



Borough of Telford and Wrekin

Standards Committee

Wednesday 28 September 2022

**Government's Response to Committee on Standards in Public Life's Ethical
Standards Review**

Cabinet Member:	Rae Evans - Cabinet Member: Finance, Governance and Customer Services
Lead Director:	Anthea Lowe - Director: Policy & Governance
Service Area:	Policy & Governance
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Wards Affected:	All Wards
Key Decision:	Not Key Decision
Forward Plan:	Not Applicable
Report considered by:	N/A

1.0 Recommendations for decision/noting:

1.1 That Members note the Government's response to the Ethical Standards Review conducted by the Committee on Standards in Public Life.

2.0 Purpose of Report

2.1 To update Members on the Government's position in relation to the above review and to consider any recommendations made which may need to be implemented by the Council.

3.0 Background

3.1 The Committee on Standards in Public Life ("CSPL") published a report in January 2019 following its review into ethical standards. A number of recommendations were made but the vast majority were highlighted as being the responsibility of Government. Some of the recommendations required legislative changes whilst some were referenced as best practice that could be adopted by local authorities.

- 3.2 One of the recommendations made which was progressed and implemented by the Local Government Association (“LGA”) was the introduction of a Model Code of Conduct for Members. The LGA published their suggested Model Code and the Council subsequently discussed and adopted a new Code.
- 3.3 Officers are currently considering which of the recommendations below are capable of being lawfully incorporated in to the Council’s Code of Conduct and a further report will be brought to Committee for its consideration.

4.0 Summary of main proposals

- 4.1 Since the original report, the Government have been working on a response to the CSPL January 2019 report and, on 18 March 2022, a letter was sent by Kemi Badenoch the then Minister for Equalities and Levelling Up Communities (to 6 July 2022). A copy of the letter is attached at Appendix 1.
- 4.2 Although there are a number of recommendations made in the letter there are some which are more relevant to Local Government and therefore these have been specifically referred to below for ease of reference:-

Recommendation 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.

The Government agrees with the principle of safeguarding elected representatives and is considering amending legislation to implement this recommendation. In doing so it will engage with interested parties to ensure that this is achieved in the most practical and effective way. This does not mean that home addresses of candidates and councillors need not be held within the Council though as this is important for monitoring purposes; particularly with regards to conflicts of interest.

Recommendation 3

Councillors should be presumed to be acting in an official capacity in their public life, including statements on publicly accessible social media.

The Government response is that this should be dealt with in each Council’s Code of Conduct and each Council should consider whether their Code deals with this adequately.

The Government notes that “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.”

Recommendation 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.

The Government agrees that local authority elected representatives should act in good faith in the public interest and not seek to influence decisions for personal gain, for malicious intent or to further the interests of any business or any other organisations which they may be affiliated with.

It is for individual local authorities to ensure that their codes of conduct are regularly updated, comprehensive and fit for purpose. Elected members receive the necessary training to make them aware of their personal responsibilities in upholding the code.

Recommendation 8

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

The Government did not accept this recommendation, recognising that there is a small pool of people capable and willing to undertake the role, and that local authorities are likely to wish to retain effective Independent Persons.

Recommendation 11

Local Authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed.

The Government agrees in principle and endorses this as best practice rather than through amending legislation.

Recommendation 16

Local Authorities should be given the power to suspend councillors without allowances for up to 6 months (and other related recommendations regarding sanctions)

The Government has no plans to legislate for additional sanctions. The Government states "local authorities are not without sanctions under the current regime...if the elected member is a member of a political group, they would also expect to be subject to party discipline...All councillors are ultimately held to account via the ballot box".

Recommendation 18

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

The Government does not agree, but believes that a potential criminal investigation and conviction is a necessary and proportionate safeguard and deterrent against corruption.

Recommendation 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.

The Government agrees in principle that the disciplinary protections for the three statutory officers (Monitoring Officer, the Head of Paid Service (Chief Executive) and the Chief Finance Officer (s151)) should be extended to all disciplinary actions.

It has agreed to “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.”

Recommendation 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.

The Government agrees with this and recommends this as best practice.

Recommendation 24

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

Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing and still be protected by the rights afforded to them under whistleblowing legislation. Councillors would not meet the criteria for a Prescribed Person. “However, 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.”

5.0 Alternative Options

5.1 Not applicable

6.0 Key Risks

6.1 None

7.0 Council Priorities

7.1 Good Governance and an effective standards regime for Elected Councillors links to the Council's desire to be a community-focussed, innovative council providing efficient, effective and quality services. The adoption of the model Code of Conduct and consideration of these recommendations supports confidence the Councillors will uphold the seven principles of public life and undertake their roles in an honest and open way.

8.0 Financial Implications

8.1 There are no direct financial implications arising from this report.

9.0 Legal and HR Implications

9.1 The recommendations of the Committee for Standards in Public life were wide ranging and reflected the collective views of the Local Authorities across the Country. Many of the recommendations made to Government would require legislative changes in order for Councils to lawfully adopt the recommendations. Legal advice is being provided on those recommendations above which the Council may choose to adopt and incorporate within its Code of Conduct for Councillors.

10.0 Ward Implications

10.1 There are no specific ward implications arising from this report.

11.0 Health, Social and Economic Implications

11.1 There are no health, social and economic implications arising from this report.

12.0 Equality and Diversity Implications

12.1 There are no equality and diversity implications arising from this report.

13.0 Climate Change and Environmental Implications

13.1 There are no no climate change and environmental implications arising from this report.

14.0 Background Papers

1 Minutes of Standards Committee 28 April 2021

15.0 Appendices

Appendix 1 Letter from Kemi Badenoch MP from March 2022

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	14/09/2022	14/09/2022	RP
Finance	14/09/2022	14/09/2022	MB