

Appendix A

Committee Standards on Public Life - Recommendations (for central government and others) and Best Practice Recommendations (for local government)

Recommendation (for central government)	Government comment (summarised)	LBTH position
<p>1. <i>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.</i></p>	<p>The Local Government Association published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.</p>	<p>LBTH Code of Conduct was reviewed in May 2021, taking into account the LGA model Code. The version used in LBTH has been adapted to suit local circumstances. The new version was adopted in May 2022.</p>
<p>2. <i>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 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.</i></p>	<p>The Government agrees with the principle behind this recommendation and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it. 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. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.</p>	<p>At present the Code of Conduct requires all members' personal addresses to be included in the published register of Disclosable Personal Interests (DPIs) as an interest in land. Personal addresses are only removed from the published register with the approval of the Monitoring Officer who must be satisfied that publication of the address could lead to violence or intimidation to the member or a person connected to the member. The issue of publication of addresses is likely to require further consideration.</p> <p>Note – the change to the requirement for candidates to publish their home addresses was enacted.</p>
<p>3. <i>Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on</i></p>	<p>Individual local authorities should consider whether their code of conduct is adequate in addressing the issue of inappropriate use of social media. Free speech within the law can sometimes involve the expression of political views that some may find offensive, but a line</p>	<p>Paragraph 2 of the LBTH Code of Conduct states that it 'applies in all aspects of your activities as a</p>

<p><i>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.</i></p>	<p>is crossed when disagreement mutates into intimidation. 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>	<p>member, including when acting on Council business or when you are perceived by the public to be acting as a member.' Paragraph 18 of the LBTH Code of Conduct refers to the Council's Social Media Policy, which was put in place in April 2019.</p>
<p><i>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.</i></p>	<p>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. The Local Government Association have updated their own suggested code of conduct to state that the code applies when "[a member's] actions could give the impression to a reasonable member of the public with knowledge of all the facts that [they] are acting as a [member]". It is for individual local authorities to ensure that their codes of conducts 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. The Government will keep this matter under review but has no immediate plans to amend the regulations.</p>	<p>Paragraph 2 of the LBTH Code of Conduct states that it 'applies in all aspects of your activities as a member, including when acting on Council business or when you are perceived by the public to be acting as a member.'</p>
<p><i>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.</i></p>	<p>The electorate must have confidence that the decisions of their elected representatives are being made in the best interests of the community they have been elected to serve. Unpaid roles may need to be declared if it is relevant to council business, and councillors should recuse themselves if necessary if discussions relate to private bodies, they are involved in. The Government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities. The Government will keep this matter under review but has no immediate plans to amend the regulations.</p>	<p>The current Register of Interests includes reference to these types of roles but is not as specific as these examples. The next review could include consideration of clarification of the wording.</p>
<p><i>6. 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</i></p>	<p>The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period. 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</p>	<p>The current LBTH Code of conduct has retained the lower £25 gift threshold. The current Code states: 'I will also declare repeated smaller gifts/hospitality which, when combined, would</p>

<p><i>requirement should be included in an updated model code of conduct.</i></p>	<p>hospitality and agrees that a register of gifts and hospitality should be publicly available.</p>	<p>likely exceed £25 within any three-month period’.</p>
<p><i>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 the matter”.</i></p>	<p>Section 31 of the Localism Act 2011 requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest in any matter to be considered at the meeting. Section 30(3) of the Localism Act 2011 further provides that any relevant pecuniary interests of a councillor’s spouse or partner are considered as a disclosable pecuniary interest of the councillor. The Committee’s report reflects concerns that the disclosable pecuniary interest arrangements infringe on the privacy of a councillor’s spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved. The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.</p>	<p>Paragraph 21 of the LBTH Code of Conduct states that DPIs also include the interests of partners of members (as required by current legislation). The Code of Conduct sets out DPIs and Non DPIs which would not permit a member to participate in a meeting without permission.</p> <p>In addition, paragraphs 29 and 30 state as below in relation to interests not included in the Register of Interests:</p> <p>29. Occasions may arise where you have an interest in a matter being considered at a meeting which is not a DPI or Non-DPI that you are required to include in the Register of Members’ Interests. An example would be where the decision on the agenda item would affect the wellbeing of you, your family, or a close friend or associate of yours more than it would anyone else living in the local area.</p> <p>30. In this situation you should consider whether a reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the</p>

		public interest. If so, you must withdraw and take no part in consideration or discussion of the matter.
8. <i>The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.</i>	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. When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.	LBTH has experienced difficulties in recruiting Independent Persons and welcomes the Government's view.
9. <i>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.</i>	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. 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.	Current templates used in dealing with Code of Conduct complaints refer to the Independent Person being consulted but do not require the views of the Independent Person to be stated. Published information about complaints does not give the name of the member and only an outline of the substance of the complaint. If a matter goes to hearing the views of the Independent Person must be considered when deciding any sanction.
10. <i>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.</i> 12. <i>Local authorities should be given the discretionary power to establish a decision-</i>	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. It would be undesirable to have a government quango to police the free speech of councillors; it would be equally undesirable to have a council body (appointed by councillors, and/or made up of councillors) sitting in	Possible sanctions are set out in Appendix A to the Code of Conduct. Including them in the main body of the Code at the next revision could make them more visible.

<p><i>making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.</i></p> <p><i>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.</i></p> <p><i>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, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.</i></p> <p><i>16. Local authorities should be given the power to suspend councillors, without allowances, for up to six months</i></p>	<p>judgment on the political comments of fellow councillors. On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box. As part of the Government's response to the Committee's report on intimidation in public life, the Government recommended that every political party establish their own code of conduct for party members, including elected representatives. The Government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.</p>	
<p><i>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.</i></p>	<p>The Government agrees in principle. Initial soundings with the sector indicate that some local authorities already provide legal indemnity for Independent Persons. 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>	<p>Tower Hamlets does not currently provide legal indemnity to Independent Persons.</p>
<p><i>15. The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints</i></p>	<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. 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>	<p>LBTH currently provides this information in summary reports to the Standards Committee twice a year.</p>

<p><i>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.</i></p>		
<p><i>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.</i></p>	<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. The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.</p>	<p>The sanctions currently available under the LBTH Code of Conduct include withdrawing facilities from the Member, such as computer or internet access and excluding the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive, Committee and sub-committee meetings (as appropriate). They do not include barring a Member from council premises.</p>
<p><i>18. The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.</i></p>	<p>It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption. 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. The high bar of police involvement has served to discourage politically motivated and unfounded complaints.</p>	
<p><i>20. Section 27(3) of the Localism Act 2011 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.</i></p>	<p>The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011. The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.</p>	<p>Not relevant – relates to parish councils</p>
<p><i>21. Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the</i></p>	<p>The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.</p>	<p>Not relevant – relates to parish councils</p>

<p><i>finding of a breach is to be determined by the relevant principal authority.</i></p>		
<p><i>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.</i></p>	<p>The three statutory officers in local government are the Monitoring Officer, the Head of Paid Service (Chief Executive) and the Chief Finance Officer (often referred to as the Section 151 Officer). Under the current disciplinary arrangements for statutory officers, any decision to dismiss a statutory officer must be taken by full council, following a hearing by a panel that must include at least two Independent Persons. The Committee consider that the disciplinary protections for statutory officers should be enhanced, by extending disciplinary protections to all disciplinary actions (such as suspension or formal warnings), not just dismissal. The Government agrees in principle with this recommendation and recognises this will be pertinent to Monitoring Officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the two other statutory officers (Head of Paid Service and the Section 151 Officer), and who may be subject to personal pressures when conducting high profile breach of conduct investigations. 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.</p>	
<p><i>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.</i></p>	<p>The Government agrees with the principle that openness is essential. 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. The Government published the UK National Action Plan for Open Government 2021 – 2023 in January 2022. This includes a commitment on local transparency. 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 government to solidify their transparency policies and processes and encourage proactive publication of open data across councils.</p>	<p>The LBTH website includes the whistleblowing policy, procedures, a web form and a telephone number.</p>
<p><i>24. Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.</i></p>	<p>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. They are prescribed by an order made by the Secretary of State (for Business, Energy and Industrial Strategy) for this purpose. A complete list of prescribed persons is available here: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2. Local councillors would not meet the criteria of being external to an individual's workplace in relation to matters affecting the council and could therefore not</p>	

	<p>be considered as a 'prescribed person' for the purposes of the Public Interest Disclosure Act 1998. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament. 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.</p>	