
STATUTORY INSTRUMENTS

2009 No. 486

The Local Government (Structural Changes) (Further Transitional Arrangements and Staffing) Regulations 2009

PART 3

CODE OF CONDUCT MATTERS

Councillors' conduct: functions of monitoring officers, standards committees and single tier councils

6.—(1) This regulation applies where, on the day before the reorganisation date, steps remain to be taken under the 2000 Act by the monitoring officer or standards committee of a predecessor council in relation to any written allegation pursuant to section 58 of the 2000 Act⁽¹⁾ (written allegations) received by the Standards Board for England before 8th May 2008.

(2) The monitoring officer of the predecessor council must provide the monitoring officer of a related single tier council (the “related monitoring officer”) with—

- (a) a copy of the allegation,
- (b) a summary of the steps taken by the predecessor council in relation to the allegation,
- (c) every other document relevant to the allegation, and
- (d) such other information relating to the allegation as the related monitoring officer may require.

(3) On receipt of a copy of an allegation, the related monitoring officer must notify—

- (a) the Standards Board for England,
- (b) the person who made the allegation,
- (c) the subject of the allegation, and
- (d) any parish council concerned,

of its receipt.

(4) On and after the reorganisation date—

- (a) the single tier council to whose related monitoring officer a copy of an allegation has been provided in accordance with paragraph (2)(a) shall be the relevant authority in relation to the allegation for the purposes of the 2000 Act and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003⁽²⁾ (“the 2003 Regulations”); and

(1) Article 3 of the Local Government and Public Involvement in Health Act 2007 (Commencement No. 6 and Transitional and Saving Provision) Order 2008 (S.I. 2008/1265) provides that section 58 of the 2000 Act and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (S.I. 2003/1483) as they stand immediately before 8th May 2008 shall continue to have effect in relation to any allegation in writing received by the Standards Board for England before 8th May that a member or co-opted member (or former member or former co-opted member) of a relevant authority in England has failed, or may have failed to comply with the authority’s code of conduct.

(2) S.I. 2003/1483; regulation 2 and regulations 4 to 7 were amended by the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 (S.I. 2004/2617).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) the related monitoring officer shall be the monitoring officer in relation to the allegation for those purposes,
and, so far as is necessary for the purpose of giving effect to the 2000 Act and the 2003 Regulations, references in that Act and those Regulations to the relevant authority shall include references to the single tier council and its related predecessor councils.