

Appendix B

Extract of list of recommendations arising out of the local Government Ethical Standards review, the council's response to the recommendation (comment) and the Department for Levelling up, Housing and Communities Response of this year,2022.

Key

- Local Government Association (LGA)
- Government (G)
- Parish Councils (PC)
- Local Authorities

List of Recommendations

Number	Recommendation	Responsible body	Comment	Department for Levelling up, Housing and Communities Response 2022
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.	LGA		<p>It is for individual councils to set their own local code, in line with the Act. The Government has previously published a light-touch illustrative code of conduct.</p> <hr/> <p>The Local Government Association has worked with sector representative bodies to update its own suggested code of conduct, with the intention that this new suggested code could establish a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities. The Local Government Association published the <u>updated code of conduct</u> in January 2021. However, it remains a local decision on whether this model code is adopted.</p>

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.	G	The Minister for Communities and Local Government wrote to local authorities on 7 March 2019 to inform them that Parliament has now amended the rules that apply to local government, parish council, and local and combined authority mayor elections, removing the requirement that each candidate's home address must be published during the election process and be included on the ballot paper. The requirement for each candidate's qualifying address to be published during that process has also been removed.	<p>The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it.</p> <p>The Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address.</p> <hr/>
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.	G		<p>The Government's view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media.</p> <hr/> <p>...It is important to recognise that there is a boundary between an elected representative's public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two</p>
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	G	The Council's Code already provides for this – although express provision in the legislation is welcomed.	<p>The Government will keep this matter under review but has <u>no immediate plans to amend the regulations.</u></p> <hr/>

	acting, in their capacity as a member or as a representative of the local authority.			
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.	G		The Government will keep this matter under review but has no immediate plans to amend the regulations.
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any 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.	G	A Gifts and Hospitality Register is already in Operation in this Council. This register is slightly stricter in respect of gifts from a single source than the proposed mandatory register.	Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

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 that matter”.	G	The council’s Code already provides that members should not participate or vote where they have an interest of this nature – although this is limited to financial and regulatory matters.	The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	G		The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government’s view is that it would be more appropriately implemented as a best practice recommendation for local authorities
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.	G		<p>The Government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of councils’ minutes or decision notices.</p> <p>The substantive policy suggestion has merit but will depend on circumstances. In cases where there is no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint</p>

10	A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	G		<p>The response to recommendations 10, 12, 13, 14 and 16 have been grouped together</p> <p>There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011 to differentiate from the previous, failed Standards Board regime. The Standards Board regime allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government. These proposals would effectively reinstate that flawed regime</p>
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.	G / all LA		<p>The Government agrees in principle.</p> <p>Initial soundings with the sector indicate that some local authorities already provide legal indemnity for Independent Persons.</p> <p>The Government endorses providing legal indemnity for Independent Person as local authority best practice but does not currently see the need to require this through secondary legislation.</p>
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	G		

13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	G		
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	G		
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.	G	This information is included in reports brought to the Audit and Standards Advisory Committee, but could easily be separately published on the council's website.	<p>The Government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector.</p> <p>The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.</p>

16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	G		The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.
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.	G		<p>The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment.</p> <p>The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.</p>
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	G		<p>It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption.</p> <p>The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption.</p> <p>The high bar of police involvement has served to discourage politically motivated and unfounded complaints.</p>
19 - 21	Recommendations in respect of Parish councils.	PC	n/a	<p>Recommendation 20: The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011.</p> <p>The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.</p>

				Recommendation 21: The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.
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.	G		The Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.
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.	G	The Whistleblowing policy does not currently include a named external auditor with contact details, but this can easily be updated.	<p>The Government agrees with the principle that openness is essential.</p> <p>Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites, and Government is recommending that this is adopted as a best practice recommendation.</p> <p>The Government published the UK National Action Plan for Open Government 2021 – 2023 in January 2022. This includes a commitment on local transparency.¹ The Department for Levelling Up Housing and Communities (DLUHC) will work with the local government community to develop a set of specific actions to advance transparency in the sector. DLUHC will support local</p>

¹ <https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2021-2023/uk-national-action-plan-for-open-government-2021-2023#local-transparency>

				government to solidify their transparency policies and processes and encourage proactive publication of open data across councils.
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	G		the Government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties		
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	LGA		