

Joint Report of the Head of Democratic Services and Monitoring Officer

Council – 25 June 2015

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

Purpose:	To feedback on the consultation with the Community / Town Council and to recommend a way forward to merge the Community / Town Councils Standards Sub Committee with 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 proceed with the merger.
Consultation:	Finance, Legal.
Recommendation(s):	It is recommended that: <ol style="list-style-type: none">1) The consultation responses as outlined in Appendix A be noted;2) The Community / Town Council Standards Sub Committee be merged with the Standards Committee;3) The proposed terms of reference of the Standards Committee as outlined in Appendix B be adopted;4) Community / Town Councils be approached asking them either to propose Community / Town Councillors as suitable candidates and / or for applications of interest to be submitted for a place on the merged Standards Committee;4) Standards Committee be authorised to shortlist and interview Community / Town Councillors that have applied to sit on the merged Standards Committee;5) It be noted that Council itself will make the appointment based on the recommendation of the interviewing body;
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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.
- 1.2 Council at its meeting on 3 March 2015 resolved the merger in principle subject to a period of consultation with the Community / Town Councils. The consultation period started on 10 March 2015 and ended on 15 May 2015.

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 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. Consultation with Community / Town Councils

- 3.1 Of the 24 Community / Town Councils within the City and County of Swansea, only 4 responses were received.
- 3.2 Gorseinon Town Council, Grovesend & Waungron Community Council, Llchwyr Town Council and Pontarddulais Town Council all supported the merger.
- 3.3 Community Councillor Alan Glass of Penrice Community Council also supported the merger.

4. Legislation Relating to the Standards Committee

- 4.1 Section 54(1) of the Local Government Act 2000 (“the Act”) originally established the requirement for each Authority to have a Standards Committee.
- 4.2 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.
- 4.3 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.
- 4.4 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). (*Note: One Voice Wales operates in this area.*)
- 4.5 The Regulations are silent on how an Authority should proceed if there are more applications than the number of vacancies. However, it is suggested that the shortlisting and interviewing should be done by the Standards Committee who in turn will make a recommendation(s) to Council.
- 4.6 It is Council that makes the actual appointment.

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

- 5.1 *Number and Make Up of People on the Standards Committee*
- 5.1.1 The Regulations state that “a Standards Committee shall consist of not less than 5 nor more than 9 members”.
- 5.1.2 The Standards Committee is currently made up of 9 members (5 Independent Persons and 4 Councillors (3 Labour and 1 Liberal Democrat)).

- 5.1.3 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.
- 5.1.4 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.
- 5.2 *Current Community / Town Council Sub Committee Members*
- 5.2.1 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.
- 5.2.2 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.
- 5.2.3 There is no requirement to advertise the vacancy in the national press.

6. The Process of Merging

- 6.1 The consultation period has now ended and the responses received are set out in **Appendix A**. All of the responses were favourable to the merger. Council therefore now needs to decide whether to proceed with the merger.
- 6.2 Should Council resolve to support the merged Committee, the proposed terms of reference for the Standards Committee are set out in **Appendix B**.
- 6.3 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.
- 6.4 Council will then make the appointment based on the recommendation of the interviewing body.
- 6.5 It is proposed that Community / Town Councils be approached asking them either to propose Community / Town Councillors as suitable candidates and / or for applications of interest to be submitted.
- 6.6 An application pack will be created and sent out to all interested Community / Town Councillors.

7. Eligibility of Community / Town Councillors to Sit on the merger Standards Committee

- 7.1 The term of office and membership of Community / Town Councillors to sit on a merged Standards Committee is set out in The Standards Committees (Wales) Regulations 2001. The Standards Committee (Wales) (Amendment) Regulations 2006 provide that the term of office of a member of a local authority Standards Committee who is a Community Council member shall be no more than 4 years or until the ordinary election of the Community Council, whichever is the shorter.
- 7.2 The Regulations also provide for the reappointment of the Community Council member for one further consecutive term provided that Community Council and Community Council association in the area are consulted prior to re-appointment.
- 7.3 There is therefore clear provision under the 2006 legislation for the appointment of a community committee member to any merged Standards Committee for the above term and re-appointment if appropriate after the relevant consultation.

8. Equality and Engagement Implications

- 8.1 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.

9. Financial Implications

- 9.1 This will be met from within existing budget.

10. Legal Implications

- 10.1 These are set out in the Report.

Background Papers: None.

Appendices: None.

Appendix A	Consultation Responses Received
Appendix B	Proposed Standards Committee Terms of Reference

Appendix A

Consultation Responses Received

Organisation / Individual	Consultation Response	Officer Comments
Penrice Community Councillor Alan Glass	<p>I am responding to you, as a Community Councillor (CC) for Oxwich Ward on Penrice Community Council.</p> <p>It seems entirely sensible to me to merge the two committees, in a period of austerity, as there must be much duplication of resources.</p> <p>However, I suggest consideration be given to enlarging the new committee, by adding to the present 9 members an additional two to represent the Town / Community Councils (as there are 25), plus 2 more independent members to maintain the balance. I normally favour small committees, but this seems to me to be a fairer way of adjusting numbers.</p> <p>I am copying this to other members of Penrice CC and the clerk, for transparency.</p>	A response was sent to CC Glass outlining the legislation relating to Committee Size.
Gorseinon Town Council	<p>Thank you for letter of 10 March 2015 outlining the proposed merger of the Standards Committees and Community council standards sub committee.</p> <p>The proposal was discussed by the Gorseinon Town Council at its meeting on Wed 1 April 2015, and was fully supported by the Town Council members.</p>	-
Pontarddulais Town Council	Pontarddulais Town Council supports the merger and wishes the County to consider Community Cllr Gail John (existing Community / Town Councils Standards Sub Committee member) as the representative on the proposed merged committee.	The issue of Community / Town Councillor Membership is covered within the report.
Grovesend & Waungron Community Council	Further to your recent correspondence consulting over the proposal to merge the City & County of Swansea Standards Committee with the Community/Town Council Standards Committee, I am writing to confirm that following this being presented to Members, at their last meeting the proposal was supported as a sensible and practical way forward.	-
Llwchwr Town Council	The Town Council has considered the above proposal and would support the merger of the two committees.	-

Proposed Standards Committee Terms of Reference

Standards Committee

- 1 To promote and maintain high standards of conduct and probity in respect of [Councillors & Co-opted Members of the Authority and Community / Town Councillors within the area of the City and County of Swansea](#).
- 2 To assist Members of the Authority [and Community / Town Councils](#) to observe their Authority's Code of Conduct.
- 3 To advise the Authority [and Community / Town Councils](#) on the adoption, monitoring and review of their Code of Conduct.
- 4 To advise and train Members on matters relating to the Code of Conduct.
- 5 To grant dispensations to Members in accordance with the Standards Committees (Grant of dispensations) (Wales) Regulations 2001 and Section 81 (5) of the Local Government Act 2000.
- 6 To consider allegations of breaches of Code of Conduct made against Members.
- 7 To oversee the Authority's protocol on Member and Officer working relationships.
- 8 To oversee and monitor the Authority's Whistle Blowing Policy and general confidential reporting Procedures.
- 9 To provide training to Members on conduct and ethical standards issues and any developments relevant to these areas.
- 10 To specifically consider and deal with less serious allegations of impropriety concerning Members.
- 11 To oversee the register of Members interests required under Section 81(1) of the Local Government Act 2000.
- 12 To consider all appeals relating to the Dealing with Unreasonable or Unacceptable Behaviour by Members of the Public Policy.
- 13 To consider any other matters placed before the Committee by the Monitoring Officer.

Note: Members refers to Councillors and Co-Opted Members of the City and County of Swansea and Community / Town Councillors within the boundaries of the City and County of Swansea.)