

National Assembly For Wales

Report By The Local Government and Public Services Committee on The Standards Committee (Wales) Regulations

The Committee considered the above Regulations at its meeting on 17 May 2006. They were considered in accordance with the protocol for dealing with secondary legislation agreed by the Committee, whereby Members notify in advance any queries or amendments they wish to make to the Order.

Members did not propose any amendments.

The Minister responded to three points of clarification that had been raised by Gwenda Thomas AM

i. Paragraph 6 of the covering paper - In relation to the County or County Borough Council having the final decision on the appointment of community council members to the standards committee, is this limited to the appointment itself or does the CC / CBC have the power to decide whether a community council member should be appointed to the committee?

Response

Officials confirmed that there was a requirement for every Standards Committee to have a representative from the community councils in the Unitary Authority Area as a member.

ii. The Regulations state that the minimum number of members on a sub committee should be 3, with a quorum of 2 – an even number of members could result in a tied vote – would this be overcome by a casting vote? Would it be better if the quorum was an odd number?

Response

Officials confirmed that the quorum figure of 2 would include the Chair. Should a tied vote occur, the Chair would have the casting vote.

iii. In relation to an Independent member sitting on a Standards Committee, would they still be able to be an independent member of that Committee if they were elected as a Member of the Unitary Authority?

Response

The 2001 Regulations prohibited an Independent member from remaining a member of a Standards Committee should they subsequently be elected as a member of the unitary authority. Guidance would be provided to local authorities.

There was discussion on a point raised by Mike German:

The nomination of Community Council members should be by those Community Councils within the Unitary Authority area and not by the Unitary Authority.

Response

Whilst Community Council may be able to nominate candidates for appointment to the Standards Committees, if there is more than 1 nomination, the final decision would rest with the Unitary Authority. There is no requirement for the final selection of the appointee to be agreed by the Community Councils. The final decision of selecting a community councillor to become a member of a Standards Committee lay with the unitary authority, given that Standards Committees were unitary authority committees.

The majority of the Committee were content for the Regulations to proceed subject to the issues raised being included in the accompanying guidance. One member reserved their position on the issue of Community Council appointees.

Ann Jones AM
Chair