
CHAPTER 4

PREDETERMINATION

- 13 Prior indications of view of a matter not to amount to predetermination etc** 20
- (1) Subsection (2) applies if –
- (a) as a result of an allegation of bias or predetermination, or otherwise, there is an issue about the validity of a decision of a relevant authority, and
 - (b) it is relevant to that issue whether the decision-maker, or any of the decision-makers, had or appeared to have had a closed mind (to any extent) when making the decision. 25
- (2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because –
- (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and 30
 - (b) the matter was relevant to the decision.
- (3) Subsection (2) applies in relation to a decision-maker only if that decision-maker – 35
- (a) is a member (whether elected or not) of the relevant authority, or
 - (b) is a co-opted member of that authority.
- (4) In this section –
- “co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who – 40
 - (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 the committee or sub-committee;
- “decision”, in relation to a relevant authority, means a decision made in discharging functions of the authority, functions of the authority’s executive, functions of a committee of the authority or functions of an officer of the authority (including decisions made in the discharge of any of those functions otherwise than by the person to whom the function was originally given); 5
- “elected mayor” has the meaning given by section 9H or 39 of the Local Government Act 2000; 10
- “member” –
- (a) in relation to the Greater London Authority, means the Mayor of London or a London Assembly member, and
 - (b) in relation to a county council, district council, a county borough council or London borough council, includes an elected mayor of the council; 15
- “relevant authority” means –
- (a) a county council,
 - (b) a district council,
 - (c) a county borough council, 20
 - (d) a London borough Council,
 - (e) the Common Council of the City of London,
 - (f) the Greater London Authority,
 - (g) a National Park authority,
 - (h) the Broads Authority, 25
 - (i) the Council of the Isles of Scilly,
 - (j) a parish council, or
 - (k) a community council.
- (5) This section applies only to decisions made after this section comes into force, but the reference in subsection (2)(a) to anything previously done includes things done before this section comes into force. 30

CHAPTER 5

STANDARDS

14 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. 35

15 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. 40
- (2) 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.
- (3) The reference in subsection (2) 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. 5
- (4) In this Chapter “relevant authority” means –
- (a) a county council in England,
 - (b) a district council, 10
 - (c) a London borough council,
 - (d) a parish council,
 - (e) the Greater London Authority,
 - (f) the Metropolitan Police Authority,
 - (g) the London Fire and Emergency Planning Authority, 15
 - (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, 20
 - (k) a police authority (in England or in Wales) established under section 3 of the Police Act 1996,
 - (l) a joint authority established by Part 4 of the Local Government Act 1985, 25
 - (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. 30
- (5) 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. 35
- (6) 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.
- (7) Functions that are conferred by this Chapter on the Greater London Authority are to be exercisable by the London Assembly acting on behalf of the Authority. 40
- 16 Voluntary codes of conduct**
- (1) A relevant authority may 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 (referred to in this section as a “code of conduct”). 45

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- (2) A relevant authority may –
- (a) revise its existing code of conduct,
 - (b) adopt a code of conduct to replace its existing code of conduct, or
 - (c) withdraw its existing code of conduct without replacing it.
- (3) If a written allegation is made to a relevant authority that a member or co-opted member of the authority has failed, or may have failed, to comply with its code of conduct, it must – 5
- (a) consider whether it is appropriate to investigate the allegation, and
 - (b) if it decides that an investigation is appropriate, investigate the allegation in such manner as it thinks fit. 10
- (4) 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 this section) it may have regard to the failure in deciding –
- (a) whether to take action in relation to the member or co-opted member, and 15
 - (b) what action to take.
- (5) A relevant authority may publicise its adoption, revision or withdrawal of a code of conduct in any manner that it considers appropriate.
- (6) A relevant authority’s function of adopting, revising or withdrawing a code of conduct under this section may be discharged only by the authority. 20
- (7) 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; 25
 - (b) in the case of the Greater London Authority, the function is not a function to which section 54 of the Greater London Authority Act 1999 (discharge of Assembly functions by committees or single members) applies.
- 17 Disclosure and registration of members’ interests 30**
- (1) The Secretary of State may by regulations make provision for or in connection with requiring the monitoring officer of a relevant authority to establish and maintain a register of interests of the members and co-opted members of the authority.
- (2) Regulations under this section may, in particular, make provision – 35
- (a) specifying the financial and other interests that are to be registered in the register;
 - (b) requiring any member or co-opted member of a relevant authority who has an interest of a specified kind to disclose that interest before taking part in business of the authority relating to the interest; 40
 - (c) preventing or restricting the participation of a member or co-opted member of a relevant authority in any business of the authority to which an interest disclosed by virtue of paragraph (b) relates;
 - (d) for a relevant authority to grant dispensations in specified circumstances from a prohibition imposed by virtue of paragraph (c); 45

- (e) about the sanctions that a relevant authority may impose on a member or co-opted member for failure to comply with regulations under this section;
 - (f) requiring a relevant authority to make copies of the register available to the public and to inform the public that copies are available. 5
- (3) The provision that may be made by virtue of subsection (2)(e) does not include provision –
 - (a) for the suspension or partial suspension of a person from being a member or co-opted member of the authority, or
 - (b) for the disqualification of a person for being or becoming (by election or otherwise) a member or co-opted member of that or any other relevant authority. 10
- (4) The reference in subsection (1) to a monitoring officer of a relevant authority includes, in relation to a relevant authority that is a parish council, such person as may be specified. 15
- (5) In this section “specified” means specified in regulations under this section.

18 Offence of breaching regulations under section 17

- (1) A person who is a member or co-opted member of a relevant authority commits an offence if, without reasonable excuse, the person –
 - (a) fails to register a financial or other interest in accordance with regulations under section 17, 20
 - (b) fails to disclose an interest of a kind specified in such regulations in accordance with such regulations before taking part in business of the authority relating to the interest, or
 - (c) takes part in business of the authority to which an interest disclosed by virtue of such regulations relates contrary to a prohibition or restriction imposed by such regulations. 25
- (2) 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.
- (3) Where a person is convicted of an offence under this section, the court may 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. 30
- (4) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions. 35
- (5) 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.
- (6) 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. 40
- (7) 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 45

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.

19 Amendment of section 15 following abolition of police authorities

In section 15(4) (which defines “relevant authority” for the purposes of this Chapter) omit –

- (a) paragraph (f) (the Metropolitan Police Authority), and
- (b) paragraph (k) (police authorities).

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20 Transitional provision

(1) An order under section 206(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.

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(2) An order under section 206(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 –

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- (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 –

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- (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.