



# Local Government Act 2000

## 2000 CHAPTER 22

### PART III

#### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

### CHAPTER V

#### SUPPLEMENTARY

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

- C1** Pt. III savings for effects of 2005 c. 10, s. 38 (1.4.2006) by [The Public Services Ombudsman \(Wales\) Act 2005 \(Transitional Provisions and Consequential Amendments\) Order 2006 \(S.I. 2006/362\)](#), arts. 1(1), 4

#### *Disclosure and registration of members' interests etc.*

#### **81 Disclosure and registration of members' interests etc.**

- (1) The monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority.
- (2) The mandatory provisions of the model code applicable to each relevant authority ("the mandatory provisions") must require the members and co-opted members of each authority to register in that authority's register maintained under subsection (1) such financial and other interests as are specified in the mandatory provisions.
- (3) The mandatory provisions must also—
  - (a) require any member or co-opted member of a relevant authority who has an interest specified in the mandatory provisions under subsection (2) to disclose that interest before taking part in any business of the authority relating to that interest,

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- (b) make provision for 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 under paragraph (a) relates.
- (4) Any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).
- (5) The Secretary of State may prescribe in regulations the circumstances in which standards committees may grant dispensations under subsection (4).
- (6) A relevant authority must ensure that copies of the register for the time being maintained by their monitoring officer under this section are available at an office of the authority for inspection by members of the public at all reasonable hours.
- (7) As soon as practicable after the establishment by their monitoring officer of a register under this section, a relevant authority must—
- (a) publish in one or more newspapers circulating in their area a notice which—
    - (i) states that copies of the register are available at an office of the authority for inspection by members of the public at all reasonable hours, and
    - (ii) specifies the address of that office, and
  - (b) [<sup>F1</sup> if it is a relevant authority in England or a police authority in Wales,] inform the Standards Board for England that copies of the register are so available.
  - [<sup>F2</sup>(c) if it is a relevant authority in Wales, inform the Public Services Ombudsman for Wales that copies of the register are so available.]
- (8) In its application to standards committees of relevant authorities in Wales (other than police authorities), subsection (5) has effect as if for the reference to the Secretary of State there were substituted a reference to the National Assembly for Wales.

#### Textual Amendments

- F1** Words in s. 81(7)(b) inserted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 4 para. 22(a)**; [S.I. 2005/2800](#), art. 5(1) (with transitional provisions in [S.I. 2006/362](#), art. 4)
- F2** S. 81(7)(c) inserted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 4 para. 22(b)**; [S.I. 2005/2800](#), art. 5(1) (with transitional provisions in [S.I. 2006/362](#), art. 4)

#### Commencement Information

- I1** S. 81 wholly in force at 28.7.2001; s. 81 not in force at Royal Assent see s. 108; s. 81(5)(8) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), **art. 2**; s. 81 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), **art. 2**; s. 81 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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### *Code of conduct for local government employees*

## **82 Code of conduct for local government employees.**

- (1) The Secretary of State may by order issue a code as regards the conduct which is expected of qualifying employees of relevant authorities in England and police authorities in Wales.
- (2) The National Assembly for Wales may by order issue a code as regards the conduct which is expected of qualifying employees of relevant authorities in Wales (other than police authorities).
- (3) The power under subsection (1) or (2) to issue a code includes power—
  - (a) to issue a separate code for council managers (within the meaning of Part II of this Act), and
  - (b) to revise any code which has been issued.
- (4) Before making an order under this section, the Secretary of State must consult—
  - (a) such representatives of relevant authorities in England, and of employees of such authorities, as he considers appropriate,
  - (b) the Audit Commission, and
  - (c) the Commission for Local Administration in England.
- (5) Before making an order under this section so far as it relates to police authorities in Wales, the Secretary of State must consult—
  - (a) such representatives of police authorities in Wales, and of employees of such authorities, as he considers appropriate,
  - [<sup>F3</sup>(aa) the Auditor General for Wales,]
  - (b) [<sup>F4</sup>the Public Services Ombudsman for Wales ], and
  - (c) the National Assembly for Wales.
- (6) Before making an order under this section, the National Assembly for Wales must consult—
  - (a) such representatives of relevant authorities in Wales, and of employees of such authorities, as it considers appropriate,
  - (b) the [<sup>F5</sup>Auditor General for Wales], and
  - (c) [<sup>F6</sup>the Public Services Ombudsman for Wales ].
- (7) The terms of appointment or conditions of employment of every qualifying employee of a relevant authority (whether appointed or employed before or after the commencement of this section) are to be deemed to incorporate any code for the time being under this section which is applicable.
- (8) In this section “qualifying employee”, in relation to a relevant authority, means an employee of the authority other than an employee falling within any description of employee specified in regulations under this subsection.
- (9) The power to make regulations under subsection (8) is to be exercised—
  - (a) in relation to England, by the Secretary of State, and
  - (b) in relation to Wales, by the National Assembly for Wales.

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#### Textual Amendments

- F3** S. 82(5)(aa) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, Sch. 2 para. 55(1)(2); [S.I. 2005/558](#), art. 2, Sch. 1
- F4** Words in s. 82(5)(b) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 4 para. 23**; [S.I. 2005/2800](#), arts. 4(1)(d)(2), 5(1) (with art. 4(3))
- F5** Words in s. 82(6)(b) substituted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, Sch. 2 para. 55(1)(3); [S.I. 2005/558](#), art. 2, Sch. 1
- F6** Words in s. 82(6)(c) substituted (12.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 4 para. 23**; [S.I. 2005/2800](#), arts. 4(1)(d)(2), 5(1) (with art. 4(3))

#### Commencement Information

- I2** S. 82 wholly in force at 28.7.2001; s. 82 not in force at Royal Assent see s. 108; s. 82(2)(3)(6)(8)(9) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), **art. 2**; s. 82 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), **art. 2**; s. 82 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

### *[<sup>F7</sup>Delegation by monitoring officers*

#### Textual Amendments

- F7** S. 82A and cross-heading inserted (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), **ss. 113(2), 128(2)(d)**

## 82A Monitoring officers: delegation of functions under Part 3

- (1) This section applies to functions of a monitoring officer of a relevant authority in relation to matters referred to him under section [<sup>F8</sup> 57A, 60(2) or (3), 64(2) or (4), 70(4) or (5) or 71(2) or (4) ] .
- (2) Where the monitoring officer considers that in a particular case he himself ought not to perform particular functions to which this section applies, those particular functions shall in that case be performed personally by a person nominated for the purpose by the monitoring officer.
- (3) Where a deputy nominated by the monitoring officer under section 5(7) of the Local Government and Housing Act 1989 (nomination of member of monitoring officer's staff to act as deputy when monitoring officer absent or ill) considers that in a particular case he himself ought not to perform particular functions—
  - (a) to which this section applies, and
  - (b) which, by reason of the absence or illness of the monitoring officer, would but for this subsection fall to be performed by the deputy,
 those particular functions shall, while the monitoring officer continues to be unable to act by reason of absence or illness, be performed in that case personally by a person nominated for the purpose by the deputy.
- (4) Where functions to which this section applies are to be performed by a person nominated under subsection (2) or (3) who is an officer of the relevant authority, the

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authority shall provide the officer with such staff, accommodation and other resources as are, in the officer’s opinion, sufficient to allow those functions to be performed.

- (5) Where functions to which this section applies are to be performed by a person nominated under subsection (2) or (3) who is not an officer of the relevant authority, the authority shall—
- (a) pay the person a reasonable fee for performing the functions,
  - (b) reimburse expenses properly incurred by the person in performing the functions, but only to the extent that the amount of the expenses is reasonable, and
  - (c) provide the person with such staff, accommodation and other resources as are reasonably necessary for the person’s performance of the functions.]

#### Textual Amendments

- F8** Words in s. 82A(1) substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 194(9)**, 245(5) (with s. 201); S.I. 2008/172, art. 2(1)(o)

### Interpretation

## 83 Interpretation of Part III.

- (1) In this Part—

“the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England <sup>F9</sup>...,

“case tribunal” has the meaning given by section 76(1),

“code of conduct” means a code of conduct under section 51,

“co-opted member” has the meaning given by section 49(7),

“elected mayor” and “elected executive member” have the meaning given by section 39(1) and (4),

“ethical standards officer” means a person appointed under section 57(5) (a),

“executive” is to be construed in accordance with section 11,

“executive arrangements” has the meaning given by section 10,

“executive leader” has the meaning given by [<sup>F10</sup>section 11(2A)(a) or (3) (a)],

“interim case tribunal” has the meaning given by section 76(2),

<sup>F11</sup>...

“model code of conduct” is to be construed in accordance with section 50(1) and (2),

“police authority” means a police authority established under section 3 of the <sup>M1</sup>Police Act 1996,

<sup>F12</sup>...

“relevant authority” has the meaning given by section 49(6).

- (2) Any reference in this Part to a committee of a relevant authority, in the case of a relevant authority to which Part II of this Act applies, includes a reference to a committee of an executive of the authority.

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- (3) Any reference in this Part to a member of a relevant authority, in the case of a relevant authority to which Part II of this Act applies, includes a reference to an elected mayor or elected executive member of the authority.
- (4) Any reference in this Part to a member of a relevant authority, in the case of the Greater London Authority, is a reference to the Mayor of London or a London Assembly member.
- (5) Any reference in this Part 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) Any reference in this Part to a failure to comply with a relevant authority's code of conduct includes a reference to a failure to comply with the mandatory provisions which apply to the members or co-opted members of the authority by virtue of section 51(5)(b).
- (7) Any reference in this Part to a person being partially suspended from being a member or co-opted member of a relevant authority includes a reference to a person being prevented from exercising particular functions or having particular responsibilities as such a member or co-opted member.
- (8) The reference in subsection (7) to particular functions or particular responsibilities as a member of a relevant authority, in the case of a relevant authority to which Part II of this Act applies, includes a reference to particular functions or particular responsibilities as a member of an executive of the authority.
- (9) A person who is suspended under this Part from being a member of a relevant authority shall also be suspended from being a member of any committee, sub-committee, joint committee or joint sub-committee of the authority, but this subsection does not apply to a person who is partially suspended under this Part.
- (10) A person who is suspended under this Part from being a member of a relevant authority to which Part II of this Act applies shall also be suspended, if he is a member of an executive of the authority, from being such a member; but this subsection does not apply to a person who is partially suspended under this Part.
- (11) A person who is disqualified under this Part for being or becoming a member of a relevant authority shall also be disqualified—
  - (a) for being or becoming a member of any committee, sub-committee, joint committee or joint sub-committee of the authority, and
  - (b) if the authority is one to which Part II of this Act applies, for being or becoming a member of an executive of the authority.
- (12) Any function which by virtue of this Part is exercisable by or in relation to the monitoring officer of a relevant authority which is a parish council is to be exercisable by or in relation to the monitoring officer of the district council or unitary county council which are the responsible authority in relation to the parish council; and any reference in this Part to the monitoring officer of a relevant authority which is a parish council is to be construed accordingly.
- (13) Any function which by virtue of this Part is exercisable by or in relation to the monitoring officer of a relevant authority which is a community council is to be exercisable by or in relation to the monitoring officer of the county council or county borough council in whose area the community council is situated; and any reference

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in this Part to the monitoring officer of a relevant authority which is a community council is to be construed accordingly.

- (14) Any functions which are conferred by virtue of this Part on a relevant authority to which Part II of this Act applies are not to be the responsibility of an executive of the authority under executive arrangements.
- (15) Any functions which are conferred on the Greater London Authority by virtue of this Part are to be exercisable by the Mayor of London and the London Assembly acting jointly on behalf of the Authority.
- (16) Subsections (12) and (13) of section 55 are to apply for the purposes of subsection (12) as they apply for the purposes of that section.

#### Textual Amendments

- F9** Words in s. 83(1) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 9 para. 1\(2\)\(p\)](#), [Sch. 18 Pt. 9](#); S.I. 2008/172, art. 4(a)(n)(i)
- F10** Words in s. 83 substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), [Sch. 3 para. 26](#)
- F11** Words in s. 83(1) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 4 para. 24\(a\), 7](#); S.I. 2005/2800, art. 5(1) (with transitional provisions in S.I. 2006/362, art. 4)
- F12** Words in s. 83 omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 64](#) (with [Sch. 5](#))

#### Commencement Information

- I3** S. 83 wholly in force at 28.7.2001; s. 83 not in force at Royal Assent see s. 108; s. 83(1)-(3)(5)-(14) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 83 in force at 19.12.2000 in relation to England and to police authorities in Wales by [S.I. 2000/3335](#), [art. 2](#); s. 83 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

#### Marginal Citations

- M1** 1996 c. 16.

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