



# Local Government Act 2000

## 2000 CHAPTER 22

### PART III

#### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

### CHAPTER II

#### INVESTIGATIONS ETC: ENGLAND

#### *Reports etc. [<sup>F1</sup>by ethical standards officers ]*

#### Textual Amendments

- F1** Words in s. 64 cross-heading inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 192(1)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(m)

#### 64 Reports etc.

- (1) Where an ethical standards officer determines in relation to any case that a finding under section 59(4)(a) or (b) is appropriate—
  - (a) he may produce a report on the outcome of his investigation,
  - (b) he may provide a summary of any such report to any newspapers circulating in the area of the relevant authority concerned,
  - (c) he must send to the monitoring officer of the relevant authority concerned a copy of any such report, and
  - (d) where he does not produce any such report, he must inform the monitoring officer of the relevant authority concerned of the outcome of the investigation.
- (2) Where an ethical standards officer determines in relation to any case that a finding under section 59(4)(c) is appropriate he must—
  - (a) produce a report on the outcome of his investigation,

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- (b) subject to subsection (4)(b), refer the matters which are the subject of the investigation to the monitoring officer of the relevant authority concerned, and
  - (c) send a copy of the report to the monitoring officer, and the standards committee, of the relevant authority concerned.
- (3) Where an ethical standards officer determines in relation to any case that a finding under section 59(4)(d) is appropriate he must—
- (a) produce a report on the outcome of his investigation,
  - (b) refer the matters which are the subject of the investigation to the president of the Adjudication Panel for England for adjudication by a tribunal falling within section 76(1), and
  - (c) send a copy of the report to the monitoring officer of the relevant authority concerned and to the president of the Adjudication Panel for England.
- [<sup>F2</sup>(3A) Where an ethical standards officer produces a report under subsection (1) or (3), he may send a copy of it to the standards committee of the relevant authority concerned if he believes that it will assist that committee in the discharge of its functions under this Part.]
- (4) Where a person is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England—
- (a) the references in subsections (1)(b), (c) and (d), (2)(c) [<sup>F3</sup>, (3)(c) and (3A)] to the relevant authority concerned are to be treated as including references to that other relevant authority, and
  - (b) an ethical standards officer who reaches a finding under section 59(4)(c) must refer the matters concerned either to the monitoring officer of the relevant authority concerned or to the monitoring officer of that other relevant authority.
- (5) A report under this section may cover more than one investigation under section 59 in relation to any members or co-opted members (or former members or co-opted members) of the same relevant authority.
- (6) An ethical standards officer must—
- (a) inform any person who is the subject of an investigation under section 59, and
  - (b) take reasonable steps to inform any person who made any allegation which gave rise to the investigation,
- of the outcome of the investigation.
- [<sup>F4</sup>(7) The Secretary of State may by regulations make provision for or in connection with the withdrawal of a reference under subsection (3)(b).]

#### Textual Amendments

- F2** S. 64(3A) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 192(3)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(m)
- F3** Words in s. 64(4)(a) substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 192(4)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(m)
- F4** S. 64(7) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 192(5)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(m)

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#### Commencement Information

- II** S. 64 wholly in force at 28.7.2001; s. 64 not in force at Royal Assent see s. 108; s. 64 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 64 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

### 65 Interim reports.

- (1) Where he considers it necessary in the public interest, an ethical standards officer may, before the completion of an investigation under section 59, produce an interim report on that investigation.
- (2) An interim report under this section may cover more than one investigation under section 59 in relation to any members or co-opted members (or former members or co-opted members) of the same relevant authority.
- (3) Where the prima facie evidence is such that it appears to the ethical standards officer producing the interim report—
  - (a) that the person who is the subject of the report has failed to comply with the code of conduct of the relevant authority concerned,
  - (b) that the nature of that failure is such as to be likely to lead to disqualification under section [\[<sup>F5</sup>78A\]](#), and
  - (c) that it is in the public interest to suspend or partially suspend that person immediately,

the interim report may include a recommendation that that person should be suspended or partially suspended from being a member or co-opted member of the relevant authority concerned for a period which does not exceed six months or (if shorter) the remainder of the person's term of office.

- (4) Where an ethical standards officer produces an interim report under this section which contains such a recommendation as is mentioned in subsection (3), he must refer the matters which are the subject of the report to the president of the Adjudication Panel for England for adjudication by a tribunal falling within section 76(2).

[\[<sup>F6</sup>\(4A\)\]](#) The Secretary of State may by regulations make provision for or in connection with the withdrawal of a reference under subsection (4).]

- (5) A copy of any report under this section must be given—
  - (a) to any person who is the subject of the report,
  - (b) to the monitoring officer of the relevant authority concerned, and
  - (c) to the president of the Adjudication Panel for England.

[\[<sup>F7</sup>\(5A\)\]](#) A copy of any report under this section may be given to the standards committee of the relevant authority concerned if the ethical standards officer believes that it will assist that committee in the discharge of its functions under this Part.]

- (6) Where a person is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England—
  - (a) the second reference in subsection (3) to the relevant authority concerned is to be treated as a reference to that other relevant authority, and

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- (b) [<sup>F8</sup>any reference in subsection (5)(b) or (5A) ] to the relevant authority concerned is to be treated as including a reference to that other relevant authority.

- (7) In this Part “partially suspended” and cognate expressions are to be construed in accordance with section 83(7) and (8).

#### Textual Amendments

- F5** Word in s. 65(3)(b) substituted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 192\(7\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/3110, art. 2(c)
- F6** S. 65(4A) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 192\(8\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(m)
- F7** S. 65(5A) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 192\(9\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(m)
- F8** Words in s. 65(6)(b) substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 192\(10\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(m)

#### Commencement Information

- I2** S. 65 wholly in force at 28.7.2001; s. 65 not in force at Royal Assent see s. 108; s. 65 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 65 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

### [<sup>F9</sup>65A Disclosure by monitoring officers of ethical standards officers' reports

- (1) Where by virtue of section 64(1)(c) or (d) the monitoring officer of a relevant authority—
- (a) receives a copy of a report on the outcome of an investigation, or
  - (b) is informed of the outcome of an investigation,
- he may inform any relevant person of the outcome of the investigation.
- (2) Where by virtue of section 64(1)(c) or 65(5) the monitoring officer of a relevant authority receives a copy of a report, he may send a copy of it or of any part of it to any relevant person; but this is subject to subsection (3).
- (3) A monitoring officer may exercise a power under subsection (2) only where he believes that it will assist in promoting high standards of conduct by the members and co-opted members of the relevant authority.
- (4) In this section “relevant person” means—
- (a) any member or co-opted member of the relevant authority;
  - (b) any officer of that authority;
  - (c) where that authority has an executive, any member of the executive.]

#### Textual Amendments

- F9** S. 65A inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 193\(1\)](#), [245\(5\)](#) (with s. 201); S.I. 2008/172, art. 2(1)(n)

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