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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2281**

**Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001**

**Procedure and Powers of Standards Committees**

**8.**—(1) Subject to any express provision in these Regulations or in the Standards Committees (Wales) Regulations 2001(1), the practice and procedure to be followed in exercising its functions under these Regulations shall be for the Standards Committee of the relevant authority to decide.

[<sup>F1</sup>(2) Paragraphs (3) to (3D) apply—

- (a) in respect of the Public Services Ombudsman for Wales in the case of an investigation undertaken by the Public Services Ombudsman for Wales and referred to the monitoring officer of the relevant authority under section 71(2) of the 2000 Act; and
- (b) in respect of the monitoring officer of the relevant authority in the case of an investigation referred to the monitoring officer under section 70(4) of the 2000 Act.

(3) The Public Services Ombudsman for Wales and the monitoring officer are entitled to attend before the Standards Committee for the purposes of—

- (a) presenting the report and/or explaining any of the matters in it; and
- (b) otherwise playing such part or assisting the Standards Committee as the Standards Committee considers appropriate.

(3A) The Standards Committee may request the Public Services Ombudsman for Wales or the monitoring officer to attend before it for the purposes of—

- (a) presenting the report and/or explaining any of the matters in it; and
- (b) otherwise playing such part or assisting the Standards Committee as the Standards Committee considers appropriate.

(3B) A request under paragraph (3A) must not be unreasonably refused and if such request is refused the Public Services Ombudsman for Wales or monitoring officer must give reasons in writing to the Standards Committee for not complying with the request to attend.

(3C) The attendance shall be when the Standards Committee of the relevant authority is considering any representations made by the person who is the subject of the investigation or, if no such representations are made, at any reasonable time.

(3D) The Public Services Ombudsman for Wales and monitoring officer may be represented by counsel or a solicitor.]

(4) If any person who is the subject of the investigation fails to make representations in accordance with [<sup>F2</sup>regulation 7(1)(b)] above, the Standards Committee may:

- (a) unless it is satisfied that there is sufficient reason for such failure, consider the monitoring officer's report and make a determination in that person's absence; or
- (b) give that person a further opportunity to make representations.

(5) Where appropriate, and in accordance with the provisions of these Regulations, the Standards Committee has power to censure any member or co-opted member (or former member or co-opted member) of [<sup>F3</sup>a relevant authority], or suspend or partially suspend a member or co-opted member for a period not exceeding 6 months.

(6) Any period of suspension or partial suspension shall commence on the day after:

- (a) the expiry of the time allowed to lodge a notice of appeal under Regulation 10(2) below,
- (b) receipt of notification of the conclusion of any appeal in accordance with [<sup>F4</sup>regulation 12(1)(a)(i)]<sup>F5</sup>... below, or
- (c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under Regulation [<sup>F6</sup>regulation 12(1)(a)(ii)] below,

whichever occurs last.

#### Textual Amendments

- F1** Reg. 8(2)(3)(3A)-(3D) substituted for reg. 8(2)(3) (19.10.2009 with application in accordance with reg. 1(2)) by The Local Authorities (Case and Interim Case Tribunals and Standards Committees) (Amendment) (Wales) Regulations 2009 (S.I. 2009/2578), regs. 1(1), **4(2)**
- F2** Words in reg. 8(4) substituted (5.8.2022) by The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) (Amendment) Regulations 2022 (S.I. 2022/802), regs. 1, **8(a)**
- F3** Words in reg. 8(5) substituted (1.4.2016) by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 (S.I. 2016/85), regs. 1(1), **3(8)(a)**
- F4** Words in reg. 8(6)(b) substituted (5.8.2022) by The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) (Amendment) Regulations 2022 (S.I. 2022/802), regs. 1, **8(b)**
- F5** Words in reg. 8(6)(b) omitted (1.4.2016) by virtue of The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 (S.I. 2016/85), regs. 1(1), **3(8)(b)**
- F6** Words in reg. 8(6)(c) substituted (5.8.2022) by The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) (Amendment) Regulations 2022 (S.I. 2022/802), regs. 1, **8(c)**

#### Commencement Information

- I1** Reg. 8 in force at 28.7.2001, see **reg. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001, Section 8.