require registration and declaration of interests to be dealt with under the code of conduct
- Don't know

F. Appeals

17. At present there is no statutory appeals process against a finding that a councillor has breached the code of conduct. If additional sanctions are introduced, an appeals process is likely to also be introduced. In this case, which, if any, of the following is your preferred option?

- Appeals processes should be available in all cases, regardless of the sanction applied
- Appeals processes should only be available in cases where a higher-level sanction, such as a financial sanction, suspension or disqualification has been applied
- Don't know
- Other (please specify)

18. If an appeals process was put in place, which of the following would be your preferred *[sic]* appeals body?

- A separate committee of the authority
- An appeal to a neighbouring authority
- A regional panel which may be a mix of councillors and independent lay members
- A national appeals body
- Don't know
- Other (please specify)

G. Publication of outcomes

19. There is no legal requirement to publish the outcome of standards cases (but they may be subject to disclosure under the Freedom of Information Act 2000). Which, if any, of the following is your preferred option?

- It should be mandatory to publish all outcomes of investigations
- It should be mandatory only to publish an outcome where the code of conduct has been breached
- It should remain a matter for the authority to decide whether to publish the outcome of an investigation in accordance with existing legislation
- Don't know

20. Do you think it should be a requirement that breaches of the code of conduct are recorded under a councillor's authority website profile alongside their register of interests?

- Yes
- No
- Don't know

H. Permissions

21. Would you be happy to be involved in future work related to this area and/or the contents of this questionnaire?

- Yes
- No

- 3.2 Members of the Committee and the Independent Persons are encouraged to respond to the LGA questionnaire.
- 3.3 The Monitoring Officer would welcome the Committee's views on the issues raised in the questionnaire.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The financial implications are set out in the body of this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The legal implications are set out in the body of this report.

6.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

- 6.1 There are no significant environmental/climate change implications arising from this report.

7.0 EQUALITIES IMPLICATIONS

- 7.1 There are no significant equalities implications arising from this report

8.0 RECOMMENDATIONS

- 8.1 That Members note this report.
- 8.2 That Members have a preliminary discussion of the issues raised in the questionnaire.

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Background Documents: None

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NORTHALLERTON

18 December 2024