

**To: Surrey Police Authority**  
**Date: 15 December 2011**  
**By: Sam Meyer, Policy Support Officer**  
**Title: Localism Act 2011**

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**Purpose of Report/Issue:**

To inform the Authority of the implications of the Localism Act, which received Royal Assent on 15 November 2011.

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**Recommendation:**

That Members note the report.

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**Introduction:** On 15 November 2011 the Localism Act was granted Royal Assent. This Act has wide ranging implications for a number of public sector functions, and is primarily aimed at reducing high level bureaucracy and empowering local authorities to make their own decisions, especially in terms of housing provision and planning applications.

**Changes to Standards:** The Localism Bill initially sought to abolish the entire Standards Board regime and model code of conduct for local authority members. This would have removed the requirement for the Police Authority to have a Code of Conduct and a Standards Committee.

However, during the Bill's journey through the House of Lords it was amended. Although the Standards Board for England will be abolished (probably by 31 January 2012, dependent on commencement orders), local authority and police authority Standards Committees will need to be retained, but with authorities given greater flexibility in drawing up their own codes of conduct. It will now also be a criminal offence for members to deliberately withhold or misrepresent a financial interest.

The Act also requires the Code of Conduct to require members to abide by the seven Nolan principles of public service, namely:

- (a) **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.
- (b) **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.
- (c) **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.
- (d) **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.
- (e) **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.
- (f) **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.
- (g) **Leadership;** Holders of public office should promote and support these principles by leadership and example.

Additionally, the Act requires authorities to disclose members' interests online. Although the Police Authority already publishes members' interests on its website, the Code of Conduct will now make specific reference to this.

Finally, reference in the Code of Conduct to the Standards Board will have to be removed and replaced with reference to the Chief Executive, the Chairman of the Authority or the Chairman of the Standards Committee as appropriate.

Consequently, the Authority's Code of Conduct will now be amended and an updated Code of Conduct will be taken to the Standards Committee on 16 January 2012 for approval.

**Council Tax Veto:** The Act also gives the public the right to veto excessive council tax rises. This will replace the Government's power to "cap" council tax rises. Instead, the Secretary of State will determine a limit for council tax increases, which will be approved by the House of Commons. Should a local authority (or a precept authority, such as local policing bodies) wish to raise taxes above this limit, then they will have to hold a referendum to get approval for this from the voters. This will come in to effect from the financial year 2013/14 so will not apply to the Authority, but will apply to the Police and Crime Commissioner.

**Clarifying the rules on predetermination:** In parallel with the abolition of the Standards Board, the Government has used the Localism Act to clarify the rules on 'predetermination'. These rules were developed to ensure that councillors came to discussions with an open mind. In practice, however, these rules had been interpreted in such a way as to reduce the quality of local debate and stifle valid discussion. In some cases councillors were warned off doing such things as campaigning, talking with constituents, or publicly expressing views on local issues, for fear of being accused of bias or facing legal challenge.

The Localism Act makes it clear that it is proper for councillors to play an active part in local discussions, and that they should not be liable to legal challenge as a result. This will help them better represent their constituents and enrich local democratic debate. People can elect their councillor confident in the knowledge that they will be able to act on the issues they care about and have campaigned on.

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**Equalities and Human Rights Implications:** none were specifically identified in the Act.

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**Risk:** The Authority will need to update its Code of Conduct.

**Attachments:** None  
**Background papers:** Localism Act 2011

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**Contact details**

**Name:** Sam Meyer  
**Telephone number:** 01483 633433  
**Email address:** [meyer14593@surrey.pnn.police.uk](mailto:meyer14593@surrey.pnn.police.uk)

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