

[2007] No. [xxx]

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Model Code of Conduct) Order [2007]

<i>Made</i> - - - -	.xxx
<i>Laid before Parliament</i>	.xxx
<i>Coming into force</i> - -	.xxx

The Secretary of State for Communities and Local Government makes the following Order in exercise of the powers conferred by sections 50(1) and (4), 81(2) and (3), and 105(2), (3) and (4) of the Local Government Act 2000^(a).

The Secretary of State has consulted in accordance with section 50(5) of that Act.

The Secretary of State is satisfied that this Order is consistent with the principles for the time being specified in an order under section 49 of that Act.

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Local Authorities (Model Code of Conduct) Order [2007] and comes into force on [xxx].

(2) This Order applies—

- (a) in relation to police authorities in England and Wales; and
- (b) in relation to the following authorities in England—
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) a parish council;
 - (v) the Greater London Authority;
 - (vi) the Metropolitan Police Authority;
 - (vii) the London Fire and Emergency Planning Authority;
 - (viii) the Common Council of the City of London;
 - (ix) the Council of the Isles of Scilly;
 - (x) a fire and rescue authority;
 - (xi) a joint authority;
 - (xii) the Broads Authority; and

^(a) 2000 c.22.

(xiii) a National Park authority,
and references to “authority” are construed accordingly.

Model Code of Conduct

2.—(1) The Secretary of State here issues a model code as regards the conduct which is expected of members and co-opted members of authorities and that code is set out in the Schedule to this Order.

(2) Subject to paragraphs (3) to (6), all the provisions of the model code in the Schedule to this Order are mandatory.

(3) The following provisions of the model code in the Schedule are not mandatory for authorities which are not operating executive arrangements—

- (a) sub-paragraph (b) in the definition of “meeting”;
- (b) the words “or its executive’s” and “, or area committees” in the definition of “meeting”;
and
- (c) paragraphs 8(6), 8(7)(b), 10, 11(1)(b) and 11(2).

(4) The following provisions of the model code in the Schedule are not mandatory for police authorities, the Greater London Authority, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, a fire and rescue authority and a joint authority—

- (a) sub-paragraph (b) in the definition of “meeting”;
- (b) the words “or its executive’s” and “, or area committees” in the definition of “meeting”;
and
- (c) paragraphs 5(b)(iii), 8(6), 8(7)(b), 9(2)(b)(i), 9(2)(b)(ii), 10, 11(1)(b) and 11(2).

(5) The following provisions are not mandatory for parish councils—

- (a) sub-paragraph (b) in the definition of “meeting”;
- (b) the words “or its executive’s” and “, or area committees” in the definition of “meeting”;
and
- (c) paragraphs 6, 8(6), 8(7)(b), 9(2)(b)(i), 9(2)(b)(ii), 10, 11(1)(b) and 11(2).

(6) The following provisions are not mandatory for a National Parks authority and the Broads Authority—

- (a) sub-paragraph (b) in the definition of “meeting”;
- (b) the words “or its executive’s” and “, or area committees” in the definition of “meeting”;
and
- (c) paragraphs ~~2(3), 7(c)(aa) and (bb)~~, 8(6), 8(7)(b), 9(2)(b)(i), 9(2)(b)(ii), ~~9(2)(vii)~~, 10, 11(1)(b) and 11(2).

Disapplication

3. Where an authority has adopted a code of conduct or such a code applies to it, the following shall, where applicable to the authority, be disapplied as respects that authority—

- (a) sections 94 to 98 and 105 to the Local Government Act 1972;
- (b) section 30(3A) of the Local Government Act 1974;
- (c) regulations made or code issue under section 19 and 31 of the Local Government and Housing Act 1989;
- (d) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995;
- (e) in section 17 of the Audit Commission Act 1998, subsections (1)(b), (3), (5)(b), (7) and (8) and in subsection (2), the words “subject to subsection (3)” and paragraphs (a) and (b);
- (f) section 18 of the Audit Commission Act 1998; and

(g) any guidance issued under section 66 of the Greater London Authority Act 1999.

Revocation, ~~amendments~~ and savings

4.—(1) Subject to paragraph ~~(2)~~, the following orders are revoked—

- (a) the Local Authorities (Model Code of Conduct) (England) Order 2001~~(a)~~;
- (b) the Parish Councils (Model Code of Conduct) Order 2001~~(b)~~;
- (c) the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001~~(c)~~;
- (d) the Police Authorities (Model Code of Conduct) Order 2001~~(d)~~.

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(2) The Orders referred to in paragraph (1) continue to have effect for the purposes of and for purposes connected with—

- (a) the investigation of any written allegation under Part 3 of the Local Government Act 2000, where that allegation was made before the date when, pursuant to section 51 of that Act—
 - (i) the authority adopts a code of conduct incorporating the mandatory provisions of the model code of conduct in the Schedule to this Order in place of their existing code of conduct;
 - (ii) the authority revises their existing code of conduct to incorporate the mandatory provisions of the model code of conduct in the Schedule to this Order; or
 - (iii) the mandatory provisions of the model code of conduct in the Schedule to this Order apply to members or co-opted members of the authority under section 51(5)(b) of that Act;
- (b) the adjudication of a matter raised in such an allegation; and
- (c) an appeal against the decision of an interim case tribunal or case tribunal in relation to such an allegation.

(3) <The Local Authorities (Dispensation powers delegated to Standards Committees) Regulations 2003 > - actual title & date to be double-checked - is amended to incorporate a new power for Standards Committees to permit them to grant dispensation(s) to elected members in accordance with the Code of Conduct for Members set out in the Schedule to this Order.

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Signed on behalf of the Secretary of State for Communities and Local Government

[Date]

Name
[Minister for.....]
Department for Communities and Local Government

-
- (a) S.I. 2001/3575.
 - (b) S.I. 2001/3576.
 - (c) S.I. 2001/3577.
 - (d) S.I. 2001/3578.

SCHEDULE

THE MODEL CODE OF CONDUCT

[Comment: ACSeS would prefer the Revised Code to be drafted in the second person imperative (ie. you/your), as the current draft is most impersonal. Our suggested approach will also shorten the number of words and eliminate the 'his/her' type drafting provisions].

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PART 1

General Provisions

Interpretation

In this Code—

“meeting” means any meeting of—

- (a) the authority including meetings with members or officers of the authority which are arranged by or on behalf of the authority;
- (b) the executive of the authority;
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and, for the avoidance of doubt, any executive member;

“the authority’s monitoring officer”, in relation to parish councils, is construed as referring to the monitoring officer of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(2) of the Local Government Act 2000; and

“the authority’s standards committee”, in relation to parish councils, is construed as referring to the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(2) of the Local Government Act 2000.

“friend” means...(must include dependents and not just natural family members and should cover the negatives aspects re enemies)

“family” means...

“close personal or business association” means...

“bully” means ...(must include one-off action(s)/inaction(s) and a series of action(s)/inaction(s)

“public service interests” means..

“relates to” means....

“relevant authority” has the meaning given by section 49(6) of the Local Government Act 2000

“regulatory function” means any function relating to town and country planning, licensing and registration or health and safety at work mentioned in sub paragraphs (1) to (4) of Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 or the determination of any other approval, consent, licence, permission or registration in relation to that body.

“acts as a representative” includes any activity for or in connection with a body to which the member has been appointed or nominated ~~as a representative of the authority~~

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Scope

- 1.—(1) A member must comply with the authority's code of conduct whenever he or she—
- (a) conducts or purports to conduct the business of the authority;
 - (b) conducts the business of the office to which he or she is elected or appointed;
 - (c) acts as a representative of the authority,

and references to a member's official capacity is construed accordingly.

(2) An authority's code of conduct does not, apart from paragraphs 2(2)(c), 4 and 5(a), have effect in relation to the activities of a member undertaken other than in an official capacity.

(3) Where a member acts as a representative of the authority—

- (a) on another relevant authority, he or she must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, he or she must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

2.—(1) A member must treat others with respect.

(2) A member must not—

- (a) do anything which prejudices his or her authority's ability to comply with any of its statutory duties under the equality enactments (as defined in section 33 of the Equality Act 2006) and must, at all times, endeavour to promote equality of opportunity for all;
- (b) bully (which includes harassment and/or victimisation of) any person;
- (c) in his or her official capacity, or any other circumstance, intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) conducting or involved in the administration of any complaint, investigation or proceedings,
in relation to an allegation that a member has failed to comply with his or her authority's code of conduct;
- (d) do anything which compromises or is likely to compromise the impartiality of those who provide services to, work for, or act on behalf of, the authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who represent or work for, or on behalf of, the authority are deemed to include a police officer.

3. (1) A member must not—

- (a) disclose information given to him or her in confidence by anyone, or information acquired which he or she believes is or ought reasonably to be aware of a confidential nature, except where—
 - (i) he or she has consents from persons authorised to give them;
 - (ii) he or she is required by law or by an order of any court or tribunal to do so;
 - (iii) subject to paragraph 3(a)(iv)(bb), the disclosure is made to a third party on a confidential basis to enable the member to discharge his or her functions effectively;
or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and

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- (bb) made in good faith and only after compliance with any reasonable requirements of the authority;
- (b) prevent another person from gaining access to information to which that person is entitled by law.

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(2) In determining whether or not disclosure falls within sub-paragraphs (1) (a) (i), (ii) or (iii) the member shall have regard to any relevant guidance issued by the Standards Board for England;

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4.—(1) A member must not in his or her official capacity, or any other circumstance, conduct himself or herself in a manner which could reasonably be regarded as bringing his or her office or authority into disrepute.

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(2) Without prejudice to the generality of paragraph (1), the misconduct may include:-

- (a) a criminal act or offence including one committed by the member before taking office but for which he or she is not convicted or cautioned until after that date; or
- (b) a judicial finding that the member failed to apply the rules of natural justice relating, in particular to bias or apparent bias, in taking a decision or taking part in making a decision in his or her official capacity.

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(3) A member must disclose any criminal act, offence, caution or judicial finding covered by this paragraph to the monitoring officer within 28 days of the relevant event.

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5. A member—

- (a) must not in his or her official capacity, or any other circumstance, use or attempt to use his or her position as a member improperly to confer on or secure for himself or herself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources and facilities of the authority or resources and facilities over which the authority exercises control or influence—
 - (i) act in accordance with the authority’s requirements;
 - (ii) ensure that such resources and facilities are not used improperly for political purposes (including party political purposes); and
 - (iii) have regard, if adopted by the authority, to any Local Authority Code of Publicity issued or updated by the Local Government Association (or any successor body to it).

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6. A member must when reaching decisions—

- (a) have regard to any relevant advice provided to him or her or, generally, to members, by—
 - (i) the authority’s chief finance officer (or Deputy); and / or
 - (ii) the authority’s monitoring officer (or Deputy); and/or
 - (iii) the clerk to the parish or town council.
- (b) have regard to the rules of natural justice and the ten General Principles of Public Life (including human rights, bias, predetermination and predisposition considerations), give the reasons for those decisions, where relevant, in accordance with the authority’s and any statutory requirements.

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PART 2

Interests

[Comment: It might be useful to bring all the provisions re public service interests under a new paragraph to ease application / understanding on such matters]

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Personal interests

7. A member has a personal interest in any matter where—

(a) it relates to—

- (i) any employment or business carried on by the member;
- (ii) any person who employs or has appointed the member;
- (iii) any person, other than a relevant authority, who has made a payment to the member in respect of his or her election or any expenses incurred by him or her in carrying out his or her duties;
- (iv) any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body (whichever is the lower);
- (v) any contract for goods, services or works made between the authority and the member or a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a body of the description specified in paragraph (iv);
- (vi) ~~a person or matter connected with a gift or hospitality offered or accepted by the member which exceeds an estimated value of £25;~~
- (vii) any land in the authority's area in which the member has a beneficial interest;
- (viii) any land where the landlord is the authority and the tenant is the member or a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a body of the description specified in paragraph (iv);
- (ix) any land in the authority's area in which the member has a licence (alone or jointly with others) to occupy for 28 days or longer;

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(b) it relates to ~~a~~—

- (i) body to which the member is appointed or nominated ~~as a representative of~~ the authority;
- (ii) public authority or body exercising functions of a public nature;
- (iii) company, industrial and provident society, charity, or body directed to charitable purposes;
- (iv) body whose principal purposes include the influence of public opinion or policy, including any political party; ~~or~~
- (v) trade union or professional association;

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~~of which he or she, save for paragraph 7(b)(i), exercises a position of general control or management in relation to the same;~~ or

(c) a decision on the matter might reasonably be regarded as affecting the well-being or financial position of—

- (i) the member, one ~~or more~~ of the member's ~~immediate~~ family, ~~or~~ any person with whom the member has a close personal ~~or business~~ association ~~or friendship~~; or
- (ii) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; ~~or~~
- (iii) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; ~~or~~

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to a greater extent than:—

- (aa) in the case of authorities with electoral divisions or wards, other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- (bb) in the case of the Greater London Authority, other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision;
- (cc) ~~in the case of independent or co-opted members, members of any police authority or member of an authority that does not have electoral divisions or wards, other inhabitants of the authority's or parish's area affected by the decision.~~
- (dd) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Deleted: <#>any body listed in paragraphs (i) to (v) of sub-paragraph (b) in which such persons hold a position of general control or management,¶

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Disclosure of personal interests

8.—(1) Subject to sub-paragraphs (2) to (7), a member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) A member with a personal interest in a matter which is a public service interest, need only disclose to that meeting the existence and nature of that interest when he or she intends to vote, addresses or proposes to address the meeting on that matter.

(3) A member with a personal interest of the type mentioned in paragraph 7(a)(vi) need not:-

(a) disclose the nature or existence of that interest to the meeting if the interest was registered more than two years before the date of the meeting; or

(b) make an oral declaration at any meeting of any gift or hospitality offered or accepted that does not exceed £100, provided that any gift or hospitality amounting to or exceeding £25 must be declared in writing to the monitoring officer, pursuant to paragraph 12, within 28 days of the gift or hospitality being offered or accepted.

(4) In relation to a personal interest of a family member, or any person with whom the member has a close personal or business association or friendship, sub-paragraph (1) does not apply if the member can reasonably establish that he or she was not aware of (or ought not to be reasonably aware of) the interest.

(5) Where, by virtue of paragraph 13, sensitive information relating to a member is not registered in the authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000), a member with a personal interest must indicate to the meeting that he or she has a personal interest, but need not disclose the sensitive information to that meeting.

(6) Subject to paragraph 11(1)(b), a member with a personal interest in any matter who has made an executive decision in relation to that matter must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph and paragraphs 9 and 11:-

(a) subject to paragraph 9(2)(a), a member has a public service interest in a matter where that matter relates to—

(i) another authority of which he or she is a member; or

(ii) another public authority or body exercising functions of a public nature in which he or she holds a position of general control or management; or

(iii) a body to which he or she is appointed or nominated to represent the authority; or

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~~(iv) an industrial and provident society, charity or body directed to charitable purposes of which he or she is a member and exercises general control or management over the same.~~

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(b) "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 ~~or in accordance with any other legislation permitting the executive to take a decision.~~

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Prejudicial interests

9.—(1) Subject to sub-paragraphs (2) and (3), a member with a personal interest in a matter also has a prejudicial interest in that matter where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

(2) A member does not have a prejudicial interest in a matter where—

(a) he or she has a public service interest in the matter, unless—

(i) the matter relates to the financial affairs of the body to which that public service interest relates; or

(ii) the matter relates to the determination of ~~for example, any approval, variation, consent, indemnities, insurance, grant, loan, mortgage, licence, permission, registration in relation to that body or enforcement / regulatory functions; or~~

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(iii) participation in the matter would, otherwise, amount to bias or apparent bias.

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(b) that matter relates to the functions of the authority in respect of—

(i) housing, where he or she (or any member of his or her family or any person with whom he or she has a close personal or business association or friendship) is a tenant of the authority provided that those functions do not relate particularly to the member's tenancy or lease;

(ii) school meals, transport and travelling expenses, where the member (or any member of his or her family or any person with whom he or she has a close personal or business association or friendship) is a guardian or parent of a child in full time education, or is a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member (or any member of his or her family or any person with whom he or she has a close personal or business association or friendship) is in receipt of, or is entitled to the receipt of such pay from a relevant authority;

(iv) an allowance or payment made under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989;

(v) an indemnity given under section 265 of the Public Health Act 1875, section 111 of the Local Government Act 1972, or an order made under section 101 of the Local Government Act 2000;

(vi) considering the bestowing of the title of freeman or honorary alderman, or any other ceremonial honour, on the member; and

(vii) setting council tax or a precept under the Local Government Finance Act 1992.

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~~(c) the authority's standards committee grants a general dispensation for all or any member(s), where:-~~

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~~(i) a member purports to exercise a right already granted by his or her local authority to member(s) of the public to attend a meeting for the purpose of making representations, answering questions or giving evidence relating to the matter.~~

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- (ii) after making any such representations, answering questions or giving evidence, the member withdraws from the room where the meeting is being held for the decision-making on that item; and/or
- (iii) the member attends the meeting to hear any decision, along with the reasons, of the committee on the relevant matter.

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Overview and scrutiny committees

10.—(1) Subject to paragraph (2), a member has a prejudicial interest where he or she is involved in the consideration of a matter at a meeting of an overview and scrutiny committee of the authority or a sub-committee of such a committee and that consideration relates to a decision made (whether implemented or not), or action taken by—

- (a) the authority’s executive;
- (b) another of the authority’s—
 - (i) committees or sub-committees; or
 - (ii) joint committees or joint sub-committees,

other than an overview and scrutiny committee of which he or she is, or was at the time of the decision or action, a member and he or she was present for the consideration of that matter.

(2) Paragraph (1) does not apply where that member attends the meeting of the overview and scrutiny committee for the purpose of :-

- (a) answering questions or otherwise giving evidence relating to that executive decision or action and, after making representations, answering questions or giving evidence, the member shall withdraw from the room where the meeting is being held for the decision-making on that item, unless the committee agrees otherwise; and / or
- (b) hearing any decision, along with the reasons, of the committee on the relevant matter.

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Participation in relation to prejudicial interests

11.—(1) Subject to sub-paragraph (2), a member with a prejudicial interest in a matter must—

- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he or she is able to rely upon an exception in this Code of Conduct or a dispensation granted by the authority’s standards committee;
- (b) not exercise executive functions in relation to that matter; and
- (c) not seek improperly to influence a decision about that matter.

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(2) A member with a prejudicial interest in a matter may, unless that interest is of a financial nature or of the type described in paragraph 10, participate in a meeting of the authority’s—

- (a) overview and scrutiny committees; and
- (b) joint or area committees,

to the extent that such committees are not exercising regulatory functions of the authority or functions of its executive.

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<#>any of the matters referred to in paragraph 8(7)(a); or¶
<#>a charity, a lobbying or philanthropic body of which he or she is a member.¶

PART 3

Registration of Members’ Interests

Registration of Members’ Interests

12.—(1) A member must, within 28 days of—

(i) the provisions of an authority’s code of conduct being adopted or applied to that authority; or

(ii) his or her election or appointment to office (where that is later), and

(iii) register in the authority’s register of members’ interests (maintained under section 81(1) of the Local Government Act 2000) any personal interest of the type mentioned in paragraph 7(a) or (b), and any gift or hospitality over the value of £25 received by the member, by providing written notification to the authority’s monitoring officer

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(2) A member must, within 28 days of becoming aware of any new personal interest or a change to any personal interest registered under in paragraph (1), register that new personal interest or change by providing written notification to the authority’s monitoring officer.

(3) Sub-paragraphs (1) and (2) do not apply to sensitive information in relation to which the member has made an application under paragraph 13 and which has been agreed by the monitoring officer.

Sensitive information

13.—(1) Where a member considers that the availability for inspection by the public of information relating to any personal interest which, but for this paragraph, must be registered in the authority’s register of members’ interests creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to harassment, victimisation, violence or intimidation (in this Code referred to as “sensitive information”), the member may, only after the monitoring officer agrees in writing, not include that sensitive information on the register of members’ interests.

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(2) A member must, within 28 days of becoming aware of any change of circumstances which leads him or her to believe that information excluded from the authority’s register of members’ interests is no longer sensitive information (as defined in paragraph 13(1)), notify the authority’s monitoring officer of this fact and register the information concerned in the authority’s register of members’ interests.

EXPLANATORY NOTE

(This note is not part of the Order)

- NB: These paragraphs will need tweaking if the above tracked changes are agreed -

The Order contains a model code of conduct as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in England and Wales. Under section 51 of the Local Government Act 2000, each authority must adopt a code of conduct applying to its members and co-opted members which must incorporate any mandatory provisions of the model code. Under section 51(5) of that Act, where an authority does not adopt such a code within six months of the Order coming into force, the mandatory provisions of the model code will apply to the members of the authority until it does.

Article 1 provides that this Order applies to relevant authorities in England and police authorities in England and Wales.

Article 2 provides that a model code is set out in the Schedule to the Order, and states which of its provisions are mandatory.

Article 3 revokes—

the Local Authorities (Model Code of Conduct) (England) Order 2001(a);

(a) S.I. 2001/3575.

the Parish Councils (Model Code of Conduct) Order 2001(a);

the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001(b);

the Police Authorities (Model Code of Conduct) Order 2001(c).

These Orders continue to have effect in relation to allegations made before the date when the new code is adopted or applied to an authority.

The disapplication of certain enactments made by these Orders continues to have effect.

In the **Schedule to the Order**—

Paragraph 1 of the model code provides that the code applies whenever a member is acting in his or her official capacity, and that it does not apply in other circumstances unless otherwise indicated. Additionally, where a member is acting as a representative of his or her authority ([i.e. where the member is appointed or nominated by the authority on the basis that he or she shall act in the best interests of the authority](#)), he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 2 provides that members must treat others with respect and not do anything which compromises the impartiality of those who work for the authority or bully anyone or intimidate persons involved in code of conduct cases.

Paragraph 3 provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 4 provides that in a member's official capacity and in other circumstances, a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 5 provides that a member must not in his or her official capacity or in other circumstances use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's requirements and must not permit those resources to be used for political purposes.

Paragraph 6 provides that in reaching decisions a member must consider advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 7 provides a list of matters which constitute a personal interest in a matter.

Paragraph 8 provides that a member with a personal interest in a matter must disclose that interest at any meeting at which the matter is considered.

Paragraph 9 provides that a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his judgement of the public interest. The paragraph provides that in the circumstances specified a member may regard himself as not having a prejudicial interest.

Paragraph 10 provides that a member who was involved in making an executive decision on a matter must not be involved in the overview and scrutiny committee's consideration of that matter, except in order to answer questions from that committee.

(a) S.I. 2001/3576.
(b) S.I. 2001/3577.
(c) S.I. 2001/3578.

Paragraph 11 provides that a member with a prejudicial interest must, unless he has obtained a dispensation, withdraw from any meetings at which the matter is being considered, and must not improperly influence decisions in relation to the matter.

Paragraph 12 provides that a member must notify the monitoring officer of the personal interests and any change to those interests must also be notified.

Paragraph 13 provides that a member may notify the monitoring of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.