

## **Report to Standards Committee**

**Subject:** Update on recommendations from Committee on Standards in Public Life Report

**Date:** 23 June 2022

**Author:** Monitoring Officer

### **Purpose**

To inform Standards Committee of the Government's response to the recommendations from the Committee on Standards in Public Life report.

### **Recommendation**

THAT the report be noted.

## **1 Background**

- 1.1 The Committee on Standards in Public Life ("CSPL") advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders. CSPL is an independent advisory non-departmental public body.
- 1.2 During 2018, the CSPL undertook a review of local government ethical standards. This review was not prompted by any specific allegations of misconduct or council failure, but rather to review the effectiveness of the current arrangements for standards in local government, particularly in light of the changes made by the Localism Act 2011.
- 1.3 On 30 January 2019, the CSPL published its report and recommendations on ethical standards in local government, following a year-long review and wide consultation to which this Council responded. A copy of the full report is a background paper to this report and is available at <https://www.gov.uk/government/publications/local-government-ethical-standards-report>.
- 1.4 Many of the CSPL recommendations would require primary legislation; some changes could be made through secondary legislation or

amendments to the Local Government Transparency Code. The best practice suggestions are a matter for individual local authorities and Members may recall that in July 2019, this Committee agreed an action plan for implementing the best practice recommendations set out in the CSPL report. Work was undertaken to complete the action plan including, most recently, a review and consultation on the Council's Code of Conduct.

1.5 In terms of the recommendations made in the CSPL report, in March 2022, the Government published its response to those recommendations. The response is shown in full at Appendix 1 to this report.

1.6 There were twenty four recommendations made in the CSPL report, a summary of the Government's response to some of the key recommendations is set out below.

#### 1.7 Code of Conduct recommendations

In its response to recommendations relating to the Code of Conduct, the Government reiterated that it was for authorities to determine what was included in their Code of Conduct, by virtue of the Localism Act 2011 and whilst recognising the work done to create a model code by the Local Government Association it is clear that contents of a Code of Conduct will remain a local decision, and no legislative change will be forthcoming in terms of required contents or changes to member's interests. Similarly, the Government were clear that parishes should make their own decision as to whether to adopt the Code of Conduct of their principal authority. The Government disagreed with recommendations that criminal offences in relation to Disclosable Pecuniary Interests should be abolished.

#### 1.8 Independent Persons (IP)

In terms of Independent Persons and the recommendation that they be appointed for two years only, renewable once, the Government has recognised the difficulties that authorities may have recruiting to the IP role and as such did not feel that legislating a term for such roles would be necessary, but agreed that it should be a best practice approach by authorities. The Government also disagreed that the Local Government Transparency Code should be updated to require the views of the IP on any decision to be formally recorded. Whilst supporting the principle of IPs being provided with a legal indemnity, the Government did not feel that any legislation was required to support this.

#### 1.9 Sanctions

In response to recommendations around sanctions for breaches of the Code of Conduct, the Government stated that local authorities do have sanctions under the current regime, in addition, members may be subject to sanctions within their own political groups following a finding of breach

of the Code of conduct. The Government have proposed that they will engage with stakeholders to seek views on strengthened sanctions where breaches of the code fall below criminal activity but involve serious incidents of bullying and harassment and disruptive behaviour.

#### 1.10 Disciplining of Statutory Officers

The Government agreed that consideration should be given to extend disciplinary protections for the Monitoring Officer, Head of Paid Service and Section 151 officers which currently apply only to decisions to dismiss such officers. The Government have stated that they will engage with stakeholders to seek views on amending the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 to provide disciplinary protections for statutory officers.

## **2 Proposal**

- 2.1 It is proposed that the Committee notes the report and the Government's response to the CSPL recommendations. It should also be noted that some of the "best practice" approaches proposed in the Government's response are already practices adopted by this Council, for example, the list of Code of Conduct complaints is regularly published as part of the Committee agenda. The Monitoring Officer will keep under review any further actions or responses from Government on this matter and will update Committee accordingly.

## **3 Alternative Options**

- 3.1 Not to provide an update on the Government's response to the CSPL report. It is considered that a formal reporting of this response is necessary given this Committee's work on the CSPL report findings and best practice recommendations.

## **4 Financial Implications**

- 4.1 There are no financial implications arising from this report, as indicated, all gifts and hospitality accepted were of a low value.

## **5 Legal Implications**

- 5.1 There were a number of recommendations from the CSPL report that suggested legislative change. Whilst some recommendations have been accepted by Government, there are no immediate plans to change legislation at this time.

## **6 Equalities Implications**

- 6.1 There are no direct equality implications arising from this report.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

## **8 Appendices**

- 8.1 Appendix 1 – Government Response to the Committee on Standards in Public Life review of local government ethical standards.

## **9 Background Papers**

- 9.1 <https://www.gov.uk/government/publications/local-government-ethical-standards-report>.

CSPL Report

**Statutory Officer approval**

**Approved by the Chief Financial Officer**

**Date:**

**Drafted by the Monitoring Officer**