

Llantilio Crossenny Community Council

AM

Cyngor Cymuned Llandeilo Gresynni

25 APR 2001

Roy G. Nicholas
Clerk to the Council
Clerc y Cyngor
01600 780362



Policemans Cottage
Llantilio Crossenny
Abergavenny
NP7 8TF

3 April 2001

Mr Michael German OBE AM
The National Assembly for Wales
Cardiff Bay
CARDIFF CF99 1NA

Dear Mr German

ADMINISTRATIVE SHORTCOMINGS AT THE ASSEMBLY THE FUNCTIONS OF MONITORING OFFICERS AND STANDARDS COMMITTEES

I am sorry to have to inform you that as a Community Council, once again, we have been placed at a disadvantage by the shortcomings of the Assembly's Local Government Modernisation Division.

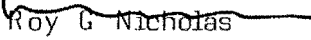
1 The enclosed covering letter dated 16 March 01 - which itself declares a short time scale for consultation - was franked 2nd class mail on 30th March and was delivered yesterday 2nd April with a closing date of 12 April.

2 I also enclose the first page of the matter upon which we are being 'consulted' and would like to draw your attention to the first paragraph, please.

You will note that we are now told that Community Councils are required under the Local Government Act 2000 to establish a standards committee to, "promote and maintain high standards of conduct, etc".

This is totally at variance with all the information we have received to date and leaves us confused. Are you able to obtain clarification, please ?

Yours sincerely


Roy G. Nicholas
Clerk to the Council



Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Parc Cathays / Cathays Park
Caerdydd / Cardiff CF10 3NQ

Eich cyf / Your Ref

Ein cyf / Our Ref

The Chief Executives of County/
County Borough Councils
Clerks to Community Councils, Fire
and Police Authorities
Chief National Park Officers and
other Consultees

16 March 2001

Dear Colleague

**THE FUNCTIONS OF MONITORING OFFICERS AND STANDARDS
COMMITTEES: CONSULTATION ON THE DRAFT REGULATIONS UNDER
SECTION 73 (1) OF THE LOCAL GOVERNMENT ACT 2000**

The Local Government Act 2000 (the Act) requires the National Assembly for Wales to put in place a new ethical framework for local government. The Act requires that an allegation that a member (or former member) of a relevant authority failed to comply with the authority's code of conduct should be made in writing to the Commissioner for Local Administration in Wales. The Commissioner may, following receipt of an allegation, investigate the matter and where appropriate refer it to an authority's monitoring officer.

The Act requires the National Assembly to set out in regulations the way in which matters referred by the Commissioner to the monitoring officers of authorities and their standards committees, are to be dealt with.

The Act provides for the National Assembly to specify in regulations such matters as the procedures monitoring officers should follow when conducting investigations, the procedures to be followed by standards committees when considering monitoring officers' reports, the penalties standards committees may impose on members, and the arrangements for appeals from standards committees' decisions.



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The attached consultation paper outlines the National Assembly's proposals and contains the draft regulations setting out the procedures monitoring officers and standards committees will be expected to follow. Views on the proposed procedures, the draft regulations and the other issues raised in the consultation paper should be sent to:

Mrs Alison Reid
Local Government Modernisation Division 1
National Assembly for Wales
Crown Offices
Cathays Park
Cardiff
CF10 3NQ

Telephone No 029 20826229
Fax No 029 20825346
e-mail address: alison.reid@Wales.gsi.gov.UK

The closing date for comments is 12 April 2001.

This is the last in a series of consultation papers on the new ethical framework. Consultation papers have already been issued on the draft regulations relating to: the codes and general principles of conduct for members and local government employees; the size, composition, and procedures of standards committees; the granting of dispensations by standards committees; the harmonisation of the provisions of the Local Government Acts 1974 and 2000 relating to the Commission for Local Administration in Wales, and the operation of the Adjudication Panel for Wales and its tribunals.

In view of the relatively short timescale for consultation we shall be seeking to arrange consultative meetings in North and South Wales. Please contact Mrs Reid for further details.

It is intended that following consultation the proposals would be incorporated into draft National Assembly legislation in the Spring, with a view to it coming into force on 28 July 2001.

Yours sincerely

MRS KATE CASSIDY
Head of Local Government Modernisation Division



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THE FUNCTIONS OF MONITORING OFFICERS AND STANDARDS COMMITTEES : DRAFT REGULATIONS

INTRODUCTION

1. The Local Government Act 2000 (The Act) requires each county/country borough and community council, fire and national park authority in Wales to establish a standards committee to promote and maintain high standards of conduct by elected and co-opted members, to assist in the observance of the code of conduct, and consider matters relating to members' conduct referred to the authority's monitoring officer by the Commissioner for Local Administration in Wales. Throughout this paper, references to members should be taken as including co-opted members. Police authorities are also required to establish standards committees but guidance and regulations relating to them are to be drawn up by the UK Government which will be consulting upon them separately.

2. The Act allows the National Assembly to issue regulations and guidance on the way in which standards committees and their sub-committees operate. The National Assembly is already in the process of consulting on draft regulations under Section 53(11) of the Act relating to the size, composition and procedures of standards committees and under Section 81(5) which sets out the circumstances when standards committees may grant dispensations to members to participate in authorities' business when they have a specified interest. Section 73(1) of the Act enables the National Assembly to make further regulations relating to the way in which matters concerning members' conduct referred by the Commissioner of Local Administration in Wales to the monitoring officer of a relevant authority are dealt with. This would cover the way in which monitoring officers conduct investigations into allegations referred to them by the Commissioner and standards committees consider monitoring officers' reports.

3. Most Welsh county/country borough councils have already set up standards committees under the general powers contained in the Local Government Act 1972, following a request from the former Welsh Office and the Welsh Local Government