

UK Parliament Acts/L/LO-LT/Localism Act 2011 (2011 c 20)/Part 1 Local Government (ss 1-47)/27 Duty to promote and maintain high standards of conduct

27 Duty to promote and maintain high standards of conduct

- (1) A relevant authority must promote and maintain high standards of conduct by members and co-opted members of the authority.
- (2) In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- (3) A relevant authority that is a parish council--
 - (a) may comply with subsection (2) by adopting the code adopted under that subsection by its principal authority, where relevant on the basis that references in that code to its principal authority's register are to its register, and
 - (b) may for that purpose assume that its principal authority has complied with section 28(1) and (2).
- (4) In this Chapter "co-opted member", in relation to a relevant authority, means a person who is not a member of the authority but who--
 - (a) is a member of any committee or sub-committee of the authority, or
 - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

- [(4A) In this Chapter "co-opted member" includes a police and crime commissioner who--
- (a) is entitled to participate in meetings of a county or district council by virtue of paragraph 6ZA of Part 1 of Schedule 12 to the Local Government Act 1972, or
 - (b) is entitled to participate in meetings of an executive of a county or district council by virtue of paragraph 4A of Schedule A1 to the Local Government Act 2000.]

- (5) A reference in this Chapter to a joint committee or joint sub-committee of a relevant authority is a reference to a joint committee on which the authority is represented or a sub-committee of such a committee.
- (6) In this Chapter "relevant authority" means--
 - (a) a county council in England,
 - (b) a district council,
 - (c) a London borough council,
 - (d) a parish council,
 - (e) the Greater London Authority,
 - (f) . . .
 - (g) *the London Fire and Emergency Planning Authority*,
 - (h) the Common Council of the City of London in its capacity as a local authority or police authority,

- (i) the Council of the Isles of Scilly,
 - (j) a fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
 - (k) . . .
 - (l) a joint authority established by Part 4 of the Local Government Act 1985,
 - (m) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,
 - (n) a combined authority established under section 103 of that Act,
 - (o) the Broads Authority, or
 - (p) a National Park authority in England established under section 63 of the Environment Act 1995.
- (7) Any reference in this Chapter to a member of a relevant authority--
- (a) in the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies, includes a reference to an elected mayor;
 - (b) in the case of the Greater London Authority, is a reference to the Mayor of London or a London Assembly member.
- (8) Functions that are conferred by this Chapter on a relevant authority to which Part 1A of the Local Government Act 2000 applies are not to be the responsibility of an executive of the authority under executive arrangements.
- (9) Functions that are conferred by this Chapter on the Greater London Authority are to be exercisable by the Mayor of London and the London Assembly acting jointly on behalf of the Authority.
- (10) In this Chapter except section 35--
- (a) a reference to a committee or sub-committee of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to--
 - (i) a committee or sub-committee of the London Assembly, or
 - (ii) the standards committee, or a sub-committee of that committee, established under that section,
 - (b) a reference to a joint committee on which a relevant authority is represented is, where the relevant authority is the Greater London Authority, a reference to a joint committee on which the Authority, the London Assembly or the Mayor of London is represented,
 - (c) a reference to becoming a member of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to becoming the Mayor of London or a member of the London Assembly, and
 - (d) a reference to a meeting of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to a meeting of the London Assembly;

and in subsection (4)(b) the reference to representing the relevant authority is, where the relevant authority is the Greater London Authority, a reference to representing the Authority, the London Assembly or the Mayor of London.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 240(2).

Appointment

Sub-ss (1)-(5), (6)(a)-(e), (g)-(j), (l)-(p), (7)-(10): Appointment (for certain purposes): 7 June 2012: see SI 2012/1463, art 2(a).

Sub-ss (1)-(5), (6)(a)-(e), (g)-(j), (l)-(p), (7)-(10): Appointment (for remaining purposes): 1 July 2012: see SI 2012/1463, art 5(b); for transitional provisions and savings see arts 6, 7 thereof.

Extent

This section does not extend to Scotland: see s 239(1).

Amendment

Sub-s (4A): inserted by the Policing and Crime Act 2017, s 7(13), (14).

Date in force: 3 April 2017: see SI 2017/399, reg 2, Schedule, para 3.

Sub-s (6): para (f) repealed by ss 36(a), 237, Sch 25, Pt 5 hereof.

Date in force: 15 January 2012: see SI 2012/57, art 4(1)(e).

Sub-s (6): para (g) repealed by the Policing and Crime Act 2017, s 9(3)(c), Sch 2, Pt 2, paras 118, 119.

Date in force: to be appointed: see the Policing and Crime Act 2017, s 183(1).

Sub-s (6): para (k) repealed by ss 36(b), 237, Sch 25, Pt 5 hereof.

Date in force: 22 November 2012: see SI 2012/2913, arts 1(2), 2(a), (c).

See Further

See further, in relation to the application of this Chapter, with modifications, for the purposes of the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012: the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, SI 2012/2734, regs 3, 4, 6, Schedule, Pt 1, para 8, Pt 2, para 23.

UK Parliament Acts/L/LO-LT/Localism Act 2011 (2011 c 20)/Part 1 Local Government (ss 1-47)/28 Codes of conduct

28 Codes of conduct

(1) A relevant authority must secure that a code adopted by it under section 27(2) (a "code of conduct") is, when viewed as a whole, consistent with the following principles--

- (a) selflessness;
- (b) integrity;
- (c) objectivity;
- (d) accountability;

- (e) openness;
 - (f) honesty;
 - (g) leadership.
- (2) A relevant authority must secure that its code of conduct includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of--
- (a) pecuniary interests, and
 - (b) interests other than pecuniary interests.
- (3) Sections 29 to 34 do not limit what may be included in a relevant authority's code of conduct, but nothing in a relevant authority's code of conduct prejudices the operation of those sections.
- (4) A failure to comply with a relevant authority's code of conduct is not to be dealt with otherwise than in accordance with arrangements made under subsection (6); in particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with the code.
- (5) A relevant authority may--
- (a) revise its existing code of conduct, or
 - (b) adopt a code of conduct to replace its existing code of conduct.
- (6) A relevant authority other than a parish council must have in place--
- (a) arrangements under which allegations can be investigated, and
 - (b) arrangements under which decisions on allegations can be made.
- (7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person--
- (a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
 - (b) whose views may be sought--
 - (i) by the authority in relation to an allegation in circumstances not within paragraph (a),
 - (ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and
 - (iii) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.
- (8) For the purposes of subsection (7)--
- (a) a person is not independent if the person is--
 - (i) a member, co-opted member or officer of the authority,
 - (ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority, or
 - (iii) a relative, or close friend, of a person within sub-paragraph (i) or (ii);

- (b) a person may not be appointed under the provision required by subsection (7) if at any time during the 5 years ending with the appointment the person was--
- (i) a member, co-opted member or officer of the authority, or
 - (ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority;
- (c) a person may not be appointed under the provision required by subsection (7) unless--
- (i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
 - (ii) the person has submitted an application to fill the vacancy to the authority, and
 - (iii) the person's appointment has been approved by a majority of the members of the authority;
- (d) a person appointed under the provision required by subsection (7) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.
- (9) In subsections (6) and (7) "allegation", in relation to a relevant authority, means a written allegation--
- (a) that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or
 - (b) that a member or co-opted member of a parish council for which the authority is the principal authority has failed to comply with the parish council's code of conduct.
- (10) For the purposes of subsection (8) a person ("R") is a relative of another person if R is--
- (a) the other person's spouse or civil partner,
 - (b) living with the other person as husband and wife or as if they were civil partners,
 - (c) a grandparent of the other person,
 - (d) a lineal descendant of a grandparent of the other person,
 - (e) a parent, sibling or child of a person within paragraph (a) or (b),
 - (f) the spouse or civil partner of a person within paragraph (c), (d) or (e), or
 - (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.
- (11) If a relevant authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct (whether or not the finding is made following an investigation under arrangements put in place under subsection (6)) it may have regard to the failure in deciding--
- (a) whether to take action in relation to the member or co-opted member, and
 - (b) what action to take.
- [(11A) Subsections (11B) to (11D) apply if a police and crime commissioner is a member or co-opted member of a relevant authority in the commissioner's capacity as such.

(11B) Arrangements put in place under subsection (6)(b) by the relevant authority must include provision for an allegation against the commissioner to be referred to the police and crime panel for the commissioner's police area.

(11C) If, in response to an allegation referred to it by virtue of subsection (11B), the police and crime panel makes a report or recommendation to the police and crime commissioner under section 28(6) of the Police Reform and Social Responsibility Act 2011, the panel may also make a report or recommendation on the allegation to the relevant authority.

(11D) The relevant authority must take any such report or recommendation into account in determining--

- (a) whether the police and crime commissioner has failed to comply with the authority's code of conduct,
- (b) whether to take action in relation to the commissioner, and
- (c) what action to take.]

(12) A relevant authority must publicise its adoption, revision or replacement of a code of conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area.

(13) A relevant authority's function of adopting, revising or replacing a code of conduct may be discharged only by the authority.

(14) Accordingly--

- (a) in the case of an authority to whom section 101 of the Local Government Act 1972 (arrangements for discharge of functions) applies, the function is not a function to which that section applies;
- (b) in the case of the Greater London Authority, the function is not a function to which section 35 (delegation of functions by the Greater London Authority) applies.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 240(2).

Appointment

Appointment (for certain purposes): 7 June 2012: see SI 2012/1463, art 2(b); for transitional provisions and savings see arts 6, 7 thereof.

Appointment (for remaining purposes): 1 July 2012: see SI 2012/1463, art 5(c); for transitional provisions and savings see arts 6, 7 thereof.

Extent

This section does not extend to Scotland: see s 239(1).

Amendment

Sub-ss (11A)-(11D): inserted by the Policing and Crime Act 2017, s 7(13), (15).

Date in force: 3 April 2017: see SI 2017/399, reg 2, Schedule, para 3.

See Further

See further, in relation to the application of this Chapter, with modifications, for the purposes of the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012: the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, SI 2012/2734, regs 3, 4, 6, Schedule, Pt 1, para 8, Pt 2, para 23.

UK Parliament Acts/L/LO-LT/Localism Act 2011 (2011 c 20)/Part 1 Local Government (ss 1-47)/29 Register of interests

29 Register of interests

- (1) The monitoring officer of a relevant authority must establish and maintain a register of interests of members and co-opted members of the authority.
- (2) Subject to the provisions of this Chapter, it is for a relevant authority to determine what is to be entered in the authority's register.
- (3) Nothing in this Chapter requires an entry to be retained in a relevant authority's register once the person concerned--
 - (a) no longer has the interest, or
 - (b) is (otherwise than transitorily on re-election or re-appointment) neither a member nor a co-opted member of the authority.
- (4) In the case of a relevant authority that is a parish council, references in this Chapter to the authority's monitoring officer are to the monitoring officer of the parish council's principal authority.
- (5) The monitoring officer of a relevant authority other than a parish council must secure--
 - (a) that a copy of the authority's register is available for inspection at a place in the authority's area at all reasonable hours, and
 - (b) that the register is published on the authority's website.
- (6) The monitoring officer of a relevant authority that is a parish council must--
 - (a) secure that a copy of the parish council's register is available for inspection at a place in the principal authority's area at all reasonable hours,
 - (b) secure that the register is published on the principal authority's website, and
 - (c) provide the parish council with any data it needs to comply with subsection (7).
- (7) A parish council must, if it has a website, secure that its register is published on its website.
- (8) Subsections (5) to (7) are subject to section 32(2).
- (9) In this Chapter "principal authority", in relation to a parish council, means--
 - (a) in the case of a parish council for an area in a district that has a district council, that district council,
 - (b) in the case of a parish council for an area in a London borough, the council of that London borough, and
 - (c) in the case of a parish council for any other area, the county council for the county that includes that area.

- (10) In this Chapter "register", in relation to a relevant authority, means its register under subsection (1).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 240(2).

Appointment

Appointment (for certain purposes): 7 June 2012: see SI 2012/1463, art 2(c).

Appointment (for remaining purposes): 1 July 2012: see SI 2012/1463, art 5(c).

Extent

This section does not extend to Scotland: see s 239(1).

See Further

See further, in relation to the application of this Chapter, with modifications, for the purposes of the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012: the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, SI 2012/2734, regs 3, 4, 6, Schedule, Pt 1, para 8, Pt 2, para 23.

UK Parliament Acts/L/LO-LT/Localism Act 2011 (2011 c 20)/Part 1 Local Government (ss 1-47)/30 Disclosure of pecuniary interests on taking office

30 Disclosure of pecuniary interests on taking office

(1) A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.

(2) Where a person becomes a member or co-opted member of a relevant authority as a result of re-election or re-appointment, subsection (1) applies only as regards disclosable pecuniary interests not entered in the authority's register when the notification is given.

(3) For the purposes of this Chapter, a pecuniary interest is a "disclosable pecuniary interest" in relation to a person ("M") if it is of a description specified in regulations made by the Secretary of State and either--

- (a) it is an interest of M's, or
- (b) it is an interest of--
 - (i) M's spouse or civil partner,
 - (ii) a person with whom M is living as husband and wife, or
 - (iii) a person with whom M is living as if they were civil partners,

and M is aware that that other person has the interest.

- (4) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (1), the authority's monitoring officer is to cause the interests notified to be entered in the authority's register (whether or not they are disclosable pecuniary interests).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 240(2).

Appointment

Appointment (for the purpose of making regulations): 31 January 2012: see SI 2012/57, art 5(1)(b).
Appointment (for remaining purposes): 1 July 2012: see SI 2012/1463, art 5(c).

Extent

This section does not extend to Scotland: see s 239(1).

See Further

See further, in relation to the application of this Chapter, with modifications, for the purposes of the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012: the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, SI 2012/2734, regs 3, 4, 6, Schedule, Pt 1, para 8, Pt 2, para 23.

Subordinate Legislation

Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, SI 2012/1464 (made under sub-s (3)).

UK Parliament Acts/L/LO-LT/Localism Act 2011 (2011 c 20)/Part 1 Local Government (ss 1-47)/31 Pecuniary interests in matters considered at meetings or by a single member

31 Pecuniary interests in matters considered at meetings or by a single member

- (1) Subsections (2) to (4) apply if a member or co-opted member of a relevant authority--
- (a) is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority,
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
 - (c) is aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).

(3) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.

(4) The member or co-opted member may not--

- (a) participate, or participate further, in any discussion of the matter at the meeting, or
- (b) participate in any vote, or further vote, taken on the matter at the meeting,

but this is subject to section 33.

(5) In the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies and which is operating executive arrangements, the reference in subsection (1)(a) to a committee of the authority includes a reference to the authority's executive and a reference to a committee of the executive.

(6) Subsections (7) and (8) apply if--

- (a) a function of a relevant authority may be discharged by a member of the authority acting alone,
- (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
- (c) the member is aware that the condition in paragraph (b) is met.

(7) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.

(8) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

(9) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (3) or (7), the authority's monitoring officer is to cause the interest notified to be entered in the authority's register (whether or not it is a disclosable pecuniary interest).

(10) Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate.

(11) For the purpose of this section, an interest is "subject to a pending notification" if--

- (a) under this section or section 30, the interest has been notified to a relevant authority's monitoring officer, but
- (b) has not been entered in the authority's register in consequence of that notification.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 240(2).

Appointment

Sub-ss (1)-(9), (11): Appointment: 1 July 2012: see SI 2012/1463, art 5(c).

Sub-s (10): Appointment (for certain purposes): 7 June 2012: see SI 2012/1463, art 2(d).

Sub-s (10): Appointment (for remaining purposes): 1 July 2012: see SI 2012/1463, art 5(c).

Extent

This section does not extend to Scotland: see s 239(1).

See Further

See further, in relation to the application of this Chapter, with modifications, for the purposes of the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012: the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, SI 2012/2734, regs 3, 4, 6, Schedule, Pt 1, para 8, Pt 2, para 23.

UK Parliament Acts/L/LO-LT/Localism Act 2011 (2011 c 20)/Part 1 Local Government (ss 1-47)/32 Sensitive interests

32 Sensitive interests

(1) Subsections (2) and (3) apply where--

- (a) a member or co-opted member of a relevant authority has an interest (whether or not a disclosable pecuniary interest), and
- (b) the nature of the interest is such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

(2) If the interest is entered in the authority's register, copies of the register that are made available for inspection, and any published version of the register, must not include details of the interest (but may state that the member or co-opted member has an interest the details of which are withheld under this subsection).

(3) If section 31(2) applies in relation to the interest, that provision is to be read as requiring the member or co-opted member to disclose not the interest but merely the fact that the member or co-opted member has a disclosable pecuniary interest in the matter concerned.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 240(2).

Appointment

Appointment: 1 July 2012: see SI 2012/1463, art 5(c).

Extent

This section does not extend to Scotland: see s 239(1).

See Further

See further, in relation to the application of this Chapter, with modifications, for the purposes of the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012: the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, SI 2012/2734, regs 3, 4, 6, Schedule, Pt 1, para 8, Pt 2, para 23.

UK Parliament Acts/L/LO-LT/Localism Act 2011 (2011 c 20)/Part 1 Local Government (ss 1-47)/33 Dispensations from section 31(4)

33 Dispensations from section 31(4)

- (1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.
- (2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority--
 - (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
 - (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
 - (e) considers that it is otherwise appropriate to grant a dispensation.
- (3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 240(2).

Appointment

Appointment (for certain purposes): 7 June 2012: see SI 2012/1463, art 2(e).
Appointment (for remaining purposes): 1 July 2012: see SI 2012/1463, art 5(c).

Extent

This section does not extend to Scotland: see s 239(1).

See Further

See further, in relation to the application of this Chapter, with modifications, for the purposes of the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012: the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, SI 2012/2734, regs 3, 4, 6, Schedule, Pt 1, para 8, Pt 2, para 23.

UK Parliament Acts/L/LO-LT/Localism Act 2011 (2011 c 20)/Part 1 Local Government (ss 1-47)/34 Offences

34 Offences

- (1) A person commits an offence if, without reasonable excuse, the person--
 - (a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),
 - (b) participates in any discussion or vote in contravention of section 31(4), or
 - (c) takes any steps in contravention of section 31(8).
- (2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person--
 - (a) knows that the information is false or misleading, or
 - (b) is reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.
- (5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.
- (6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
- (7) But no such proceedings may be brought more than three years--
 - (a) after the commission of the offence, or
 - (b) in the case of a continuous contravention, after the last date on which the offence was committed.
- (8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
- (9) The Local Government Act 1972 is amended as follows.
- (10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after "2000" insert "or section 34 of the Localism Act 2011".
- (11) In section 87(1)(ee) (date of casual vacancies)--

- (a) after "2000" insert "or section 34 of the Localism Act 2011 or", and
- (b) after "decision" insert "or order".

(12) The Greater London Authority Act 1999 is amended as follows.

(13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub-paragraph (i) insert--

"(ia) under section 34 of the Localism Act 2011, ",

(14) In section 9(1)(f) (date of casual vacancies)--

- (a) before "or by virtue of" insert "or section 34 of the Localism Act 2011", and
- (b) after "that Act" insert "of 1998 or that section".

NOTES

Initial Commencement

To be appointed

To be appointed: see s 240(2).

Appointment

Appointment: 1 July 2012: see SI 2012/1463, art 5(c).

Extent

This section does not extend to Scotland: see s 239(1).

See Further

See further, in relation to the application of this Chapter, with modifications, for the purposes of the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012: the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, SI 2012/2734, regs 3, 4, 6, Schedule, Pt 1, para 8, Pt 2, para 23.



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

© Crown copyright, 2013

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, email contactus@communities.gov.uk or write to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

September 2013

ISBN: 978-1-4098--3604-9

The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority
- the Broads Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

As explained in the following section, your registration of personal interests should be guided by your duty to act in conformity with the seven principles of public life. You should ensure that you register all personal interests that conformity with the seven principles requires. These interests will necessarily include your membership of any Trade Union.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**⁴.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

financial interests they might have (for example trust funds, investments, and assets including land and property).

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests of your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district or borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.