

Report to Ethical Standards

21 June 2022

Subject:	Government Response to Committee on Standards in Public Life's Ethical Standards Review
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1 Recommendations

- 1.1 Members note the response of the Government to the recommendations made by the Committee on Standards in Public Life in their Ethical Standards Review.

2 Reasons for Recommendations

- 2.1 Members need to be aware of the Government's position in relation to the review report by the CSPL as it may have implications for the Council.
- 2.2 The Council will need to take forward any action points following the response.



3 How does this deliver objectives of the Corporate Plan?

		The Government response to the review on ethical standards by the CSPL is important as it gives direction to the way in which the Council deals with its ethical framework to ensure high standards in public life. Improving standards of councillors will benefit all residents of Sandwell and will indirectly impact on the delivery of the Council's priorities.
		
		

4 Context and Key Issues

- 4.1 In January 2019 the Committee on Standards in Public Life (“CSPL”) published its review report into ethical standards. In the report the CSPL made 26 recommendations (24 of which were directed at Government), which included various amendments to legislation as well as a number of examples of best practice that Local Authorities could implement without the legislative changes.
- 4.2 Since that time, the Local Government Association has implemented the first recommendation which is the adoption of a model code of conduct. This was published in 2020 and the Council adopted it in March 2021.
- 4.3 On Friday 18 March 2022, in a letter from Kemi Badenoch MP, Minister for Equalities and Levelling Up Communities, the government issued its response to the CSPL report.
- 4.4 The key points for the Council are:

Recommendation 2 – that Government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address.

The Government agrees with the principle behind the recommendation (to safeguard elected members) and intends to “*engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address*”.



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 Local Authorities code of conduct.

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 8 – the Localism Act 2011 should be amended to required 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 the criminal offences 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 Implications

Resources:	N/A
Legal and Governance:	There are likely to be changes going forward to the governance arrangements.
Risk:	N/A
Equality:	N/A
Health and Wellbeing:	N/A
Social Value	N/A

6 Appendices

- 6.1 Local government ethical standards: government response to the Committee on Standards in Public Life report

7. Background Papers

N/A

