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Report

Subject : Revised Code of Conduct
Report to : Standards Committee
Date : Monday 18 June 2007
Author : John Crawford

1. Report summary

To recommend to Council that it adopts the Revised Model Code of Conduct ["the Revised Code"] which came into force on 03.05.2007

2. Background

- 2.1. All local authorities are required to adopt a Code of Conduct that sets out rules governing the behaviour of its Members. All elected co-opted and independent Members are covered. The Council adopted the existing Code in 2002.
- 2.2. In early 2007 the Department for Communities and Local Government consulted on a revised Code of Conduct. A report was presented to this Committee at its meeting on 19.02.2007.
- 2.3. The Revised Code was issued by the government on 04.04.2007. The Council and all parish councils within Salisbury district have until 01.10.2007 to adopt it. The existing Code will continue to apply until the Revised Code is adopted or until 01.10.2007 when the Revised Code will apply in any event.

3. The Revised Code

- 3.1. The Council's Code must include the provisions of the Revised Code but the Council can choose to add its own local rules to the Revised Code if it wishes. The Standards Board recommends that principal authorities should adopt the Revised Code without addition so as to avoid confusion for Members and the public and to minimise inconsistency and the risk of adopting unenforceable provisions.



Awarded in:
Housing Services
Waste and Recycling Services



- 3.2. A copy of the Revised Code is attached at Appendix 1.
- 3.3. The Standards Board recommends that the adopted Revised Code includes a preamble which outlines the ten general principles ["the Principles"] governing the conduct of members of local authorities. These principles define the standards that Members should uphold. They do not create obligations in themselves but a failure to act in accordance with them may amount to a breach of the Revised Code. A copy of the Principles is attached at Appendix 2.
- 3.4. Although all of the provisions of the Revised Code are mandatory for the Council certain provisions are discretionary for parish councils [paragraphs 7, 10[2][c][i] and [ii], 11 and 12[2]]. Paragraph 12[2] allowing speaking rights to Members with prejudicial interests in certain circumstances is likely to be the only provision that will be seen to be important to parish councils. It would seem appropriate for parish councillors to have the same rights as district councillors. Otherwise dual hatted Members would have greater rights in the Council than in their parish councils.
- 3.5. Guidance has been issued by the Standards Board on the Revised Code and is available to download from its website. A pocket guide and a more detailed guide is being made available to Members.
- 3.6. The Standards Board recommends that local authorities adopt the Revised Code at the first opportunity so as to minimise confusion for Members.
- 3.7. The Council is required to notify the Standards Board when it has adopted the Revised Code and to publish notice of adoption in local newspapers. Those parish councils that have not already adopted the Revised Code and do so on or before the Council does so could "piggyback" on the Council's notice so as to produce savings for all participants.
- 3.8. The Standards Board has advised that it is not necessary for Members to give a new undertaking to observe the Revised Code taking the view that current undertakings will extend to the Revised Code. It will be necessary however for Members to complete fresh declarations of interests under the Revised Code within 28 days of its adoption.
- 3.9. An introductory presentation was given on the Existing Code and the Revised Code and on the differences between the two at the Members Induction day on 15.05.2007. Thirty Members attended leaving 25 Members who did not including some new Members. Presentations are also being given at each Area Committee meeting this month.
- 3.10. Training on the Revised Code has not yet been offered to Parish Clerks and Parish Councillors.

4. Recommendations

- 4.1 Council is recommended to adopt the Revised Code attached at Appendix 1 incorporating the Principles attached at Appendix 2 as a Preamble. A report is brought back to a future meeting of this Committee following 12 months of the

adoption of the Revised Code with a view to considering whether any local provisions should be adopted.

- 4.2 The Monitoring Officer arrange for Members to complete fresh declarations of interests under the Revised Code following its adoption.
- 4.3 Follow up training for Members on the Revised Code is arranged following the adoption of the Revised Code by Council and the Group Leaders be asked to encourage any Members who have not attended any presentation to attend the follow up training and that a report on take up be presented to a future meeting of this Committee.
- 4.4 Parish councils are recommended to adopt the Revised Code so as to include paragraph 12[2].
- 4.5 Training on the Revised Code is offered for Parish Clerks and Parish Councillors via the parish town council liaison meetings and again a report on take up be presented to a future meeting of this Committee.

5. Background papers:

None

6. Implications:

- Financial: advertising costs
- Legal: set out in the report
- Human rights: the Code seeks to address issues that had been raised in respect of the existing Code
- Personnel: ongoing training will be required on the Code
- Community safety: none
- Environmental: none
- Council core values: excellent service and communicating
- Wards affected: all

Statutory Instrument 2007 No. 1159

The Local Authorities (Model Code of Conduct) Order 2007

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STATUTORY INSTRUMENTS

2007 No. 1159

**LOCAL GOVERNMENT, ENGLAND
AND WALES**

The Local Authorities (Model Code of
Conduct) Order 2007

<i>Made</i>	<i>2nd April</i>
<i>Laid before Parliament</i>	<i>4th April</i>
<i>Coming into force</i>	<i>3rd May</i>

The Secretary of State for Communities and Local Government makes the following Order in exercise of the powers conferred by sections 50(1) and (4), 81(2) and (3), and 105(2), (3) and (4) of the Local Government Act 2000[[1](#)].

The Secretary of State has consulted in accordance with section 50(5) of that Act.

The Secretary of State is satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(1) of that Act[[2](#)].

Citation, commencement and application

1. —(1) This Order may be cited as the Local Authorities (Model Code of Conduct) Order 2007 and comes into force on 3rd May 2007.

(2) This Order applies—

(a) in relation to police authorities in England and Wales; and

(b) in relation to the following authorities in

England—

- (i) a county council;
- (ii) a district council;
- (iii) a London borough council;
- (iv) a parish council;
- (v) the Greater London Authority;
- (vi) the Metropolitan Police Authority;
- (vii) the London Fire and Emergency Planning Authority;
- (viii) the Common Council of the City of London;
- (ix) the Council of the Isles of Scilly;
- (x) a fire and rescue authority;
- (xi) a joint authority;
- (xii) the Broads Authority; and
- (xiii) a National Park authority,

and in this Order references to "authority" are construed accordingly.

Model Code of Conduct

2. —(1) The code set out in the Schedule to this Order ("the Code") has effect as the model code issued by the Secretary of State under section 50 of the Local Government Act 2000 as regards the conduct which is expected of members and co-opted members of an authority.

(2) Subject to paragraphs (3) to (6), every provision of the Code in the Schedule to this Order is mandatory for an authority.

(3) Paragraph 6(c) of the Code is not mandatory for police authorities, the Greater London Authority, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, fire and rescue

authorities and joint authorities.

(4) Paragraph 7 of the Code is not mandatory for parish councils.

(5) Subject to sub-paragraph (6)(c) and (d) below, paragraphs 10(2)(c)(i) and (ii), 11 and 12(2) of the Code are mandatory only for county councils, district councils and London borough councils, the Common Council of the City of London and the Council of the Isles of Scilly.

(6) The following provisions of the Code are mandatory only for an authority which is operating executive arrangements—

(a) in paragraph 1(4), in the definition of "meeting"—

(i) sub-paragraph (b);

(ii) in sub-paragraph (c), the words "or its executive's" and ", or area committees";

(b) paragraphs 9(6), 9(7) and 12(1)(b);

(c) in paragraph 11(a), the words "your authority's executive or"

(d) in paragraph 11(b), the word "executive,";
and

(e) in paragraph 12(2), the words in brackets.

Disapplication of certain statutory provisions

3. The following provisions shall not apply (where they are capable of doing so) to an authority which has adopted a code of conduct or to which such a code applies—

(a) sections 94 to 98 and 105 to the Local Government Act 1972^[3];

(b) section 30(3A) of the Local Government Act 1974^[4];

(c) regulations made or a code issued under section 19 and 31 of the Local Government and Housing Act 1989^[5];

(d) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995^[6]; and

(e) any guidance issued under section 66 of the Greater London Authority Act 1999^[7].

Revocation and savings

4.—(1) Subject to paragraphs (2) and (3), the following orders are revoked—

(a) the Local Authorities (Model Code of Conduct) (England) Order 2001^[8];

(b) the Parish Councils (Model Code of Conduct) Order 2001^[9];

(c) the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001^[10]; and

(d) the Police Authorities (Model Code of Conduct) Order 2001^[11].

(2) The Orders referred to in paragraph (1) continue to have effect for the purposes of and for purposes connected with —

(a) the investigation of any written allegation under Part 3 of the Local Government Act 2000, where that allegation relates to conduct which took place before the date when, pursuant to section 51 of that Act—

(i) the authority adopts a code of conduct incorporating the mandatory provisions of the Code in the Schedule to this Order in place of their existing code of conduct;

(ii) the authority revises their existing code of conduct to incorporate the mandatory provisions of the Code in the Schedule to this Order; or

(iii) the mandatory provisions of the Code in the Schedule to this Order apply to members or co-opted members of the authority under

section 51(5)(b) of that Act;

(b) the adjudication of a matter raised in such an allegation; and

(c) an appeal against the decision of an interim case tribunal or case tribunal in relation to such an allegation.

(3) Any order made under section 83 of the Local Government Act 1972[12] shall have effect for the purpose of prescribing the form of a declaration of acceptance of office in relation to a county council, district council, London borough council and a parish council.

Signed on behalf of the Secretary of State for Communities and Local Government

Phil Woolas
Minister of State Department for Communities and Local Government

2nd April 2007

SCHEDULE

THE MODEL CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State[13].

(3) It is your responsibility to comply with the

provisions of this Code.

(4) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which

you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006^[14]);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your

position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986^[15].

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. —(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which

you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

Appendix 1

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association: or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have

a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000^[16].

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI

of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it

becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal

interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order contains a model code of conduct as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in England and Wales. The Secretary of State has power to issue such a code under section 50 of the Local Government Act 2000. Under section 51 of that Act, each authority must adopt a code of conduct applying to its members and co-opted members which must incorporate any mandatory provisions of the Code. Under section 51(5), where an authority does not adopt such a code within six months of the Order coming into force, the mandatory provisions of the Code will apply to the members of the authority until it adopts its own code.

Article 1 provides that this Order applies to specified authorities in England and police authorities in

England and Wales.

Article 2 provides that a model code is set out in the Schedule to the Order, and states which of its provisions are mandatory.

Article 3 disapplies the statutory provisions relating to the National Code of Local Government Conduct and members' interests.

Article 4 revokes—

the Local Authorities (Model Code of Conduct) (England) Order 2001[[17](#)];

the Parish Councils (Model Code of Conduct) Order 2001[[18](#)];

the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001[[19](#)]; and

the Police Authorities (Model Code of Conduct) Order 2001[[20](#)].

These Orders continue to have effect in relation to misconduct committed before the date when the new code is adopted or applied to an authority.

Article 4(3) provides that orders made under section 83 of the Local Government Act 1972 shall have effect for the purpose of prescribing the form of a declaration of acceptance of office.

In the **Schedule to the Order**—

Paragraph 1 of the Code provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code. or unless (in relation to any other body) it

conflicts with any other legal obligations.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

Notes:

[1] 2000 c.22.[back](#)

[2] *See* the Relevant Authorities (General Principles) Order 20001 (S.I. 2001/1401).[back](#)

[3] 1972 c.70.[back](#)

[4] 1974 c.7. Section 30(3A) was inserted by section 32(1) of the Local Government and Housing Act 1989 (c. 42), with effect from 1st April 1990.[back](#)

[5] 1989 c.42.[back](#)

[6] 1995 c.25.[back](#)

[7] 1999 c.29.[back](#)

[8] S.I. 2001/3575.[back](#)

[9] S.I. 2001/3576.[back](#)

[10] S.I. 2001/3577.[back](#)

[11] S.I. 2001/3578.[back](#)

[12] Orders made under section 83 of the Local Government Act 1972 were disapplied, by the Orders mentioned in article 4(1)(a) and (b) of this Order, and are here being revived.[back](#)

[13] *See* the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).[back](#)

[14] 2006 c.3.[back](#)

[15] 1986 c.10.[back](#)

[16] *See* the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I 2000/3272).[back](#)

[17] S.I. 2001/3575.[back](#)

[18] S.I. 2001/3576.[back](#)

[19] S.I. 2001/3577.[back](#)

[20] S.I. 2001/3578.[back](#)

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Statutory Instrument 2001 No. 1401

The Relevant Authorities (General Principles) Order 2001

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STATUTORY INSTRUMENTS

2001 No. 1401

LOCAL GOVERNMENT, ENGLAND AND WALES

The Relevant Authorities (General Principles) Order 2001

Made 5th April 2001

Coming into force 6th April 2001

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by sections 49(1) and 105 of the Local Government Act 2000^[1], and of all other powers enabling him in that behalf, and having carried out such consultation as is required by virtue of section 49(3) and (4) of that Act hereby makes the following Order, a draft of which has been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. This Order may be cited as the Relevant Authorities (General Principles) Order 2001 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order -

"the Act" means the Local Government Act 2000;

"members" means members and co-opted members of relevant authorities, and

"statutory officers" means heads of paid service, chief finance officers and monitoring officers.

General principles

3. - (1) The Secretary of State hereby specifies in the Schedule to this Order, the principles which are to govern the conduct of members of relevant authorities in England and police authorities in Wales.

(2) Only paragraphs 2 and 8 of the Schedule to this Order shall have effect in relation to the activities of a member that are undertaken other than in an official capacity.

Signed by authority of the Secretary of State for the Environment,
Transport and the Regions

Hilary Armstrong

Minister of State, Department of the Environment, Transport and
the Regions

5th April 2001

SCHEDULE

Article 3(1)

THE GENERAL PRINCIPLES

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the principles which are to govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales, in accordance with section 49(1) of the Local Government Act 2000.

Article 3(1) gives effect to the Schedule to the Order. and paragraph

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*Prepared 20 April
2001*

(2) of that article provides that the principles are expected to govern only the official conduct of members and co-opted members, apart from the second and eighth, which have effect on all occasions. The Schedule specifies the principles.

Under section 50 of the Local Government Act 2000, the Secretary of State may also issue a model code as regards the conduct which is expected of members and co-opted members of authorities. Where he does so, that model code must be consistent with the principles specified in this Order.

Notes:

[1] 2000 c.22.[back](#)

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