
WELSH STATUTORY INSTRUMENTS

2016 No. 85

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

Amendments to the Standards Committees (Wales) Regulations 2001 **E+W**

- 2.—(1) The Standards Committees (Wales) Regulations 2001(1) 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(2) 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)(3) 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”;

(1) S.I. 2001/2283 (W. 172).

(2) 2004 (c. 21).

(3) Section 53(1) was amended by section 68(1) and (2)(a) of the [Local Government \(Democracy\) \(Wales\) Act 2013](#) (anaw 4).

- (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) 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(4):
 - (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

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

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, Section 2.