

Local Government & Public Services Committee

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Date: Wednesday 17 May 2006

Venue: Committee Room 2, Senedd, National Assembly for Wales, Cardiff Bay.

Title: The Standards Committees (Wales) (Amendment) Regulations 2006

Purpose

1. To inform the Committee of the content and purpose of the attached draft Statutory Instrument (SI) and to make available the Regulatory Appraisal and Explanatory Memorandum. The Committee has identified the regulations for scrutiny.

Summary

2. The attached draft Instrument will amend the Standards Committees (Wales) Regulations 2001 ("the 2001 Regulations"). The amendments relate to:

- The appointment of community committee members to standards committees.
- The term of office/re-appointment of community committee members
- The re-appointment of independent members to standards committees
- Clarification of regulations 22 and 24 of the 2001 Regulations(attendance of chairpersons at meetings)
- Composition of standards committee sub-committees established under section 54A of the Local Government Act 2000

3. The Instrument will impact on county and county borough councils, community and town councils, national park authorities and fire and rescue authorities in Wales.

4. An eight week consultation took place on the policy proposals followed by a further four week consultation on the draft Instrument.

5. The draft Instrument is due to be considered by Business Committee on 13 June.

Background

6. The draft Instrument proposes the following provisions:

- To make it clear that a county/county borough council shall have the final decision on the appointment of community committee members to their standards committees, subject to prior consultation with town and community councils and any community council associations within their area
- That the term of office for community committee members be four years, or the period until the next community council elections following the appointment of the individual in question, whichever is shorter; that an individual shall cease to be a community committee member if he or she ceases to be a member of a community council situated within the area of the principal authority; and subject to the point immediately above, a community committee member may be re-appointed for one further consecutive term following consultation by the principal authority in question with community councils and any community council association in the principal authority's area
- To permit a second term of office for independent members, in line with the provisions of regulation 21(1) of the 2001 Regulations and without the need for a detailed appointment process. (Regulation 21(1) provides that a member of a standards committee of a relevant authority and who is a member of that authority may be re-appointed for one further consecutive term). The second term of office of an independent member is to be restricted to a maximum of 4 years.

To remove any perceived conflict by amending regulation 24 of the 2001 Regulations to make it clear that "chairperson" referred to in that regulation means either the person elected as chairperson under regulation 22(1) and presiding at the relevant meeting, the person elected as vice-chairperson under regulation 22(1) and presiding in the absence of the chairperson (under regulation 22(4)) or an independent member presiding in accordance with regulation 22(5).

To regulate on the composition of sub-committees appointed under section 54A(1) of the 2000 Act. To regulate that such a sub-committee should consist of a minimum of three members, at least half of whom (including the Chairperson) must be independent. The quorum for a meeting of a section 54A sub-committee is to be two members (including the Chairperson of the sub-committee). These provisions do not affect a sub-committee established under section 56(3) of the Local Government Act 2000 to undertake the functions of standards committees relating to community councils, which remain subject to the same requirements under the regulations as the full standards committee itself.

Consideration

7. An eight week consultation took place between 26 August and 25 October 2005. A total of 57 responses were received. The results of the consultation showed an overwhelming majority of respondents in favour of the proposals. Some minor comments were however made with respect to some of the detail. These were given due consideration and incorporated into the proposals where appropriate.

- As regards the term of office/re-appointment of community committee members the regulations

now provide that a member may be re-appointed following further consultation with community councils and any regional association in the principal authority's area. The regulations also provide that a person will cease to be a community committee member of a standards committee if they cease to be a member of a community council in the principal authority's area.

- The regulations have now been drafted on the basis that a second term of office for independent members be limited to a maximum period of four years.

8. There were 6 responses that disagreed with the changes to regulation 10 of the 2001 Regulations ie they believed that local councils/Community Council Association or One Voice Wales should have the final decision on the appointment of community committee member. The responses came from community and town councils and as there was no consensus of opinion as to an alternative means of appointing community committee members, it was felt that there was no basis to amend the original proposal.

9. A four week consultation on the draft Instrument started on 22 February 2006. A total of 24 responses were received, of which 17 fully supported the proposals. All the comments made were given full consideration. As a result the following amendments have been incorporated:

- The Instrument will provide that no business of a s 54A sub-committee shall be transacted unless 2 members, including the chairperson of the sub-committee are present. The quorum for a community sub-committee (established under section 56 of the Local Government Act 2000) is to remain unchanged.
- The Instrument shall make it clear that a chairperson or vice-chairperson that is re-appointed for a second term as an independent member may also serve a second term as a chairperson/vice-chairperson.
- The Instrument shall make it clear that the requirement in regulations 13 -17 of the 2001 Regulations (relating to the recruitment process for independent members) do not apply to the re-appointment of existing independent members. The Instrument will not however prevent authorities from applying these provisions, should they choose to do so.
- The view made by one respondent that the regulations assume that the chairperson and vice-chairperson of the standards committee would also be members of sub-committees of that standards committee is not accepted. In the assembly Government's view the effect of regulation 22(1) of the 2001 Regulations is that each sub-committee is required to elect its own chairperson and vice-chairperson.

A list of those responding to each consultation is in the attached annex

Financial Implications

There are no financial costs arising from the introduction of the Statutory Instrument for either the Assembly or local government. The costs arising from the preparation of the regulations have been met from existing Welsh Assembly Government running costs. Following the introduction of the regulations,

the financial burden of a recruitment process will be eased should an authority chose to retain an independent/ community member for a second term.

Regulatory Appraisal

12. A Regulatory Appraisal is attached.

Action for Subject Committee

13. The Committee is invited to note the contents of this paper and the related draft regulations together with the Regulatory Appraisal and Explanatory Memorandum. Any comments made by the Committee will be incorporated into the draft regulatory appraisal and explanatory memorandum which are due to be with the Assembly Business Unit on 8 May.

Sue Essex AM

Minister for Finance, Local Government and Public Services

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Annex

List of Consultees

Chief Executives/Monitoring Officers of County/County Borough Councils

Clerks of Community and Town Councils

Clerks of National Park authorities

Clerks of Fire and Rescue Authorities

Clerks of Police authorities

Chairs of Standards Committees

Audit Commission for Wales

Commission for Local Administration in Wales

Information Commissioner

One Voice Wales

Society of Local Authority Chief Executives

Wales Council for Voluntary Action

Welsh Association of National Park Authorities

Welsh Local Government Association

Responses to First Consultation

A total of 57 responses were received. These were made up as follows:

- 16 from county/county borough councils
- 2 from Fire and Rescue Authorities
- 2 from National Park authorities
- 37 from community and town councils

Responses to Second Consultation

A total of 24 responses were received. These were made up as follows:

- 8 from unitary authorities
- 12 from community and town councils
- 1 from Police Authority
- 1 from National Park Authority
- 1 from Fire and Rescue Authority
- 1 from Information Commissioner's Office