

# Local authority code of conduct investigations: What could change following the government's consultation

24 March 2025  Helen Gill and Halimah Sadiah

The Government's recent consultation on strengthening the standards and conduct framework for local authorities in England has now closed, leaving us to speculate on the potential outcomes.

The consultation, which ran from 18 December 2024 to 26 February 2025, sought to address long-standing concerns about the effectiveness of the current regime and propose reforms to ensure greater accountability and transparency in [local government](#).

As we await the Government's response, we have given some thought to why the consultation was deemed necessary, the key issues it aimed to address, and – most interestingly – the potential changes that could flow from this consultation, and reshape the local authority standards regime.

## Why was the consultation needed?

The need for a review of the local authority standards regime has been an ongoing topic of discussion for some years. The current framework, established under the Localism Act 2011, has faced criticism for being inconsistent and lacking the necessary input to address misconduct effectively.

Critics have argued that the system has become overly reliant on local discretion, leading to a 'postcode lottery' in how standards issues are handled; whereas others have argued that the ability to exercise discretion is fundamental when considering local authorities, democracy and the importance of trusting and respecting local decision making.

The Government's consultation highlighted several areas of concern, including:

- **Perceived weaknesses in the current regime:** The lack of a uniform approach to handling complaints and enforcing standards has led to public distrust in some areas.
- **Inadequate sanctions:** The limited powers of local authorities to impose meaningful sanctions on councillors found to have breached the code of conduct have been a recurring issue.
- **Complexity and inefficiency:** The current system is often seen as overly bureaucratic, with lengthy investigations that can deter complainants and undermine public confidence.

These concerns were underscored by the Government's emphasis on the need for a more robust and transparent framework to restore public trust in local governance. As noted in the consultation document, *"the current system has not always delivered the level of accountability and transparency that the public rightly expects."*

## What were the key proposals?

The consultation proposed several measures to address these issues, including:

### 1. Strengthening the role of monitoring officers

The Government suggested enhancing the powers and responsibilities of monitoring officers to ensure they can act more decisively in cases of misconduct. This proposal has largely been welcomed by governance experts, who argue that monitoring officers are often under-resourced and lack the authority to enforce standards effectively.

## 2. Introducing mandatory training for councillors

To promote a culture of accountability, the consultation proposed mandatory training on the code of conduct for all elected members. This measure aims to address the lack of awareness among some councillors about their obligations under the current regime.

## 3. Standardising sanctions

The consultation explored the possibility of introducing a more consistent framework for sanctions, including the potential for suspensions or disqualifications in serious cases. This would address the current inconsistency in how sanctions are applied across different local authorities.

## 4. Improving transparency

Proposals included requiring local authorities to publish more detailed information about code of conduct complaints and their outcomes. This would help to rebuild public trust by ensuring that the process is open and accountable, although there need to be suitable safeguards in place to protect and support the confidentiality of whistle blowers.

These proposals aim to create a more consistent and effective standards regime, addressing the inconsistencies and inefficiencies of the current system. As highlighted in the consultation, *“a stronger, more transparent framework is essential to ensure that local authorities can maintain the highest standards of conduct”*.

While the consultation did not propose or make reference to specific criminal sanctions for breaches of the code of conduct, it has been argued that introducing criminal penalties for serious misconduct, such as corruption or misuse of public funds, could act as a stronger deterrent.

However, this approach has been met with caution, as it risks blurring the lines between ethical breaches and criminal behaviour, potentially over-politicising the standards regime and deterring individuals from standing for local government positions. This indicates an ongoing need for the Government to take a balanced approach that ensures accountability in the regime while preserving the integrity and accessibility of local government.

# What could change?

While the Government’s response to the consultation is still pending, the potential changes could have far-reaching implications for local authorities. If the proposals are adopted, we could see:

- **A more robust and consistent standards regime:** The introduction of mandatory training and standardised sanctions could help create a more level playing field across local authorities.
- **Greater accountability:** Enhanced powers for monitoring officers and improved transparency measures could lead to more effective handling of complaints whilst supporting the complainants who fear reprisal when making complaints, and greater public trust.
- **Increased scrutiny for councillors:** Elected members may face higher expectations and more rigorous enforcement of the code of conduct, potentially deterring misconduct.

However, there are also concerns that some of the proposed changes could place additional burdens on already stretched local authorities. For example, mandatory training and enhanced investigative processes would require significant resources and expenses, which may be challenging for those councils that are already under strain and facing funding challenges.

We have separately published an article reflecting on the [proposed mandatory training for members of local planning authorities](#), included in the Planning and Infrastructure Bill, and the desire to introduce compulsory training for councillors and elected members appears to be a common link between various areas of reform currently being considered by the Government.

# Looking ahead

The Government’s consultation represents a significant step towards addressing the shortcomings of the current standards regime. While the proposed changes have the potential to strengthen the system, their success will depend on how they are implemented and

resourced. As we await the Government's response, local authorities and governance professionals will be watching closely to see how the new framework takes shape.

One thing is apparent, however, and that is the outcome of this consultation, whilst arguably ambitious, could, if implemented correctly, reshape how local authority conduct is regulated, with implications for councillors, monitoring officers, and the wider public alike.

We regularly advise on standards and code of conduct issues, including supporting Monitoring Officers and undertaking investigations. If you have any queries on the above, please contact [Helen Gill](mailto:helen.gill@brownejacobson.com).

## Contact



Helen Gill

Principal Associate

[helen.gill@brownejacobson.com](mailto:helen.gill@brownejacobson.com)

+44 (0)330 045 2435

Halimah Sadiah

Solicitor Apprentice

[halimah.sadiah@brownejacobson.com](mailto:halimah.sadiah@brownejacobson.com)

+44 (0)330 0452486

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