



# Localism Act 2011

## 2011 CHAPTER 20

### PART 1

#### LOCAL GOVERNMENT

#### CHAPTER 7

#### STANDARDS

#### 28 Codes of conduct

- (1) A relevant authority must secure that a code adopted by it under section 27(2) (a “code of conduct”) is, when viewed as a whole, consistent with the following principles—
  - (a) selflessness;
  - (b) integrity;
  - (c) objectivity;
  - (d) accountability;
  - (e) openness;
  - (f) honesty;
  - (g) leadership.
- (2) A relevant authority must secure that its code of conduct includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of—
  - (a) pecuniary interests, and
  - (b) interests other than pecuniary interests.
- (3) Sections 29 to 34 do not limit what may be included in a relevant authority's code of conduct, but nothing in a relevant authority's code of conduct prejudices the operation of those sections.
- (4) A failure to comply with a relevant authority's code of conduct is not to be dealt with otherwise than in accordance with arrangements made under subsection (6); in

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particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with the code.

- (5) A relevant authority may—
- (a) revise its existing code of conduct, or
  - (b) adopt a code of conduct to replace its existing code of conduct.
- (6) A relevant authority other than a parish council must have in place—
- (a) arrangements under which allegations can be investigated, and
  - (b) arrangements under which decisions on allegations can be made.
- (7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person—
- (a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
  - (b) whose views may be sought—
    - (i) by the authority in relation to an allegation in circumstances not within paragraph (a),
    - (ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and
    - (iii) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.
- (8) For the purposes of subsection (7)—
- (a) a person is not independent if the person is—
    - (i) a member, co-opted member or officer of the authority,
    - (ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority, or
    - (iii) a relative, or close friend, of a person within sub-paragraph (i) or (ii);
  - (b) a person may not be appointed under the provision required by subsection (7) if at any time during the 5 years ending with the appointment the person was—
    - (i) a member, co-opted member or officer of the authority, or
    - (ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority;
  - (c) a person may not be appointed under the provision required by subsection (7) unless—
    - (i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
    - (ii) the person has submitted an application to fill the vacancy to the authority, and
    - (iii) the person's appointment has been approved by a majority of the members of the authority;
  - (d) a person appointed under the provision required by subsection (7) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.
- (9) In subsections (6) and (7) “allegation”, in relation to a relevant authority, means a written allegation—

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- (a) that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or
  - (b) that a member or co-opted member of a parish council for which the authority is the principal authority has failed to comply with the parish council's code of conduct.
- (10) For the purposes of subsection (8) a person (“R”) is a relative of another person if R is—
- (a) the other person's spouse or civil partner,
  - (b) living with the other person as husband and wife or as if they were civil partners,
  - (c) a grandparent of the other person,
  - (d) a lineal descendant of a grandparent of the other person,
  - (e) a parent, sibling or child of a person within paragraph (a) or (b),
  - (f) the spouse or civil partner of a person within paragraph (c), (d) or (e), or
  - (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.
- (11) 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 arrangements put in place under subsection (6)) it may have regard to the failure in deciding—
- (a) whether to take action in relation to the member or co-opted member, and
  - (b) what action to take.
- [<sup>F1</sup>(11A) Subsections (11B) to (11D) apply if a police and crime commissioner is a member or co-opted member of a relevant authority in the commissioner's capacity as such.
- (11B) Arrangements put in place under subsection (6)(b) by the relevant authority must include provision for an allegation against the commissioner to be referred to the police and crime panel for the commissioner's police area.
- (11C) If, in response to an allegation referred to it by virtue of subsection (11B), the police and crime panel makes a report or recommendation to the police and crime commissioner under section 28(6) of the Police Reform and Social Responsibility Act 2011, the panel may also make a report or recommendation on the allegation to the relevant authority.
- (11D) The relevant authority must take any such report or recommendation into account in determining—
- (a) whether the police and crime commissioner has failed to comply with the authority's code of conduct,
  - (b) whether to take action in relation to the commissioner, and
  - (c) what action to take.]
- (12) A relevant authority must publicise its adoption, revision or replacement of a code of conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area.
- (13) A relevant authority's function of adopting, revising or replacing a code of conduct may be discharged only by the authority.
- (14) Accordingly—

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- (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;
- (b) in the case of the Greater London Authority, the function is not a function to which section 35 (delegation of functions by the Greater London Authority) applies.

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**Textual Amendments**

- F1** S. 28(11A)-(11D) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 7(15)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 3

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**Commencement Information**

- I1** S. 28 in force at 7.6.2012 for specified purposes by [S.I. 2012/1463](#), **art. 2(b)**
- I2** S. 28 in force at 1.7.2012 in so far as not already in force by [S.I. 2012/1463](#), **art. 5(c)** (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2)

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