

## Ministers amend Localism Bill to require authorities to have code of conduct

Thursday, 27 October 2011

Councils and other “relevant authorities” will be required under the Localism Bill to adopt a code of conduct consistent with the Nolan Principles of Public Life as a result of amendments tabled by the government today (27 October).

The changes to the standards provisions come after representations from the Association of Council Secretaries and Solicitors (ACSeS), members of the House of Lords and others.

Other standards-related amendments tabled include:

A parish council will be able to adopt the code of its principal authority and assume compliance by the principal authority with the requirement to adopt a code;

The code must include “provision the authority considers appropriate” in respect of the registration and disclosure of pecuniary and other interests ;

Relevant authorities other than parish councils will need to have in place arrangements under which written allegations that a member has failed to comply with the code can be investigated and decisions made following such investigation;

Such arrangements will need to include the appointment of at least one “independent person” whose views must be sought and taken into account before the authority comes to a decision following investigation. The independent person will also be available (amongst other things) to express his or her views to the member subject to an allegation;

The independent person cannot (amongst other things) be a member or officer of the authority or a relative or close friend of such person. A decision is not to be invalidated “just because” it involved a failure to comply with the code.

Ministers **confirmed in September that they would make concessions** on the proposed local government standards regime in the Localism Bill.

The move came in the face of lobbying from a cross-party group of peers who – in a briefing to members of the House of Lords – warned that there were “serious deficiencies” in the Bill and that there would be a “free-for-all” if it were implemented as originally drafted.

Commenting on the changes, Nicholas Dobson, communications officer at ACSeS said: "Having a mandatory code of conduct provision is a decided step forward. For the previous formulation which required the promotion and maintenance of high standards of member conduct but without providing any firm mechanism to ascertain this was something of non sequitur.

My personal view is that provision for suitable sanctions would be a beneficial addition if codes are to be effective. If there is to be such a provision this might specify censure and suspension of all or part of a member's functions for a maximum of three months, subject of course to fair, lawful and proportionate processes including a right of internal appeal."

The seven Nolan Principles of Public Life are:

Selflessness

Integrity

Objectivity

Accountability

Openness

Honesty

Leadership