

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

Section 51 of the Local Government Act 2000 (“the 2000 Act”) imposes a duty upon local authorities to adopt codes of the conduct which is expected of their members and co-opted members.

Under section 69 of the 2000 Act a Local Commissioner in 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 local authority in Wales.

Where a Local Commissioner in Wales ceases such an investigation before it is completed (under section 70(4) of the 2000 Act) he or she may refer the matter subject to the investigation to the monitoring officer of the relevant local authority.

Alternatively, where a Local Commissioner in Wales determines after investigating (under section 71(2) of the 2000 Act) that it is appropriate, he or she shall refer the matter to the monitoring officer of the relevant authority, produce a report on the outcome of the investigation and send it to the monitoring officer and the authority’s Standards Committee.

Section 73 of the 2000 Act enables the National Assembly for Wales to make regulations specifying how such referred matters are to be dealt with.

These Regulations provide that the monitoring officer of the relevant authority:

- (a) will investigate matters referred under section 70(4) before reporting and, if appropriate, making recommendations, to the relevant authority’s Standards Committee, or
- (b) where a matter has been referred under section 71(2), he or she will consider the report of the Local Commissioner in Wales, before, if appropriate, making recommendations to the relevant authority’s Standards Committee.

The Standards Committee will then make an initial determination either:

- (a) that there is no evidence of a failure to comply with the code of conduct, or
- (b) that any person who is the subject of the investigation must be given an opportunity to respond, either orally or in writing.

After considering any response made by any such person the Standards Committee must conclude that:

- (a) there is no evidence of a failure to comply with the code of conduct and no further action should be taken,
- (b) there is evidence of a failure to comply with the code of conduct but no further action should be taken, or
- (c) there is evidence of a failure to comply with the code of conduct and a member or co-opted member (or former member or co-opted member) should be censured or suspended,

and take any such action accordingly.

The decision of the Standards Committee is subject to a right of appeal to an appeals tribunal drawn from the Adjudication Panel for Wales.

An appeals tribunal may endorse the determination of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the determination.

The Regulations also provide for a report upon the outcome of the investigation to be produced and published.