

Joint Report of the Head of Democratic Services and Monitoring Officer

Council – 3 March 2015

**COMMUNITY / TOWN COUNCILS STANDARDS SUB COMMITTEE
MERGER WITH STANDARDS COMMITTEE**

Purpose:	To recommend to Council that the Community / Town Councils Standards Sub Committee be abolished in principle, subject to consultation with Community / Town Councils, and its work be carried out by the Standards Committee.
Policy Framework:	None.
Reason for Decision:	To outline the procedure for merging the Community / Town Council Standards Sub Committee into the Standards Committee and to recommend this action to Council in principle subject to consultation.
Consultation:	Finance, Legal.
Recommendation(s):	It is recommended that: <ol style="list-style-type: none">1) The recommendation of the Standards Committee of 13 February 2015 that the Community / Town Councils Standards Sub Committee be merged with the Standards Committee be noted and that Council agree in principle to a merger subject to consultation with Community / Town Councils prior to a final decision being made;2) The Monitoring Officer / Head of Democratic Services consult with the Community / Town Councils in relation to the merger for a period of time ending at noon on Monday, 15 May 2015;3) Following the close of the consultation period, a further report be presented to Council outlining the consultation responses and a question be put as to whether the merger should proceed.
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1. Introduction

- 1.1 The Standards Committee at its meeting on 13 February 2015 resolved to recommend to Council that the Community / Town Councils Standards Sub Committee be merged with the Standards Committee thereby creating one Committee to consider all standards and ethics matters.

2. Background to the Recommendation

- 2.1 The Standards Committee first considered this issue on 15 November 2013. This led to a report to the Standards Committee on 17 January 2014 which:
- i) Detailed the issues relating to merging the Standards Committee with the Community / Town Council Sub Committee (Sub Committee), the process that must be followed together with the situation with regard to Standards Committees throughout Wales;
 - ii) Noted the fact that 20 of Wales' 22 Local Authorities only had one Standards Committee which also dealt with Community / Town Council matters. It was agreed at that meeting to raise the principle of a merger with the Political Group Leaders which were scheduled throughout 2014.
- 2.2 The issue was duly raised with the Political Group Leaders and they were generally be supportive of such a merger as they agreed that it would ensure consistency of decisions and also that the Community / Town Council representative would have regular dealings on Standards issues.

3. Legislation Relating to the Standards Committee

- 3.1 Section 54(1) of the Local Government Act 2000 ("the Act") originally established the requirement for each Authority to have a Standards Committee.
- 3.2 Section 56(4) of the Act gives the Authority the responsibility for deciding whether conduct issues in Community Councils should be handled by the Standards Committee or by a separate Standards Sub Committee, after consulting the Community Councils in their areas.
- 3.3 If a Standards Committee do not have a Standards Sub Committee to deal with Community / Town Council conduct matters, then Regulation 10(1) of the Standards Committee (Wales) Regulations 2001 as amended ("the Regulations") requires that the membership of the Standards Committee must include at least one Community / Town Council member.

3.4 Regulation 10(3) of the Regulations requires that before the Authority makes an appointment of a Community / Town Committee Member, the Authority shall consult with:

- a) Community / Town Councils which are situated in its area; and
- b) Community / Town Council associations established for and operating within that area (if any).

3.5 The Regulations are silent on how an Authority should proceed if there are more applications than the number of vacancies. However, the shortlisting could be done by the Monitoring Officer, a Committee established for that purpose, or by the Appointments Committee or Standards Committee to shortlist and to make a recommendation(s) to Council. It would be reasonable to ensure that the process is outlined to all prior to nominations being sought.

3.6 It is Council that makes the actual appointment.

4. Issues Relating to Merging Standards Committee with the Community / Town Council Sub Committee

4.1 Number and Make Up of People on the Standards Committee

4.1.1 The Regulations state that “a Standards Committee shall consist of not less than 5 nor more than 9 members”.

4.1.2 The Standards Committee is currently made up of 9 members (5 Independent Persons and 4 Councillors (3 Labour and 1 Liberal Democrat)).

4.1.3 As stated, if a Standards Committee deals with Community / Town Council issues then legally, at least one Community / Town Councillor must be a member of it.

4.1.4 In order to facilitate this additional person, one of the Councillors would have to be removed (The current figures would mean that one of the Labour Councillors would have to stand down). The remaining 3 Councillors would be nominated in line with Committee Proportionality.

4.2 Current Community / Town Council Sub Committee Members

4.2.1 The Community / Town Councils Standards Sub Committee consists of 4 Independent Persons and 3 Community / Town Councillors. However, there is a current vacancy meaning that only 2 of the Community / Town Councillors have been appointed. Both current members would need to apply if interested.

- 4.2.2 If merger is being considered, then it would be reasonable to consult with Community / Town Councils on the proposal. There is no statutory requirement to do this, but it was a requirement to consult with them when the Standards Sub Committee was established.
- 4.2.3 If the merger went ahead, then it would be a statutory requirement to consult with the Community / Town Councils and any Community / Town Council associations before making an appointment.
- 4.2.4 There is no requirement to advertise the vacancy in the national press.

5. The Process of Merging

- 5.1 Standards Committee have recommend to Council that the merger should occur. Council should now consider this. If Council agree in principle to the proposal, then, consultation will commence with the Community / Town Councils. The outcome of this consultation is not binding however it should be duly considered.
- 5.2 Once, the consultation ends, Council should consider the results of the consultation and make a decision as to whether to merge or not. If Council decides to continue with the merger, Community / Town Councils will be given the opportunity to put forward their nominations. It is suggested that the Standards Committee should be the vehicle to shortlist and interview. Council will then make the appointment based on the recommendation of the interviewing body.

6. Equality and Engagement Implications

- 6.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

7. Financial Implications

- 7.1 This will be met from within existing budget.

8. Legal Implications

- 8.1 These are set out in the Report.

Background Papers: None.

Appendices: None.