

SC 56/25

NEW FOREST NATIONAL PARK AUTHORITY

STANDARDS COMMITTEE MEETING – 14 JANUARY 2025

STANDARDS CONSULTATION

Report by: Rosalind Alderman (Solicitor and Monitoring Officer)

Summary:

In section 4 of the ‘English Devolution’ White Paper ([English Devolution White Paper - GOV.UK](#)) that was published on 16 December 2024, the Government announced that it would be consulting on changes to the standards regime. On 18 December 2024, the Ministry of Housing, Communities and Local Government issued a consultation entitled ‘Strengthening the standards and conduct framework for local authorities in England’. The consultation will run for ten weeks from its publication date, and can be found at the following link: [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#)

The consultation seeks views on proposed reforms to the current standards and conduct regime for local authority members, which was established by the Localism Act 2011, including reintroducing powers of suspension and widening the circumstances in which members would be disqualified.

The Government states that, as part of its plans for greater local devolution, people should expect to be able to trust local authority members to uphold high ethical standards and act in the best interests of the communities they serve.

It is recommended that the Standards Committee note the report.

1. Background

1.1 As Members will know, the Localism Act 2011 (the ‘Act’) introduced changes to the regulation of standards of conduct for members of local authorities, including National Park Authorities. Among other provisions, the Act introduced:

- requirements in respect of disclosable pecuniary interests (‘DPIs’), such as to notify the relevant authority of these interests on taking office and in some circumstances to declare them at relevant meetings, and unless a dispensation is in place to take no action on any matter where the member has a DPI in it;
- the creation of criminal offences in relation to DPIs, such as failing to register and declare them or taking part in business in which the member has a DPI; and
- a requirement for every authority to have in place arrangements for the investigation of allegations of breaches of its code of conduct, including consulting at least one independent person (‘IP’) before a decision is made on an allegation that the Authority has decided to investigate.

The Act also required authorities to adopt codes of conduct that, as a minimum, are consistent with the Seven Principles of Public Life (selflessness, integrity, objectivity,

accountability, openness, honesty and leadership), but did not otherwise prescribe the form of those codes of conduct.

- 1.2 Following the implementation of the Act, concerns were raised by the Committee on Standards in Public Life and others as to whether the sanctions for breaches of ethical standards (other than in respect of offences in relation to DPs) were adequate. This is because the Act does not give an authority (or its standards committee) any power to impose strong sanctions for a breach of its code, such as suspension or removal from office. Local 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 for councils to impose premises bans or facilities withdrawals where they consider that it might be beneficial to do so. Moreover, as the particular requirements of authorities' codes of conduct are not prescribed by the Act, codes can and do vary across local authorities, which can be confusing for members who are appointed to more than one, as well as for members of the public.

2. Consultation

- 2.1 In the current consultation, the Government acknowledges that the existing standards and conduct regime does not provide local authorities with sufficient powers to maintain high standards, being 'in certain key aspects ineffectual, inconsistently applied, and lacking in adequate powers to effectively sanction members found in serious breach of their codes of conduct'.

- 2.2 The suggested measures on which views are now being sought include:

- a mandatory minimum prescribed code of conduct, to include provisions in respect of discrimination, bullying, use of social media, etc., which would lead to a more consistent standard across the board;
- requiring principal authorities to have standards committees to handle misconduct allegations (at the moment, authorities must only have in place 'arrangements' to investigate and make decisions in respect of allegations of misconduct). The rationale for this is that 'formal standards committees would support consistency in the handling of misconduct allegations, applying the same standards and procedures to all cases and providing a formal route to swiftly identify and address vexatious complainants. Furthermore, having a formal standards committee in place could support the development of expertise in handling allegations of misconduct, leading to more informed decision-making. Removing the scope for less formal and more ad hoc arrangements would also enhance transparency and demonstrate to the public that standards and conduct issues will always be dealt with in a structured and consistent way'. Views are sought on whether authorities' standards committees should include one IP as well as at least one co-opted member from a town or parish council, and whether these committees should be chaired by an IP;
- requiring local authorities to publish a summary of code of conduct allegations (whilst protecting complainants' identities), and to continue to investigate such allegations and publish the findings even if the member in question stands down;
- introduction of a power for the local authority (or, alternatively, for an independent body) to suspend members for the most serious code of conduct breaches for up to six months, with the option to withhold allowances and

institute premises and facilities bans where appropriate, and it is also proposed that there should be an additional power to impose interim suspensions (with allowances continuing) whilst serious or complex cases under investigation are resolved;

- disqualification for five years in the case of repeated breaches of the code of conduct where a member has been suspended on more than one occasion during any five-year period, in order ‘to curb the risk of ‘repeat offending’ and empower councils to signal that poor behaviour will not be tolerated’;
- introducing a right of appeal in respect of any decision to suspend a member, to be considered either by a newly created national body (which would perhaps be similar to the former system and the role of the Standards Board for England), or with that function to be invested instead in an existing appropriate national body, or else to be considered in-house.

2.3 It is clear that, where there are stronger sanctions, there will need to be a greater element of prescribed process underpinning that regime. Some commentators have questioned in particular the suggestion of creating a national body, in view of the expense of setting up such a body, queries over whether it is actually needed, and the consequent need to provide for appeals from it. However, many have, broadly, welcomed the proposed package of measures, especially in view of the lack of significant sanctions for code of conduct breaches at present.

3. Conclusion

The consultation ends in late February 2025. Members are asked to note the report and to discuss whether any response to the consultation should be put in on behalf of the Committee (to be delegated to officers if so).

It is recommended that the Standards Committee note the report.

Contacts: **Rosalind Alderman**
Rosalind.Alderman@newforestnpa.gov.uk
David Stone
David.Stone@newforestnpa.gov.uk

Papers: **SC 56/25 – Cover paper**

Equality Impact Assessment: There are no equality or diversity implications arising directly from this report.