



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 10

#### ETHICAL STANDARDS

#### CHAPTER 1

##### CONDUCT OF LOCAL AUTHORITY MEMBERS

##### *Conduct of local authority members: miscellaneous amendments*

#### <sup>F1</sup>187 Chairmen of standards committees

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#### **Textual Amendments**

**F1** Ss. 185-187 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

#### 188 Sub-committees of standards committees

(1) In section 54A of the Local Government Act 2000 (sub-committees of standards committees)—

(a) in subsection (2) omit the words “55 or”;

<sup>F2</sup>(b) .....

<sup>F2</sup>(c) .....

*Changes to legislation:* There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Conduct of local authority members: miscellaneous amendments. (See end of Document for details)

F3(2) .....

**Textual Amendments**

**F2** S. 188(1)(b)(c) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**F3** S. 188(2) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**Commencement Information**

**II** S. 188 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(j\)](#) (with art. 2(2))

**F4189 Joint committees of relevant authorities in England**

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**Textual Amendments**

**F4** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**F4190 Standards Board for England: functions**

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**Textual Amendments**

**F4** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**F4191 Ethical standards officers: investigations and findings**

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**Textual Amendments**

**F4** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**F4192 Ethical standards officers: reports etc**

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Conduct of local authority members: miscellaneous amendments. (See end of Document for details)

**Textual Amendments**

**F4** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**F<sup>4</sup>193 Disclosure by monitoring officers of ethical standards officers' reports**

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**Textual Amendments**

**F4** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**194 Matters referred to monitoring officers**

**F<sup>5</sup>(1)** .....

**F<sup>5</sup>(2)** .....

**F<sup>5</sup>(3)** .....

**F<sup>5</sup>(4)** .....

**F<sup>5</sup>(5)** .....

**F<sup>5</sup>(6)** .....

**F<sup>5</sup>(7)** .....

(8) In section 73 of that Act (matters referred to monitoring officers in Wales), in each of subsections (1) and (7), for “70(4) or 71(2)” substitute “ 70(4) or (5) or 71(2) or (4) ”.

(9) In section 82A(1) of that Act (delegation of functions by monitoring officers), for the words from “60(2)” to “71(2)” substitute “ 57A, 60(2) or (3), 64(2) or (4), 70(4) or (5) or 71(2) or (4) ”.

**Textual Amendments**

**F5** S. 194(1)-(7) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**Commencement Information**

**I2** S. 194 in force at 31.1.2008 by [S.I. 2008/172](#), art. 2(1)(o)

**F<sup>6</sup>195 References to Adjudication Panel for action in respect of misconduct**

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*Changes to legislation:* There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Conduct of local authority members: miscellaneous amendments. (See end of Document for details)

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#### Textual Amendments

- F6** Ss. 195, 196 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\), s. 240\(2\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/1463, art. 5\(d\)](#) (with [arts. 6, 7](#)) (as amended (3.7.2012) by [S.I. 2012/1714, art. 2](#)); [S.I. 2012/2913, arts. 1\(2\), 2\(b\)\(c\)](#) (with [arts. 3-6](#))

### <sup>F6</sup>196 Consultation with ombudsmen

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#### Textual Amendments

- F6** Ss. 195, 196 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\), s. 240\(2\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/1463, art. 5\(d\)](#) (with [arts. 6, 7](#)) (as amended (3.7.2012) by [S.I. 2012/1714, art. 2](#)); [S.I. 2012/2913, arts. 1\(2\), 2\(b\)\(c\)](#) (with [arts. 3-6](#))

### 197 Interim case tribunals

- (1) Section 78 of the Local Government Act 2000 (c. 22) (decisions of interim case tribunals) is amended as follows.
- (2) In subsection (1)(b) for “authority concerned” substitute “ relevant authority concerned ”.
- (3) For subsections (2) and (3) substitute—
  - “(2) If the decision of the interim case tribunal is as mentioned in subsection (1) (a), the tribunal must give notice of its decision to the standards committee of the relevant authority concerned.
  - (3) If the decision of the interim case tribunal is as mentioned in subsection (1) (b), the tribunal must give notice to the standards committee of the relevant authority concerned stating that the person concerned is suspended or partially suspended for the period, and in the way, that the tribunal has decided.
  - (3A) The effect of a notice given under subsection (3) is to suspend or partially suspend the person concerned as mentioned in subsection (3).”
- (4) In subsection (6) for “under section 79 is given” substitute “ is given by virtue of section 78A or 79 ”.
- (5) For subsection (8) substitute—
  - “(8) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned, but is a member or co-opted member of another relevant authority—
    - (a) the references in subsection (1) to the relevant authority concerned are to be treated as references to that other authority,
    - (b) the references in subsections (2) and (7)(b) to the relevant authority concerned are to be treated as including a reference to that other relevant authority,

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- (c) the duty under subsection (3) to give notice to the standards committee of the relevant authority concerned is to be treated as a duty—
- (i) to give that notice to the standards committee of that other relevant authority, and
  - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned.

(8A) Subsection (8) does not apply unless—

- (a) where the relevant authority concerned is in England, the other relevant authority is also in England,
- (b) where the relevant authority concerned is in Wales, the other relevant authority is also in Wales.”

(6) After subsection (10) insert—

“(11) An appeal may not be brought under subsection (10) except with the leave of the High Court.”

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#### Commencement Information

**I3** S. 197 in force at 12.12.2008 by [S.I. 2008/3110](#), [art. 2\(d\)](#)

#### <sup>F7</sup> 198 Case tribunals: England

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#### Textual Amendments

**F7** S. 198 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), [art. 5\(d\)](#) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), [art. 2](#); [S.I. 2012/2913](#), [arts. 1\(2\)](#), [2\(b\)\(c\)](#) (with arts. 3-6)

#### 199 Case tribunals: Wales

- (1) Section 79 of the Local Government Act 2000 (c. 22) (decisions of case tribunals) is amended as follows.
- (2) For the sidenote substitute “ Decisions of case tribunals: Wales ”.
- (3) Before subsection (1) insert—
  - “(A1) In this section “Welsh case tribunal” means a case tribunal drawn from the Adjudication Panel for Wales.”
- (4) In subsections (1) to (15) for “case tribunal”, in each place where it occurs, substitute “ Welsh case tribunal ”.
- (5) In subsection (8)(c) for “must be suspended or partially suspended by the relevant authority concerned” substitute “ is suspended or partially suspended ”.
- (6) For subsection (9) substitute—

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“(9) The effect of a notice given to the standards committee of a relevant authority under subsection (8) is to suspend or partially suspend the person concerned as mentioned in subsection (8)(c).”

(7) In subsection (12), for paragraph (a) substitute—

“(a) must be given to the Public Services Ombudsman for Wales.”

(8) In subsection (13)—

(a) for “the same country (that is to say, England or Wales)” substitute “ Wales ”;

(b) for paragraph (b) substitute—

“(b) the reference in subsection (4)(a) to the relevant authority concerned is to be treated as a reference to that other relevant authority.”

(9) After subsection (15) insert—

“(16) An appeal may not be brought under subsection (15) except with the leave of the High Court.”

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**Commencement Information**

**14** S. 199 in force at 12.12.2008 by [S.I. 2008/3110](#), [art. 2\(f\)](#)

**200 Exemption from Data Protection Act 1998**

In section 31 of the Data Protection Act 1998 (c. 29) (exemptions for regulatory activity), after subsection (6) insert—

“(7) Personal data processed for the purpose of discharging any function which is conferred by or under Part 3 of the Local Government Act 2000 on—

(a) the monitoring officer of a relevant authority,

(b) an ethical standards officer, or

(c) the Public Services Ombudsman for Wales,

are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of that function.

(8) In subsection (7)—

(a) “relevant authority” has the meaning given by section 49(6) of the Local Government Act 2000, and

(b) any reference to the monitoring officer of a relevant authority, or to an ethical standards officer, has the same meaning as in Part 3 of that Act.”

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**Commencement Information**

**15** S. 200 in force at 1.4.2008 by [S.I. 2008/172](#), [art. 4\(k\)](#)

*Changes to legislation:* There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Conduct of local authority members: miscellaneous amendments. (See end of Document for details)

**201 Supplementary and consequential provision**

- (1) Subsection (2) applies in relation to any provision of Part 3 of the Local Government Act 2000 (c. 22) which is applied (with or without modifications) by an order under section 70 of that Act made before the passing of this Act.
- (2) Any amendment of that provision by this Part does not extend to the provision as so applied.
- (3) Where a provision mentioned in section 70(2)(a) of that Act is amended by this Part, the power in section 70(2) of that Act to apply or reproduce that provision (with or without modifications) is a power to apply or reproduce (with or without modifications) that provision either as amended by this Part or without the amendments made by this Part.
- (4) In the Local Government Act 1972 (c. 70)—
  - (a) in section 85(3A) (vacation of office by failure to attend), for “73, 78” substitute “ 66A, 73, 78, 78A ”;
  - <sup>F8</sup>(b) .....
  - <sup>F8</sup>(c) .....
- <sup>F9</sup>(5) .....
- (6) In the Greater London Authority Act 1999 (c. 29), in each of sections 6(5) and 13(2) (failure to attend meetings), for “73, 78” substitute “ 66A, 73, 78, 78A ”.

**Textual Amendments**

- F8** S. 201(4)(b)(c) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)
- F9** S. 201(5) repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

**Commencement Information**

- I6** S. 201 in force at 1.4.2008 by S.I. 2008/172, [art. 4\(l\)](#)

**Changes to legislation:**

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