

Joint Standards Committee

20 January 2025

Part 1 - Public

Delegated



Cabinet Member	n/a
Responsible Officer	Adrian Stanfield, Monitoring Officer
Report Author	Adrian Stanfield, Monitoring Officer

Consultation – strengthening the standards and conduct framework for local authorities in England

1 Summary and Purpose of Report

- 1.1 This report presents the consultation on strengthening the standards and conduct framework, published by the Ministry of Housing, Communities and Local Government on 18 December 2024, together with a proposed response for approval by the Committee.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 The proposals in this report will contribute to the above priority by ensuring that the Joint Standards Committee is able to respond to the government consultation on important reforms to the ethical standards regime.

3 Recommendations

- 3.1 The Committee is asked to approve the Borough Council's response to the consultation as set out at **Annex 2**.

4 Introduction and Background

- 4.1 On 18 December 2024 the Ministry of Housing Communities and Local Government (MHCLG) published a consultation on strengthened sanctions for local authority conduct breaches in England. The proposals relate to both the Borough Council and all parish/ town councils within Tonbridge & Malling together with other relevant authorities e.g. Kent County Council.
- 4.2 A copy of the consultation paper is attached at **Annex 1**.

- 4.3 The consultation invites views on 40 questions and closes on 26 February 2025.
- 4.4 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.
- 4.5 Specific proposals being consulted upon for legislative change include:
- the introduction of a 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
- *principal authorities will include the Borough Council and Kent County Council but not parish or town councils
- 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
 - a new category of disqualification for gross misconduct and those subject to a sanction of suspension more than once in a 5-year period
 - a role for a national body to deal with appeals
- 4.6 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.
- 4.7 Responses are invited from local authority elected members and officers from all types and tiers of authorities, and local authority sector representatives. Individual Members or Parish/ Town Councils may therefore wish to respond to the consultation in their own capacity.
- 4.8 Members of the Committee may recall that the effectiveness of the existing sanctions for breaches of the code has been a longstanding concern, not only for TMBC & Town/ Parish Councils within the borough but generally for authorities across England. A previous report was submitted to Members on 5 March 2018 in respect of a consultation paper published by the Committee on Standards in Public Life. Members considered that the lack of effective sanctions, such as the ability to suspend a member of the Council, should be identified as a fundamental weakness and should be reinstated. The Monitoring Officer was therefore

authorised to respond to make these views known to the Committee on Standards in Public Life. These previous discussions have informed the proposed response to the consultation.

5 Proposal

5.1 The proposed response of the Borough Council is set out at **Annex 2**.

6 Other Options

6.1 The Borough Council is not obliged to respond to the MHCLG consultation. However, the effectiveness of the available sanctions is an important issue for the discharge of our ethical standards responsibilities and it is therefore considered that the Joint Committee should take the opportunity to make its views known.

7 Financial and Value for Money Considerations

7.1 None arising from this report.

8 Risk Assessment

8.1 None arising from this report.

9 Legal Implications

9.1 The Localism Act 2011 does not currently provide local authorities with any express powers to suspend or disqualify an elected member in response to a code of conduct complaint, implement a premises/ facilities ban or withhold members' allowances.

10 Consultation and Communications

10.1 The consultation closes at 11.59pm on 26 February 2025.

11 Implementation

11.1 The Monitoring Officer will be responsible for ensuring that the response of the Joint Committee is sent to the MHCLG.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.3 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1 - Consultation paper - strengthening the standards and conduct framework for local authorities in England Annex 2 – Proposed response to consultation