



# Local Government Act 2000

## 2000 CHAPTER 22

### PART III

#### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

### CHAPTER I

#### CONDUCT OF MEMBERS

##### *Standards of conduct*

#### **49 Principles governing conduct of members of relevant authorities**

- (1) The Secretary of State may by order specify the principles which are to govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales.
- (2) The National Assembly for Wales may by order specify the principles which are to govern the conduct of members and co-opted members of relevant authorities in Wales (other than police authorities).
- (3) Before making an order under this section, the Secretary of State must consult—
  - (a) such representatives of relevant authorities in England as he considers appropriate,
  - (b) the Audit Commission,
  - (c) the Commission for Local Administration in England, and
  - (d) such other persons (if any) as he considers appropriate.
- (4) Before making an order under this section so far as it relates to police authorities in Wales, the Secretary of State must consult—
  - (a) such representatives of police authorities in Wales as he considers appropriate,
  - (b) the Commission for Local Administration in Wales, and

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- (c) the National Assembly for Wales.
- (5) Before making an order under this section, the National Assembly for Wales must consult—
  - (a) such representatives of relevant authorities in Wales as it considers appropriate,
  - (b) the Audit Commission,
  - (c) the Commission for Local Administration in Wales, and
  - (d) such other persons (if any) as it considers appropriate.
- (6) In this Part “relevant authority” means—
  - (a) a county council,
  - (b) a county borough council,
  - (c) a district council,
  - (d) a London borough council,
  - (e) a parish council,
  - (f) a community council,
  - (g) the Greater London Authority,
  - (h) the Metropolitan Police Authority,
  - (i) the London Fire and Emergency Planning Authority,
  - (j) the Common Council of the City of London in its capacity as a local authority or police authority,
  - (k) the Council of the Isles of Scilly,
  - (l) a fire authority constituted by a combination scheme under the Fire Services Act 1947,
  - (m) a police authority,
  - (n) a joint authority established by Part IV of the Local Government Act 1985,
  - (o) the Broads Authority, or
  - (p) a National Park authority established under section 63 of the Environment Act 1995.
- (7) In this Part “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 which falls to be decided at any meeting of that committee or sub-committee.

## **50 Model code of conduct**

- (1) The Secretary of State may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in Wales (referred to in this Part as a model code of conduct).
- (2) The National Assembly for Wales may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales other than police authorities (also referred to in this Part as a model code of conduct).

- (3) The power under subsection (1) or (2) to issue a model code of conduct includes power to revise any such model code which has been issued.
- (4) A model code of conduct—
  - (a) must be consistent with the principles for the time being specified in an order under section 49(1) or 49(2) (as the case may be),
  - (b) may include provisions which are mandatory, and
  - (c) may include provisions which are optional.
- (5) Before making an order under this section, the Secretary of State or the National Assembly for Wales must carry out such consultation as is required, by virtue of section 49, before an order is made under that section.
- (6) For the purpose of facilitating the making of an order under this section, the Secretary of State may invite such body as he considers appropriate to draw up, and send to him, a proposed model code of conduct or proposed revisions to such a model code.
- (7) An invitation under subsection (6)—
  - (a) must be made in writing,
  - (b) may be made to more than one body,
  - (c) may be limited to particular descriptions of authority,
  - (d) must specify the period within which the proposals are to be drawn up and sent to the Secretary of State,
  - (e) may require different proposals to be drawn up for different authorities or descriptions of authority, and
  - (f) may require any body to which the invitation is made to consult such persons as may be specified in the invitation.

## **51 Duty of relevant authorities to adopt codes of conduct**

- (1) It is the duty of a relevant authority, before the end of the period of six months beginning with the day on which the first order under section 50 which applies to them is made, to pass a resolution adopting a code as regards the conduct which is expected of members and co-opted members of the authority (referred to in this Part as a code of conduct).
- (2) It is the duty of a relevant authority, before the end of the period of six months beginning with the day on which any subsequent order under section 50 which applies to them is made, to pass a resolution—
  - (a) adopting a code of conduct in place of their existing code of conduct under this section, or
  - (b) revising their existing code of conduct under this section.
- (3) A relevant authority may by resolution—
  - (a) adopt a code of conduct in place of their existing code of conduct under this section, or
  - (b) revise their existing code of conduct under this section.
- (4) A code of conduct or revised code of conduct—
  - (a) must incorporate any mandatory provisions of the model code of conduct which for the time being applies to that authority,
  - (b) may incorporate any optional provisions of that model code, and

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- (c) may include other provisions which are consistent with that model code.
- (5) Where a relevant authority fail to comply with the duty under subsection (1) or (2) before the end of the period mentioned in that subsection—
  - (a) they must comply with that duty as soon as reasonably practicable after the end of that period, and
  - (b) any mandatory provisions of the model code of conduct which for the time being applies to the authority are to apply in relation to the members and co-opted members of the authority for so long as the authority fail to comply with that duty.
- (6) As soon as reasonably practicable after adopting or revising a code of conduct under this section, a relevant authority must—
  - (a) ensure that copies of the code or revised code are available at an office of the authority for inspection by members of the public at all reasonable hours,
  - (b) publish in one or more newspapers circulating in their area a notice which—
    - (i) states that they have adopted or revised a code of conduct,
    - (ii) states that copies of the code or revised code are available at an office of the authority for inspection by members of the public at such times as may be specified in the notice, and
    - (iii) specifies the address of that office, and
  - (c) send a copy of the code or revised code—
    - (i) in the case of a relevant authority in England or a police authority in Wales, to the Standards Board for England,
    - (ii) in the case of a relevant authority in Wales, to the Commission for Local Administration in Wales.
- (7) Where a relevant authority themselves publish a newspaper, the duty to publish a notice under subsection (6)(b) is to be construed as a duty to publish that notice in their newspaper and at least one other newspaper circulating in their area.
- (8) A relevant authority may publicise their adoption or revision of a code of conduct under this section in any other manner that they consider appropriate.
- (9) A relevant authority's function with respect to the passing of a resolution under this section may be discharged only by the authority (and accordingly, in the case of a relevant authority to which section 101 of the Local Government Act 1972 applies, is not to be a function to which that section applies).

## **52 Duty to comply with code of conduct**

- (1) A person who is a member or co-opted member of a relevant authority at a time when the authority adopt a code of conduct under section 51 for the first time—
  - (a) must, before the end of the period of two months beginning with the date on which the code of conduct is adopted, give to the authority a written undertaking that in performing his functions he will observe the authority's code of conduct for the time being under section 51, and
  - (b) if he fails to do so, is to cease to be a member or co-opted member at the end of that period.
- (2) The form of declaration of acceptance of office which may be prescribed by an order under section 83 of the Local Government Act 1972 may include an undertaking by

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the declarant that in performing his functions he will observe the authority's code of conduct for the time being under section 51.

- (3) A person who becomes a member of a relevant authority to which section 83 of that Act does not apply at any time after the authority have adopted a code of conduct under section 51 for the first time may not act in that office unless he has given the authority a written undertaking that in performing his functions he will observe the authority's code of conduct for the time being under section 51.
- (4) A person who becomes a co-opted member of a relevant authority at any time after the authority have adopted a code of conduct under section 51 for the first time may not act as such unless he has given the authority a written undertaking that in performing his functions he will observe the authority's code of conduct for the time being under section 51.

### *Standards committees*

## **53 Standards committees**

- (1) Subject to subsection (2), every relevant authority must establish a committee (referred to in this Part as a standards committee) which is to have the functions conferred on it by or under this Part.
- (2) Subsection (1) does not apply to a parish council or community council.
- (3) The number of members of a standards committee of a relevant authority in England or a police authority in Wales and their term of office are to be fixed by the authority (subject to any provision made by virtue of subsection (6)(a)).
- (4) A standards committee of a relevant authority in England or a police authority in Wales must include—
  - (a) at least two members of the authority, and
  - (b) at least one person who is not a member, or an officer, of that or any other relevant authority.
- (5) A standards committee of a relevant authority in England which are operating executive arrangements—
  - (a) may not include the elected mayor or executive leader, and
  - (b) may not be chaired by a member of the executive.
- (6) The Secretary of State may by regulations make provision—
  - (a) as to the size and composition of standards committees of relevant authorities in England and police authorities in Wales,
  - (b) as to the appointment to such committees of persons falling within subsection (4)(b),
  - (c) with respect to the access of the public to meetings of such committees,
  - (d) with respect to the publicity to be given to meetings of such committees,
  - (e) with respect to the production of agendas for, or records of, meetings of such committees,
  - (f) with respect to the availability to the public or members of relevant authorities of agendas for, records of or information connected with meetings of such committees,
  - (g) as to the proceedings and validity of proceedings of such committees.

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- (7) The Standards Board for England—
  - (a) may issue guidance with respect to the size and composition of standards committees of relevant authorities in England and police authorities in Wales, and
  - (b) must send a copy of any such guidance to the Secretary of State.
- (8) A member of a standards committee of a relevant authority in England or a police authority in Wales who is not a member of the authority is entitled to vote at meetings of the committee.
- (9) A relevant authority in England and a police authority in Wales must send a statement which sets out the terms of reference, or any revised terms of reference, of their standards committee to the Standards Board for England.
- (10) A standards committee of a relevant authority in England or a police authority in Wales is not to be regarded as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.
- (11) The National Assembly for Wales may by regulations make provision—
  - (a) as to the size and composition of standards committees of relevant authorities in Wales other than police authorities (including provision with respect to the appointment to any such committee of persons who are not members of the relevant authority concerned),
  - (b) as to the term of office of members of any such committees,
  - (c) as to the persons who may, may not or must chair any such committees,
  - (d) as to the entitlement to vote of members of any such committee who are not members of the relevant authority concerned,
  - (e) for or in connection with treating any such committees as bodies to which section 15 of the Local Government and Housing Act 1989 does not apply,
  - (f) with respect to the access of the public to meetings of such committees,
  - (g) with respect to the publicity to be given to meetings of such committees,
  - (h) with respect to the production of agendas for, or records of, meetings of such committees,
  - (i) with respect to the availability to the public or members of relevant authorities of agendas for, records of or information connected with meetings of any such committees,
  - (j) as to the proceedings and validity of proceedings of any such committees,
  - (k) for or in connection with requiring relevant authorities in Wales (other than police authorities) to send to the Commission for Local Administration in Wales statements which set out the terms of reference of their standards committees.
- (12) The provision which may be made by virtue of subsection (6)(c) to (f) or (11)(f) to (i) includes provision which applies or reproduces (with or without modifications) any provisions of Part VA of the Local Government Act 1972.

## **54 Functions of standards committees**

- (1) The general functions of a standards committee of a relevant authority are—
  - (a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and

- (b) assisting members and co-opted members of the authority to observe the authority's code of conduct.
- (2) Without prejudice to its general functions, a standards committee of a relevant authority has the following specific functions—
  - (a) advising the authority on the adoption or revision of a code of conduct,
  - (b) monitoring the operation of the authority's code of conduct, and
  - (c) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.
- (3) A relevant authority may arrange for their standards committee to exercise such other functions as the authority consider appropriate.
- (4) The Secretary of State may by regulations make provision with respect to the exercise of functions by standards committees of relevant authorities in England and police authorities in Wales.
- (5) The National Assembly for Wales may by regulations make provision with respect to the exercise of functions by standards committees of relevant authorities in Wales (other than police authorities).
- (6) The Standards Board for England may issue guidance with respect to the exercise of functions by standards committees of relevant authorities in England and police authorities in Wales.
- (7) The National Assembly for Wales may issue guidance with respect to the exercise of functions by standards committees of relevant authorities in Wales (other than police authorities).

## **55 Standards committees or sub-committees for parish councils**

- (1) A standards committee of a district council is to have the same functions in relation to—
  - (a) the parish councils for which the district council are the responsible authority, and
  - (b) the members of those parish councils,as the standards committee has under section 54(1) and (2) in relation to the district council and the members of the district council.
- (2) A standards committee of a unitary county council is to have the same functions in relation to—
  - (a) the parish councils for which the county council are the responsible authority, and
  - (b) the members of those parish councils,as the standards committee has under section 54(1) and (2) in relation to the county council and the members of the county council.
- (3) A standards committee of a district council or unitary county council may appoint a sub-committee for the purpose of discharging all of the functions conferred on the standards committee by this section.
- (4) In deciding whether it will be their standards committee, or a sub-committee of their standards committee, which is to discharge the functions conferred by this section, a

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district council or unitary county council must consult the parish councils for which they are the responsible authority.

- (5) The number of members of a sub-committee of a standards committee of a district council or unitary county council, and the term of office of those members, are to be fixed by the standards committee after consultation with the parish councils for which the district council or unitary county council are the responsible authority.
- (6) Where the standards committee of a district council or unitary county council discharges the functions conferred by this section, the standards committee—
  - (a) must include at least one member of any of the parish councils for which the district council or unitary county council are the responsible authority, and
  - (b) must ensure that at least one person falling within paragraph (a) is present at any meeting of the committee when matters relating to those parish councils, or the members of those parish councils, are being considered.
- (7) Where a sub-committee of the standards committee of a district council or unitary county council discharges the functions conferred by this section, the sub-committee must include—
  - (a) at least one member of the standards committee who falls within section 53(4)(b), and
  - (b) at least one member of any of the parish councils for which the district council or unitary county council are the responsible authority.
- (8) Regulations under section 53(6)(a) and (c) to (g) may make provision in relation to sub-committees appointed under this section, and regulations under section 53(6)(b) may make provision as to the appointment of persons falling within subsection (6)(a) or (7)(a) or (b) of this section.
- (9) Subsections (7), (8), (9) and (10) of section 53 apply in relation to sub-committees of standards committees appointed under this section as they apply in relation to standards committees.
- (10) Subsections (4) and (6) of section 54 apply in relation to sub-committees of standards committees appointed under this section as they apply in relation to standards committees.
- (11) Any function which by virtue of the following provisions of this Part is exercisable by or in relation to the standards committee of a relevant authority which is a parish council is to be exercisable by or in relation to—
  - (a) the standards committee of the district council or unitary county council which are the responsible authority in relation to the parish council, or
  - (b) where that standards committee has appointed a sub-committee under this section, that sub-committee;and any reference in the following provisions of this Part to the standards committee of a relevant authority which is a parish council is to be construed accordingly.
- (12) A district council or unitary county council are the responsible authority—
  - (a) in relation to a parish council which is not a common parish council, if the parish is situated within the area of the district council or county council,
  - (b) in relation to a parish council which is a common parish council—
    - (i) if the parishes in the group are wholly situated within that area, or
    - (ii) where that is not the case, if the greatest number of local government electors for the parishes in the group is situated in that area.



- (13) In this section “unitary county council” means the council of a county in England in which there are no district councils.

## **56 Standards committees or sub-committees for community councils**

- (1) A standards committee of a county council in Wales is to have the same functions in relation to—
- (a) the community councils which are situated in the area of the county council, and
  - (b) the members of those community councils,
- as the standards committee has under section 54(1) and (2) in relation to the county council and the members of the county council.
- (2) A standards committee of a county borough council is to have the same functions in relation to—
- (a) the community councils which are situated in the area of the county borough council, and
  - (b) the members of those community councils,
- as the standards committee has under section 54(1) and (2) in relation to the county borough council and the members of the county borough council.
- (3) A standards committee of a county council or county borough council may appoint a sub-committee for the purpose of discharging all of the functions conferred on the standards committee by this section.
- (4) In deciding whether it will be their standards committee, or a sub-committee of their standards committee, which is to discharge the functions conferred by this section, a county council or county borough council must consult the community councils which are situated in their area.
- (5) Regulations under section 53(11) may make provision in relation to sub-committees appointed under this section.
- (6) Subsections (5) and (7) of section 54 apply in relation to sub-committees of standards committees appointed under this section as they apply in relation to standards committees.
- (7) Any function which by virtue of the following provisions of this Part is exercisable by or in relation to the standards committee of a relevant authority which is a community council is to be exercisable by or in relation to—
- (a) the standards committee of the county council or county borough council in whose area the community council is situated, or
  - (b) where that standards committee has appointed a sub-committee under this section, that sub-committee;
- and any reference in the following provision of this Part to the standards committee of a relevant authority which is a community council is to be construed accordingly.