

Greater Manchester Combined Authority

Date: 31 January 2025
Subject: Strengthening the standards and conduct framework for local authorities in England (Ministry of Housing, Communities and Local Government Open Consultation)
Report of: Gillian Duckworth, Group Solicitor and Monitoring Officer

Purpose of Report

To inform the GMCA of the current open consultation being undertaken by the Ministry of Housing, Communities and Local Government (MHCLG) addressing possible changes to the ethical framework for elected members and to seek agreement as to whether to provide a formal response on behalf of the GMCA and if so, to agree the content of that response.

Recommendations:

The GMCA is requested to:

1. To agree whether to submit a consultation response on the government consultation entitled "Consultation: Strengthening the Standards and Conduct Framework for Local Authorities in England", to MHCLG.
2. Subject to the decision at recommendation 1, to agree the contents of the consultation response on behalf of the GMCA.

Contact Officers

Gillian Duckworth, Group Solicitor and Monitoring Officer

Nicola Ward, Statutory Scrutiny Officer and Deputy Head of Governance

Equalities Impact, Carbon and Sustainability Assessment:

Legal Considerations

The current ethical framework is established in the provisions of the Localism Act 2011. It is light touch, with minimal sanctions available in the event of a break of the Code of Conduct by an elected member.

A change in legislation would be required to allow for any changes to current arrangements. The GMCA has already established a Standards Committee but may need to revise its Code of Conduct and associated procedures.

Financial Consequences – Revenue

If the proposed changes are introduced, it would most likely increase the administrative process for the management of the ethical framework for elected members. As any changes would be a statutory requirement, this would need to be addressed when further information on the detail of the proposed changes is made available.

Financial Consequences – Capital

None

Number of attachments to the report: 1

Tracking/ Process

Does this report relate to a major strategic decision, as set out in the GMCA Constitution

Yes / **No**

Exemption from call in

Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?

N/A

Bee Network Committee

N/A

Overview and Scrutiny Committee

N/A

1. Background

1.1 The Ministry of Housing, Communities and Local Government launched a consultation on the 18 December 2024 in relation to the ethical framework for elected members, often referred to as standards. It explains,

This 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:

- 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*
- 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*

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.

1.2 The Localism Act 2011 established the current standards and conduct framework for local authorities in England. The current regime requires every local authority (and Combined Authority) to adopt a code of conduct, the contents of which must as a minimum be consistent with the 7 'Nolan' principles of standards in public life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership), and set out rules on requiring members to register and disclose pecuniary and non-pecuniary interests. Beyond these requirements, it is for individual authorities to set their own local code of conduct.

1.3 The Local Government Association (LGA) published an updated model code of conduct and guidance in 2021, which authorities could, and can still continue to choose whether to adopt or not. The GMCA adopted the model code of conduct in 2023, and this is set out in Part 7 Section A the Constitution.

1.4 Every local authority must also have in place arrangements under which it can investigate allegations of breaches of its code of conduct and must consult at least one independent person before coming to a decision. The GMCA has its own Standards Committee, currently chaired by its Independent Member. It also had appointed an Independent Person to provide advice on any breaches of the code.

1.5 Currently, there is no provision in current legislation for a sanction to suspend a councillor found to have breached the code. Sanctions are currently limited to less robust measures than suspension, such as barring members from a Committee or representative roles, a requirement to issue an apology or undergo code of conduct training.

1.6 Local authorities (and Combined Authorities) are also unable to withhold allowances from members who commit serious breaches of their code of conduct, and there is no explicit provision in legislation to impose premises bans or facilities withdrawals.

2. GMCA response

2.1 The questions are set out in Appendix A of this report with proposed responses. The full consultation can be found here - [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#)

2.2 In particular, members are asked to consider the following principal issues contained within the consultation document:

- Sanctions for elected members found to have breached the Code – should they be increased to include suspension and disqualification?
- Should sanctions also include the suspension of payment of allowances (where applicable)?
- Should safeguarding measures be introduced including interim suspensions and building bans whilst investigations are ongoing?

- Is it appropriate to have an appeals process and should there be a national body to support administration of any new provisions?
- What should be the publication requirements in relation to any breaches against the Code?

2.3 The key points of support within our draft response include –

- that there should be a prescribed minimum code of conduct and a set out approach to undertaking investigations of breaches and compliance requirements.
- that breaches referred for investigation by the Monitoring Officer should be heard by the Standards Committee (not the Combined Authority) as it is also their role to monitor the annual numbers of breaches and any trends.
- that the Independent Member should also be given voting rights to ensure a greater level of objectivity.
- that sanctions should be strengthened to include suspension (of a maximum of 6 months), ability to withhold allowances and refuse access to premises.
- that there should be the ability to apply an interim suspension (of a maximum 3 months) whilst an investigation is ongoing.
- that there be the ability to appeal a suspension (within 28 days) through application to an external national body.

2.4 The GMCA are asked to determine whether a formal response to the consultation should be provided by the GMCA and if so, agree the content of the response. The consultation closed on Wednesday 26 February 2025.