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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2283 (W.172)**

**LOCAL GOVERNMENT, WALES**

**The Standards Committees (Wales) Regulations 2001**

*Made* - - - - 21st June 2001

*Coming into force* - - 28th July 2001

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon it by sections 53(11) and (12), 56(5) and 105(1) and (2) of the Local Government Act 2000<sup>(1)</sup>.

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Standards Committees (Wales) Regulations 2001 and shall come into force on 28 July 2001.

(2) These Regulations apply to Wales only.

**Interpretation**

2. In these Regulations —

“the 1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972<sup>(2)</sup>;

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000;

“alternative arrangements” (“*trefniadau amgen*”) means arrangements specified in regulations made by the National Assembly for Wales under section 32(1) of the 2000 Act;

“board” (“*bwrdd*”) has the meaning given to it by the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001<sup>(3)</sup>;

“chairperson” (“*cadeirydd*”) for the purposes of regulation 8(3) includes —

- (a) a chairman elected under paragraph 5 of Schedule 3 to the National Park Authorities (Wales) Order 1995<sup>(4)</sup>, and
- (b) a chairman elected under paragraph 17 of Part III of the Schedule to any of the Fire Services Orders;

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(1) 2000 c. 22.

(2) 1972 c. 70.

(3) S.I.2001/2284 (W.173).

(4) S.I. 1995/2803.

“community committee member” (“*aelod pwyllgor cymunedol*”) means a member of a standards committee who is also a member of a community council within the area of the relevant authority concerned;

“deputy chairperson” (“*dirprwy gadeirydd*”) includes —

- (a) a deputy chairman elected under paragraph 5 of Schedule 3 to the National Park Authorities (Wales) Order 1995, and
- (b) a vice-chairman elected under paragraph 17 of Part III of the Schedule to any of the Fire Services Orders;

“executive arrangements” (“*trefniadau gweithrediaeth*”) means arrangements by a local authority —

- (a) for and in connection with the creation and operation of an executive of the authority, and
- (b) under which certain functions of the authority are the responsibility of the executive;

“fire authority” (“*awdurdod tân*”) means a fire authority constituted by a combination scheme under the Fire Services Act 1947<sup>(5)</sup>;

“the Fire Services Orders” (“*y Gorchmynion Gwasanaethau Tân*”) means —

- (a) The North Wales Fire Services (Combination Scheme) Order 1995<sup>(6)</sup>,
- (b) The Mid and West Wales Fire Services (Combination Scheme) Order 1995<sup>(7)</sup>, and
- (c) The South Wales Fire Services (Combination Scheme) Order 1995<sup>(8)</sup>;

“independent member” (“*aelod annibynnol*”) means a member of a standards committee who is not —

- (a) a member,
- (b) an officer, or
- (c) the spouse of a member or an officer

of the relevant authority concerned, any other relevant authority, or a community council.

“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, or
- (b) is not the spouse of a member or an officer

of the relevant authority concerned, any other relevant authority or a community council;

“leader and cabinet executive” (“*gweithrediaeth arweinydd a chabinet*”) means the form of executive arrangements specified in section 11(3) of the 2000 Act;

“local authority” (“*awdurdod lleol*”) means a county or county borough council;

“mayor and cabinet executive” (“*gweithrediaeth maer a chabinet*”) means the form of executive arrangements specified in either —

- (a) section 11(2), or
- (b) section 11(4)

of the 2000 Act;

“member” (“*aelod*”), unless the context otherwise requires, means —

- (a) in the case of a local authority, an elected member of that authority, and

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(5) 1947 c. 41.  
 (6) S.I. 1995/3218.  
 (7) S.I. 1995/3229.  
 (8) S.I. 1995/3230.

- (b) in the case of a National Park authority or fire authority a member appointed to that authority under either —

- (i) the National Park Authorities (Wales) Order 1995, or
- (ii) any of the Fire Services Orders;

“National Park authority” (*“awdurdod Parc Cenedlaethol”*) means a National Park authority established under section 63 of the Environment Act 1995(9);

“panel member” (*“aelod panel”*) means a member of a panel established under regulation 15.

“proper officer” (*“swyddog priodol”*) has the meaning given by section 270(3) of the 1972 Act;

“relevant authority” (*“awdurdod perthnasol”*) means —

- (a) a county council,
- (b) a county borough council,
- (c) a National Park authority, and
- (d) a fire authority;

“standards committee” (*“pwyllgor safonau”*), unless the context otherwise requires, means a standards committee of a relevant authority and includes a sub- committee of a standards committee;

“sub-committee of a standards committee” (*“is- bwyllgor i bwyllgor safonau”*) means a sub-committee appointed by a standards committee of a local authority under section 56 of the 2000 Act.

### **Size of standards committees**

3. A standards committee shall consist of not less than five nor more than nine members.

### **Composition of standards committees**

4. The membership of a standards committee shall not consist of persons other than —

- (a) persons who are members of the relevant authority concerned,
- (b) independent members, or
- (c) community committee members.

5.—(1) Where the total number of members of a standards committee is an even number at least half that number shall be independent members.

(2) Where the total number of members of a standards committee is an odd number a majority of that number shall be independent members.

6.—(1) A person who has been but is no longer a member of one or more relevant authorities shall not be an independent member of the standards committee of any relevant authority of which that person was a member.

(2) Subject to regulation 16(2), a person who has been but is no longer a member of one or more relevant authorities may, after the period of twelve months commencing with the date on which that person ceased to be a member of any relevant authority, be an independent member of a standards committee of a relevant authority of which that person has not been a member.

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(9) 1995 c. 25.

7.—(1) A person who has been but is no longer an officer of one or more relevant authorities shall not be an independent member of the standards committee of any relevant authority of which that person was an officer.

(2) Subject to regulation 16(2), a person who has been but is no longer an officer of one or more relevant authorities may, after the period of twelve months commencing with the date on which that person ceased to be an officer of any relevant authority, be an independent member of a standards committee of a relevant authority of which that person has not been an officer.

8.—(1) Where a relevant authority is a local authority operating executive arrangements, neither —

(a) the elected mayor of such an authority which is operating a mayor and cabinet executive, nor

(b) the executive leader of such an authority which is operating a leader and cabinet executive, shall be a member of the standards committee of that relevant authority.

(2) Where a relevant authority is a local authority operating alternative arrangements, the chairperson of the board of that authority shall not be a member of that authority's standards committee.

(3) Where a relevant authority is a National Park authority or a fire authority, neither —

(a) the chairperson, nor

(b) the deputy chairperson (if any)

of such an authority shall be a member of the standards committee of that authority.

9.—(1) The membership of a standards committee of a local authority operating executive arrangements may not include more than one member who is also a member of the executive of that authority.

(2) The membership of a standards committee of a local authority operating alternative arrangements may not include more than one member who is also a member of the board of that authority.

10. The membership of a standards committee which is to discharge functions in relation to —

(a) community councils which are situated in that relevant authority's area, and

(b) the members of those community councils,

shall include at least one community committee member.

11. A member of a local authority who is also a member of a community council situated in that local authority's area shall not be a community committee member of that authority's standards committee.

### **Allocation of seats to Political groups**

12. A standards committee is not to be regarded as a body to which section 15 of the Local Government and Housing Act 1989(10) applies.

### **Appointment of independent members to standards committees**

13.—(1) Where a vacancy arises for a post as an independent member of a standards committee the relevant authority concerned shall publish an advertisement in not less than two newspapers (which are not published by that relevant authority) circulating in its area.

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(10) 1989 c. 42.

(2) The advertisement referred to in paragraph (1) above shall notify the local government electors for the relevant authority's area that the relevant authority is seeking to appoint an independent member to its standards committee.

(3) A relevant authority may publish an advertisement in connection with any vacancy for a post as an independent member on that relevant authority's standards committee in any newspaper that it publishes.

**14.** A relevant authority shall —

- (a) establish criteria for the appointment of independent members to its standards committee, and
- (b) publish those criteria in the advertisement referred to in regulation 13(1) above.

**15.—(1)** A relevant authority shall establish a panel which shall consist of not more than five panel members.

(2) One panel member must be a lay panel member.

(3) A panel established under paragraph (1) by a local authority must include one panel member who is a member of a community council situated in that local authority's area.

**16.—(1)** The panel established under regulation 15 above shall —

- (a) consider every application that the relevant authority receives in relation to a vacancy for an independent member of that authority's standards committee;
- (b) apply the criteria established by the relevant authority concerned under regulation 14 above when it considers applications for a post as an independent member of that authority's standards committee; and
- (c) make recommendations in relation to any such applications to the relevant authority.

(2) Appointments of independent members of a relevant authority's standards committee shall be made by the relevant authority which shall have regard to the recommendations of the panel.

**17.** An advertisement published under regulation 13(1) may, if the relevant authority concerned considers appropriate —

- (a) notify local government electors for that relevant authority's area that the chairperson and vice-chairperson of its standards committee are elected from the independent members of that committee; and
- (b) notify those electors of the qualities and experience that may be required of independent members holding such positions.

#### **Term of office of members of standards committees**

**18.—(1)** The term of office of a member of a local authority standards committee who is a member of that authority shall be no more than —

- (a) four years, or
- (b) the period until the ordinary local government elections for that local authority next following the appointment of that person as a member of that authority's standards committee, whichever is the shorter.

(2) Such a member shall cease to be a member of that standards committee if that member ceases to be a member of the local authority concerned.

**19.**—(1) Where a relevant authority is a National Park authority or fire 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 more than —

(a) four years, or

(b) the period until that member's appointment as a member of that authority ceases,

whichever is the shorter.

(2) Such a member shall cease to be a member of that standards committee if that member ceases to be a member of the relevant authority concerned.

**20.** The term of office of a member of a standards committee who is an independent member of that committee shall be not less than four nor more than six years.

### **Re-appointment of members of standards committees**

**21.**—(1) Subject to paragraph (2) of regulation 18 and paragraph (2) of regulation 19 above, a member of the standards committee of a relevant authority who is a member of that authority may be re-appointed for one further consecutive term.

(2) An independent member of the standards committee of a relevant authority shall serve no more than one term of office as such a member.

### **Chairpersons and vice-chairpersons of standards committees**

**22.**—(1) The members of a standards committee shall elect a chairperson and a vice-chairperson from amongst the independent members of that committee.

(2) The election of a chairperson and a vice-chairperson shall be the first business to be transacted at the first meeting of a standards committee.

(3) Subject to paragraph (2) above, the chairperson shall preside at meetings of a standards committee.

(4) If the chairperson is absent from a meeting of a standards committee then the vice-chairperson of the committee, if present, shall preside.

(5) If both the chairperson and the vice-chairperson of a standards committee are absent from a meeting of that committee, such independent member of that standards committee as the members of that committee present shall choose shall preside.

(6) Subject to paragraphs (8) and (9) the chairperson of a standards committee shall be elected for whichever is the shorter of the following periods —

(a) a period of not less than four nor more than six years, or

(b) until the term of office of that person as an independent member of that standards committee comes to an end.

(7) Subject to paragraphs (8) and (9) the vice-chairperson of a standards committee shall be elected for whichever is the shorter of the following periods —

(a) a period of not less than four nor more than six years, or

(b) until the term of office of that person as an independent member of that standards committee comes to an end.

(8) A person elected as a chairperson or vice-chairperson may at any time resign from office by notice in writing to the proper officer of the relevant authority concerned.

(9) Where a casual vacancy in the office of chairperson or vice-chairperson is filled, the person so appointed shall hold office for whichever is the shorter of the following periods —

- (a) until the date upon which the term of office of the person in whose place that person is elected would have expired, or
- (b) until the term of office of that person as an independent member of that standards committee comes to an end.

### **Voting**

**23.**—(1) A member of a standards committee who is not a member of the relevant authority concerned is entitled to vote at meetings of that committee.

(2) A question to be decided by a standards committee shall be decided by a majority of the votes cast by the members present at the meeting and voting thereon.

(3) In the case of an equality of votes, the person presiding at the meeting of the standards committee shall have a second, casting vote.

### **Quorum**

**24.** No business shall be transacted at a meeting of a standards committee unless —

- (a) at least three members are present, including the chairperson, and
- (b) at least half the members present (including the chairperson) are independent members.

### **Meetings of standards committees**

**25.**—(1) Every standards committee shall hold at least one meeting during every period of 12 months after 31 December 2001.

(2) Every standards committee shall hold at least one meeting on or before 31 December 2001.

(3) The monitoring officer or a representative of the monitoring officer of a relevant authority shall attend every meeting of that authority's standards committee.

### **Applicable provisions of Part VA of the Local Government Act 1972**

**26.**—(1) Subject to the modifications set out in paragraphs (2) to (9) below, the following provisions of the 1972 Act, that is to say —

- (a) section 100A,
- (b) section 100B,
- (c) section 100C,
- (d) section 100D,
- (e) section 100F,
- (f) section 100H,
- (g) section 100I,
- (h) section 100K, and
- (i) Schedule 12A

shall apply as if for the purposes of those provisions a standards committee were a principal council.

(2) In sub-section (3)(a) of section 100A and sub-section (1) of section 100B, for “council” substitute “relevant authority”.

(3) In sub-section (4)(b) of section 100B, for “chairman” substitute “chairperson”.

(4) In —

- (a) sub-section (6)(a) of section 100A,
  - (b) sub-section (1) of section 100C, and
  - (c) sub-section (1)(b) of section 100D,
- for “offices of the council”, substitute “offices of the relevant authority”.
- (5) In —
- (a) sub-section (1) of section 100F, and
  - (b) sub-section (6) of section 100H,
- omit “committee or”.
- (6) In sub-section (3) of section 100H, for “principal council” substitute “relevant authority”.
- (7) In sub-section (1) of section 100K, omit —
- “(a) “committee or sub-committee of a principal council” shall be construed in accordance with section 100E(3) above;”,
  - “(b) “constituent principal council” shall be construed in accordance with section 100E(4) above;”, and
  - “(c) “principal council” shall be construed in accordance with section 100J above”.
- (8) Omit sub-section (2) of section 100K.
- (9) Paragraph (2) of Part III of Schedule 12A is modified as follows —
- (a) for “principal council” substitute “relevant authority”,
  - (b) for “committee or sub-committee” substitute “standards committee or sub-committee of that committee”,
  - (c) omit “and includes a reference”, and
  - (d) omit sub-paragraphs (a),(b) and (c).

**27.—**(1) A local authority may, if it thinks fit, post such notice of a meeting of its standards committee as may be required to be posted at its offices by virtue of section 100A of the 1972 Act, as modified by regulation 26, at the offices of community councils situated in that local authority’s area.

(2) A local authority may, if it thinks fit, provide for such agendas and reports for meetings of its standards committee as are, or may be, required to be open to inspection by members of the public at its offices by virtue of section 100B of the 1972 Act, as modified by regulation 26, to be open to inspection by members of the public at the offices of community councils situated in that local authority’s area.

(3) A local authority may, if it thinks fit, provide for such minutes of its meetings of its standards committee and other documents as are, or may be, required to be open to inspection by members of the public at its offices by virtue of section 100C of the 1972 Act, as modified by regulation 26, to be open to inspection by members of the public at the offices of community councils situated in that local authority’s area.

(4) Subject to section 100A of the 1972 Act, as modified by regulation 26, a relevant authority may adopt such other methods to provide public notice of meetings of its standards committee as it considers appropriate.

### **Minute of proceedings of standards committees**

**28.—**(1) Minutes of the proceedings of a standards committee shall be drawn up and entered in a book provided for the purpose by the proper officer of the relevant authority concerned and shall be signed by the chairperson of the committee at the conclusion of that meeting or at the next following meeting of the committee.



- (2) The minutes of the proceedings of a standards committee shall include —
- (a) a record of any decision made by the committee;
  - (b) the reasons for that decision; and
  - (c) a record of any declaration of interest by a member of the committee which is relevant to any matter decided upon by that committee during those particular proceedings.

### **Terms of reference of standards committees**

**29.**—(1) Every relevant authority shall forthwith prepare a statement which sets out the terms of reference of its standards committee.

(2) Every relevant authority shall send to the Commission for Local Administration in Wales the statement referred to in paragraph (1) above.

### **Transitional arrangements**

**30.**—(1) Where a relevant authority has —

- (a) established a standards committee before the date on which these Regulations come into force, and
- (b) the membership of that committee at the date on which these Regulations come into force includes one or more independent members

the following paragraphs shall apply.

(2) Subject to paragraph (3) below, such a relevant authority may allow such an independent member to continue as a member for whichever is the shorter of the following periods —

- (a) five years from the date on which these Regulations come into force, or
- (b) until the term of office of that independent member comes to an end.

(3) Paragraph (2) above shall not apply where —

- (a) a relevant authority does not consider that the appointment process for any such independent member was sufficient to guarantee the independence of that member, or
- (b) any such independent member would not meet the requirements of the definition of an independent member for the purposes of these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**11**).

21st June 2001

*D.Elis Thomas*  
The Presiding Officer of the National Assembly

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

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

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

Under section 53(11) of the Act, the National Assembly for Wales may by regulations make provision as to (among other things) the size, composition and proceedings of standards committees of relevant authorities in Wales, other than police authorities, and of any sub-committees established under section 56 of the Act.

Regulations 3, 4, 5, 6, 7, 8, 9, 10 and 11 make provision with respect to the size and composition of standards committees and sub-committees and Regulation 12 provides that no requirement of political balance is to apply to them.

Regulations 13, 14, 15, 16 and 17 provide for the appointment of independent members to standards committees and sub-committees.

Regulations 18, 19, 20 and 21 make provision with respect to the term of office and re-appointment of members of standards committees and sub-committees.

Regulations 22 and 23 make provision with respect to the office of chairperson and vice-chairperson of a standards committee or sub-committee and with respect to voting at meetings.

Regulations 24 and 25 make provision with respect to a Quorum at meetings of standards committees and sub-committees, the frequency of meetings and the attendance of the authority’s monitoring officer or a representative of the monitoring officer.

Regulation 26 applies, with modifications, certain provisions of Part VA of the Local Government Act 1972 to standards committees and sub-committees.

Regulations 28 and 29 make provision with respect to the keeping of a record of the proceedings and with respect to terms of reference of standards committees and sub-committees.

Regulation 30 makes provision with respect to transitional arrangements regarding the appointment of independent members to standards committees and sub-committees.