



Uttlesford District Council

Chief Executive: John Mitchell

Standards Task Group

Date: Tuesday, 04 August 2015
Time: 17:30
Venue: Committee Room
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors Keith Artus, Heather Asker, Alan Dean, Derek Jones and Tina Knight.

Other Attendees: Mrs G Butcher-Doulton, Mr D Pearl and Mrs C Wellingbrook-Doswell (Independent Persons)

AGENDA PART 1

- 1 Apologies for absence and declarations of interest.
- 2 Review of the Code of Conduct procedures and guidance 3 - 48
- 3 Date of next meeting

Committee: STANDARDS TASK GROUP

Agenda Item

Date: 4 August 2015

2

**Title: REVIEW OF THE CODE OF CONDUCT,
PROCEDURES AND GUIDANCE**

**Author: Michael Perry, Assistant Chief Executive
Legal, 01799 510416**

Item for decision

Summary

1. At its meeting on the 6 July 2015 the Standards Committee appointed this task group to review the Code of Conduct and procedures in relation to allegations of breaches of the Code and to make recommendations accordingly. The group is to report back to the Standards Committee by the 21 March 2016. This report is to provide members with options and to deal with specific points which have been raised.

Recommendations

2. Members determine the approach they wish to take to reviewing the Code, guidance and procedures leading up to a recommendation to the Standards Committee.

Financial Implications

3. None.

Background Papers

4. None.

Other Papers referred to by the Author in the preparation of this report

5. (a) reports to and minutes of the Standards Committee meetings on the 18 July 2011, 14 November 2011, 9 January 2012, 12 March 2012, 14 May 2012 and the 13 October 2014 all available online on the committee section of the council's website.
- (b) Uttlesford District Council's Code of Conduct available at <http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=1272&p=0>
- (c) The Code of Conduct of Uttlesford District Council, a Guide for Members – October 2012 available on line at <http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=4508&p=0>
- (d) Procedure for dealing with complaints to the Standards Committee available on line at <http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=2597&p=0>

- (e) Section 111 Local Government Act 1972 (copy attached).
- (f) Section 1 Localism Act 2011 (copy attached).
- (g) Part 1 chapter 7, Localism Act 2011 (redacted and full copies attached. The redacted version omits matters not of concern to this council but I am aware that some members prefer the full text).

Impact

6.

| | |
|---------------------------------|--|
| Communication/Consultation | None. |
| Community Safety | None. |
| Equalities | None. |
| Health and Safety | None. |
| Human Rights/Legal Implications | As set out in the body of this report. |
| Sustainability | None. |
| Ward-specific impacts | None. |
| Workforce/Workplace | None. |

Situation

- 7. The Localism Act 2011 (“the Act”) received Royal Assent on 15 November 2011. The Act abolished the standards regime established by the Local Government Act 2000 which was replaced by Part 1, Chapter 7 of the Act. That part of the Act came into effect on 7 June 2012.
- 8. The Localism Bill as originally presented before Parliament did not contain any provision for local authorities to adopt a Code of Conduct. The Constitution Task Group considered this was not appropriate and recommended that the council should adopt a voluntary Code of Conduct. It therefore requested the Standards Committee to consider an appropriate format for a voluntary code. The Standards Committee minutes for the meeting on the 18 July 2011 refer. The Standards Committee carried out this work in the period leading up to its meeting on the 12 March 2012. By that stage the Bill had changed to impose a duty upon relevant authorities to adopt a Code of Conduct. At its meeting on the 12 March 2012 the committee resolved to recommend the adoption of a Code of Conduct to Full Council to take effect once the Act came into force. Shortly before that recommendation was considered by Full Council the Department of Communities and Local Government and the Local

Government Association both published draft Codes of Conduct. This was unexpected as both had indicated that no guidance would be issued. The matter was therefore remitted to the Standards Committee for it to determine whether these drafts in any way affected the recommendation that it wished to make to Full Council. At its meeting on the 14 May 2012 the committee considered the two drafts issued and concluded they were not appropriate and proceeded with its original recommendation to Full Council. The council unanimously adopted the Code as proposed by the Standards Committee without amendment. The Standards Committee further considered the Code of Conduct and the procedures at its meeting on the 13 October 2014 and concluded that amendment to neither was required.

9. The Act contains two requirements for a Code of Conduct. The first is that when viewed as a whole the Code of Conduct is consistent with principles set out in section 28(1) of the Act. These are selflessness; integrity; objectivity; accountability; openness; honesty and leadership. The second requirement is that an authority must secure that its Code of Conduct includes the provision which the authority considers appropriate in respect of the registration and disclosure of pecuniary interests and interests other than pecuniary interests. Leaving aside these two requirements the content of the Code of Conduct is left entirely to the discretion of the relevant authorities. Members' attention is particularly drawn to the minutes of the Standards Committee meeting on the 9 January 2012 when the committee painstakingly considered the draft Code of Conduct it proposed recommending to Full Council against the section 28(1) principles and demonstrated how viewed as a whole the Code was consistent with them.
10. For the purposes of adopting a Code of Conduct, relevant authorities include district councils and parish councils. By virtue of section 27(3) of the Act a relevant authority that is a parish council may comply with its duty to adopt a Code of Conduct by adopting the Code of the council of the district within which the parish is situated. However, there is no obligation upon them to do so. So far as I can ascertain 49 of the parish councils within the district do subscribe to the Uttlesford Code of Conduct. One does not having adopted its own Code earlier this year. I do not have sufficient information with regard to three parish councils to be able to say definitively whether they have adopted the Uttlesford Code or not. I am aware that one parish council was recently considering revising its Code but that the proposal to do so was withdrawn after advice from me that some of the amendments suggested were unlawful. For those parishes that resolved to adopt Uttlesford's Code of Conduct that resolution relates to the Code of Conduct in existence at the time they resolved to adopt it. If the Code of Conduct is varied then parish councils would need to resolve to adopt the new Code should they wish to do so.
11. I turn now to the specific issues I have been asked to address in this report. The first suggests that the Code does not clearly state what pecuniary and non-pecuniary interests are. I would recommend that members consider the wording of the Code. Members may not make amendments to the definitions of disclosable pecuniary interests as these are prescribed by a statutory instrument made under the Act. Members may however, propose

amendments to other pecuniary interests and non-pecuniary interests which need to be registered and declared.

12. I have been asked to consider how all of the requirements of the Nolan principles could be incorporated. It is perhaps worth mentioning that in the 1997 report of the Committee on Standards in Public Life (dealing with local authorities) Lord Nolan recommended that there should be a statement of General Principles of Conduct for Local Councillors approved by parliament AND a Code of Conduct. The former should inform the latter. Consistent with the recommendations of Lord Nolan the government issued the Relevant Authorities (General Principles) Order 2001 which effectively took the Nolan principles and sub-divided them to give 10 statements. Separately the government issued the Local Authorities (Model Code of Conduct) (England) Order 2001. The latter instrument was replaced in 2007 and that and the General Principles Order were both repealed by the Act. The current requirements of s.28 of the Act are consistent with Lord Nolan's recommended approach.
13. As indicated above, read as a whole the Code of Conduct does comply with the section 28(1) principles. The difficulty with relying upon the Nolan principles as freestanding elements of a Code of Conduct is they are very subjective. In the event of an allegation of a breach of the Code being made, it is difficult to conceive how one would demonstrate evidentially that a member had acted in a way inconsistent with any one or more of the section 28(1) principles. However, the Code gives clear requirements. For example, with regard to the principle of openness the Code specifically provides that members must not prevent another person from gaining access to information to which that person is entitled by law. This would include information to which an individual is entitled under the Freedom of Information Act, Environmental Information Regulations or Data Protection Act. Members attention is again drawn to the exercise carried out by the Standards Committee in aligning the Code of Conduct to the section 28(1) principles on the 9 January 2012. However, members may of course suggest amendments to the Code if they consider that sufficient emphasis is not placed upon the section 28(1) principles.
14. I have been asked to consider how to eliminate the need to use FOI requests for councillors to obtain council information. So far as I am aware this issue is specific to one parish council only. Information held by parish councils is held by the council as a corporate body. Parish councils are subject to the Freedom of Information Act, Environmental Information Regulations and Data Protection Act. Even where information is exempt from disclosure to the public, councillors are entitled to information at common law on a "need to know" basis. This was the decision of the High Court in the case of Birmingham City Council – v - O. The district council has no power to enforce those rights.
15. Councils are creatures of statute. As such they are different from natural persons. Natural persons may legally do anything which the law does not prohibit them from doing. Statutory bodies can only do what the law gives them the power to do. I have considered very carefully the powers of councils.

There are numerous statutes giving local authorities power to do various things. However, the only power with regard to standards is that contained in Part 1, chapter 7 of the Act. This does not contain any power to exercise any control over parish councils as opposed to individual parish councillors. Section 27(2) of the 2011 is clear that the Code of Conduct is that which is “expected of members and co-opted members of the authority when they are acting in that capacity”.

16. I have considered section 111 of the Local Government Act 1972. This empowers a local authority to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of their functions. The courts have held that this power only exists in relation to primary functions of an authority. It is no part of the functions of a district council to hold a parish council to account (as opposed to parish councillors) nor is it part of the functions of the district council to enforce the legislation relating to the disclosure of information. That is the function of the Information Commissioner. Section 111 of the 1972 Act is therefore of no avail.
17. I have also considered the power of general competence contained in section 1 of the Localism Act 2011. This again does not assist. The power of general competence is power to do anything that individuals generally may do. Individuals have no control over parish councils. The section will not therefore empower the district council to take action in respect of the failure on the part of a parish council to disclose information. In the event that a parish council resolved not to disclose information which it would be obliged to disclose under legislation, then there would be a strong case that the members who voted for such a proposal had brought the council into disrepute by lessening the public confidence in the ability of the council to perform its functions as such. However, such a finding would not secure the release of the information. All the Standards Committee could do would be to censure the members concerned and that could only be achieved if the council concerned had delegated the power to impose sanctions to the district council. Only 14 of the 54 councils in the district have delegated that power.
18. Under our procedures matters which should be dealt with elsewhere would not be the subject of an investigation. Complaints to the Information Commissioner are the appropriate way forward where a parish council refuses to release information. If a parish council purports to rely upon an exemption then that can also be challenged with the Information Commissioner. The Information Commissioner does have power to compel parish councils to release information which ought to be released.
19. I have been asked to consider the area of sanctions. As mentioned in the preceding paragraph, local authorities are creature of statute and have no power to impose sanctions as there is no statutory power to do so. s.28(7) of the Act makes it clear that failure to comply with a Code of Conduct may only be dealt in accordance with arrangements adopted by the authority under the Act which do not include power of imposing a sanction. It has been suggested that the council could “require convicted councillors to remind their council of the ruling against them at the start of each meeting”. Whilst that provision could be written into the Code of Conduct there can be no sanction (other than

a censure) for failing to do so. The government's view was that the ultimate determination on the fate of councillors should lie with the electorate. The only sanction completely within the Standards Committee's control is a censure. Anything else is limited to a recommendation with no sanction for the failure to adopt the recommendation.

20. It had been suggested there should be a comprehensive set of procedures to follow with no deviations. I would invite members to consider the procedures currently in place and determine whether they consider the same to be adequate. It has further been suggested that transcripts of telephone witness statements must be sent to the person to sign to say it is a true record of what was said and that no unsigned or uncorroborated letters should be included. There is no objection to including in the procedure a requirement that transcripts of telephone witness statements should be sent to the witness for approval. However, I would suggest that it would not be appropriate to have a rule that unsigned or uncorroborated letters should not be included in evidence before the committee. It is important the committee has all the evidence which is available to it. In my experience where statements have been sent to witnesses for approval, they are frequently not returned, no further comment is made and nothing further is heard from the witness. The weight which is given to such evidence is entirely a matter for the committee. However, in my view it would be wrong to exclude the consideration of that evidence from the deliberations. Such evidence is legally admissible and I can see no good grounds in law for excluding it.
21. It has been suggested that a decision as to whether or not to investigate a complaint should be taken by two independent members of the Standards Committee as well as the Monitoring Officer as opposed to one independent person and the Monitoring Officer as at present. It is suggested this will make the process more transparent.
22. Under the 2011 Act the council must take the views of an independent person before it reaches a decision on an allegation of a breach of the Code of Conduct it has decided to investigate. This is the role of attending the committee when receiving a report from an investigating officer. The Act also provides that the district council may seek the views of an independent person in other circumstances. Our procedure provides for the independent person to be involved with me in considering whether or not a complaint should be investigated. Finally the Act provides that an independent person must be available for a subject member to seek his or her views. These are three distinct functions which give rise to potential conflicts of interest. For that reason when a complaint is received one independent member will work with me on determining whether to investigate the complaint; a further independent member will be assigned to be available to the subject member and the third independent person will be assigned to give his or her views to the committee in the event that a hearing is required. These allocations are made in strict rotation. If two independent persons were to take part in the assessment process rather than one, then additional independent members would be required to ensure that a conflict of interest does not arise although the appointment of additional independent persons may reduce their workload to

the extent that the role becomes unattractive to those in office. Doubtless the independent members will express a view on this issue.

23. I would remind members of the fact that the criteria against which complaints are assessed are published in our procedures and are therefore transparent. In the event that the independent person and I both agree that a complaint should or should not be investigated, then clearly there is no issue. If there were to be a difference of views our protocol is that should I determine that a complaint should be investigated, then I may override the views of the independent person who considers it should not. In the event that I consider a complaint should not be investigated but the independent person disagrees with me, then I have an option of either carrying out an investigation or referring the matter to the Standards Committee for consideration as to whether the matter should be investigated or not. In practice neither of these scenarios has ever come about. It is right to say that on occasions independent persons and I have disagreed at the outset but after discussion we have always reached a consensus. Where a decision is taken not to investigate then the complainant is informed of our reasons.
24. It has been suggested there should be proper compulsory training sessions for all councillors and that both district and parish councillors should attend at least one session when elected and when re-elected. Whilst I agree wholeheartedly with the sentiment it is entirely unenforceable. Councillors are not employees of their council but answerable to their electorate, not their councils. It will be possible to include a provision in the Code of Conduct requiring councillors to undergo training. Any councillor who failed to do so would then be in breach of that provision of the Code of Conduct. However, as has been previously illustrated all that the Standards Committee could do in such circumstances would be to censure the member concerned.
25. Finally I wish to comment upon the status of the independent persons. This council has always held the independent persons in the highest regard illustrated by the fact that the council appointed an independent person to be the chairman of the Standards Committee long before it was obliged to do so. Personally I find it highly regrettable that independent persons may not be voting members of the Standards Committee. That sentiment was certainly shared by the elected members of the former Standards Committee and I believe is shared by the current membership. In our representations to the government on the Localism Bill we lobbied for both voting independent members and an independent chairman. However s.28(8) of the Act provides that a person is not independent if they are a member or co-opted member of the authority. s.27(4) of the Act defines a co-opted member as someone who is not a member (i.e. not elected) but who is a member of a committee or sub-committee who is entitled to vote. Thus if the independent members were voting members of the Standards Committee this would disqualify them from being independent persons. As a chairman must have as a minimum a casting vote it follows that the council is also not permitted to have an independent chairman.

Risk Analysis

26. As the task group is not a decision making body, but is limited to making recommendations to the Standards Committee, there are no risks attached to this report.

Status: Law In Force

Local Government Act 1972 c. 70

Part VII MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Subsidiary powers

111.— Subsidiary powers of local authorities.

(1) Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

(2) For the purposes of this section, transacting the business of a parish or community meeting or any other parish or community business shall be treated as a function of the parish or community council.

(3) A local authority shall not by virtue of this section raise money, whether by means of rates, precepts or borrowing, or lend money except in accordance with the enactments relating to those matters respectively.

(4) In this section "local authority" includes the Common Council.

Status: Law In Force

Localism Act 2011 c. 20

Part 1 LOCAL GOVERNMENT

Chapter 1 GENERAL POWERS OF AUTHORITIES

1 Local authority's general power of competence

(1) A local authority has power to do anything that individuals generally may do.

(2) Subsection (1) applies to things that an individual may do even though they are in nature, extent or otherwise—

(a) unlike anything the authority may do apart from subsection (1), or

(b) unlike anything that other public bodies may do.

(3) In this section "*individual*" means an individual with full capacity.

(4) Where subsection (1) confers power on the authority to do something, it confers power (subject to [sections 2 to 4](#)) to do it in any way whatever, including—

(a) power to do it anywhere in the United Kingdom or elsewhere,

(b) power to do it for a commercial purpose or otherwise for a charge, or without charge, and

(c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.

(5) The generality of the power conferred by subsection (1) ("the general power") is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power.

(6) Any such other power is not limited by the existence of the general power (but

see [section 5\(2\)](#)).

(7) [Schedule 1](#) (consequential amendments) has effect.

Crown Copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland

Localism Act 2011 c. 20

Part 1 LOCAL GOVERNMENT

Chapter 7 STANDARDS

26 Amendments of existing provisions

Schedule 4 (which amends the existing provisions relating to the conduct of local government members and employees in England and makes related provision) has effect.

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.

(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,

[...] ¹

(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,

[...] ²

(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.

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.

(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.

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).

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).

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, subcommittee, 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.

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.

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.

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”.

35 Delegation of functions by Greater London Authority

(1) The Mayor of London and the London Assembly, acting jointly, may arrange for any of the functions conferred on them by or under this Chapter to be exercised on their behalf by—

(a) a member of staff of the Greater London Authority, or

(b) a committee appointed in accordance with provision made by virtue of this section.

(2) Standing orders of the Greater London Authority may make provision regulating the exercise of functions by any member of staff of the Authority pursuant to arrangements under subsection (1).

(3) Standing orders of the Greater London Authority may make provision for the appointment of a committee (“the standards committee”) to exercise functions conferred on the Mayor of London and the London Assembly by or under this Chapter in accordance with arrangements under subsection (1).

(4) Standing orders of the Greater London Authority may make provision about the membership and procedure of the standards committee.

(5) The provision that may be made under subsection (4) includes—

(a) provision for the standards committee to arrange for the discharge of its functions by a sub-committee of that committee;

(b) provision about the membership and procedure of such a subcommittee.

(6) Subject to subsection (7), the standards committee and any sub-committee of that committee—

(a) is not to be treated as a committee or (as the case may be) subcommittee

of the London Assembly for the purposes of the Greater London Authority Act 1999, but

(b) is a committee or (as the case may be) sub-committee of the Greater London Authority for the purposes of Part 3 of the Local Government Act 1974 (investigations by Commission for Local Administration in England).

(7) Sections 6(3)(a) (failure to attend meetings) and 73(6) (functions of monitoring officer) of the Greater London Authority Act 1999 apply to the standards committee or any sub-committee of that committee as they apply to a committee of the London Assembly or any sub-committee of such a committee.

(8) Part 5A of the Local Government Act 1972 (access to meetings and documents) applies to the standards committee or any sub-committee of that committee as if—

(a) it were a committee or (as the case may be) a sub-committee of a principal council within the meaning of that Part, and

(b) the Greater London Authority were a principal council in relation to that committee or sub-committee.

(9) Arrangements under this section for the exercise of any function by—

(a) a member of staff of the Greater London Authority, or

(b) the standards committee,

do not prevent the Mayor of London and the London Assembly from exercising those functions.

(10) References in this section to the functions of the Mayor of London and the London Assembly conferred by or under this Chapter do not include their functions under this section.

(11) In this section "*member of staff of the Greater London Authority*" has the same meaning as in the Greater London Authority Act 1999 (see section 424(1) of that

Act).

36 Amendment of section 27 following abolition of police authorities

In section 27(6) (which defines "*relevant authority*" for the purposes of this Chapter) omit—

(a) paragraph (f) (the Metropolitan Police Authority), and

(b) paragraph (k) (police authorities).

37 Transitional provision

(1) An order under section 240(2) may, in particular, provide for any provision made by or under Part 3 of the Local Government Act 2000 to have effect with modifications in consequence of any partial commencement of any of the amendments to, or repeals of, provisions of that Part made by Schedule 4.

(2) An order under section 240(2) may, in particular, make provision for an allegation or a case that is being investigated under Part 3 of the Local Government Act 2000 by the Standards Board for England or an ethical standards officer—

(a) to be referred to an authority of a kind specified in or determined in accordance with the order;

(b) to be dealt with in accordance with provision made by the order.

(3) The provision that may be made by virtue of subsection (2)(b) includes—

(a) provision corresponding to any provision made by or under Part 3 of the Local Government Act 2000;

(b) provision applying any provision made by or under that Part with or without modifications.

Crown Copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland

Localism Act 2011 c. 20

Part 1 LOCAL GOVERNMENT

Chapter 7 STANDARDS

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.

(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—

(b) a district council,

(d) a parish council,

(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.

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.

(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;

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,

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

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).

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, subcommittee, 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.

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.

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.

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".

Crown Copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland