

Status: Point in time view as at 01/04/2016.

Changes to legislation: There are currently no known outstanding effects for the The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016. (See end of Document for details)

WELSH STATUTORY INSTRUMENTS

2016 No. 85 (W. 39)

LOCAL GOVERNMENT, WALES

The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016

<i>Made</i>	- - - -	<i>27 January 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>2 February 2016</i>
<i>Coming into force</i>	- -	<i>1 April 2016</i>

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 53(11)(1) and (12), 56(5), 73(1), 81(5)(2), 105(1) and (2) and 106 of the Local Government Act 2000(3) and now vested in them(4), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 and they come into force on 1 April 2016.

(2) These Regulations apply in relation to Wales.

Commencement Information

11 [Reg. 1](#) in force at 1.4.2016, see [reg. 1\(1\)](#)

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- (1) Section 68(1) and (2)(c)(i) of the [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#) substituted the words “Welsh Ministers” for “National Assembly for Wales” in section 53(11) of the Local Government Act 2000 (c. 22) (“the 2000 Act”).
- (2) Section 26 and paragraphs 7 and 48(1) and (2) of Part 1 of Schedule 4 to the Localism Act 2011 (c. 20) (“the 2011 Act”) substituted the words “Welsh Ministers” for “Secretary of State” in section 81(5) of the 2000 Act. Subsection (8) of section 81 of the 2000 Act was repealed by section 26 and paragraphs 7 and 48(1) and (4) of Part 1 of Schedule 4 to, and section 237 and Part 5 of Schedule 25 to, the 2011 Act.
- (3) [2000 c. 22](#).
- (4) The functions of the National Assembly for Wales under sections 53, 56, 73, 81, 105 and 106 were transferred to the Welsh Ministers under section 162 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Amendments to the Standards Committees (Wales) Regulations 2001

- 2.—(1) The Standards Committees (Wales) Regulations 2001⁽⁵⁾ are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in the definition of “community committee member” (“*aelod pwyllgor cymunedol*”), after “authority” insert “or authorities”;
- (b) for the definition of “fire authority” (“*awdurdod tân*”) substitute—
- ““fire and rescue authority” (“*awdurdod tân ac achub*”) means a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004⁽⁶⁾ or a scheme to which section 4 of that Act applies;”;
- (c) in the definition of “independent member” (“*aelod annibynnol*”), for the words “the relevant authority” to “community council” substitute “a relevant authority or a community council”;
- (d) in the appropriate place insert—
- ““joint committee” (“*cyd-bwyllgor*”) means a committee established by two or more relevant authorities under section 53(1)(7) of the 2000 Act;”;
- (e) for the definition of “lay panel member” (“*aelod panel lleyg*”), substitute—
- ““lay panel member” (“*aelod panel lleyg*”) means a member of a panel established under regulation 15 who—
- (a) is not and has not been a member, co-opted member or officer of a relevant authority or a community council, or
- (b) is not the spouse or civil partner of a member or officer of a relevant authority or a community council;”;
- (f) for the definition of “mayor and cabinet executive” (“*gweithrediaeth maer a chabinet*”), substitute—
- ““mayor and cabinet executive” (“*gweithrediaeth maer a chabinet*”) means the form of executive arrangements specified in section 11(2) of the 2000 Act;”;
- (g) in the definition of “member” (“*aelod*”), in paragraph (b), for “fire authority” substitute “fire and rescue authority”;
- (h) in the definition of “relevant authority” (“*awdurdod perthnasol*”), in paragraph (d) for “fire authority” substitute “fire and rescue authority”;
- (i) in the definition of “section 54A sub-committee” (“*is-bwyllgor adran 54A*”), omit the words “of a relevant authority”;
- (j) for the definition of “standards committee” (“*pwyllgor safonau*”) substitute—
- ““standards committee” (“*pwyllgor safonau*”), unless the context otherwise requires, means—
- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.
- (3) In regulation 4, in paragraph (a), after “authority” insert “or authorities”.
- (4) In regulation 8, in paragraph (3), for “fire authority” substitute “fire and rescue authority”.

⁽⁵⁾ S.I. 2001/2283 (W. 172).⁽⁶⁾ 2004 (c. 21).⁽⁷⁾ Section 53(1) was amended by section 68(1) and (2)(a) of the [Local Government \(Democracy\) \(Wales\) Act 2013](#) (anaw 4).

(5) For regulation 9, substitute—

“9.—(1) Subject to paragraph (2), where a local authority operates executive arrangements a standards committee may not include more than one executive member from that authority.

(2) Where two or more local authorities have established a joint committee, that committee may not include more than one executive member from each constituent local authority.”

(6) In regulation 10—

(a) in paragraph (1)(a), after the word “area” insert “or in the case of a joint committee, in the area of the constituent local authorities”;

(b) in paragraph (2), after “local authority” the second time it occurs insert “or, in the case of a joint committee, by whichever of the constituent local authorities of that committee as is agreed between them”;

(c) in paragraph (3)(a), after “area” insert “or in the case of a joint committee, the combined areas of the constituent authorities”.

(7) Before regulation 13, immediately after the heading “Appointment of independent members to standards committees”, insert—

“12A.—(1) In regulations 13 to 17 a requirement or act of a relevant authority in respect of that authority’s area includes in the case of a joint committee, the combined areas of that committee’s constituent authorities.

(2) In regulations 13 to 17 a requirement of a relevant authority may, in the case of a joint committee, be discharged by any one of the constituent local authorities.”

(8) In regulation 18—

(a) for paragraph (1) substitute—

“(1) The term of office of a member of a local authority standards committee who is a member of that authority shall be no longer than the period until the next ordinary local government elections for that authority following the member’s appointment to the committee.”;

(b) in paragraph (2), at the end insert “or, in the case of a joint committee, of a constituent local authority of that committee”.

(9) In regulation 18A—

(a) for paragraph (1) substitute—

“(1) The term of office of a member of a local authority standards committee who is a community committee member shall be no longer than the period until the next ordinary elections for the community council of which he or she is a member following his or her appointment to the standards committee.”;

(b) in paragraph (2), at the end insert “or, in the case of a joint committee, of a constituent local authority of that committee”.

(10) In regulation 19—

(a) for paragraph (1) substitute—

“(1) Where a relevant authority is a National Park authority or a fire and rescue authority, the term of office of a member of that authority’s standards committee who is a member of such an authority shall be no longer than the period until that member ceases to be a member of that authority.”;

- (b) in paragraph (2), at the end insert “or, in the case of a joint committee, of a constituent relevant authority of that committee”.
- (11) In regulation 21—
- (a) for paragraph (1) substitute—
- “(1) Subject to paragraph (2) of regulation 18 and paragraph (2) of regulation 19, a member of the standards committee of a relevant authority who is a member of that authority, or in the case of a joint committee is a member of a constituent authority of that committee, may be reappointed for one further consecutive term.”;
- (b) in paragraph (2), after “authority” the second time it occurs insert “or, in the case of a joint committee, by such of the constituent relevant authorities as may be agreed between them.”.
- (12) In regulation 21A—
- (a) in paragraph (1), after “local authority” the second time it occurs insert “or, in the case of a joint committee, by such of the constituent local authorities as may be agreed between them.”;
- (b) in paragraph (2)(a), after “area” insert “or, in the case of a joint committee, the combined areas of the constituent authorities”.
- (13) In regulation 22, at the end of paragraph (8) insert “or, in the case of a joint committee, to the proper officer of such of the constituent relevant authorities as is agreed between them for that purpose”.
- (14) In regulation 23, in paragraph (1), after “relevant authority” insert “or authorities”.
- (15) In regulation 25, for paragraph (3) substitute—
- “(3) The monitoring officer or a representative of the monitoring officer of a relevant authority, or in the case of a joint committee, the monitoring officer or a representative of the monitoring officer of a constituent authority of that joint committee, shall attend every meeting of the standards committee.”
- (16) In regulation 26, after paragraph (2) insert—
- (a) “(2A) Subject to the following sub-paragraphs, sections 100B to 100D shall be read as not requiring a standards committee to publish or otherwise make available to the public agendas for, records of, or information connected to a matter referred to its standards committee pursuant to section 70(4) or (5) or section 71(2) or (4) of the 2000 Act;
- (b) the exemption to the access to agenda and reports requirements provided for within sub-paragraph (a) will cease to apply upon the conclusion of the proceedings of the standards committee;
- (c) the conclusion of the proceedings in sub-paragraph (b) means the latest of the following events specified in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001(8):
- (i) the expiry of time allowed to lodge a notice seeking permission to appeal under regulation 10(2);
- (ii) receipt of notification of the decision of the president of the Adjudication Panel for Wales or the nominated panel member in accordance with regulation 10(9);
- (iii) receipt of notification of the conclusion of any appeal in accordance with regulation 12 (a)(i) or (b); or

- (iv) a further determination by the standards committee made after receiving a recommendation from an appeals tribunal under regulation 12(a)(ii);
 - (d) the standards committee must publish the materials to which sub-paragraph (a) refers as soon as reasonably practicable following the conclusion of the proceedings.”
- (17) In regulation 28, in paragraph (1), after “relevant authority concerned” insert “or, in the case of a joint committee, the proper officer of a constituent authority of that joint committee,”.
- (18) In regulation 29 after “relevant authority” in both places it occurs insert “or, in the case of a joint committee, one of the constituent relevant authorities,”.
- (19) After regulation 30 insert—

“Supplementary transitional arrangements

31. A person who is a member of a standards committee on the date on which the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 come into force may, if the relevant authority so determines, continue in office until the date of the next ordinary local government elections, unless that person ceases to be a member of the relevant authority concerned before the date of those elections.”

Commencement Information

I2 Reg. 2 in force at 1.4.2016, see [reg. 1\(1\)](#)

Amendments to the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001

3.—(1) The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 are amended as follows.

(2) In regulation 2 (interpretation) in the appropriate place insert—

““community sub-committee” (“*is-bwyllgor cymunedol*”) means a sub-committee appointed by a Standards Committee of a local authority under section 56 of the 2000 Act;”;

““joint committee” (“*cyd-bwyllgor*”) means a committee established by two or more relevant authorities under section 53(1) of the 2000 Act;”;

““section 54A sub-committee” (“*is-bwyllgor adran 54A*”) means a sub-committee appointed by a Standards Committee under section 54A(1) of the 2000 Act;”;

““Standards Committee” (“*Pwyllgor Safonau*”) means—

- (a) a Standards Committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 3 (functions of monitoring officers) after paragraph (2) insert—

“(3) Subject to paragraph (4), the monitoring officer of a relevant authority may make arrangements to make a report, or recommendations, in accordance with paragraphs (1)(b) and (2) to the Standards Committee of another relevant authority.

(4) The monitoring officer of a relevant authority (“A”) may not make arrangements under paragraph (3) to make a report, or recommendations, to the Standards Committee of

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another relevant authority (“B”) unless the chairperson of the Standards Committee of A has consented in writing.”

(4) In regulation 5 (restrictions on disclosure of information), in paragraph (1)—

- (a) at the end of sub-paragraph (e) insert “or”;
- (b) omit sub-paragraph (f).

(5) In regulation 6 (reports), at the end of paragraph (a) insert “or, in accordance with arrangements made under regulation 3(3), to the Standards Committee of another relevant authority”.

(6) For regulation 7 (functions of the standards committee) substitute—

“7.—(1) After receiving a report and any recommendations from a monitoring officer, or a report from the Public Services Ombudsman for Wales together with any recommendations of a monitoring officer, a Standards Committee must determine either:

- (a) that there is no evidence of any failure to comply with the code of conduct of the relevant authority concerned and give notice to that effect to:
 - (i) the person who is the subject of the investigation;
 - (ii) the person or persons making the allegation which gave rise to the investigation; and
 - (iii) the Public Services Ombudsman for Wales; or
- (b) that a person who is the subject of the investigation must be invited to make representations, either orally or in writing, in respect of the findings of the investigation and of any allegation of a failure to comply with the relevant authority’s code of conduct.

(2) A Standards Committee may make arrangements for the functions specified in paragraph (1) to be exercised by the Standards Committee of another relevant authority.”

(7) After regulation 7 (functions of the standards committee) insert—

“Reports or Recommendations referred to another Standards Committee

7A.—(1) Where a monitoring officer under regulation 6 (reports) or a Standards Committee under regulation 7 (functions of the Standards Committee) makes arrangements under regulation 3(3) or 7(2), the monitoring officer or Standards Committee making such arrangements must give the notice described in paragraph (2) to:

- (a) the person or persons who is or are the subject of investigation;
- (b) the person or persons making the allegation of misconduct giving rise to the investigation; and
- (c) the Public Services Ombudsman for Wales.

(2) The notice to which paragraph (1) refers must include the following:

- (a) a statement that the matter has been referred to another relevant authority’s Standards Committee for determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the matter has been referred to the Standards Committee of the other relevant authority.”

(8) In regulation 8 (procedure and powers of standards committee)—

- (a) in paragraph (5), for “the relevant authority” substitute “a relevant authority”;
- (b) in paragraph (6), in sub-paragraph (b) omit “or (b)”.

- (9) In regulation 9 (determinations of the standards committee)—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (c), for “the relevant authority” substitute “a relevant authority”;
 - (ii) in sub-paragraph (d), after “six months” insert “or, if shorter, for the remainder of that person’s term of office”;
 - (b) for paragraph (3) substitute—

“(3) After making a determination in accordance with paragraph (1) or (2) the Standards Committee must notify:

 - (a) the person or persons who is or are the subject of the investigation;
 - (b) the person or persons making the allegation of misconduct giving rise to the investigation;
 - (c) the Public Services Ombudsman for Wales; and
 - (d) where the Standards Committee has made its determination pursuant to arrangements with the monitoring officer or Standards Committee of another relevant authority, the Standards Committee of that authority.”;
 - (c) after paragraph (4) insert—

“(5) Notice given under paragraphs (3) and (4) must include reasons for the determination.”
- (10) In regulation 10 (right of appeal)—
- (a) in paragraph (1), after “that person may” insert “seek permission to”;
 - (b) in paragraph (2)—
 - (i) for “The appeal” substitute “The application for permission to appeal”;
 - (ii) for the words from “to this address” to “CF10 3NQ” substitute “to the president of the Adjudication Panel for Wales”;
 - (c) in paragraph (3)—
 - (i) for “notice of” where it first appears substitute “notice seeking permission to”;
 - (ii) for sub-paragraph (b) substitute—

“(b) whether or not permission to appeal is granted, the person seeking permission to appeal consents to the appeal being conducted by way of written representations.”;
 - (d) after paragraph (3) insert—

“(4) An application for permission to appeal is to be decided by the president of the Adjudication Panel for Wales or a member of the panel nominated by the president of the Adjudication Panel to exercise this function.

(5) Unless the president or the person nominated considers that special circumstances render a hearing desirable, the decision on whether to grant permission to appeal is to be made in the absence of the parties.

(6) The president of the Adjudication Panel for Wales or the nominated panel member may, in writing, request further information from the parties.

(7) The further information requested in paragraph (6) must be submitted to the president of the Adjudication Panel for Wales or the nominated panel member within a period of 14 days from the date on which the request for further information is received.

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(8) In reaching a decision on whether to grant permission to appeal, the president of the Adjudication Panel for Wales or the nominated panel member must have regard to whether the appeal or part of it has a reasonable prospect of success.

(9) The president of the Adjudication Panel for Wales or the nominated panel member must decide whether to grant permission to appeal and give notice of the decision no more than 21 days after receipt of the application for permission to appeal, or where further information has been requested under paragraph (6), no more than 14 days after the end of the period specified in paragraph (7).

(10) The president of the Adjudication Panel for Wales or the nominated panel member must notify the decision in paragraph (8) to:

- (a) the person seeking permission to appeal;
- (b) the Public Services Ombudsman for Wales; and
- (c) the Standards Committee which made the determination that is the subject of the application for permission to appeal.

(11) If permission to appeal is refused the notice given under paragraph (9) must also include the reasons for that decision.

(12) If permission to appeal is granted the president of the Adjudication Panel for Wales or the nominated panel member must refer the matter to an appeals tribunal.”

(11) In regulation 11 (appeals), in paragraph (2)—

- (a) for “the deputy president” substitute “a nominated panel member”;
- (b) for “or deputy president” substitute “or the nominated panel member”.

Commencement Information

I3 Reg. 3 in force at 1.4.2016, see [reg. 1\(1\)](#)

Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(9) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (“*is-bwyllgor cymunedol*”) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (“*cyd-bwyllgor*”) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (“*is-bwyllgor adran 54A*”) means a sub-committee appointed by a standards committee under section 54A(1) of the Act”;

““standards committee” (“*pwyllgor safonau*”) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

- (3) In regulation 2—
- (a) at the end of paragraph (h) omit “or”;
 - (b) in paragraph (i), for the words that follow “removed” substitute “; or”;
 - (c) after paragraph (i) insert—
“*(j)* “it appears to the committee to be otherwise appropriate to grant a dispensation.”
- (4) After regulation 2 insert—

“Dispensations granted in accordance with regulation 2(j)

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

Procedure and powers of standards committees

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority’s standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

Commencement Information

I4 Reg. 4 in force at 1.4.2016, see **reg. 1(1)**

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27 January 2016

Leighton Andrews
Minister for Public Services, one of the Welsh
Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Standards Committees (Wales) Regulations 2001 (2001/2283 (W. 172)) (“the Standards Committee Regulations”), the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (2001/2281 (W. 171)) (“the Functions Regulations”), and the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (2001/2279 (W. 169)) (“the Dispensations Regulations”) to implement changes in operation of the system governing member conduct with the aim of improving local democracy.

Regulation 2 amends the Standards Committee Regulations and makes provision:

- amending existing provisions to facilitate the operation of joint standards committees;
- amending existing provisions relating to the length of the term of office of members of standards committees; and
- clarifying that a relevant authority is exempt from making the report or recommendations of an investigation available for public inspection until misconduct proceedings are concluded.

Regulation 3 amends the Functions Regulations and includes provision:

- enabling a monitoring officer and a standards committee of one authority to refer a report or recommendations of the monitoring officer to the standards committee of another authority for determination; and
- detailing the procedure for appealing against the decision of a standards committee.

Regulation 4 amends the Dispensations Regulations to provide a procedure for a member’s application for a dispensation to be referred to the standards committee of another authority for determination.

The detailed provisions are as follows—

Regulation 2

Joint Standards Committees

Part III of the Local Government Act 2000 (“the 2000 Act”) makes provision with respect to the conduct of local authority members and employees.

Section 53(1) of the 2000 Act requires every relevant authority in Wales, that is, county and county borough councils, fire and rescue authorities and National Park authorities, but not for this purpose, community councils, to establish a standards committee which is to have the functions conferred on it by or under Part III of the 2000 Act.

The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) amended section 53(1) of the 2000 Act to enable two or more relevant authorities to establish a joint standards committee.

In accordance with section 53(11) of the 2000 Act, the Welsh Ministers may by regulations make provision as to (among other things) the size, composition and proceedings of standards committees of relevant authorities in Wales including joint committees, and any sub-committees established under sections 54A or 56 of the 2000 Act.

Regulation 2 amends the Standard Committees Regulations to facilitate the operation of joint standards committees. It makes provision for the appointment of community committee and independent members to a joint standards committee; it limits the number of executive members of

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a joint standards committee; and it makes provision ensuring that every meeting of a joint standards committee is attended by a monitoring officer of one of the constituent relevant authorities. In accordance with the amendments in regulation 2 the functions of a standards committee within regulations 13 to 17 of the Standards Committee Regulations may, in the case of a joint standards committee, be discharged by any one of the constituent relevant authorities of a joint standards committee.

Provision is also made within regulation 2 amending the length of the term of office of members of standards committees.

Publication of Misconduct Reports

Section 51(1) of the 2000 Act imposes a duty upon all relevant authorities in Wales to adopt a code specifying the standards of conduct expected of their members and co-opted members.

Under section 69 of the 2000 Act the Public Services Ombudsman for Wales may investigate any alleged breach by members or co-opted members (or former members or co-opted members) of the code of conduct of a relevant authority in Wales.

Where the Public Services Ombudsman for Wales ceases such an investigation before it is completed (under section 70(4) of the 2000 Act) the matter subject to the investigation may be referred to the monitoring officer of the relevant authority.

Alternatively, where the Public Services Ombudsman for Wales determines (under section 71(2) of the 2000 Act) that it is appropriate for the matter to be referred to the monitoring officer of the relevant authority, the Ombudsman must produce a report on the outcome of the investigation and send it to the monitoring officer and the authority's standards committee.

Regulation 2 makes provision to exempt a standards committee or sub-committee from making a misconduct report or recommendations available for public inspection until misconduct proceedings under the Functions Regulations are concluded. The regulation also sets out the events that will signify the end of the proceedings and which give rise to the obligation to publish the materials as soon as reasonably practicable.

Regulation 3

Section 73 of the 2000 Act enables the Welsh Ministers to make regulations specifying how matters referred to a monitoring officer and standards committee are to be dealt with. The Functions Regulations set out the responsibilities of the monitoring officer and the standards committee in relation to an investigation, the production of a report and the outcome of an investigation.

Section 69 of the 2013 Act amended the regulation-making power in section 73 of the 2000 Act so as to allow the Welsh Ministers to make provision enabling a monitoring officer or a standards committee to refer a report or recommendations relating to a misconduct investigation to the standards committee of another relevant authority. Regulation 3 amends the Functions Regulations to set out the procedure to be followed when making such a referral.

In relation to the right of a member to appeal against the decision of a standards committee, regulation 3 provides that an appeal may only proceed if the president of the Adjudication Panel for Wales, or a nominee, has first granted permission for the appeal to proceed. The procedure and timescales that apply to an application for permission to appeal are also set out in within the regulation.

Regulation 4

Regulation 4 amends the Dispensations Regulations so an application by a member for a dispensation can be referred to the standards committee of another relevant authority for determination. The regulation also makes provision for an additional category of general dispensation.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Local Government Democracy Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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