**THE LEGAL FRAMEWORK FOR MEMBER CODES OF CONDUCT IN ENGLAND**

**THE LOCALISM ACT 2011**

* Under section 27(1) of the Localism Act 2011 (“the Act”) a “relevant authority” is placed under a statutory duty to “promote and maintain high standards of conduct by members and co-opted members of the authority”.
* Section 27(2) of the Act states that 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”.
* Under section 28(1) of the Act a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with prescribed principles of standards in public life – the so-called “Nolan principles”.
* The intention of the legislation is to ensure that the conduct of public life in local government does not fall below a minimum level which endangers public confidence in democracy.
* Under section 28(6) of the Act, principal authorities (in this case Stratford on Avon District Council) must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made.
* By section 27(7), arrangements put in place under subsection (6)(b) must include provision for the appointment by the principal authority of at least one “independent person” 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.
* Section 28(11) of the Act provides that if a member or co-opted member of the authority has failed to comply with its code of conduct 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.
* “Relevant authority” includes all town and parish councils in England.

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