

2001 No. 2812

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Relevant Authorities (Standards Committee)
Regulations 2001**

Made - - - - - *1st August 2001*

Laid before Parliament *7th August 2001*

Coming into force - - *28th August 2001*

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by sections 53(6) and (12), 55(8) and 105 of the Local Government Act 2000(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Relevant Authorities (Standards Committee) Regulations 2001 and shall come into force on 28th August 2001.

(2) These Regulations apply in relation to relevant authorities in England(b), other than parish councils, and to police authorities in Wales, and references to “authority” shall be construed accordingly.

Interpretation

2. In these Regulations—

“the 1972 Act” means the Local Government Act 1972(c);

“the Act” means the Local Government Act 2000;

“independent member” means a person appointed to a standards committee, or sub-committee of the standards committee, of an authority under section 53(4)(b) or 55(7)(a) of the Act;

“partner” means a member of a couple who live together;

“relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

“responsible authority” means a district council or unitary county council which has functions in relation to the parish councils for which it is responsible under section 55(12) of the Act.

(a) 2000 c. 22.

(b) See section 49(6) of the Local Government Act 2000 for the definition of relevant authority.

(c) 1972 c. 70.

Size and composition of standards committees

- 3.—(1) An authority must ensure that—
- (a) where its standards committee has more than three members, at least 25% are independent members; and
 - (b) where it is operating executive arrangements under Part II of the Act, no more than one member of its standards committee is a member of the executive.
- (2) Where an authority is a responsible authority, it must ensure that—
- (a) if its standards committee has appointed a sub-committee under section 55(3) of the Act, that standards committee includes at least one member of any of the parish councils for which the authority is the responsible authority; and
 - (b) a member of its standards committee, or sub-committee of the standards committee, appointed under sub-paragraph (a), or under section 55(6)(a) or 55(7)(b) of the Act, is not also a member of that responsible authority.

Appointment of independent member

4. Subject to regulation 5(c), a person may not be appointed as an independent member of a standards committee of an authority or sub-committee of the standards committee unless the appointment is—
- (a) approved by a majority of the members of the authority;
 - (b) advertised in one or more newspapers circulating in the area of the authority;
 - (c) of a person who has submitted an application to the authority;
 - (d) of a person who has not within the period of five years immediately preceding the date of the appointment been a member or officer of the authority; and
 - (e) of a person who is not a relative or close friend of a member or officer of the authority.

Transitional provision for independent members

5. Where an authority has before the date on which these Regulations come into force established a committee, which has among its functions that of promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and which includes any person who is not a member or officer of that or any other relevant authority—
- (a) that committee may be treated by the authority as if it were a standards committee for the purposes of the Act;
 - (b) subject to sub-paragraph (c) these Regulations shall apply to that committee; and
 - (c) regulation 4 shall not apply to that committee until the end of the period of two years beginning with the date on which these Regulations come into force.

Validity of proceedings

- 6.—(1) Subject to paragraph (2), a meeting of a standards committee or sub-committee of a standards committee shall not be quorate unless at least three members (including at least one independent member) of that committee or sub-committee are present for its duration.
- (2) Where at least one independent member would have been present for the duration of the meeting but for the fact that he was prevented or restricted from participating in any business of the authority by virtue of its code of conduct, the requirement in paragraph (2) for the quorum to include at least one independent member shall not apply.

Application of the Local Government Act 1972

- 7.—(1) Subject to paragraphs (2) and (3), Part VA of the 1972 Act^(a) shall apply in relation to meetings of a standards committee, or sub-committee of a standards committee, of an authority as it applies to meetings of a principal council.
- (2) Sections 100E, 100G, 100J, and 100K of the 1972 Act shall not be so applied.

(a) Part VA of the Local Government Act 1972 was inserted by the Local Government (Access to Information) Act 1985 c. 43.

(3) Where a responsible authority must act in accordance with sections 100A(6)(a), 100B(1) or 100C(1) of the 1972 Act by virtue of paragraph (1), it shall also give to every parish council for which it is responsible—

- (a) written notice of the time and place of the meeting at least three clear days before that meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
- (b) a copy of the agenda for a meeting and copies of any report for a meeting at least three clear days before the meeting, except that—
 - (i) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be given to the parish council from the time the meeting is convened; and
 - (ii) where an item is added to an agenda, copies of which have been given to the parish council, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item shall be given to the parish council from the time the item is added to the agenda,

but nothing in this sub-paragraph requires copies of any agenda, item or report to be given to the parish council until copies are available to members of the responsible authority;

- (c) after the meeting, a copy of the minutes excluding so much of the minutes of proceedings during which the meeting was not open to the public under section 100A(4) of the 1972 Act, or where applicable, a copy of a summary made under section 100C(2) of that Act;
- (d) after the meeting, a copy of the agenda for the meeting; and
- (e) after the meeting, a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

Nick Raynsford
Minister of State

1st August 2001

Department for Transport, Local Government and the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to relevant authorities in England, other than parish councils, and to police authorities in Wales. Relevant authorities are for the purposes of Part III of the Local Government Act 2000 principal councils, parish councils and other authorities including the Greater London Authority, fire, police and National Park authorities.

The Regulations set out additional compositional and procedural requirements on standards committees that are established under section 53 of the 2000 Act.

Regulation 3 makes provision for the composition of standards committees and prescribes a minimum number of independent members and a maximum number of executive members.

Regulation 4 prescribes a procedure for the appointment of independent members, and regulation 5 makes transitional provision enabling authorities to retain certain standards committees already in existence before the commencement of the Act, and in respect of independent members.

Regulation 6 requires meetings of standards committees to have a quorum.

Regulation 7 applies parts of Part VA of the Local Government Act 1972 (access to meetings and documents) to standards committees.

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