

Local Government & Public Services Committee

LGPS(2)-08-06(p8c)

Regulatory Appraisal

Local Government, Wales

The Standards Committees (Wales) (Amendment)

Regulations 2006

Purpose and intended effect of the measure

Part III of the Local Government Act 2000 makes provision with respect to the conduct of local government members and employees. Section 53(1) of the 2000 Act requires every relevant authority (County Councils, County Borough Councils, National Park authorities and Fire and Rescue authorities in Wales) to establish a standards committee which is to have functions conferred on it by or under that part of the 2000 Act. Under section 53(11) of the Local Government Act 2000, the National Assembly for Wales may by regulations make provision for standards committees concerning (amongst other things) their size and composition. Such provisions are contained in the Standards Committees (Wales) Regulations 2001 (SI 2001/2283)

It is proposed that these Regulations amend the Standards Committees (Wales) Regulations 2001 and make provision :

- 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 4 years, or the period until the next community council elections following the appointment of the individual in question, whichever is shorter. 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.; A community committee member may be re-appointed for one further consecutive term following appropriate consultation.
- To permit a second term of office for independent members, in line with the provisions of Regulation 21(1) of the Standards Committees (Wales) Regulations 2001 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 Standards Committees (Wales) Regulations 2001 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 Local Government Act 2000. 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.

Risk Assessment

The Regulations simplify and clarify the procedures of standards committees. The procedures have been in place since 2001 and with the experience gained it is now sought to improve them to ensure the continued smooth running and effectiveness of standards committees and their sub-committees. Officials have taken into account the views of standards committees of relevant authorities and (amongst others) monitoring officers and have undertaken a full and comprehensive consultation on the proposals.

Options

Option 1: Do Nothing

Failure to introduce the Regulations would mean a missed opportunity to clarify procedures in line with the views of monitoring officers and standards committees of relevant authorities and also make it more difficult to recruit and retain independent and community committee members to standard committees.

Option 2: Make the Legislation

Making the Regulations would result in clarification and streamlining of procedures. The operation of a standards committee would become easier, especially from the point of view of recruiting and retaining independent members and community and town council members.

Benefits

The Regulations will assist principal councils, National Park authorities and Fire and Rescue authorities in their operation of standards committees. The amendment to Regulation 10 of the Standards Committees (Wales) Regulations 2001 will provide flexibility for county and county borough councils to take account of local community and representative association coverage in their area. The term of office and re-appointment of community committee members is to be clarified. The re-appointment of independent members will make it easier to recruit and retain such members and should ease the financial burden of the recruitment process should the authority in question choose to retain the independent member for a second term.

Costs

The costs arising from the preparation of the Regulations will be met from existing Welsh Assembly Government running costs {Local Government Policy budget no 212 004} There are no financial implications arising from the introduction of the Regulations for either the Assembly or local government.

Competition Assessment

The introduction of these Regulations will not have any impact on other sectors and no competition filter is necessary.

Consultation

With Stakeholders

An eight week consultation took place on the principles of the proposed Regulations between 26 August 2005 and 25 October 2005. Those consulted were:

- 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

- The Audit Commission for Wales
- Commission for Local Administration in Wales
- Information Commissioner
- One Voice Wales
- The Society of Local Authority Chief Executives
- Wales Council for Voluntary Action
- The Welsh Association of National Park Authorities
- The Welsh Local Government Association

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

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. These changes are as follows:

- 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 4 years.

There were 6 responses that disagreed with the proposed changes to regulation 10 of the Standards

Committees (Wales) Regulations 2001. These 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.

A 4 week consultation on the draft Regulations started on 22 February 2006 and ended on 22 March 2006. Consultees were as above. 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 Information Commissioner's Office
- 1 from North Wales Fire and Rescue Authority

Seventeen of the respondents fully supported the proposals. All the comments made were given full consideration. As a result the following amendments have been incorporated:

- The Regulations 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 Regulations 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 Regulations 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 regulations 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 a standards committee would also be members of sub-committees of that standards committee is not accepted. The effect of Regulation 22(1) of the Standards Committees (Wales) Regulations 2001 is that each sub-committee is required to elect its own chairperson and vice-chairperson.

17. One respondent was of the opinion that a sub-committee should consist of two members but this was discounted as this issue was fully considered following the comments made in the first consultation exercise.

With Subject Committee

The Local Government and Public Services Committee will consider the regulations on 4 May.

Review

The impact of these Regulations is unlikely to need review in the foreseeable future as a full and comprehensive consultation has been carried out with majority views taken into account.

Summary

The Regulations will impact on county and county borough councils, community and town councils, National Park authorities and Fire and Rescue Authorities in Wales and will assist them in the operation of their standards committees and sub-committees. There are no financial implications for these authorities as a result of the Regulations.