

**Government response to the report from the Committee on  
Standards in Public Life**

<b>Recommendation</b>	<b>Response summary</b>
<b>Recommendation 1.</b> The LGA should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	LGA code now issued following extensive consultation. It remains a local decision on whether this model code is adopted in full or in part.
<b>Recommendation 2.</b> The Government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The relevant Regulations should be amended accordingly.	Government supports the principle but did not confirm if the Regulations would be amended. Government said it would engage with the sector
<b>Recommendation 3.</b> 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.	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.  There was no commitment to review Section 27(2).  Government also said that there is a boundary between public and private life.
<b>Recommendation 4.</b> 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.	Government said that it is for local authorities to ensure their codes of conduct are regularly updated, comprehensive and fit for purpose and that Members receive training on the code.  Government said they have no plans to amend the Regulations.
<b>Recommendation 5.</b> The Regulations on DPIs 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.	Government has no plans to amend the Regulations

<p><b>Recommendation 6.</b> 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.</p>	<p>The LGA model code suggests the registration of gifts or hospitality with an estimated value of at least £50 but it did not contain any requirement relating to the total value of gifts and hospitality from the same source over a given period.</p> <p>Government said Councils can set their own requirements for gifts and hospitality, including publication.</p>
<p><b>Recommendation 7.</b> 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 the councillor’s consideration or decision-making in relation to the matter”.</p>	<p>Government has no immediate plans to repeal Section 31 but will keep the matter under review.</p>
<p><b>Recommendation 8.</b> The Localism Act 2011 should be amended to require the Independent Persons are appointed for a fixed term of two years, renewable once.</p>	<p>Government does not accept the recommendation as it would be unworkable. Up to local authorities if they wished to implement such a rule locally.</p>
<p><b>Recommendation 9.</b> 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.</p>	<p>Recommendation not accepted</p>
<p><b>Recommendation 10.</b> A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.</p>	<p>Government has no plans to allow a standards committee to suspend councillors for breaching the code.</p> <p>Government says it would be undesirable for the Ombudsman to “police the free speech of councillors”.</p> <p>Government believes the existing</p>

<p><b>Recommendation 12.</b> 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.</p> <p><b>Recommendation 13.</b> 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.</p> <p><b>Recommendation 14.</b> 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, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.</p> <p><b>Recommendation 16.</b> Local Authorities should be given the power to suspend councillors, without allowances, for up to six months.</p>	<p>sanctions are adequate, although says that it would engage with the sector to seek views on strengthening them, and that the ultimate sanction is the ballot box.</p>
<p><b>Recommendation 11.</b> 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.</p>	<p>Government agrees in principle and endorses the recommendation as best practice but does not see the need to legislate.</p>
<p><b>Recommendation 15.</b> 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.</p>	<p>Government believes this is best tackled via a best practice approach within local authorities and does not believe there is a requirement to prescribe the form and content of annual reports.</p>
<p><b>Recommendation 17.</b> The government</p>	<p>Government said it would consider</p>

<p>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.</p>	<p>further.</p>
<p><b>Recommendation 18.</b> The criminal offences in the Localism Act 2011 relating to DPIs should be abolished.</p>	<p>Government disagrees.</p>
<p><b>Recommendation 20.</b> Section 27(3) of the Localism Act 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.</p>	<p>Government does not consider this is necessary and has no plans to amend the legislation. It is a matter for local determination.</p>
<p><b>Recommendation 21.</b> 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</p>	<p>Government has no plans to repeal Section 28(11) but will consider further.</p>
<p><b>Recommendation 22.</b> 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.</p>	<p>Government agrees in principle and will engage with the sector to seek views on amending the Regulations accordingly.</p>
<p><b>Recommendation 23.</b> 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.</p>	<p>Government agrees with the principle that openness is essential but has no plans to update the Transparency Code.</p>
<p><b>Recommendation 24.</b> Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.</p>	<p>Government says local councillors would not meet the criteria to be 'prescribed persons'; however is open to further representations on how local accountability can be strengthened in this regard.</p>