

Standards regime - overview

The Localism Act 2011 introduced a new standards regime for relevant authorities, including combined authorities and district councils.

By way of context, the main features of the previous regime, were:

- a Standards Board for England, which regulated the Code of Conduct and had oversight over standards committees,
- mandatory standards committees, the membership of which had to include independent persons, and
- jurisdiction over local government standards by the First Tier Tribunal.

The Secretary of State had power to specify principles to govern the conduct of Members and issue a mandatory model Code of Conduct.

This regime was abolished and replaced in response to concerns that it was inconsistent with the principles of localism and provided a vehicle for vexatious or politically motivated complaints.

Under the current provisions, a relevant authority has a duty to promote and maintain high standards of conduct. There is no statutory requirement to appoint a standards committee. (The Combined Authority has delegated responsibilities relating to Members' conduct to the Governance and Audit Committee).

a) Code of Conduct

An authority must by law adopt a Members' Code of Conduct, with which any voting Member of an authority (including co-opted members of a committee) must comply. The requirement to comply with the Code does not extend to any activity in a Member's private life.

There is no requirement to adopt a model Code (although "illustrative text" has been issued for guidance), and no limit to requirements which may be included by an authority in its Code, provided that the Code:

- is consistent with the principles of standards in public life ie, selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- includes provision for the disclosure and registration of pecuniary and other interests – see further below.

The Combined Authority's Members' Code of Conduct may be found [here](#). It is more comprehensive than the "illustrative text", including, for example provisions prohibiting disclosure of confidential information.

b) Investigating alleged breaches

An authority must have arrangements in place to investigate and decide allegations. The nature of these arrangements is not prescribed, other than that the authority must appoint at least one independent person whose views are to be taken into account by the authority before making a decision on an allegation.

The independent person's views may also be sought by any person who is the subject of an allegation. (Note – the role of independent person in this context is distinct from the role of independent person required to be appointed to a combined authority's audit committee).

The Combined Authority has adopted a detailed procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct, which may be found [here](#).

However, where an allegation is that a Member has breached the provisions relating to the disclosure of pecuniary interests, a complaint may be directed to the police for investigation, as a potential criminal offence – see below.

c) Enforcement and sanction

No sanctions are provided for in the Act in the event that a member is found to have breached the general provisions of the Code. In practice, this means that sanctions are limited to the issue of a formal letter, removal from a particular committee, or formal censure by the relevant authority.

In contrast, it is a criminal offence to fail to comply with the disclosure duties relating to pecuniary interests, or to participate in meetings where the member has a disclosable pecuniary interest in relevant matters – see further paragraph d). The offence is punishable by way of a fine or disqualification from office. The sanctions are summarised in Annex 2 of the Combined Authority's Code.

d) Declaring interests and managing conflicts of interest

An authority must maintain a public register of interests and Members are obliged to reveal disclosable pecuniary interests to be recorded in the register. "Sensitive" interests, whose disclosure would give rise to a risk of violence or intimidation do not need to be published.

Pecuniary interests are defined by regulations, and include a Member's partner's or spouse's interests, as set out in Annex 1 of the Combined Authority's Code.

Members may not, as a general rule, participate in discussion or vote during meetings of the authority where they have a disclosable pecuniary interest in the matter being discussed. There are some statutory exceptions, such as where they have been granted a dispensation.

e) Whistleblowing

Statutory provisions protect whistle-blowers from reprisal, and therefore to encourage workers to speak out when they are aware of wrongdoing in the workplace or dangers such as risks to health and safety. The provisions are technical and specific; only limited categories of disclosure qualify for protection and only if made in prescribed ways – generally through an

employer's whistleblowing procedure. The Combined Authority's whistleblowing procedure may be found [here](#).