Independent Person for Standards

RECRUITMENT PACK

Closing date – 28th February 2020

North Kesteven District Council
Kesteven Street
Sleaford
Lincolnshire
NG34 7EF
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NORTH KESTEVEN DISTRICT COUNCIL

1. About our Council

In the heart of rural Lincolnshire, just south of the City of Lincoln, North Kesteven has two main towns: North Hykeham and the historic market town of Sleaford, as well as over 100 distinctive, rural villages. Covering 356 square miles, some 94% of the area is classified as green space.

There is a growing population, currently at 115,230. The population of North Kesteven is slightly older than the national average and the population particularly the older population is expected to grow at a high rate over the next decade.

Our Political make-up

In December 2010, the Council voted to adopt the Strong Leader and Executive model in line with the Local Government and Public Involvement in Health Act 2007. This means that the Leader of the Council is elected by Full Council for a 4-year term. The Leader has responsibility to appoint an Executive Board.

- The NK Administration Group - 21
- NK Independents Group (Lincolnshire Independents and Independents) - 18
- Unaligned Members - 4

NKDC currently has no overall majority and the Council has a new model of political collaboration and partnership led by The NK Administration Group.

Our Service Divisions:

The Council operates with five service divisions:

- **Development, Economic and Cultural Services**
  Delivering services which shape the future of North Kesteven.

- **Housing and Property Services**
  Providing services for people and communities in North Kesteven.

- **Environment and Public Protection**
  Providing services designed to protect and enhance the environment in North Kesteven.

- **Corporate and Community Services**
  Transforming the services of the Council, developing strategies for the council, and ensuring excellent customer service.

- **Finance and Resources**
  Ensuring that the Council’s finance, human resource, management and administration services work effectively to support delivery.
Our Priorities:

- **Our Economy**
  To enable all of our communities to flourish through economic and high quality employment growth in North Kesteven.

- **Our Environment**
  To create a sustainable, natural and built environment, where our heritage is preserved and celebrated.

- **Our Homes**
  To deliver housing growth that meets the current and emerging needs of all our communities within North Kesteven.

- **Our Communities**
  To enhance the wellbeing, safety and health of all North Kesteven’s communities; supporting each to grow and flourish.

- **Our Council**
  To ensure we remain a high-performing and value for money Council that is prepared for the future.

2. Appointment of Independent Person and a Reserve

The Localism Act 2011 places a duty on North Kesteven District Council and each of the 60 Town and Parish Councils within the district to promote and maintain high standards of conduct for elected and co-opted members and includes the requirement to have a Code of Conduct with which all Members must comply.

The Council must adopt arrangements for dealing with complaints regarding breaches of the Code of Conduct both by the North Kesteven District Council Members and by Town and Parish Council Members within the district. The Council agreed its new arrangements on 28th June, and they came into effect on 1st July 2012.

North Kesteven District Council is looking to appoint one person to serve as an Independent Person (and a Reserve who may be called upon from time to time) to support in its arrangements for dealing with Standards matters within the district of North Kesteven in accordance with the provisions of the Localism Act. The Act provides that the Council must appoint an Independent Person to assist in discharging these responsibilities. The Council also wishes to appoint a “Reserve” to be in a position to act as Independent Person in the event that the person appointed is incapacitated or otherwise unable to act. Full details of the role and responsibilities of the Independent Person are included in this Recruitment Pack.

The appointment of the Independent Person and Reserve is a decision of full Council and the term of appointment is from 1 June 2020 until 31st May 2022. The Council will confirm the appointment of the Independent Person at the Council meeting on Thursday 29th April 2020. Training will be provided prior to commencement of the posts.
3. Role of Independent Person

The Act states that the Independent Person will have the following functions:

- They must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the Code of Conduct following investigation or decides on action to be taken in respect of that member;

- They may be consulted by the Council in respect of a standards complaint at any other stage; and

- They may be consulted by a member or co-opted member of North Kesteven District Council or of a Town and Parish Council against whom a complaint has been made.

The Independent Person and Reserve Independent Person shall also be invited to sit on a Panel as and when required, under The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015(SI 2015/881); meeting for the purposes of advising the Council with regard to disciplinary procedures for the removal of a senior officer, Head of Paid Service, Section 151 Officer or Monitoring Officer. The Council must take into account any recommendations of that Panel before taking a final decision to dismiss.

The essential qualities for the positions are that you should:

- have a commitment to public service;
- have personal integrity and a commitment to upholding high standards;
- be independent and impartial;
- be able to critically assess written and oral evidence to reach balanced and objective decisions;
- possess tact, diplomacy and good communication skills;
- demonstrate excellent listening, problem solving and evaluation skills;
- be reliable and committed; and
- have the ability and willingness to work with other members of other councils, their committees/panels and officers where necessary.

It would also be helpful to have knowledge of how local government operates, awareness of the role of elected members and the standards provisions contained within the Localism Act. The District Council is responsible for deciding how to deal with standards issues at a local level, including adopting its own local code and determining what arrangements it will adopt to deal with complaints.

Other Qualifications

It is important that you are independent of the Council. Therefore you should not, pursuant to Section 28(8) of the Localism Act 2011:

- be, or have been within the last five years, an elected or co-opted member or an officer of North Kesteven District Council or of any of the Town and Parish Councils within the district;
be, or have been within the last five years, an elected or co-opted member of any committee or sub-committee of North Kesteven District Council of any of the Town and Parish councils within the district;

be, a relative or close friend of a current elected or co-opted member or officer of North Kesteven or any Town and Parish Council within the district, or of any elected or co-opted member of any committee or sub-committee of those councils.

North Kesteven District Council reserves the right to remove an Independent Person from his/her post if their independence is in anyway compromised, and/or they bring the reputation of the Council into disrepute.

Allowance and expenses

A fixed allowance of £600 per annum for the Independent Person and £200 per annum for the Reserve is payable, together with reimbursement of travel and subsistence expenses.

Travel and subsistence expenses incurred can be claimed in line with the rates for elected members (for latest rates, please check the website on the following link – https://www.n-kesteven.gov.uk/your-council/how-the-council-works/your-councillors/councillor-allowances/

Application and selection deadlines

You should complete no more than the attached application form, which will be acknowledged upon receipt. (You are not required to submit a CV)

Applications should be received by no later than 12.00 noon on Friday 28th February 2020 and be sent by post to:

Kim Robertson
Monitoring Officer
North Kesteven District Council
Council Offices
Kesteven Street
Sleaford
NG34 7EF

Or

By email to nk-monitoring@n-kesteven.gov.uk

Short listing for interview will be based upon an assessment of how applicants meet the criteria in the ‘person specification’ document (enclosed) that are evaluated on the basis of the application form.

It is suggested therefore, that you include information on how you consider you meet the criteria.
Selection will be through interview conducted by the Monitoring Officer and Democratic Services Manager during **Tuesday 10th March 2020**.

The decision to appoint following recommendation by the Monitoring Officer and Democratic Services Manager will be made by the Council on **Thursday 29th April 2020**.

**Any further questions?**

If you have any questions about this role, or would like assistance in completing your form, please contact the Democratic Services Manager, Marcella Heath:-

T: 01529 308291

E: marcella.heath@n-kesteven.gov.uk

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### 4. Role Profile

**Responsible to:** The Monitoring Officer and the Council.

**Liaison with:** Members and co-opted Members and Officers of North Kesteven District Council and Town and Parish Councils within the District.

**Responsibilities:**

1. To attend and participate in meetings of Standards Committees and any sub-committees or associated meetings in an advisory capacity.

2. To provide advice to Members and Co-opted Members about whom a conduct complaint has been received and specifically to discharge the functions detailed in Section 28(7) of the Localism Act 2011.

3. To promote and maintain high standards of conduct by members.

4. To develop and apply knowledge of the Code of Conduct in relation to any and all matters relating to standards, including the assessment and determination of allegations of member misconduct under the Code of Conduct.

5. To analyse and exercise fair and impartial judgement and decision making on conduct issues.

6. To consult, liaise and maintain a professional working relationship with the council’s Monitoring Officer, his / her appointed deputies and other officers of the council.

7. To provide a view on the governance of the Council and Town and Parish Councils within North Kesteven from an external perspective that will better enable the Council to assess conduct and standards issues.

8. To develop a firm understanding of the standards and wider governance framework within which the Council operates.
9. To participate in training events relevant to the work of standards within the Council.

10. To attend meetings of the Council when required and other functions in order to raise the profile of standards within North Kesteven and Lincolnshire.

11. To participate in any forum established for Independent Persons.

12. In relation to 1 and 2 above to assist neighbouring principal councils on an ad hoc basis, if necessary.

13. To undertake such other responsibilities as the Monitoring Officer considers reasonably commensurate with the position.
# NORTH KESTEVEN DISTRICT COUNCIL

## PERSON SPECIFICATION

### INDEPENDENT PERSON (Localism Act 2011 – Standards)

<table>
<thead>
<tr>
<th>Essential</th>
<th>Desirable</th>
<th>How Measured</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Localism Act 2011 criteria</strong></td>
<td>Applicants must comply with the definition of an Independent Person as detailed in the Localism Act 2011, Part 1, Chapter 7, Section 28 (8) and (10)</td>
<td>Application</td>
</tr>
<tr>
<td><strong>Experience</strong></td>
<td>Experience of serving in or working for local or national government and/or legal system, tribunals or other quasi-judicial bodies</td>
<td>A demonstrable interest in local issues</td>
</tr>
<tr>
<td><strong>Education/Training</strong></td>
<td>No specific qualifications required.</td>
<td></td>
</tr>
<tr>
<td><strong>Skills/ Knowledge</strong></td>
<td>Commitment to public service. Ability to critically assess written and oral evidence to reach a balanced and objective decision. Ability to absorb key information from complex reports. Ability to communicate effectively with a wide range of people, councillors and council officers through various communication methods. Demonstrate excellent listening, problem solving and evaluation skills. Demonstrate tact, diplomacy and</td>
<td>Knowledge of how local government operates and an awareness of the role of elected members. General understanding of the principles of the members’ code of conduct and standards regime. Knowledge of rules of natural justice. Ability to write reports if necessary.</td>
</tr>
</tbody>
</table>


| | impartiality.  
Computer Literate, particularly use of Word/Office and Emails  
Have a general understanding of the principles behind the Members’ Code of Conduct. | | |
|---|---|---|---|
| **Personal Qualities** | Personal Integrity,  
Open minded and Non-judgmental  
Commitment to upholding high standards.  
Independence of mind – ability to form a view on the basis of facts and not to be swayed by others and act objectively.  
Commitment to confidentiality in appropriate circumstances.  
Ability and willingness to work with other members of other councils, their committees/panels and officers.  
Reliable and committed | Exercise persuasion and influence.  
Think logically, seeking and receiving advice where appropriate. | Application and interview |
| **Working Arrangements** | Need to attend various meetings with fluctuating frequency and sometimes at short notice.  
Need to be available for and respond to consultation as and when required, and sometimes at short notice particularly via telephone and | Ability to identify potential conflicts of interest during working role. | Application and interview |
| electronic communication methods. |
| Attend training events and other forums as and when required. |
| Not a member of or closely associated with a political party. |
APPLICATION FOR INDEPENDENT PERSON

Closing date: Friday 28th February 2020 at 12 noon

Please complete all sections of this form clearly in black ink or type. If any space is too small, please attach an additional sheet, clearly stating your name and post applied for:

Section 1: About yourself

Title: 

Surname: 

First names: 

Address: 

Postcode: 

Home Tel Number: Mobile Number: 

Work Tel Number 

E-mail address: 

Section 2: Criteria

Please answer each of these questions by putting a tick in the appropriate box.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes ✓</th>
<th>No ✓</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are you employed or appointed by North Kesteven District Council or any of the Parish/Town Councils in North Kesteven, in any capacity?</td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Are you related to any Councillor(s) or employee(s) of North Kesteven District Council or any of the Parish/Town Councils within North Kesteven?</td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Do you hold a position within a political party at local, regional or national level?</td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Have you been convicted within the last 5 years of an offence with a sentence of imprisonment [whether suspended or not] for a period of three months without the option of a fine?</td>
<td></td>
<td>*</td>
</tr>
</tbody>
</table>

*If yes, please provide details on next page
*Please provide details from Section 2 if applicable

Please list any activities/interests/connections which may require a declaration of interest or restrict you in fulfilling the appointment:

Section 3: Employment

Present or most recent employer:

Name and address of employer:

Postcode:

Job Title:

Main duties of job:
Section 4: Information in support of your application

Please include any experience, skills, knowledge, and achievements from any areas of your life which you consider you would bring to the position of Independent Person. Please use the criteria of the person specification for reference.
Section 5: References

Please give the details of two people who can be contacted confidentially relating to your suitability for this position. Referees will normally be contacted at the same time that a candidate is approached for interview.

<table>
<thead>
<tr>
<th></th>
<th>Referee 1</th>
<th>Referee 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email address</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

May we approach your referees without further permission from you?

Yes [ ] No [ ]

Section 6: House keeping

Are there any arrangements the Council would need to make to allow you a fair, selective interview should you be called for interview?

Yes [ ] No [ ]

If yes, give details, e.g. parking space, ground floor venue, signing, large print

________________________________________________________________________

________________________________________________________________________

Where did you learn about the position?

________________________________________________________________________

________________________________________________________________________
Section 7: Declaration

I confirm that:

- I have read the background information and understand and accept the commitment needed to be an active member of the Independent Person.
- the details given are, to the best of my knowledge and belief, a true statement and that I meet the necessary criteria to be an Independent Person as details in the Localism Act 2011, Part 1, Chapter 7, Section 28 (8).
- I would fully respect the confidentiality of the information provided to me as the Independent Person.
- I would observe any rules set by North Kesteven District Council and act in good faith in the interests of the Council.

SIGNED: _________________________  DATED: _____________

Data Protection

All information provided on this form will be handled in accordance with the Data Protection Act 1998. The information will be used for recruitment and personnel functions by North Kesteven District Council and will not be disclosed except in accordance with the law.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, contact Human Resources or see https://www.n-kesteven.gov.uk/your-council/facts-and-figures-about-the-council/council-spending/council-transparency/counter-fraud-corruption-bribery-and-money-laundering/

For office use only  Ref no: _______/_______
APPLICATION FORM PART B

This information will be detached before your application is passed for shortlisting.

Equal Opportunities Monitoring

North Kesteven District Council is an Equal Opportunities Employer. We are committed to ensuring all recruitment processes are non-discriminatory and that no potential or current employee is treated less favourably on the ground of sex, sexual orientation, gender reassignment, marriage and civil partnership, race, pregnancy and maternity, religion or belief, disability or age. To assist the District Council in monitoring our performance in relation to equal opportunities you are asked to provide the following information.

Completion is optional and is used for recruitment statistical monitoring purposes only.

<table>
<thead>
<tr>
<th>Age</th>
<th>Date of Birth</th>
<th>Gender</th>
<th>Male</th>
<th>Female</th>
<th>Nationality</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Marital Status</th>
<th>Single</th>
<th>Married</th>
<th>Civil Partnership</th>
<th>Cohabiting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Disability Do you consider yourself to have a disability?*2

- yes
- No

*2 See Guidance Notes

Ethnic Origin How would you describe your ethnic origin?

- White
  - British
  - Irish
  - Other

- Asian and Asian British
  - Indian
  - Pakistani
  - Bangladeshi

- Other

- Chinese

- Mixed
  - White and Black Caribbean
  - White and Black African
  - White and Asian

- Other

- Black or Black British
  - Caribbean
  - African
  - Other

- Other Ethnic Group
  - If other please specify

- Religion or Belief
  - Baha’i
  - Buddhist
  - Christian
  - Hindu

- Jewish
  - Muslim
  - Parsi
  - Rastafarian
  - Sikh

- Other (please state)

- Sexual Orientation
  - Heterosexual
  - Gay
  - Lesbian
  - Bisexual

- Other

How did you learn about this vacancy?

-
Localism Act 2011

2011 CHAPTER 20

PART 1
LOCAL GOVERNMENT

CHAPTER 7
STANDARDS

26 Amendments of existing provisions

Schedule 4 (which amends the existing provisions relating to the conduct of local government members and employees in England and makes related provision) has effect.

27 Duty to promote and maintain high standards of conduct

(1) A relevant authority must promote and maintain high standards of conduct by members and co-opted members of the authority.

(2) In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

(3) A relevant authority that is a parish council—
   (a) may comply with subsection (2) by adopting the code adopted under that subsection by its principal authority, where relevant on the basis that references in that code to its principal authority’s register are to its register, and
   (b) may for that purpose assume that its principal authority has complied with section 28(1) and (2).

(4) In this Chapter “co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who—
(a) is a member of any committee or sub-committee of the authority, or
(b) is a member of, and represents the authority on, any joint committee or joint
sub-committee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of
that committee or sub-committee.

(5) A reference in this Chapter 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) In this Chapter “relevant authority” means—

(a) a county council in England,
(b) a district council,
(c) a London borough council,
(d) a parish council,
(e) the Greater London Authority,
(f) the Metropolitan Police Authority,
(g) the London Fire and Emergency Planning Authority,
(h) the Common Council of the City of London in its capacity as a local authority
or police authority,
(i) the Council of the Isles of Scilly,
(j) a fire and rescue authority in England constituted by a scheme under section 2
of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of
that Act applies,
(k) a police authority (in England or in Wales) established under section 3 of the
Police Act 1996,
(l) a joint authority established by Part 4 of the Local Government Act 1985,
(m) an economic prosperity board established under section 88 of the Local
Democracy, Economic Development and Construction Act 2009,
(n) a combined authority established under section 103 of that Act,
(o) the Broads Authority, or
(p) a National Park authority in England established under section 63 of the

(7) Any reference in this Chapter to a member of a relevant authority—

(a) in the case of a relevant authority to which Part 1A of the Local Government
Act 2000 applies, includes a reference to an elected mayor;
(b) in the case of the Greater London Authority, is a reference to the Mayor of
London or a London Assembly member.

(8) Functions that are conferred by this Chapter on a relevant authority to which Part 1A of
the Local Government Act 2000 applies are not to be the responsibility of an executive
of the authority under executive arrangements.

(9) Functions that are conferred by this Chapter on the Greater London Authority are to
be exercisable by the Mayor of London and the London Assembly acting jointly on
behalf of the Authority.

(10) In this Chapter except section 35—

(a) a reference to a committee or sub-committee of a relevant authority is, where
the relevant authority is the Greater London Authority, a reference to—
(i) a committee or sub-committee of the London Assembly, or

(ii) the standards committee, or a sub-committee of that committee, established under that section,

(b) a reference to a joint committee on which a relevant authority is represented is, where the relevant authority is the Greater London Authority, a reference to a joint committee on which the Authority, the London Assembly or the Mayor of London is represented,

(c) a reference to becoming a member of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to becoming the Mayor of London or a member of the London Assembly, and

(d) a reference to a meeting of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to a meeting of the London Assembly;

and in subsection (4)(b) the reference to representing the relevant authority is, where the relevant authority is the Greater London Authority, a reference to representing the Authority, the London Assembly or the Mayor of London.

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 be dealt with otherwise than in accordance with arrangements made under subsection (6); in 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—
   (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.

(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—
(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.

29 Register of interests

(1) The monitoring officer of a relevant authority must establish and maintain a register of interests of members and co-opted members of the authority.

(2) Subject to the provisions of this Chapter, it is for a relevant authority to determine what is to be entered in the authority’s register.

(3) Nothing in this Chapter requires an entry to be retained in a relevant authority’s register once the person concerned—
(a) no longer has the interest, or
(b) is (other than transiently on re-election or re-appointment) neither a member nor a co-opted member of the authority.

(4) In the case of a relevant authority that is a parish council, references in this Chapter to the authority’s monitoring officer are to the monitoring officer of the parish council’s principal authority.

(5) The monitoring officer of a relevant authority other than a parish council must secure
(a) that a copy of the authority’s register is available for inspection at a place in the authority’s area at all reasonable hours, and
(b) that the register is published on the authority’s website.

(6) The monitoring officer of a relevant authority that is a parish council must—
   (a) secure that a copy of the parish council’s register is available for inspection at a place in the principal authority’s area at all reasonable hours;
   (b) secure that the register is published on the principal authority’s website, and
   (c) provide the parish council with any data it needs to comply with subsection (7).

(7) A parish council must, if it has a website, secure that its register is published on its website.

(8) Subsections (5) to (7) are subject to section 32(2).

(9) In this Chapter “principal authority”, in relation to a parish council, means—
   (a) in the case of a parish council for an area in a district that has a district council, that district council,
   (b) in the case of a parish council for an area in a London borough, the council of that London borough, and
   (c) in the case of a parish council for any other area, the county council for the county that includes that area.

(10) In this Chapter “register”, in relation to a relevant authority, means its register under subsection (1).

30 Disclosure of pecuniary interests on taking office

(1) A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority’s monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.

(2) Where a person becomes a member or co-opted member of a relevant authority as a result of re-election or re-appointment, subsection (1) applies only as regards disclosable pecuniary interests not entered in the authority’s register when the notification is given.

(3) For the purposes of this Chapter, a pecuniary interest is a “disclosable pecuniary interest” in relation to a person (“M”) if it is of a description specified in regulations made by the Secretary of State and either—
   (a) it is an interest of M’s, or
   (b) it is an interest of—
      (i) M’s spouse or civil partner,
      (ii) a person with whom M is living as husband and wife, or
      (iii) a person with whom M is living as if they were civil partners, and M is aware that that other person has the interest.

(4) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (1), the authority’s monitoring officer is to cause the interests notified to be entered in the authority’s register (whether or not they are disclosable pecuniary interests).
31 Pecuniary interests in matters considered at meetings or by a single member

(1) Subsections (2) to (4) apply if a member or co-opted member of a relevant authority—
   (a) is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority,
   (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
   (c) is aware that the condition in paragraph (b) is met.

(2) If the interest is not entered in the authority’s register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).

(3) If the interest is not entered in the authority’s register and is not the subject of a pending notification, the member or co-opted member must notify the authority’s monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.

(4) The member or co-opted member may not—
   (a) participate, or participate further, in any discussion of the matter at the meeting, or
   (b) participate in any vote, or further vote, taken on the matter at the meeting, but this is subject to section 33.

(5) In the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies and which is operating executive arrangements, the reference in subsection (1) (a) to a committee of the authority includes a reference to the authority’s executive and a reference to a committee of the executive.

(6) Subsections (7) and (8) apply if—
   (a) a function of a relevant authority may be discharged by a member of the authority acting alone,
   (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
   (c) the member is aware that the condition in paragraph (b) is met.

(7) If the interest is not entered in the authority’s register and is not the subject of a pending notification, the member must notify the authority’s monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.

(8) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

(9) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (3) or (7), the authority’s monitoring officer is to cause the interest notified to be entered in the authority’s register (whether or not it is a disclosable pecuniary interest).

(10) Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate.
(11) For the purpose of this section, an interest is “subject to a pending notification” if—
(a) under this section or section 30, the interest has been notified to a relevant
authority’s monitoring officer, but
(b) has not been entered in the authority’s register in consequence of that
notification.

32 Sensitive interests

(1) Subsections (2) and (3) apply where—
(a) a member or co-opted member of a relevant authority has an interest (whether
or not a disclosable pecuniary interest), and
(b) the nature of the interest is such that the member or co-opted member, and
the authority’s monitoring officer, consider that disclosure of the details of
the interest could lead to the member or co-opted member, or a person
connected with the member or co-opted member, being subject to violence
or intimidation.

(2) If the interest is entered in the authority’s register, copies of the register that are made
available for inspection, and any published version of the register, must not include
details of the interest (but may state that the member or co-opted member has an
interest the details of which are withheld under this subsection).

(3) If section 31(2) applies in relation to the interest, that provision is to be read as
requiring the member or co-opted member to disclose not the interest but merely the
fact that the member or co-opted member has a disclosable pecuniary interest in the
matter concerned.

33 Dispensations from section 31(4)

(1) A relevant authority may, on a written request made to the proper officer of the
authority by a member or co-opted member of the authority, grant a dispensation
relieving the member or co-opted member from either or both of the restrictions in
section 31(4) in cases described in the dispensation.

(2) A relevant authority may grant a dispensation under this section only if, after having
had regard to all relevant circumstances, the authority—
(a) considers that without the dispensation the number of persons prohibited by
section 31(4) from participating in any particular business would be so great
a proportion of the body transacting the business as to impede the transaction
of the business,
(b) considers that without the dispensation the representation of different political
groups on the body transacting any particular business would be so upset as
to alter the likely outcome of any vote relating to the business,
(c) considers that granting the dispensation is in the interests of persons living in
the authority’s area,
(d) if it is an authority to which Part 1A of the Local Government Act 2000
applies and is operating executive arrangements, considers that without the
dispensation each member of the authority’s executive would be prohibited
by section 31(4) from participating in any particular business to be transacted
by the authority’s executive, or
(e) considers that it is otherwise appropriate to grant a dispensation.
(3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

34 Offences

(1) A person commits an offence if, without reasonable excuse, the person—

(a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),

(b) participates in any discussion or vote in contravention of section 31(4), or

(c) takes any steps in contravention of section 31(8).

(2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—

(a) knows that the information is false or misleading, or

(b) is reckless as to whether the information is true and not misleading.

(3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person’s case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.

(5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.

(6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor’s knowledge.

(7) But no such proceedings may be brought more than three years—

(a) after the commission of the offence, or

(b) in the case of a continuous contravention, after the last date on which the offence was committed.

(8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor’s knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(9) The Local Government Act 1972 is amended as follows.

(10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after “2000” insert “or section 34 of the Localism Act 2011”.

(11) In section 87(1)(ee) (date of casual vacancies)—

(a) after “2000” insert “or section 34 of the Localism Act 2011 or”, and

(b) after “decision” insert “or order”.
(12) The Greater London Authority Act 1999 is amended as follows.

(13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after subparagraph (i) insert—

“(a) under section 34 of the Localism Act 2011,”.

(14) In section 9(1)(f) (date of casual vacancies)—

(a) before “or by virtue of” insert “or section 34 of the Localism Act 2011”, and

(b) after “that Act” insert “of 1998 or that section”.

35 Delegation of functions by Greater London Authority

(1) The Mayor of London and the London Assembly, acting jointly, may arrange for any of the functions conferred on them by or under this Chapter to be exercised on their behalf by—

(a) a member of staff of the Greater London Authority, or

(b) a committee appointed in accordance with provision made by virtue of this section.

(2) Standing orders of the Greater London Authority may make provision regulating the exercise of functions by any member of staff of the Authority pursuant to arrangements under subsection (1).

(3) Standing orders of the Greater London Authority may make provision for the appointment of a committee (“the standards committee”) to exercise functions conferred on the Mayor of London and the London Assembly by or under this Chapter in accordance with arrangements under subsection (1).

(4) Standing orders of the Greater London Authority may make provision about the membership and procedure of the standards committee.

(5) The provision that may be made under subsection (4) includes—

(a) provision for the standards committee to arrange for the discharge of its functions by a sub-committee of that committee;

(b) provision about the membership and procedure of such a sub-committee.

(6) Subject to subsection (7), the standards committee and any sub-committee of that committee—

(a) is not to be treated as a committee or (as the case may be) sub-committee of the London Assembly for the purposes of the Greater London Authority Act 1999, but

(b) is a committee or (as the case may be) sub-committee of the Greater London Authority for the purposes of Part 3 of the Local Government Act 1974 (investigations by Commission for Local Administration in England).

(7) Sections 6(3)(a) (failure to attend meetings) and 73(6) (functions of monitoring officer) of the Greater London Authority Act 1999 apply to the standards committee or any sub-committee of that committee as they apply to a committee of the London Assembly or any sub-committee of such a committee.

(8) Part 5A of the Local Government Act 1972 (access to meetings and documents) applies to the standards committee or any sub-committee of that committee as if—
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(a) it were a committee or (as the case may be) a sub-committee of a principal
council within the meaning of that Part, and
(b) the Greater London Authority were a principal council in relation to that
committee or sub-committee.

(9) Arrangements under this section for the exercise of any function by—
(a) a member of staff of the Greater London Authority, or
(b) the standards committee,
do not prevent the Mayor of London and the London Assembly from exercising those
functions.

(10) References in this section to the functions of the Mayor of London and the London
Assembly conferred by or under this Chapter do not include their functions under this
section.

(11) In this section “member of staff of the Greater London Authority” has the same
meaning as in the Greater London Authority Act 1999 (see section 424(1) of that Act).

36 Amendment of section 27 following abolition of police authorities

In section 27(6) (which defines “relevant authority” for the purposes of this Chapter)
omit—
(a) paragraph (f) (the Metropolitan Police Authority), and
(b) paragraph (k) (police authorities).

37 Transitional provision

(1) An order under section 240(2) may, in particular, provide for any provision made by
or under Part 3 of the Local Government Act 2000 to have effect with modifications
in consequence of any partial commencement of any of the amendments to, or repeals
of, provisions of that Part made by Schedule 4.

(2) An order under section 240(2) may, in particular, make provision for an allegation or
a case that is being investigated under Part 3 of the Local Government Act 2000 by
the Standards Board for England or an ethical standards officer—
(a) to be referred to an authority of a kind specified in or determined in accordance
with the order;
(b) to be dealt with in accordance with provision made by the order.

(3) The provision that may be made by virtue of subsection (2)(b) includes—
(a) provision corresponding to any provision made by or under Part 3 of the Local
Government Act 2000;
(b) provision applying any provision made by or under that Part with or without
modifications.