

NOTE ON GOVERNMENT RESPONSE TO THE COMMITTEE ON STANDARDS IN PUBLIC LIFE REVIEW.

1. The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.

For individual councils to set their own codes. Government has previously published a light-touch illustrative code.

2. The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.

Agree in general and considering amendments to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2021. Will engage with interested parties although important to note home addresses should be registered with MOs to avoid conflicts of interest.

3. Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.

For individual authorities to consider whether their code is adequate. Important to recognise boundary between public and private life. Presumption risks conflating the two.

4. Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.

Agree in general. Important that individual authorities ensure codes are regularly updated, comprehensive and fit for purpose

5. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.

No immediate plans to amend. Confidence in decision making should be maintained and councillors have the right to a private life. People in public life often have complex patterns of interests.

6. Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

Has merit although local authorities have autonomy to set gift/hospitality levels. The LGA code goes some way towards this.

7. Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".

No plans to amend and keep watching brief.

8. The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

Not accepted and may be unworkable. Matter of best practice.

9. The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.

No plans to regulate content of council's minutes or decision notices. Any policy will depend on the circumstances.

10. – no comment

11. Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.

Agree in general although no plan to require this. Matter of best practice.

12. – no comment

13. – no comment

14.– no comment

15. The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

Annual reporting locally a matter of best practice. No plans.

16. Local authorities should be given the power to suspend councillors, without allowances, for up to six months.

Will engage with representative bodies. Councillors are held to account via the ballot box. No wish to reinstate a previous flawed regime.

17. The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.

Will consider further although police and courts are best placed to tackle this.

18. The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

Section a strong deterrent against corruption. Not supportive of the proposal.

19.– no comment

20. Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code

No plans to repeal and not agreed.

21. Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.

No plans to repeal. Watching brief.

22. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.

Agree in general and will engage with representative bodies for views

23. The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.

Agree in general and recommend adoption as best practice.

24. Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.

Councillors do not meet the criteria of "external." Government open to representation.

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Shaine Lewis

Legal Services Manager
& Deputy Monitoring Officer