
STATUTORY INSTRUMENTS

2003 No. 1483

**The Local Authorities (Code of Conduct)
(Local Determination) Regulations 2003**

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 and shall come into force on 30th June 2003.

(2) These Regulations apply to relevant authorities in England and to police authorities in Wales⁽¹⁾.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Local Government Act 2000;

“Adjudication Panel” means, in respect of a relevant authority in England, the Adjudication Panel for England established under section 75(1) of the Act and, in respect of a police authority in Wales, the Adjudication Panel for Wales established under section 75(2) of the Act;

“any other authority concerned” means any authority of which a person was a member at the time the matters complained of occurred;

“appeals tribunal” means a tribunal constituted in accordance with Part 3 of these Regulations;

“authority” means a relevant authority in England and a police authority in Wales;

“an authority’s code of conduct” means a code of conduct adopted by an authority under section 51 of the Act and includes any mandatory provisions of the model code of conduct which apply to the members and co-opted members of an authority pursuant to subsection (5) (b) of that section;

“authorities concerned” means the authority of which a person is a member and, where at the time any matter complained of took place that person was a member of another authority, that authority;

“the authority concerned” means the authority of which a person is a member;

“ethical standards officer” means, subject to paragraph (2), an ethical standards officer appointed under section 57(5)(a) of the Act;

“ethical standards officer concerned” means the ethical standards officer who referred any matter under consideration to a monitoring officer or a standards committee;

(1) See Chapter III of Part III to the Act for the procedure in relation to local investigation and determination for relevant authorities in Wales.

“member”, except where the context otherwise requires, means a member or co-opted member of an authority⁽²⁾;

“monitoring officer” means the monitoring officer designated in respect of an authority in accordance with the provisions of section 5 of the Local Government and Housing Act 1989⁽³⁾;

“the parish councils concerned” means the parish council of which a person is a member and, where at the time any matter complained of took place that person was a member of another parish council, that council;

“the Standards Board” means the Standards Board for England established under section 57 of the Act⁽⁴⁾;

“standards committee” means the standards committee, or sub-committee of a standards committee, which exercises functions in relation to an authority under sections 54 and 55 of the Act⁽⁵⁾;

(2) Any reference in these Regulations to an ethical standards officer shall, as regards Police Authorities in Wales, be construed as a reference to a Local Commissioner in Wales.

Amendment of the Relevant Authorities (Standards Committees) Regulations 2001⁽⁶⁾

3.—(1) The Relevant Authorities (Standards Committees) Regulations 2001 shall be amended in accordance with the following provisions.

(2) For regulation 7(1) there shall be substituted the following provision—

“7.—(1) Subject to paragraphs (2), (3) and (4), Part VA of the 1972 Act shall apply in relation to meetings of a standards committee, or sub-committee of a standards committee, of an authority as it applies to meetings of a principal council.”

(3) After regulation 7(3) there shall be inserted the following provision—

“(4) Where a meeting of a standards or a sub-committee of a standards committee is convened to consider a matter referred under the provisions of section 64(2) or 71(2) of the Act the provisions of Schedule 12A of the 1972 Act shall apply with the addition of the following descriptions of exempt information after paragraph 15 of Part I of that Schedule—

“16. Information relating to the personal circumstances of any person.

17. Information which is subject to any obligation of confidentiality.

18. Information which relates in any way to matters concerning national security.

19. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part III of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 64(2) or 71(2) of the Local Government Act 2000.””

(2) See section 49(7) of the Act for the definition of “co-opted member”. Under section 83(3) and (4) of that Act, references to a member of a relevant authority include references to an elected mayor, an elected executive member, the Mayor of London and a member of the London Assembly.

(3) 1989 c. 42. See section 83(12) of the Act for the exercise of functions by a monitoring officer of a responsible authority in relation to parish councils.

(4) See section 57(5) of the Act for the functions of the Standards Board for England in relation to both relevant authorities in England and police authorities in Wales.

(5) See section 55(1) of the Act for the functions of the standards committees of responsible authorities in relation to parish councils.

(6) 2001/2812.

Modification of section 63 of the Local Government Act 2000

4.—(1) The provisions of section 63(1) of the Act shall apply in respect of standards committees and appeals tribunals in the performance of any of their functions under these Regulations subject to the modification set out below.

(2) Section 63(1) of the Act shall be modified so that after paragraph (a) there is inserted the following paragraph—

“(aa) the disclosure is made for the purpose of enabling a standards committee or sub-committee of a standards committee established under this Part to perform any of its functions under this Part or under Regulations made under this Part in connection with the investigation and consideration of an allegation of a breach of an authority’s code of conduct or is made for the purpose of enabling a tribunal drawn from members of the Adjudication Panel to consider any appeal from a finding of such a standards committee or sub-committee in connection with an allegation of a breach of an authority’s code of conduct.”