



# Local Government Act 2000

## 2000 CHAPTER 22

### PART III

#### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

### CHAPTER II

#### INVESTIGATIONS ETC: ENGLAND

#### *f<sup>1</sup>Written allegations*

#### Textual Amendments

- F1** Ss. 57A-57D and 58 substituted for s. 58 (31.1.2008 for specified purposes, 8.5.2008 in so far as not already in force) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 185, 245(5) (with s. 201); S.I. 2008/172, art. 6; S.I. 2008/1265, art. 2(a) (with art. 3)

#### **57A Written allegations: right to make, and initial assessment**

- (1) A person may make a written allegation to the standards committee of a relevant authority in England that a member or co-opted member (or former member or co-opted member) of that authority has failed, or may have failed, to comply with the authority's code of conduct.
- (2) Where a standards committee receives an allegation under subsection (1) it must—
  - (a) refer the allegation to the monitoring officer of the relevant authority concerned (see section 66),
  - (b) refer the allegation to the Standards Board for England (see section 58), or
  - (c) decide that no action should be taken in respect of the allegation.
- (3) Where an allegation under subsection (1) is in respect of a person who—

*Status: Point in time view as at 18/01/2010.*

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- (a) is no longer a member or co-opted member of the relevant authority concerned, but
  - (b) is a member or co-opted member of another relevant authority in England, the standards committee may, if it thinks it more appropriate than referring the allegation to the monitoring officer of the relevant authority concerned, refer the allegation to the monitoring officer of that other relevant authority.
- (4) If the standards committee decides that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing, to the person who made the allegation, of the decision and the reasons for the decision.
- (5) Subsections (2) to (4) are subject to any direction under section 57D.
- (6) The Standards Board for England—
- (a) without prejudice to section 54(6), may issue guidance with respect to the exercise of functions under this section and sections 57B and 57C by standards committees of relevant authorities in England;
  - (b) may give a direction to the standards committee of a relevant authority in England with respect to the exercise of the committee's functions under this section.

**Modifications etc. (not altering text)**

- C1** Pt. III functions made exercisable (E.) by joint standards committees (15.6.2009) by [The Standards Committee \(Further Provisions\) \(England\) Regulations 2009 \(S.I. 2009/1255\)](#), regs. 1(1), **14**
- C2** Ss. 57A(2)-(4) modified (E.) (15.6.2009) by [The Standards Committee \(Further Provisions\) \(England\) Regulations 2009 \(S.I. 2009/1255\)](#), regs. 1(1), **10(1)-(3)**
- C3** S. 57A(4) modified (E.) (15.6.2009) by [The Standards Committee \(Further Provisions\) \(England\) Regulations 2009 \(S.I. 2009/1255\)](#), regs. 1(1), **9(1)(2)**

**57B Right to request review of decision not to act**

- (1) This section applies where a decision is made under section 57A(2) that no action should be taken in respect of an allegation.
- (2) The person who made the allegation may make a request to the standards committee of the relevant authority concerned for that decision to be reviewed.
- (3) A request under subsection (2)—
  - (a) must be in writing, and
  - (b) may not be made after 30 days beginning with the date of the notice under section 57A(4).
- (4) Where a request under subsection (2) is received by a standards committee—
  - (a) section 57A(2) to (4) again apply to the standards committee, and
  - (b) it must make a reference under section 57A(2)(a) or (b) or (3), or a decision under section 57A(2)(c), within 3 months beginning with the date it received the request.
- (5) If by virtue of subsection (4) a decision is made under section 57A(2) that no action should be taken in respect of an allegation, this section does not apply in relation to that decision.

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(6) Subsection (4) is subject to any direction under section 57D.

### **57C Information to be given to subject of allegation**

- (1) Subsections (2) to (4) apply where a person makes an allegation under section 57A to a standards committee.
- (2) The standards committee must take reasonable steps to give a written summary of the allegation to the person who is the subject of the allegation (“P”); but this is subject to regulations under subsection (7).
- (3) If the standards committee makes a decision under section 57A(2) that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing to P of the decision and the reasons for the decision.
- (4) If the standards committee receives a request under section 57B in relation to the allegation, it must take reasonable steps to give notice in writing to P of the request.
- (5) The reference in subsection (3) to a decision under section 57A(2) includes a decision under section 57A(2) as applied by section 57B(4) or 58(3).
- (6) Subsections (2) to (4) are subject to any direction under section 57D.
- (7) The Secretary of State may by regulations—
  - (a) provide that in circumstances prescribed by the regulations the duty in subsection (2) does not arise at the time the standards committee receives the allegation, and
  - (b) make provision, in relation to cases where that duty has been prevented by the regulations from arising at that time, as to when it does arise.

#### **Modifications etc. (not altering text)**

- C4** Ss. 57C(2)-(4) modified (E.) (15.6.2009) by [The Standards Committee \(Further Provisions\) \(England\) Regulations 2009 \(S.I. 2009/1255\)](#), regs. 1(1), **10(1)(2)(4)**
- C5** S. 57C(2)(3) modified (E.) (15.6.2009) by [The Standards Committee \(Further Provisions\) \(England\) Regulations 2009 \(S.I. 2009/1255\)](#), regs. 1(1), **9(1)(2)**

### **57D Power to suspend standards committee's functions**

- (1) In such circumstances as may be prescribed, the Standards Board for England may direct that, until such time as the direction may be revoked by the Standards Board for England—
  - (a) sections 57A(2) to (4), 57B(4) and 57C(2) to (4) shall not apply to the standards committee of a specified authority in relation to relevant allegations and relevant requests, and
  - (b) that standards committee must refer any such allegations or requests to a specified body.
- (2) The body which is specified in the direction may be—
  - (a) the Standards Board for England, or
  - (b) the standards committee of another relevant authority in England, if that committee has consented to being so specified.

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- (3) For the purposes of subsection (1) an allegation is “relevant” if it is an allegation under section 57A which—
- (a) is received after the direction is given, or
  - (b) was received before then, but is an allegation in respect of which the standards committee has yet to comply with section 57A(2).
- (4) For the purposes of subsection (1) a request is “relevant” if it is a request under section 57B which—
- (a) is received after the direction is given, or
  - (b) was received before then, but relates to an allegation in respect of which the standards committee has yet to comply with section 57A(2) (as applied by section 57B(4)).
- (5) In subsection (3) “received”, in relation to an allegation, means—
- (a) received under section 57A, or
  - (b) received on a reference back to the standards committee under section 58 or regulations under section 66.
- (6) The Secretary of State may by regulations make provision—
- (a) for prescribed provisions of or made under this Part to apply, with or without modifications, where an allegation or request has been referred by reason of a direction (including where it has been referred and subsequently the direction is revoked),
  - (b) prescribing the circumstances in which the power to revoke a direction under this section is exercisable,
  - (c) with respect to the procedure to be followed (including the publicity to be given) where a direction has been made or revoked,
  - (d) modifying section 67(2) in relation to any case where a direction under this section is in force at a time when a Local Commissioner is of the opinion mentioned there,
  - (e) modifying section 67(2A) in relation to any case where a direction under this section is in force at a time when the Public Services Ombudsman for Wales is of the opinion mentioned there.
- (7) The Standards Board for England may issue guidance in connection with—
- (a) this section or any regulations under this section, or
  - (b) any direction under this section.
- (8) In this section—
- “prescribed” means prescribed by regulations made by the Secretary of State,
- “specified” means specified in the direction.]

## [<sup>F1</sup>58 Allegations referred to Standards Board

- (1) Where an allegation is referred to the Standards Board for England under section 57A(2), the Standards Board for England must—
- (a) refer the case to one of its ethical standards officers for investigation under section 59,
  - (b) decide that no action should be taken in respect of the allegation, or

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- (c) refer the allegation back to the standards committee of the relevant authority concerned.
- (2) If the Standards Board for England decides that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing of the decision and the reasons for the decision to—
  - (a) the person who made the allegation, and
  - (b) the person who was the subject of the allegation.
- (3) On a reference back under subsection (1)(c), section 57A(2) to (4) again apply to the standards committee but as if section 57A(2)(b) were omitted.
- (4) Subsection (3) is subject to any direction under section 57D.]

**Modifications etc. (not altering text)**

- C6** S. 58 applied (with modifications) (E.) (15.6.2009) by [The Standards Committee \(Further Provisions\) \(England\) Regulations 2009 \(S.I. 2009/1255\)](#), regs. 1(1), **9(1)(3)(4)**

**Commencement Information**

- II** S. 58 wholly in force at 28.7.2001; s. 58 not in force at Royal Assent see s. 108; s. 58 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), **art. 2**; s. 58 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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