

Subject:	New Code of Conduct for Members	Status:	For Publication
Report to:	Standards Committee Governance Working Group Council	Date:	13 th June 2012 27 th June 2012 11 th July 2012
Report of:	Head of Legal and Democratic Services	Portfolio Holder:	Customers Legal and Licensing
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That Council adopt the proposed new Code of Conduct for Members and hearing procedure attached at Appendix 1, which will replace the current Code of Conduct in the Council's Constitution, from 12 th July 2012.
1.2	That Council delegate all future minor amendments to the Code of Conduct for Members to the Council's Monitoring Officer in consultation with the relevant Portfolio Holder.
1.3	That Council agrees the appointment of the following 3 independent persons for Standards: <ul style="list-style-type: none"> • Mrs Irene Divine • Mr Keith Pilkington • Mrs Alison Driver
1.4	That Council agrees one of the following options: <ul style="list-style-type: none"> a) To continue with a Standards Committee in the present format, which meets on a quarterly basis, and deals with standards complaints through a sub-group. b) To have a Standards Panel, which meets as a sub group to deal with Standards complaints, that the Audit and Accounts Committee monitor the Council's corporate governance arrangements and the Constitution will be updated accordingly.

2. PURPOSE OF REPORT

- 2.1 To advise members of the proposed new Code of Conduct for Members which is intended to replace the current version in the Council's Constitution from 12th July 2012.
- 2.2 To agree the appointments of the independent persons for Standards following the interviews held on 22nd June 2012.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale** – creating a better environment for all.
 - **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
 - **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendations in this report involve risk considerations as set out below:
- There is a risk of a loss of confidence in members, the Council, its decision making processes and local democracy, should a new Code of Conduct for Members not be

put in place.

- The Localism Act requires Councils to adopt a new Code of Conduct from 1st July 2012. Whilst members agreed in March to continue with the existing Code of Conduct until new arrangements have been put in place, a new Code of Conduct now needs to be agreed.

5. BACKGROUND AND OPTIONS

5.1 Following the last meeting of the Standards Committee and Full Council, a Standards Committee Working Group met 9th May 2012, to discuss and establish a proposed new Code of Conduct. Members considered the draft Code of Conduct which was circulated at the last meeting of the Standards Committee. Further to this meeting a further version of the proposed Code was circulated to the Working Group, being the latest version from the Association of Council Secretaries and Solicitors (ACSeS).

5.2 The Proposed new Code of Conduct is attached at Appendix 1 which takes into account the latest version and the issues discussed at the Working Group, which included the following recommendations/actions:-

1. Respect and some explanatory text from the old code to be added, including respect to one another as councillors.
2. Hospitality policies from other authorities/businesses to be researched and 1 or 2 examples included in the code. Amount to be brought down to £25.
3. List of policies which complement the code to be appended to the new code, including but not restricted to Equality, Anti-Fraud, Whistleblowing, Gifts and Hospitality.
4. Civic Protocol – to be referenced in the new code.
5. Criminality and process monitoring officer will follow to be clearly outlined.
6. O&S paragraphs to be clarified and an example given.

5.3 Once agreed, it is intended that the new Code of Conduct will be implemented following full Council in July 2012, along with any new arrangements for Standards which are agreed at that meeting. Members will be asked to sign the new Code of Conduct.

5.4 Members are also asked to agree the appointment of the 3 independent persons for Standards. A sub-group of the Appointment and Appeals Panel met on 22nd June to interview for the 3 posts. The Panel made a unanimous decision on the 3 appointments which are to be ratified by Council.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no obvious financial implications arising from this change to the Code of Conduct for Members.

6.2 Adherence to this policy is included within the annual audit at the close of the financial accounts, most specifically in reference to dealings with Related Parties which is regulated by the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom. Each year CIPFA revise this Code, therefore the Code of Conduct line “*do fulfil the requirements of the law and the Council/Authority in registering your interests in the Register of Members' Interests*”, ensures that the most relevant accounting Code will always applied.

7. MONITORING OFFICER

7.1 The Government has just published (30.5.12) two sets of draft regulations ‘The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012’ and ‘The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012’.

7.2 The former if formally enacted will clarify what is a 'disclosable pecuniary interest' under the Act. The later regulation will clarify amongst other things the position of Independent persons. Copies of the draft regulations are enclosed as a background documents. Further training for members will be provided on these issues once the regulations have been formally enacted.

8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

8.1 There are no HR implications however the Child Protection Policy and the Harassment and Bullying incorporating Dignity at Work Policy should be referenced within the Code. (Note: this has been done).

9. CONSULTATION CARRIED OUT

9.1 Consultation took place as follows:-

- Standards Committee Working Group
- Governance Working Group
- Other Local Authorities
- Statutory Officers

10. CONCLUSION

10.1 Councils are required to adopt a new Code of Conduct and this new Code can be implemented along with any new arrangements for Standards which are agreed at July's full Council meeting.

Background Papers/Appendices	
Document	Place of Inspection
Proposed new Code of Conduct	Appendix 1
Disclosable Pecuniary Interests) Regulations 2012	Appendix 2
The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012	Appendix 3

Rossendale Borough Council

The Code of Conduct for Members and Co-Opted Members together with The Rules for Registration of Interests and Conflicts of Interest

*Approved by the Council on **Date TBC***

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The Code of Conduct for Members of Rossendale Borough Council

Prepared pursuant to Chapter 7 of the Localism Act 2011

I. Purpose of the Code

1. The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Authority, their local communities and the public at large by:
 - a) setting out the standards of conduct that are expected of Members and co-opted Members of the Authority when they are acting in that capacity, and in so doing
 - b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

II. Scope of the Code

2. The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority business, ward/division business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Authority and the rulings of the Chair
4. The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of related Codes and Protocols of the Authority, specifically
 - the Protocol on Member and Officer Relations;
 - the Protocol on use of IT and equipment;
 - the Members' Planning Code; and
 - the Guidance for Members' on Licensing.

III. Public Duties of Members

5. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act , and to act on all occasions in accordance with the public trust placed in them.
6. Members have an overriding duty to act in the interests of the Borough Authority's area as a whole, but also have a special duty to represent the views of the residents and communities of their ward/division.

IV. General Principles of Conduct

7. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Respect

Respect for others – 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.

V. Expectations of Conduct

8. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
9. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.
10. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

VI. Rules of Conduct

11. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority and Members are informed that you:
 - (1) **Do** treat others with respect and courtesy, including other Councillors. Members should promote equality by not discriminating 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.
 - (2) **Do not** -
 - (a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);
 - (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) **Do 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
- **Do** be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity connected with the Authority or any activity to be performed by or on behalf of the Authority or others should be performed improperly.
- (4) **Do not** 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 legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority
- (5) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (6) **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
12. Members shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others, and Members are informed that you:
- (1) **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ICT Policy and the policies listed – Internet and Email Acceptable Usage Policy; RBC ICT Security Policy and other related policies which you are deemed to have read;
 - Civic Protocol relating to general Standards issues
 - Anti Fraud and Corruption Strategy
 - Whistleblowing Policy
 - Anti Bribery Policy and Procedure
 - Equalities Policy
 - Child Protection Policy
 - Harassment and Bullying incorporating Dignity at Work

- (2) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
 - (4) **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.
13. Members shall observe the following rules when making decisions on behalf of or as part of the Authority, and Members are informed that you:
- (1) **Do** have regard to any relevant advice provided to you by the Council's chief financial officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.
 - (2) **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

VII. Registration and Declaration of Interests

14. Members shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in Part 2.

VIII. Duties in respect of the Authority's Standards and Governance Committee and the Monitoring Officer

15. The application and guidance on the application of this Code shall be a matter for the Authority and for the Authority's Standards and Governance Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
16. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct.
17. No Member shall lobby a member of the Authority's Standards and Governance Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.

Registration, Disclosure and Duties on Interests Held by Members and Co-Opted Members of

I. Registration of Interests

1. **Do** fulfil the requirements of the law and the Council/Authority in registering your interests in the Register of Members' Interests. These are explained on the following pages.
2. **Do** draw attention to any relevant interest, , where it is required or appropriate to do so, in any proceeding of the Council/Authority or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member
3. **Do** approach the Authority's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation

Part A: Disclosable Pecuniary Interests

As required by the Regulations of the Localism Act 2011.

Part B: Other Pecuniary Interests

Other financial interests (if any) that would qualify as grounds for bias in an application to quash a decision of the Authority as required by the Regulations of the Localism Act 2011.

Part C: Other Non-Pecuniary Interests

Other interests that would qualify as grounds for bias in an application to quash a decision of the Authority as required by the Regulations of the Localism Act 2011.

Part D: Register of Gifts and Hospitality

- You must register any gifts or hospitality worth £25 or over.
- You must also register the donor (for example, the person, company or body) of the gift or hospitality.
- You only have to register gifts that you receive in connection with your official duties as a member. You do not have to register other gifts and hospitality, such as birthday gifts from family.
- Ask yourself "Have I been given this because I am a member?" If the answer is "yes" then you must register the item.
- You should register an accumulation of small gifts you receive from the same donor over a short period that add up to £25 or more.

- You must register the gift or hospitality and its donor within 28 days of receiving it, and if an accumulation, when it gets to £25
- You will have a **personal interest** in a matter if it relates to, or is likely to affect, the donor of the gift or hospitality that is registered.
- You must declare the existence and nature of the gift or hospitality, the donor and how the business under consideration relates to that donor. You must then decide whether that interest is also a prejudicial interest.
- If more than three years have passed since you registered the gift or hospitality, you will no longer have to declare a personal interest in a matter that relates to or is likely to affect the donor.
- If you do not know the value of a gift it is good practice to register it anyway
- You may also wish to register gifts or hospitality you do not accept, as a matter of good practice.
- Hospitality can be defined as any food, drink, accommodation or entertainment provided free of charge or heavily discounted.
- You do not have to register the interests of the donor of the gift or hospitality but should register any gift or hospitality worth £25 or over, received in connection with your official duties, and the donor of that gift or hospitality.
- You have to register gifts or hospitality from Council-owned companies as wholly-owned companies are separate bodies from the authority.
- There are no special rules for those who serve as mayor or chair of an authority.
- Gifts that are clearly made to the authority do not need to be registered.
- Gifts made directly to a mayor or chair's charity appeal also do not need to be registered.
- There is no requirement under the Code to register hospitality, if that hospitality has been extended to the office holder for the time being rather than the individual.

II. Disclosure and Duties in Respect of Interests Held by Members

1. Declaration of interests not included in the Register

1.1 **Do** ensure, if you have an interest that is not entered in the authority's register, that

- (i) where you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, you disclose the interest to the meeting (unless the authority's monitoring officer considers that it is a sensitive interest); and
- (ii) you notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification)

1.2 **Do** then act accordingly.

2. Disclosable Pecuniary Interests

2.1 **Do** ensure, where you

- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
- (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

that you

- **do not** participate, or participate further, in any discussion of the matter at the meeting; and
- **do not** participate in any vote, or further vote, taken on the matter at the meeting

2.2 **Do** ensure, where you

- (i) are to discharge a function of the authority acting alone, and
- (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function

that you

- **do 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).

2.3 **Do** make a written request made to the proper officer of the authority if you consider it appropriate that the Authority grant a dispensation relieving you from either or both of the restrictions in paragraph 2.1

2.4 **Do** be aware that, in respect of disclosable pecuniary interests, failing to act as required by the Localism Act (as outlined here) is a criminal offence.

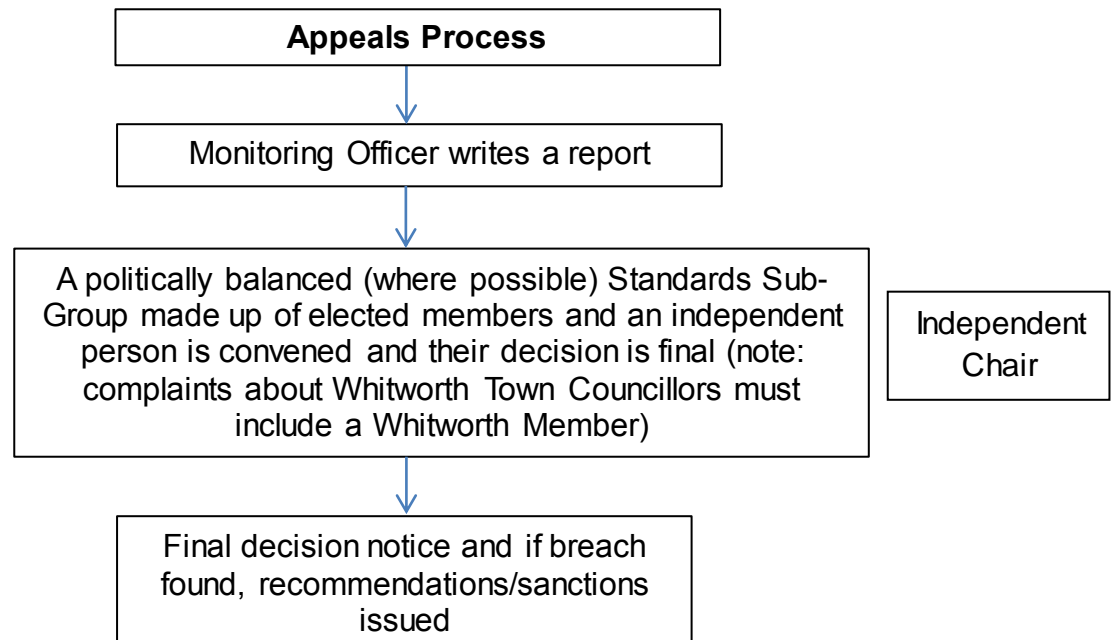
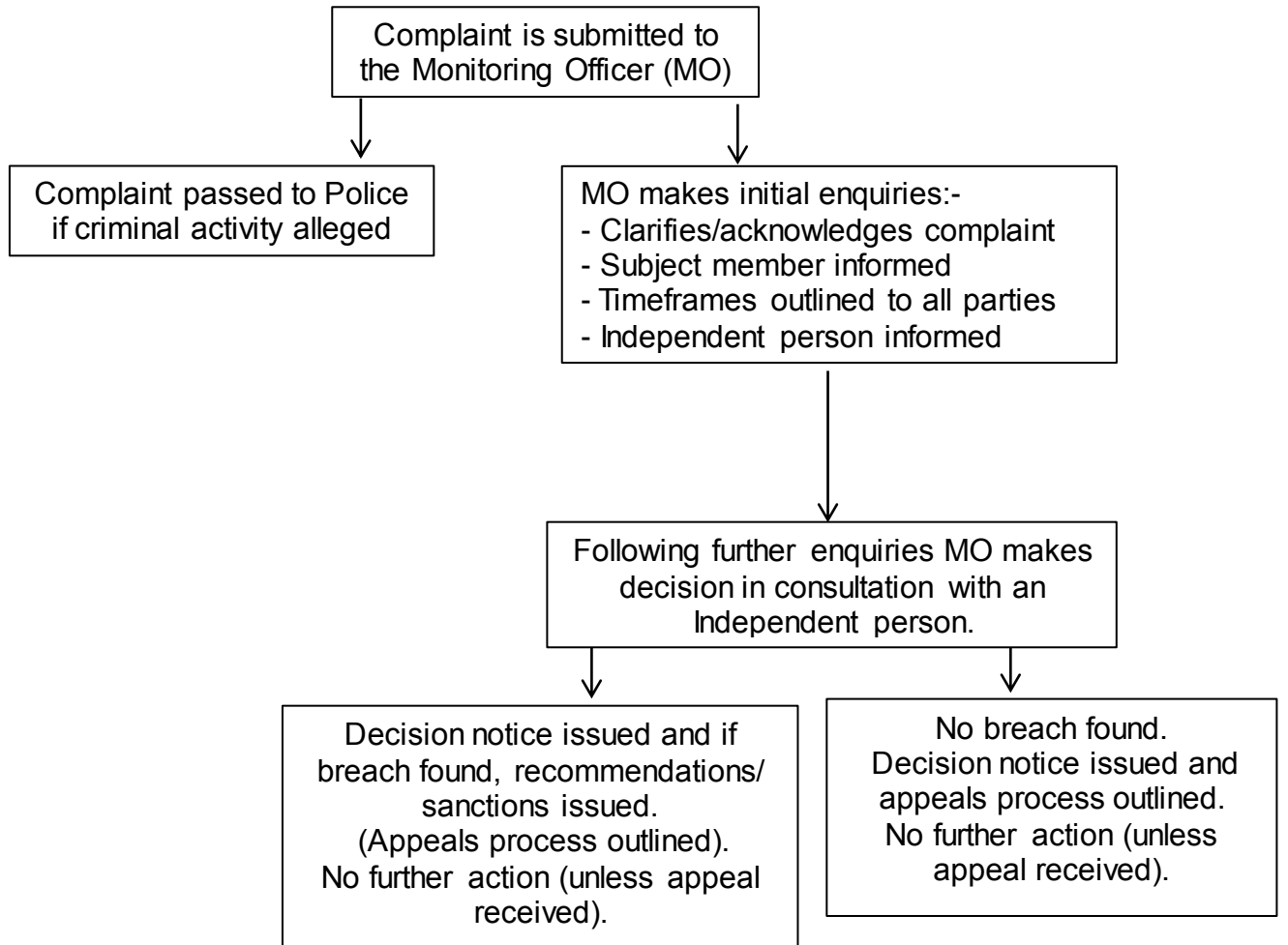
3 General

3.1 **Do** act in accordance with the Authority's standing orders (Procedure Rules) where you

- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
- (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

3.2 **Do** base your conduct when acting as a Member on a consideration of the public interest, avoiding conflict between your personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

Investigation Procedure for Complaints Against Councillors



2012 No.

LOCAL GOVERNMENT, ENGLAND

**The Relevant Authorities (Disclosable Pecuniary Interests)
Regulations 2012**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(a), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

(a) 2011 c.20.
(b) 2000 c. 8.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of section 30(3) of the Localism Act 2011 are the interests specified in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Date _____
Name
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

(a) 1992 c. 52.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a local authority and certain other authorities, on taking office, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

2012 No. (C.)

HOUSING, ENGLAND AND WALES

LOCAL GOVERNMENT, ENGLAND AND WALES

LONDON GOVERNMENT

**The Localism Act 2011 (Commencement No. 6 and Transitional,
Savings and Transitory Provisions) Order 2012**

Made - - - - 2012

The Secretary of State, in exercise of the powers conferred by section 240(2) and (7) of the Localism Act 2011(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012.

(2) In this Order—

“the Act” means the Localism Act 2011;

“the 2000 Act” means the Local Government Act 2000(b); and

“police authority” means a police authority (in England or in Wales) established under section 3 of the Police Act 1996(c).

Provisions coming into force in relation to England and Wales on the day after the day on which this Order is made

2. The following provisions of the Act (so far as they are not yet in force) come into force in relation to England and Wales on the day after the day on which this Order is made—

- (a) section 27, except paragraph (k) of subsection (6), so far as it enables a relevant authority to adopt a code of conduct which will take effect on or after 1st July 2012;
- (b) section 28 so far as it enables a relevant authority to make arrangements under which allegations can be investigated on or after 1st July 2012;
- (c) section 29 so far as it enables a monitoring officer of a relevant authority to prepare a register of interests which will take effect on or after 1st July 2012;

(a) 2011 c. 20.

(b) 2000 c. 22.

(c) 1996 c. 16. Section 3 is repealed by the Police Reform and Social Responsibility Act 2011 (c. 13) from a date to be appointed.

- (d) section 31(10) so far as it enables a relevant authority to make standing orders that will take effect on or after 1st July 2012;
- (e) section 33 so far as it enables a relevant authority to grant a dispensation which will take effect on or after 1st July 2012;
- (f) section 35;
- (g) section 153;
- (h) Part 31 of Schedule 25 and section 237 so far as relating to that Part.

Provisions coming into force in relation to England and Wales on 18th June 2012

3. Sections 145 to 147 of the Act (so far as they are not yet in force) come into force in relation to England and Wales on 18th June 2012.

Provisions coming into force in relation to England and Wales on 27th June 2012

4. Sections 81 to 85 of the Act (so far as they are not yet in force) come into force in relation to England and Wales on 27th June 2012.

Provisions coming into force in relation to England and Wales on 1st July 2012

5. Subject to articles 6 and 7, the following provisions of the Act (so far as they are not yet in force) come into force in relation to England and Wales on 1st July 2012—

- (a) section 26 and Schedule 4 except insofar as the repeals and amendments made by that Schedule apply in relation to a police authority;
- (b) section 27 except paragraph (k) of subsection (6);
- (c) sections 28 to 34; and
- (d) Part 5 of Schedule 25 and section 237 so far as relating to that Part except insofar as the repeals set out in that Part apply in relation to a police authority.

Transitional, transitory and savings provisions

6. The following transitional, transitory and savings provisions have effect.

Transitional etc provisions: standards

7.—(1) Notwithstanding section 28(8)(b) of the Act, a person may be appointed by a relevant authority as the independent person under section 28(7) of the Act, if that person—

- (a) is not a member or co-opted member of the standards committee of the relevant authority on 1st July 2012; but
- (b) has held such a post at any time during the 5 years ending on 30th June 2012.

(2) Paragraph (1) only applies in relation to appointments made before 1st July 2013.

(3) Notwithstanding article 5, the provisions of the 2000 Act, and any regulations made under them, which are repealed or amended by sections 26 and 237 of, and Schedule 4 and Part 5 of Schedule 25 to, the Act continue to have effect for the purposes of—

- (a) the bringing of an appeal under regulation 21 of the Standards Committee (England) Regulations 2008(a);
- (b) proceedings before the First-tier Tribunal on a referral under section 64(3)(b) or 65(4) or on an appeal under regulation 21 of the Standards Committee (England) Regulations 2008; or

(a) S.I. 2008/1085. Relevant amendments were made by S.I. 2012/22.

(c) legal proceedings associated with proceedings on a referral or an appeal, where proceedings were commenced before 1st July 2012 or relate to a decision by a standards committee made before 1st July 2012.

(4) Notwithstanding the amendment of sections 49(6) and 83 of the 2000 Act by Schedule 4 to the Act, those sections shall continue to have effect in their un-amended form for the purposes of the definition of “relevant authority” in sections 92 and 101 of the 2000 Act.

Signed by authority of the Secretary of State for Communities and Local Government

Name
Parliamentary Under Secretary of State

Date Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force, on the day after the day on which the Order is made, in relation to England and Wales, the following provisions relating to standards for the purposes of certain preparatory work: sections 27, 28, 29, 31(10), 33 and 35 of the Localism Act 2011. It also brings into force on the same day, so far as not yet in force, section 153 (social housing: relationship between schemes and strategies) and Part 31 of Schedule 25 (repeals relating to London (housing and regeneration)).

Article 3 brings into force on the 18th June 2012, so far as they are not already in force, in relation to England and Wales, sections 145 to 147 (allocation).

Article 4 brings into force on 27th June 2012, in relation to England and Wales, sections 81 to 85 (community right to challenge).

Article 5 brings into force on 1st July 2012, in relation to England and Wales, the remaining sections of Chapter 7 of Part 1 of the Act and Schedule 4 (standards) except provisions relating to police authorities.

Articles 6 and 7 makes transitional, savings and transitory provision.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 partially as to England and Wales	18th February 2012	2012/411
Section 1(7) and Schedule 4 as to England and Wales	4th April 2012	2012/1008
Sections 2 to 7 as to England	18th February 2012	2012/411
Section 8(2) partially as to England and Wales	3rd December 2011	2011/2896
Section 8 (so far as not yet in force) as to England and Wales	18th February 2012	2012/411
Sections 9 and 10 partially as to England and Wales	18th February 2012	2012/411
Sections 11 to 14 as to England and Wales	18th February 2012	2012/411
Section 15 as to England and Wales	3rd December 2011	2011/2896
Section 16 to 18 as to England and Wales	15th January 2012	2012/57
Section 19 as to England and Wales	3rd December 2011	2011/2896
Section 20 partially as to England and Wales	3rd December 2011	2011/2896
Section 20 as to England and Wales so far as	15th January 2012	2012/57

not yet in force		
Chapter 4 of Part 1 as to England and Wales, so far as not yet in force	15th January 2012	2012/57
Section 21 and Schedule 2 partially as to England and Wales	3rd December 2011	2011/2896
Section 21 and Schedule 2 partially as to England and Wales	15th January 2012	2012/57
Section 21 and Schedule 2 partially as to England and Wales	9th March 2012	2012/628
Section 22 and Schedule 3 partially as to England and Wales	15th January 2012	2012/57
Section 22 and Schedule 3 partially as to England and Wales	9th March 2012	2012/628
Sections 21 and 22 and Schedules 2 and 3 as to England and Wales so far as not yet in force	4th May 2012	2012/1008
Section 24 as to England and Wales	15th January 2012	2012/57
Section 26 and Schedule 4 partially as to England and Wales	31 January 2012	2012/57
Section 26 and Schedule 4 partially as to England and Wales	1st April 2012	2012/628
Section 30 partially as to England and Wales	31st January 2012	2012/57
Section 36 partially as to England and Wales	15th January 2012	2012/57
Section 46 as to England	1st April 2012	2012/628
Sections 48 to 57 as to England, Wales, Scotland and Northern Ireland	31st May 2012	2012/1008
Section 68 as to England	15th January 2012	2012/57
Section 69(8) as to England	3rd December 2011	2011/2896
Section 69(1) to (7) partially as to England	15th January 2012	2011/57
Section 69 as to England so far as not yet in force	1st April 2012	2012/628
Section 70 as to England and Wales	15th January 2012	2012/57
Sections 72 to 79 and Schedules 5 to 7 as to England and Wales	3rd December 2011	2011/2896
Section 115 as to England and Wales	15th January 2012	2012/57
Sections 116 and 121 and Schedules 10 to 12 partially as to England and Wales	15th January 2012	2012/57
Sections 116 and 121 and Schedules 9 to 12 partially as to England and Wales	6th April 2012	2012/628
Section 123 as to England and Wales	6th April 2012	2012/628
Section 124(2) partially as to England and Wales	15th January 2012	2012/57
Section 124 as to England and Wales so far as not yet in force	6th April 2012	2012/628
Sections 125 to 127 as to England and Wales	6th April 2012	2012/628
Section 128(2) and Schedule 13 partially as to England, Wales and Scotland	15th January 2012	2012/57
Section 128 and Schedule 13 as to England, Wales and Scotland so far as not yet in force	1st April 2012	2012/628
Section 129 partially as to England, Wales and Scotland	15th January 2012	2012/57
Section 129 as to England, Wales and Scotland so far as not yet in force	1st April 2012	2012/628
Sections 130 to 137 as to England, Wales and Scotland	1st April 2012	2012/628

Section 138(5) partially as to England, Wales and Scotland	15th January 2012	2012/57
Section 138 as to England, Wales and Scotland so far as not yet in force	1st April 2012	2012/628
Sections 139 to 141 as to England, Wales and Scotland	1st April 2012	2012/628
Section 142(3) partially as to England, Wales and Scotland	15th January 2012	2012/57
Section 142 as to England, Wales and Scotland so far as not yet in force	1st April 2012	2012/628
Section 145 partially as to England and Wales	15th January 2012	2012/57
Sections 146 and 147(2)(3)(4) and (5) partially as to England and Wales	15th January 2012	2012/57
Sections 147(1) and (6) partially as to England and Wales	15th January 2012	2012/57
Section 150 partially as to England and Wales	15th January 2012	2012/57
Section 150 partially as to England and Wales	15th January 2013	2012/1008
Sections 151 and 152 as to England and Wales	15th January 2012	2012/57
Section 153 partially as to England and Wales	15th January 2012	2012/57
Section 154 partially as to England and Wales	15th January 2012	2012/57
Sections 154 to 157 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 158 partially as to England and Wales	15th January 2012	2012/57
Section 158 to 161 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Schedule 14 as to England and Wales	1st April 2012	2012/1008
Section 162 partially as to England and Wales	1st April 2012	2012/628
Sections 163 and 164	1st April 2012	2012/628
Section 165 partially as to England and Wales	15th January 2012	2012/57
Section 165 as to England and Wales	1st April 2012	2012/628
Section 166 as to England and Wales	1st April 2012	2012/628
Section 176 as to England and Wales	15th January 2012	2012/57
Section 178 and Schedule 16 partially as to England and Wales	15th January 2012	2012/57
Sections 178 and 179 and Schedules 16 and 17 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 184 as to England and Wales	6th April 2012	2012/628
Section 185 as to England and Wales	1st April 2012	2012/628
Section 186 partially as to England and Wales	15th January 2012	2012/57
Section 186 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 187(1) and (2) as to England and Wales	15th January 2012	2012/57
Section 187(3) and (4) partially as to England	15th January 2012	2012/57

and Wales		
Section 187 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 188 as to England and Wales	3rd May 2012	2012/1008
Section 189 as to England and Wales	1st April 2012	2012/628
Section 190 as to England and Wales	15th January 2012	2012/57
Section 191 partially as to England and Wales and	15th January 2012	2012/57
Section 191 as to England and Wales so far as not yet in force	31st March 2012	2012/628
Section 192 as to England and Wales	3rd May 2012	2012/1008
Sections 193 and 194 as to England and Wales	15th January 2012	2012/57
Section 195 partially and Schedule 19 as to England and Wales	15th January 2012	2012/57
Section 195 and Schedule 19 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 195 and Schedule 20 as to England and Wales so far as not yet in force	31st March 2012	2012/628
Section 197 partially as to England and Wales	15th January 2012	2012/57
Sections 223 and 224 as to England and Wales	15th January 2012	2012/57
Section 225 and Schedule 23 as to England and Wales	3rd May 2012	2012/1008
Sections 226 to 229 as to England and Wales	3rd May 2012	2012/1008
Section 230 as to England and Wales	15th January 2012	2012/57
Section 231 as to England and Wales	3rd May 2012	2012/1008
Section 232 as to England and Wales	6th April 2012	2012/628
Section 233 and Schedule 24 as to England and Wales	30th March 2012	2012/628
Section 237 and Part 4 of Schedule 25 partially and Parts 11 to 13 and 25 of Schedule 25, as to England and Wales	15th January 2012	2012/57
Section 237 partially and Part 9 of Schedule 25 as to England	15th January 2012	2012/57
Section 237 and Part 5 of Schedule 25 partially as to England and Wales	31 January 2012	2012/57
Section 237 partially and Part 2 partially and Part 3 as to England and Wales	18th February 2012	2012/411
Section 237 partially and Part 4 of Schedule 25 as to England and Wales	9th March 2012	2012/628
Section 237 partially and Part 32 of Schedule 25 as to England and Wales	31st March 2012	2012/628
Section 237 partially and Parts 7 and 10 of Schedule 25 as to England	1st April 2012	2012/628
Section 237 partially and Parts 20 and 21 of Schedule 25 as to England, Wales and Scotland	1st April 2012	2012/628
Section 237 partially and Parts 26 and 27 and 31 (partially) of Schedule 25 as to England and Wales	1st April 2012	2012/628
Section 237 partially and Parts 18, 19, 30 and 34 of Schedule 25 as to England and Wales	6th April 2012	2012/628
Section 237 partially and Part 1 of Schedule	4th April 2012	2012/1008

25 as to England and Wales		
Section 237 partially and Part 33 of Schedule	3rd May 2012	2012/1008
25 as to England and Wales		
Section 237 partially and Part 4 of Schedule	4th May 2012	2012/1008
25 as to England and Wales		
