



Leicester  
City Council

**WARDS AFFECTED**  
All Wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
Standards Committee

**12 September 2001**

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**NEW ETHICAL FRAMEWORK  
REGULATIONS AND TIMETABLE**

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**Report of the Town Clerk and Director  
of Corporate Resources**

**1. Purpose of Report**

To update Members of the Committee on the progress of Regulations to initiate the new ethical framework within local government and the timetable for the remaining items.

**2. Summary**

The Committee, at its first meeting on 31 July 2001, received a report on progress to date in implementing the new ethical framework and the anticipated future work programme.

The Department of Transport, Local Government and the Regions has now published further information, both on the Regulations to come and the proposed timetable. This is summarised at Appendix A.

It should also be noted particularly that the Relevant Authorities (Standards Committees) Regulations SI 2001/2812 have been made, which set out additional compositional and procedural requirements on Standards Committees that are established under section 53 of the Local Government Act, 2000.

The Committee will wish to be aware that, as presently constituted, it conforms in all respects to both the legislative and detailed requirements contained in the Regulations.

The Regulations are attached, for the information of Members, at Appendix B. The key features contained in the Regulations are:

- where the Standards Committee has more than three Members, at least 25% are Independent Members.
- under the existing arrangements currently operating within the City Council, no more than one Member of the Standards Committee may be a member of the executive (Cabinet).

- a person may not be appointed an Independent Member unless
  - approved by a majority of Members of the authority
  - advertised in one or more newspapers circulating in the area of the authority
  - of a person who has submitted an application to the authority
  - of a person who has not within the period of five years immediately preceding the date of appointment been a member or officer of the authority
  - of a person who is not a relative or close friend of a member or officer of the authority
- Meetings shall not be a quorate unless three Members (including at least one Independent Member) are present for its duration.

### **3. Recommendations**

The Committee is asked to:

- (a) note the Regulations made to date, those still to come and the implementation timetable currently proposed by the Department of Transport, Local Government and the Regions.
- (b) note specifically that the Standards Committee, as currently operating, conforms in all respects to the requirements of both legislation and regulation.
- (c) note the General Principles Order has been approved bringing into effect the General Principles which are to govern the conduct of Members and co-opted Members, with these principles 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.
- (d) note that the General Principles will be reported to full Council by way of the report on the updated Political Conventions, thereby ensuring that all Members are fully informed of their operation.

### **4. Financial and legal Implications**

None other than covered in the report.

### **5. Report Author/Officer to contact:**

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Assistant Town Clerk (Corporate Services)  
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TIMETABLE OF KEY REGULATIONS UNDER PART III,  
LOCAL GOVERNMENT ACT 2000

(i) Regulations already made

Commencement Order No. 5 SI 2000/3335

(This brought into force provisions in Part III of the Local Government Act 2000 concerning the ethical conduct of Members of relevant authorities)

Relevant Authorities (General Principles) Order SI 2001/1401

(the General Principles are contained as an Appendix to the Political Conventions; the subject of a separate report to this meeting of the Committee)

Relevant Authorities (Standards Committees) Regulations SI 2001/22812

(see this report, Appendix B)

(ii) Still to come

<b>Order/Regulation</b>	<b>Future Consultation</b>	<b>Expected to be laid before Parliament</b>
s.52(2) provides for an amendment to the <b>declaration of acceptance of officer order</b> (section 83 of the LGA 1972)	No public consultation required	October 2001
s.50(1) provides for <b>model code of Members' conduct</b> to be issued by Order	Consultation paper and draft order published 9 February (closing date 27 April 2001)	October 2001
s.81(5) provides for regulations prescribing the circumstances in which Standards Committees may grant <b>dispensations</b>	Proposals on dispensations included as part of the above consultation paper	October 2001
s.82(1)&(8) provides for a <b>model code of employees' conduct</b> to be issued by Order and to define qualifying employees.	Consultation paper and draft order to be published by end of September 2001 (12 weeks consultation period)	January 2002
s.77(2) provides for regulations in connection with the procedures to be followed by the <b>Adjudication Panel for England</b>	No publication consultation required	November 2001
s.108(3)(c) provides for <b>repeal</b> of various provisions of existing conduct framework legislation, including <b>Surcharge</b>	No consultation required	April 2002

**STATUTORY INSTRUMENT 2001 No. 2812**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

The Relevant Authorities (Standards Committee) Regulations 2001

<i>Made</i>	<i>1st August 2001</i>
<i>Laid before Parliament</i>	<i>7th August 2001</i>
<i>Coming into force</i>	<i>28th August 2001</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the power conferred upon him by sections 53(6) and (12), 55(8) and 105 of the Local Government Act 2000[1], and of the powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and application**

1. – (1) These Regulations may be cited as the Relevant Authorities (Standards Committee) Regulations 2001 and shall come into force on 28th August 2001.

(2) These Regulations apply in relation to relevant authorities in England [2], other than parish councils and to police authorities in Wales, and reference to “authority” shall be construed accordingly.

**Interpretation**

**2. In these Regulations**

“the 1972 Act” means the Local Government Act 1972[3];

“independent members” means a person appointed to a standards committee, or sub-committee of a standards committee, of an authority under section 53(4)9b) or 55(7)(a) of the Act;

“partner” means a member of a couple who live together.

“relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

“responsible authority” means a district council or unitary county council which has functions in relation to the parish councils for which it is responsible under section 55(12) of the Act.

### **Size and composition of standards committees**

3. – (1) An authority must ensure that –

- (a) where its standards committee has more than three members, at least 25% are independent member; and
  - (b) where it is operating executive arrangements under Part II of the Act, no more than one member of its standards committee is a member of the executive.
- (2) Where an authority is a responsible authority, it must ensure that –
- (a) if its standards committee has appointed a sub-committee under section 55(3) of the Act, that standards committee includes at least one member of any of the parish councils for which the authority is the responsible authority; and
  - (b) a member of its standards committee, or sub-committee of the standards committee, appointed under sub-paragraph (a), or under section 55(6)(a or 55(7)(b) of the Act, is not also a member of that responsible authority.

### **Appointment of independent member**

4. Subject to regulation 5(c), a person may not be appointed as an independent member of a standards committee of an authority or sub-committee of the standards committee unless the appointment is –

- (a) approved by a majority of the members of the authority;
- (b) advertised in one or more newspapers circulating in the area of the authority;
- (c) of a person who has submitted an application to the authority.
- (d) of a person who has not within the period of five years immediately preceding the date of the appointment been a member or officer of the authority; and
- (e) of a person who is not a relative or close friend of a member or officer of the authority.

### **Transitional provision for independent members**

5. Where an authority has before the date on which these Regulations come into force established a committee, which has among its functions that of promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and which includes any person who is not a member or officer of that or any other relevant authority –

- (a) that committee may be treated by the authority as if it were a standards committee for the purposes of the Act;
- (b) subject to sub-paragraph (c) these Regulations shall apply to that committee; and

- (c) regulation 4 shall not apply to that committee until the end of the period of two years beginning with the date on which these Regulations come into force.

### **Validity of proceedings**

6. – (1) Subject to paragraph (2), a meeting of a standards committee or sub-committee of a standards committee shall not be quorate unless at least three members (including at least one independent member) of that committee or sub-committee are present for its duration.

(2) Where at least one independent member would have been present for the duration of that meeting but for the fact that he was prevented or restricted from participating in any business of the authority by virtue of its code of conduct, the requirement in paragraph (2) for the quorum to include at least one independent member shall not apply.

### **Application of the Local Government Act 1972**

7. – (1) Subject to paragraphs (2) and (3), Part VA of the 1972 Act [4] shall apply in relation to meetings of a standards committee, or sub-committee of a standards committee, of an authority as it applies to meetings of a principal council.

(2) Sections 100E, 100G, 100J and 100K of the 1972 Act shall not be so applied.

(3) Where a responsible authority must act in accordance with sections 100A(6)(a), 100B(1) or 100C(1) of the 1972 Act by virtue of paragraph (1), it shall also give to every parish council for which it is responsible –

- (a) written notice of the time and place of the meeting at least three clear days before that meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
- (b) a copy of the agenda for the meeting and copies of any report for a meeting at least three clear days before the meeting, except that –
  - (i) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be given to the parish council from the time the meeting is convened; and
  - (ii) where an item is added to an agenda, copies of which have been given to the parish council, copies of the item (or the revised agenda), and the copies of any report for the meeting relating to the item shall be given to the parish council from the time the item is added to the agenda.

but nothing in this sub-paragraph requires copies of any agenda, item or report to be given to the parish council until copies are available to members of the responsible authority;

- (c) after the meeting, a copy of the minutes excluding so much of the minutes of proceedings during which the meeting was not open to the public under section 100A(4) of the 1972 Act, or where applicable, a copy of a summary made under section 100C(2) of that Act;

- (d) after the meeting, a copy of the agenda for the meeting; and
- (e) after the meeting, a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

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

*Nick Raynsford*

Minister of State, Department for Transport, Local Government and the Regions

1st August 2001

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations apply to relevant authorities in England, other than parish councils, and to police authorities in Wales. Relevant authorities are for the purposes of Part III of the Local Government Act 2000 principal councils, parish councils and other authorities including the Greater London Authority, fire, police and National Park authorities.

The Regulations set out additional compositional and procedural requirements on standards committees that are established under section 53 of the 2000 Act.

Regulation 3 makes provision for the composition of standards committees and prescribes a minimum number of independent members and a maximum number of executive members.

Regulation 4 prescribes a procedure for the appointment of independent members, and regulation 5 makes transitional provision enabling authorities to retain certain standards committees already in existence before the commencement of the Act, and in respect of independent members.

Regulation 6 requires meetings of standards committee to have a quorum.

Regulation 7 applies parts of Part VA of the Local Government Act 1972 (access to meetings and documents) to standards committees.

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*Notes:*

[1] 2000 c. 22

[2] See section 49(6) of the Local Government Act 2000 for the definition of relevant authority

[3] 1972 c. 70

[4] Part VA of the Local Government Act 1972 was inserted by the Local Government (Access to Information) Act 1985 c. 43

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### **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** –

“this 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 financial 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



LOCAL GOVERNMENT ACT 2000  
(Relevant Authorities [General Principles] Order 2001)

**THE GENERAL PRINCIPLES**

*Selflessness*

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

*Honest 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 should take account of the view 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 offices, 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 on 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.