

Agenda



Standards Committee

Date: Thursday, 26 May 2016

Time: 5.30 am

Venue: Committee Room 4 - Civic Centre

To: Councillors Taylor (Chair), D Fouweather, J Guy, H Thomas, Hancock, John, Westwood, Britton and Pickering

Item		Wards Affected
1	<u>Agenda - Cym</u> (Pages 3 - 4)	
2	<u>Apologies for Absence</u>	
3	<u>Declarations of Interest</u>	
4	<u>Chair's Announcements</u> To receive any announcements the Chair wishes to make.	
5	<u>Minutes of the Meeting of 14 January 2016</u> (Pages 5 - 8)	
6	<u>Matters Arising</u>	
7	<u>Complaints</u> The Monitoring Officer will report on any complaints received since the last meeting.	
8	<u>Members Code of Conduct</u> (Pages 9 - 20) To advise Standards Committee of the revised Model Code of Conducts issued by the Welsh Government.	All Wards
9	<u>Standards Committees, Investigations, Dispensations and Referral (Wales) (Amendment) Regulations 2016</u> (Pages 21 - 46) To advise Standards Committee of the changes to the above Regulations.	All Wards
10	<u>Community Council Review</u> (Pages 47 - 54) To advise Standards Committee of the comments received in response to the community council review.	All Wards
11	<u>Work Programme 2015/16</u> (Pages 55 - 66) To provide a current update on the Work Programme.	All Wards

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Date of Issue: 19 May 2016

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Date of Next Meeting

15 September 2016 at 5.30pm in Committee Room 4.



Agenda

Pwyllgor Safonau

Dyddiad: 26 Mai 2016

Amser: 5.30pm

Lleoliad: Ystafell Bwyllgor 4

At: Cynghorwyr H Thomas, Guy a Fouweather, Mrs H Taylor OBE, Mr J Pickering, Mr G Hancock, Mr P Westwood, Mr B John a Ms T Britton.

Eitem

Wardiau a Effeithir

Rhan 1

1. Ymddiheuriadau dros Absenoldeb
2. Datganiadau Diddordeb
3. Cyhoeddiadau'r Cadeirydd
I dderbyn unrhyw gyhoeddiadau y bydd y Cadeirydd yn dymuno eu gwneud
4. Cofnodion
5. Materion yn codi
6. Cwynion
Bydd y Swyddog Monitro yn adrodd ar unrhyw gwynion y derbyniwyd ers y cyfarfod diwethaf.
7. Cod Ymddygiad Diwygiedig
8. Rheoliadau Diwygio
9. Cynghorau Cymunedol
10. Rhaglen Waith
11. Dyddiad y Cyfarfod Nesaf
15 Medi 2016, 5.30pm, Ystafell Bwyllgor 4

Cysylltwch ag: Anne Jenkins

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Dyddiad Cyhoeddi: 19 Mai 2016

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Minutes



Standards Committee

Date: 14 January 2016

Time: 5.30 pm

Present: Councillor J Guy, John and Pickering

In Attendance: G Price (Head of Law and Regulation), J Owen (Chief Legal Officer) and A Jenkins (Democratic Services Officer)

Apologies: Councillors Taylor, D Fouweather, H Thomas and Hancock

1. Apologies for Absence

Hazel Taylor, Councillor H Thomas, Councillor Fouweather, T Britton and G Hancock.

2. Declarations of Interest

None received.

3. Minutes of the Meeting dated 22 October 2015

The minutes of the meeting of 22 October 2015 was submitted. J Pickering was not marked as in attendance at the meeting.

Agreed:

That the minutes were approved subject to the above.

4. Matters Arising

The Report on the recent Wales Standards Conference which took place in October 2015 was published by Cardiff City Council. A paper copy of the document was distributed to those present, with a view to discussing the contents at the next meeting.

A Jenkins would send an electronic copy to those members not present.

5. Chair's Announcements

No announcements to report.

6. Complaints

Since the last meeting there were no further complaints.

7. Forward Work Programme

Member Training and Development

The draft Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 and the draft Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations were given consideration by those present.

The Monitoring Officer suggested deferring the work programme item regarding Code of Conduct training, until these draft statutory instruments had been issued and finalised. They were currently out for consultation with a view to being enacted prior to the Welsh Assembly elections on May 2016.. Mention was also made of the next local and community council elections in May 2017 and whether it would be advisable to defer any further training until then.

It was noted that only minor changes were proposed to be made to the Model Code of Conduct (the Code) to remove the requirement to report all breaches to the Ombudsman, in the light of local resolution protocols, and the removal of the conflict of interest provisions in relation to ward matters under paragraph 10(2) (b). Other minor changes reflected the legislative amendments that required community councils to be responsible for the maintenance and publication of their registers of members' interests.

The Chair asked whether the amendment was under a consultation period if members wanted to respond. The consultation period had not yet expired however as the amendments were few the only response would be a favourable one. The consultation document was however on the Welsh Government website if members wanted to put forward their comments.

It was generally considered that until the Committee was in receipt of a revised Code of Conduct, it would be too soon to discuss training and therefore training would be revisited at May's Committee.

The Monitoring Officer informed those present that there were proposed amendments regarding joint standards committees and referrals to other council's standards committees in accordance with the legislative framework.

Finally the document extended the elected member's terms of office. The four years term of office was due to expire this year, however as this coincided with the Police Crime Commissioner and Welsh Government elections legislation had been put in place to accommodate the fact that the next local elections would take place in May 2017. The Standards Committee co-opted members end of term would therefore coincide with elected member five year term of office.

Agreed:

That training would be deferred to 12 May meeting.

8. Review of Community Councils

A letter was distributed to members for information regarding the Standards Committee Review of Ethical Standards. This was distributed electronically to Community Councils. The Monitoring Officer's letter invited Community Councils to adopt the Council's local resolution protocol on a voluntary basis. There had been two responses to date, all responses would be collated and compiled for the meeting in May to be discussed. It was considered that there would be a mixed response in terms of compliance as the Community Councils were so different in size.

Confirmation was also requested that they were maintaining their registers, if they were being published to their website and who the proper officer was. Community Councils were also expected to publish their Agendas and Minutes. The letter also informed Community Councillors about refresher training and what they might benefit from.

Newport City Council had adopted a local resolution protocol for resolving low-level complaints which was attached to the letter for their information.

Agreed:

To revisit this at the next meeting once all responses were collated.

9. Any Other Business

Further to the previous meeting where members of the Standards Committee from Torfaen County Borough Council attended, it was suggested that it might be beneficial to organise joint meetings of the Standards Committees with the five councils. This would be included on the Agenda for May's meeting.

10. Date of Next Meeting

The next meeting would take place on Thursday 12 May 2016, Committee Room 4 at 5.30pm.

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Report

Standards Committee

Part 1

Date: 26 May 2016

Item No: 8

Subject Members Code of Conduct

Purpose To advise Standards Committee of the revised Model Code of Conduct issued by the Welsh Government.

Author Head of Law and Regulation

Ward General

Summary The Local Authorities (Model Code of Conduct) (Wales) Amendment Order 2016 has amended the mandatory provisions of the current Members Code of Conduct. The Council formally adopted this new Model Code of Conduct at its Annual General Meeting on 17th May 2016 and public notice has been given, as required by Section 51 of the Local Government Act 2000. All Community Councils have also been advised of the requirement to formally adopt this new code before 26th June 2016.

All elected members and voting co-opted members of the Council (including Members of Standards Committee) will be automatically bound by the revised Code of Conduct following its adoption and there is no requirement for members to sign a fresh declaration or undertaking to abide by the revised Code.

Proposal To note the Report.

Action by Head of Law and Regulation

Timetable Immediate

This report was prepared after consultation with:

- Head of Democratic Service
- Head of Finance
- Head of People & Business Change
- Chief Executive

Signed

Background

1. The Local Authorities (Model Code of Conduct)(Wales) Amendment Order 2016 was made by the (then) Minister for Public Services on 27th January 2016 and came into force on 1st April 2016. The Order amends the Model Code of Conduct for elected members of the Council and co-opted members with voting rights. A copy of the revised Code of Conduct is set out in Appendix 1.
2. In accordance with Section 51 of the Local Government Act 2000 ("the 2000 Act"), all local authorities are required to formally adopt this new Model Code of Conduct before 26th June 2016. Newport City Council formally adopted the new Code at its Annual General Meeting held on 17th May 2016. All of the local Community Councils have also been advised of the requirement to adopt the new Code before 26th June and they have been asked to confirm that this has been done.
3. Section 51(6) of the 2000 Act provides that, as soon as reasonably practicable after revising the Code, councils must publish in one or more newspapers circulating in the area a notice which states that they have revised the Code and it must be made available for public inspection. A copy of the revised Code must also be sent to the Ombudsman.
4. All elected members and voting co-opted members of the Council, including members of Standards Committee, will be bound by the revised Code of Conduct following its adoption. The declarations of acceptance of office already include an undertaking to observe the terms of the code of conduct adopted by the Council "for the time being". Therefore, this would include an obligation to abide by the terms of the revised code following its adoption and there is no requirement for Members to sign a fresh declaration.
5. For the most part, the revisions to the previous model Code of Conduct are technical in nature and reflect changes introduced by the Local Government (Democracy) (Wales) Act 2013 ("the 2013 Act") but there are some substantive changes which clarify previous uncertainty regarding conflicts of interest, reporting of misconduct and registration of interests.
6. The main changes are as follows:-
 - (a) The 2013 Act transferred responsibility for maintaining the register of members' interests for community councils from the Council's Monitoring Officer to the "Proper Officer" of the community council (usually the Clerk) as from 1st May 2016. A number of consequential amendments are made to the Model Code to reflect this change so that, in relation to local community councils, all references to the Monitoring Officer are replaced by a reference to the Proper Officer.
 - (b) Paragraph 15 of the Code of Conduct relating to the registration of members interests is amended to clarify that any interest disclosed for the first time must be entered on the public register. This is not a change of policy but simply clarifies the original intention. In practice, where Members have declared a personal interest for the first time at meetings of the City Council, they are recorded in writing and are already included within the public register of members interests maintained under Section 81 of the 2000 Act. Therefore, the City Council already complies with this requirement. The exemption for community councillors to register certain financial and employment issues upfront is maintained. Therefore, community councillors are still only required to register interests if and when they are declared at meetings in relation to any business being conducted.
 - (c) The obligation for Members to report potential breaches of the Code of Conduct by other Councillors to the Ombudsman is removed. This reflects the adoption of Local Resolution Protocols by principal authorities, in accordance with the requirements of Welsh Government and the Ombudsman, and the encouragement for low-level member against member complaints to be resolved at a local level without the need for any involvement on the part of the Ombudsman.

- (d) Paragraph 10 (2) (b) of the original Code is omitted. This is to overcome unintended difficulties in the practical application of this conflict of interest provision in relation to ward issues and business relating to constituency matters. As originally drafted, members were deemed to have a personal interest and were prevented from participating in any Council decision where there could be a perceived conflict of interest between their duties in representing the interests of the constituents in their wards and their wider public duty. This was considered to be a particular problem in the context of Planning Committee decisions where members could be disqualified from taking any decision relating to their particular wards. The provision was never intended to have such a restrictive effect, particularly as the common law rules regarding pre-determination and bias have been relaxed considerably by Section 25 of the Localism Act. Therefore, this provision has now been removed in its entirety and ward members will not be regarded as having any personal interest in matters relating to their ward simply because they represent the interest of those constituents. However, ward members will still need to ensure that they take decisions objectively and in the public interest in accordance with the general principles of decision-making set out in paragraph 8 of the Code of Conduct.

Comments of Chief Financial Officer

7. There are no financial implications

Comments of Monitoring Officer

8. Set out in the Report

Staffing Implications: Comments of Head of People and Business Change

9. There are no staffing or policy implications.

Background Papers

Welsh Government Guidance Letter dated 2nd March 2016

The Local Authorities (Model Code of Conduct) (Wales) Amendment Order 2016

Dated: 13 May 2016

Appendix 1

THE MODEL CODE OF CONDUCT

PART 1 INTERPRETATION

1.—(1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdurdod perthnasol*") means—

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2 GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

- (bb) company, registered society, charity, or body directed to charitable purposes;
- (cc) body whose principal purposes include the influence of public opinion or policy;
- (dd) trade union or professional association; or
- (ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

(c) a decision upon it might reasonably be regarded as affecting —

- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
- (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
- (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
- (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
- (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

15.—(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.



Report

Standards Committee

Part 1

Date: 26 May 2016

Item No: 9

Subject **Standards Committees, Investigations, Dispensations and Referral (Wales) (Amendment) Regulations 2016**

Purpose To advise Standards Committee of the changes introduced by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016

Author Head of Law and Regulation

Ward General

Summary The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 were made by the (then) Minister for Public Services on 27th January 2016 and came into force on 1st April 2016. The Regulations make a number of consequential amendments to reflect changes in legislation which allow for the establishment of joint Standards Committees. The Regulations provide for the referral of misconduct cases and dispensation application to other councils standards committees, where appropriate, and extend the current term of office of elected members until May 2017. Other procedural changes will require prior permission to appeal to the Adjudication Panel, to filter out spurious appeals, enable misconduct reports and documents to be kept confidential until proceedings are concluded, and introduce a general ground for granting dispensations.

Proposal To note the Report

Action by Head of Law and Regulation

Timetable Immediate

Background

1. The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 were made by the (then) Minister for Public Services on 27th January 2016 and came into force on 1st April 2016. The Regulations amend the following existing statutory instruments:

- Standards Committees (Wales) Regulations 2001 (SI 2001 / 2283)
- Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (SI 2001 / 2281)
- Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (SI 2001 / 2279)

2. The Standards Committees (Wales) Regulations 2001

A number of consequential amendments have been made to the Standards Committee Regulations following the commencement of the Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”).

- (a) Joint Standards Committees.

- Section 68 of the 2013 Act enabled two or more principal councils to establish Joint Standards Committees. The arrangements for establishing a joint committee, including the apportionment of costs, are a matter for agreement between the authorities entering into such arrangements. The 2001 Standards Committees Regulations (as amended) make provision as to the size and composition of standards committees and matters relating to the conduct of meetings, including public access to meetings, agendas and papers etc.
- A number of minor consequential amendments are made to the interpretation and other provisions to clarify the meaning of terms used, and the application of provisions, in the 2001 Standards Committees Regulations in relation to a joint committee. This includes expanding the definition of a standards committee to include a joint committee.
- The 2001 Standards Committees Regulations provide that a standards committee must consist of between 5 and 9 members of which at least half, including the chairperson, must be independent of the authority. The amendments do not increase the number of members for the purposes of establishing a joint committee and it will be a matter for the constituent authorities to determine the number, and proportion from each authority, of elected members to be appointed to a joint committee.
- The 2001 Standards Committees Regulations provide that a standards committee of a local authority operating executive arrangements may not include more than one member of the authority’s executive. The amendments provide that a joint committee may include no more than one executive member from each constituent authority.
- The Standards Committees Amendment Regulations amend Regulation 10 so that in the case of a joint committee, a designated local authority may exercise the function of appointing a community committee member. Before making such an appointment, the authority concerned must consult community councils and any associations operating within the combined area of the constituent authorities of the joint committee.
- The Regulations are amended to provide express provision for a lead authority to be designated for the purpose of re-appointing members to a joint committee.

- The monitoring officer, or a representative, of one of the constituent authorities must attend every meeting and the proper officer of one of the authorities will be responsible for taking minutes of the joint meetings.. This will provide flexibility for the authorities to determine attendance between them.
- The 2001 Standards Committees Regulations require every relevant authority to prepare the terms of reference of its standards committee and to send a copy of these to the Ombudsman. In the case of a joint committee, this will be the responsibility of the designated lead authority specified in the arrangements for establishing the committee

(b) Term of Office

The term of office of a member of a local authority or a community committee member serving on a standards committee is currently limited to the shorter of four years or the period to the next ordinary election following that member's appointment. A member may serve two such terms. Following the postponement of the next local government elections until May 2017, the 2001 Regulations are amended to permit local authority and community council members of Standards Committee to continue to serve until the next ordinary election May 2017.

Further amendments are made to remove the four year restriction on a Member's term of office. In future, the term of office of local authority and community committee members is to be such as the authority determines, up to the period ending with the next ordinary elections following the member's appointment.

(c) Publication of Misconduct Reports

It is expected that a Standards Committee would normally hear evidence and submissions in relation to an alleged breach of the Code of Conduct in public. Among other things, this recognises a member's right under Article 6 of the European Convention on Human Rights to a fair and public hearing. However, the legislative framework recognises there may be circumstances in which it is appropriate for a standards committee to consider matters in private, including when deliberating the evidence and submissions it has received prior to making a determination.

The 2001 Standards Committees Regulations apply, with modification, certain provisions of Part VA and schedule 12A of the Local Government Act 1972 (access to meetings etc.) to a standards committee. These, and related provisions in other subordinate legislation, have been interpreted by some standards committees as requiring the report of a misconduct investigation to be published in advance of a standards committee meeting at which the matter is to be considered, along with the agenda and other papers for that meeting. This has given rise both to unhelpful advance publicity in the media, and the potential for witness evidence that is to be given orally at a hearing to be influenced by prior knowledge of the contents of the report, such as the written statements of other witnesses.

Therefore, the Standards Committees Amendment Regulations expressly provide that standards committee may exempt from publication agendas, records or information connected to the consideration of a misconduct report, until such time as the misconduct proceedings are concluded, that is when any time limit for appealing to the Adjudication Panel has expired or any such adjudication has been completed.

3. The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001

- (a) Section 69 of the 2013 Act amended the regulation-making power in section 73 of the 2000 Act, with effect from 1 May 2015, so that the Welsh Ministers may make provision enabling a monitoring officer or a standards committee to refer a report or recommendations relating to a misconduct investigation to another authority's standards committee. This enables arrangements to be made where the "home standards committee" considers that it may have a conflict of interest. The terms of any referral are to be a matter for agreement between the relevant authorities concerned. The 2001 Functions Regulations are now amended to provide that:
- A standards committee which receives a report or recommendations from a monitoring officer may make arrangements with another authority's standards committee to exercise its functions under the 2001 Functions Regulations in relation to that report or recommendations.
 - Notice of such a referral must be given to the complainant and the Ombudsman, specifying the reason for the referral.
 - Written notice of the determination must also be given to Standards Committee who referred the matter and the monitoring officer of the member's home authority.
 - Publication of the report is by the monitoring officer of the member's home authority

(b) Period of Suspension

Standards Committee may determine that a member who has failed to comply with the authority's Code of Conduct should be suspended or partially suspended for a period not exceeding six months. The Regulation does not make express provision for situations where a local election is due to take place within six months of such a determination. The Regulations are now amended to make it clear that a period of suspension cannot exceed the remainder of a member's term of office, to bring this into line with the provisions relating to the adjudication Panel.

(c) Appeals to the Adjudication Panel

A member seeking to appeal against the determination of a Standards Committee will, in future, first need to obtain the permission of the President (or another nominated member) of the Adjudication Panel for Wales. The requirement to obtain permission to appeal is intended to ensure that only appeals that have a reasonable prospect of success (in whole or in part) will proceed. A member will have no right to challenge, or indeed seek to delay implementation of, a sanction imposed by a standards committee on entirely frivolous or spurious grounds.

4. Local Authorities (Grant of Dispensations) (Wales) Regulations 2001 (the "2001 Dispensations Regulations")

- (a) The amendments enable a standards committee to refer a dispensation application to another council's standards committee, for example if have a conflict of interest or where they are unable to deal with an urgent application due to the unavailability of members. The terms of any referral are to be a matter for agreement between the relevant authorities concerned. The written consent of the Chair (or Vice –Chair if the Chair is unavailable) must be given to the Monitoring Officer before such a referral can be made.

Notice of such a referral must be given to the member requesting the dispensation, specifying the reason for the referral.

- (b) A general category of dispensation is introduced, to bring the Regulations into line with Section 33 of the Localism Act 2011 in England. The specific intention of this amendment is to enable standards committee to grant a dispensation, if it considered it appropriate in all the circumstances to do so, where it was not otherwise possible to make reasonable adjustments to accommodate a member's disability. A dispensation under this category is subject to ongoing annual review. For example, a disabled member may have difficulty in physically withdrawing from the room if there are no adjustments to the venue or the agenda that could facilitate this. But the general has much wider application than this and could potentially be utilised by a standards committee where a member seeks a dispensation in circumstances which are not covered by one of the specific dispensation categories in the Regulations. However, Welsh Government have advised caution in using this power more widely and standards committee would need to consider the potential risk of external challenge to a decision taken by the authority in which that member had participated in reliance upon that dispensation.

Financial Summary

- 5. There are no financial implications.

Options Available

- 6. To note the Report.

Comments of Chief Financial Officer

- 7. There are no financial implications.

Comments of Monitoring Officer

- 8. Included in the Report.

Staffing Implications: Comments of Head of People and Business Change

- 9. There are no staffing or policy implications.

Background Documents

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

Welsh Government Consultation Document November 2015.

Dated: 16 May 2016



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 85 (Cy. 39)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Llywodraeth Leol
(Pwyllgorau Safonau,
Ymchwiliadau, Gollyngiadau ac
Atgyfeirio) (Cymru) (Diwygio)
2016**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Pwyllgorau Safonau (Cymru) 2001 (2001/2283 (Cy. 172)) ("y Rheoliadau Pwyllgorau Safonau"), Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001 (2001/2281 (Cy. 171)) ("y Rheoliadau Swyddogaethau"), a Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 (2001/2279 (Cy. 169)) ("y Rheoliadau Gollyngiadau") er mwyn gwneud newidiadau i'r modd y mae'r system sy'n llywodraethu ymddygiad aelodau yn gweithredu gyda'r nod o wella democratiaeth leol.

Mae rheoliad 2 yn diwygio'r Rheoliadau Pwyllgorau Safonau ac yn gwneud darpariaeth:

yn diwygio'r darpariaethau presennol er mwyn hwyluso gweithrediad cyd-bwyllgorau safonau;

yn diwygio'r darpariaethau presennol sy'n ymwneud â hyd cyfnod swydd aelodau o bwyllgorau safonau; ac

yn egluro bod awdurdod perthnasol wedi ei eithrio rhag sicrhau bod yr adroddiad neu'r argymhellion ar ymchwiliad ar gael i'r cyhoedd edrych arnynt hyd nes y bydd trafodion camymddygiad wedi dod i ben.

2016 No. 85 (W. 39)

**LOCAL GOVERNMENT,
WALES**

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Standards Committees (Wales) Regulations 2001 (2001/2283 (W. 172)) ("the Standards Committee Regulations"), the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (2001/2281 (W. 171)) ("the Functions Regulations"), and the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (2001/2279 (W. 169)) ("the Dispensations Regulations") to implement changes in operation of the system governing member conduct with the aim of improving local democracy.

Regulation 2 amends the Standards Committee Regulations and makes provision:

amending existing provisions to facilitate the operation of joint standards committees;

amending existing provisions relating to the length of the term of office of members of standards committees; and

clarifying that a relevant authority is exempt from making the report or recommendations of an investigation available for public inspection until misconduct proceedings are concluded.

Mae rheoliad 3 yn diwygio'r Rheoliadau Swyddogaethau ac yn cynnwys darpariaeth:

yn galluogi swyddog monitro a phwyllgor safonau un awdurdod i atgyfeirio adroddiad neu argymhellion y swyddog monitro i bwyllgor safonau awdurdod arall iddo ddyfarnu arnynt; a

yn manylu ar y weithdrefn ar gyfer apelio yn erbyn penderfyniad pwyllgor safonau.

Mae rheoliad 4 yn diwygio'r Rheoliadau Gollyngiadau er mwyn darparu gweithdrefn ar gyfer atgyfeirio cais aelod am ollyngiad i bwyllgor safonau awdurdod arall iddo ddyfarnu arno.

Dyma fanylion y darpariaethau—

Rheoliad 2

Cyd-bwyllgorau Safonau

Mae Rhan III o Ddeddf Llywodraeth Leol 2000 (“Deddf 2000”) yn gwneud darpariaeth mewn cysylltiad ag ymddygiad aelodau a chyflogeion awdurdodau lleol.

Mae adran 53(1) o Ddeddf 2000 yn ei gwneud yn ofynnol i bob awdurdod perthnasol yng Nghymru, hynny yw, cynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac achub ac awdurdodau Parciau Cenedlaethol ond nid, at y diben hwn, gynghorau cymuned, sefydlu pwyllgor safonau sydd i gael y swyddogaethau a roddir iddo gan neu o dan Ran III o Ddeddf 2000.

Diwygiodd Deddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 (“Deddf 2013”) adran 53(1) o Ddeddf 2000 er mwyn galluogi dau awdurdod perthnasol neu ragor i sefydlu cyd-bwyllgor safonau.

Yn unol ag adran 53(11) o Ddeddf 2000, caiff Gweinidogion Cymru wneud darpariaeth, drwy reoliadau, ynghylch (ymhlith pethau eraill) maint, aelodaeth a thrafodion pwyllgorau safonau awdurdodau perthnasol yng Nghymru gan gynnwys cyd-bwyllgorau, ac unrhyw is-bwyllgorau a sefydlir o dan adrannau 54A neu 56 o Ddeddf 2000.

Mae rheoliad 2 yn diwygio'r Rheoliadau Pwyllgorau Safonau er mwyn hwyluso gweithrediad cyd-bwyllgorau safonau. Mae'n gwneud darpariaeth ar gyfer penodi aelodau pwyllgor cymunedol ac aelodau annibynnol i gyd-bwyllgor safonau; mae'n cyfyngu ar nifer yr aelodau gweithredol o gyd-bwyllgorau safonau; ac mae'n gwneud darpariaeth sy'n sicrhau bod swyddog monitro o un o'r awdurdodau perthnasol cyfansoddol yn bresennol ym mhob cyfarfod o gyd-bwyllgor safonau. Yn unol â'r diwygiadau yn rheoliad 2 caiff swyddogaethau pwyllgor safonau o fewn

Regulation 3 amends the Functions Regulations and includes provision:

enabling a monitoring officer and a standards committee of one authority to refer a report or recommendations of the monitoring officer to the standards committee of another authority for determination; and

detailing the procedure for appealing against the decision of a standards committee.

Regulation 4 amends the Dispensations Regulations to provide a procedure for a member's application for a dispensation to be referred to the standards committee of another authority for determination.

The detailed provisions are as follows—

Regulation 2

Joint Standards Committees

Part III of the Local Government Act 2000 (“the 2000 Act”) makes provision with respect to the conduct of local authority members and employees.

Section 53(1) of the 2000 Act requires every relevant authority in Wales, that is, county and county borough councils, fire and rescue authorities and National Park authorities, but not for this purpose, community councils, to establish a standards committee which is to have the functions conferred on it by or under Part III of the 2000 Act.

The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) amended section 53(1) of the 2000 Act to enable two or more relevant authorities to establish a joint standards committee.

In accordance with section 53(11) of the 2000 Act, the Welsh Ministers may by regulations make provision as to (among other things) the size, composition and proceedings of standards committees of relevant authorities in Wales including joint committees, and any sub-committees established under sections 54A or 56 of the 2000 Act.

Regulation 2 amends the Standard Committees Regulations to facilitate the operation of joint standards committees. It makes provision for the appointment of community committee and independent members to a joint standards committee; it limits the number of executive members of a joint standards committee; and it makes provision ensuring that every meeting of a joint standards committee is attended by a monitoring officer of one of the constituent relevant authorities. In accordance with the amendments in regulation 2 the functions of a standards committee within regulations 13 to 17 of the

rheoliadau 13 i 17 o'r Rheoliadau Pwyllgorau Safonau gael eu cyflawni, yn achos cyd-bwyllgor safonau, gan unrhyw un o awdurdodau perthnasol cyfansoddol cyd-bwyllgor safonau.

Gwneir darpariaeth o fewn rheoliad 2 hefyd sy'n diwygio hyd cyfnod swydd aelodau o bwyllgorau safonau.

Cyhoeddi Adroddiadau Camymddygiad

Mae adran 51(1) o Ddeddf 2000 yn gosod dyletswydd ar yr holl awdurdodau perthnasol yng Nghymru i fabwysiadu cod sy'n pennu'r safonau ymddygiad a ddisgwylir gan eu haelodau a'u haelodau cyfetholedig.

O dan adran 69 o Ddeddf 2000 caiff Ombwdsmon Gwasanaethau Cyhoeddus Cymru ymchwilio i unrhyw honiadau bod aelodau neu aelodau cyfetholedig (neu gyn aelodau neu gyn aelodau cyfetholedig) wedi torri cod ymddygiad awdurdod perthnasol yng Nghymru.

Pan fo Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn rhoi'r gorau i ymchwiliad o'r fath cyn iddo gael ei gwblhau (o dan adran 70(4) o Ddeddf 2000) caniateir atgyfeirio'r mater sy'n destun yr ymchwiliad i swyddog monitro yr awdurdod perthnasol.

Neu fel arall, pan fo Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn dyfarnu (o dan adran 71(2) o Ddeddf 2000) ei bod yn briodol i'r mater gael ei atgyfeirio i swyddog monitro yr awdurdod perthnasol, rhaid i'r Ombwdsmon lunio adroddiad ar ganlyniad yr ymchwiliad a'i anfon at y swyddog monitro ac at bwyllgor safonau yr awdurdod.

Mae rheoliad 2 yn gwneud darpariaeth i eithrio pwyllgor neu is-bwyllgor safonau rhag trefnu bod adroddiad neu argymhellion camymddygiad ar gael i'r cyhoedd edrych arnynt hyd nes y bydd trafodion camymddygiad o dan y Rheoliadau Swyddogaethau wedi dod i ben. Mae'r rheoliad hefyd yn nodi'r digwyddiadau a fydd yn dynodi diwedd y trafodion ac yn sbarduno'r rhwymedigaeth i gyhoeddi'r deunyddiau cyn gynted ag y bo'n rhesymol ymarferol.

Rheoliad 3

Mae adran 73 o Ddeddf 2000 yn galluogi Gweinidogion Cymru i wneud rheoliadau sy'n pennu sut i ymdrin â materion a atgyfeirir at swyddog monitro a phwyllgor safonau. Mae'r Rheoliadau Swyddogaethau yn nodi cyfrifoldebau'r swyddog monitro a'r pwyllgor safonau mewn perthynas ag ymchwiliad, llunio adroddiad a chanlyniad ymchwiliad.

Standards Committee Regulations may, in the case of a joint standards committee, be discharged by any one of the constituent relevant authorities of a joint standards committee.

Provision is also made within regulation 2 amending the length of the term of office of members of standards committees.

Publication of Misconduct Reports

Section 51(1) of the 2000 Act imposes a duty upon all relevant authorities in Wales to adopt a code specifying the standards of conduct expected of their members and co-opted members.

Under section 69 of the 2000 Act the Public Services Ombudsman for Wales may investigate any alleged breach by members or co-opted members (or former members or co-opted members) of the code of conduct of a relevant authority in Wales.

Where the Public Services Ombudsman for Wales ceases such an investigation before it is completed (under section 70(4) of the 2000 Act) the matter subject to the investigation may be referred to the monitoring officer of the relevant authority.

Alternatively, where the Public Services Ombudsman for Wales determines (under section 71(2) of the 2000 Act) that it is appropriate for the matter to be referred to the monitoring officer of the relevant authority, the Ombudsman must produce a report on the outcome of the investigation and send it to the monitoring officer and the authority's standards committee.

Regulation 2 makes provision to exempt a standards committee or sub-committee from making a misconduct report or recommendations available for public inspection until misconduct proceedings under the Functions Regulations are concluded. The regulation also sets out the events that will signify the end of the proceedings and which give rise to the obligation to publish the materials as soon as reasonably practicable.

Regulation 3

Section 73 of the 2000 Act enables the Welsh Ministers to make regulations specifying how matters referred to a monitoring officer and standards committee are to be dealt with. The Functions Regulations set out the responsibilities of the monitoring officer and the standards committee in relation to an investigation, the production of a report and the outcome of an investigation.

Diwygiodd adran 69 o Ddeddf 2013 y pŵer i wneud rheoliadau yn adran 73 o Ddeddf 2000 er mwyn caniatáu i Weinidogion Cymru wneud darpariaeth sy'n galluogi swyddog monitro neu bwyllgor safonau i atgyfeirio adroddiad neu argymhellion sy'n ymwneud ag ymchwiliad camymddygiad i bwyllgor safonau awdurdod perthnasol arall. Mae rheoliad 3 yn diwygio'r Rheoliadau Swyddogaethau er mwyn nodi'r weithdrefn sydd i'w dilyn wrth wneud atgyfeiriad o'r fath.

Mewn perthynas â hawl aelod i apelio yn erbyn penderfyniad pwyllgor safonau, mae rheoliad 3 yn darparu na all apel fynd yn ei blaen oni bai bod llywydd Panel Dyfarnu Cymru, neu enwebai, wedi rhoi caniatâd i'r apel fynd yn ei blaen yn gyntaf. Nodir y weithdrefn a'r amserlen sy'n gymwys i gais am ganiatâd i apelio o fewn y rheoliad hefyd.

Rheoliad 4

Mae rheoliad 4 yn diwygio'r Rheoliadau Gollyngiadau fel y gall cais am ollyngiad gan aelod gael ei atgyfeirio i bwyllgor safonau awdurdod perthnasol arall iddo ddyfarnu arno. Mae'r rheoliad hefyd yn gwneud darpariaeth ar gyfer categori ychwanegol o ollyngiad cyffredinol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Democratiaeth Llywodraeth Leol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Section 69 of the 2013 Act amended the regulation-making power in section 73 of the 2000 Act so as to allow the Welsh Ministers to make provision enabling a monitoring officer or a standards committee to refer a report or recommendations relating to a misconduct investigation to the standards committee of another relevant authority. Regulation 3 amends the Functions Regulations to set out the procedure to be followed when making such a referral.

In relation to the right of a member to appeal against the decision of a standards committee, regulation 3 provides that an appeal may only proceed if the president of the Adjudication Panel for Wales, or a nominee, has first granted permission for the appeal to proceed. The procedure and timescales that apply to an application for permission to appeal are also set out in within the regulation.

Regulation 4

Regulation 4 amends the Dispensations Regulations so an application by a member for a dispensation can be referred to the standards committee of another relevant authority for determination. The regulation also makes provision for an additional category of general dispensation.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Local Government Democracy Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2016 Rhif 85 (Cy. 39)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Llywodraeth Leol
(Pwyllgorau Safonau,
Ymchwiliadau, Gollyngiadau ac
Atgyfeirio) (Cymru) (Diwygio)
2016**

Gwnaed 27 Ionawr 2016

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 2 Chwefror 2016

Yn dod i rym 1 Ebrill 2016

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 53(11)(1) a (12), 56(5), 73(1), 81(5)(2), 105(1) a (2) a 106 o Ddeddf Llywodraeth Leol 2000(3) ac a freiniwyd bellach ynddynt hwy(4), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 a deuant i rym ar 1 Ebrill 2016.

2016 No. 85 (W. 39)

**LOCAL GOVERNMENT,
WALES**

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

Made 27 January 2016

*Laid before the National Assembly
for Wales* 2 February 2016

Coming into force 1 April 2016

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 53(11)(1) and (12), 56(5), 73(1), 81(5)(2), 105(1) and (2) and 106 of the Local Government Act 2000(3) and now vested in them(4), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 and they come into force on 1 April 2016.

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- (1) Rhoddodd adran 68(1) a (2)(c)(i) o Ddeddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 (dccc 4) y geiriau “Welsh Ministers” yn lle “National Assembly for Wales” yn adran 53(11) o Ddeddf Llywodraeth Leol 2000 (p. 22) (“Deddf 2000”).
- (2) Rhoddodd adran 26 o Ddeddf Lleoliaeth 2011 (p. 20) (“Deddf 2011”), a pharagraffau 7 a 48(1) a (2) o Ran 1 o Atodlen 4 iddi, y geiriau “Welsh Ministers” yn lle “Secretary of State” yn adran 81(5) o Ddeddf 2000. Diddymwyd is-adran (8) o adran 81 o Ddeddf 2000 gan adran 26 o Ddeddf 2011, a pharagraffau 7 a 48(1) a (4) o Ran 1 o Atodlen 4 iddi, ac adran 237 o Ddeddf 2011 a Rhan 5 o Atodlen 25 iddi.
- (3) 2000 p. 22.
- (4) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 53, 56, 73, 81, 105 a 106 i Weinidogion Cymru o dan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.

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- (1) Section 68(1) and (2)(c)(i) of the Local Government (Democracy) (Wales) Act 2013 (anaw 4) substituted the words “Welsh Ministers” for “National Assembly for Wales” in section 53(11) of the Local Government Act 2000 (c. 22) (“the 2000 Act”).
- (2) Section 26 and paragraphs 7 and 48(1) and (2) of Part 1 of Schedule 4 to the Localism Act 2011 (c. 20) (“the 2011 Act”) substituted the words “Welsh Ministers” for “Secretary of State” in section 81(5) of the 2000 Act. Subsection (8) of section 81 of the 2000 Act was repealed by section 26 and paragraphs 7 and 48(1) and (4) of Part 1 of Schedule 4 to, and section 237 and Part 5 of Schedule 25 to, the 2011 Act.
- (3) 2000 c. 22.
- (4) The functions of the National Assembly for Wales under sections 53, 56, 73, 81, 105 and 106 were transferred to the Welsh Ministers under section 162 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

Diwygio Rheoliadau Pwyllgorau Safonau (Cymru) 2001

2.—(1) Mae Rheoliadau Pwyllgorau Safonau (Cymru) 2001(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli)—

- (a) yn y diffiniad o “aelod pwyllgor cymunedol” (“*community committee member*”), ar ôl “awdurdod” mewnosoder “neu'r awdurdodau”;
- (b) yn lle'r diffiniad o “awdurdod tân” (“*fire authority*”) rhodder—
“ystyr “awdurdod tân ac achub” (“*fire and rescue authority*”) yw awdurdod tân ac achub a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004(2) neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo”;
- (c) yn y diffiniad o “aelod annibynnol” (“*independent member*”), yn lle'r geiriau o “o'r awdurdod perthnasol” i “chyingor cymuned” rhodder “o awdurdod perthnasol na chyingor cymuned”;
- (d) yn y lle priodol mewnosoder—
“ystyr “cyd-bwyllgor” (“*joint committee*”) yw pwyllgor a sefydlir gan ddau awdurdod perthnasol neu ragor o dan adran 53(1)(3) o Ddeddf 2000”;
- (e) yn lle'r diffiniad o “aelod panel lleyg” (“*lay panel member*”), rhodder—
“ystyr “aelod panel lleyg” (“*lay panel member*”) yw aelod o banel a sefydlir o dan reoliad 15—
 - (a) nad yw, ac nad yw wedi bod, yn aelod, yn aelod cyfetholedig nac yn swyddog o awdurdod perthnasol na chyingor cymuned, neu
 - (b) nad yw'n briod nac yn bartner sifil i aelod neu swyddog o awdurdod perthnasol na chyingor cymuned”;
- (f) yn lle'r diffiniad o “gweithrediaeth maer a chabinet” (“*mayor and cabinet executive*”), rhodder—

Amendments to the Standards Committees (Wales) Regulations 2001

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—

(1) O.S. 2001/2283 (Cy. 172).

(2) 2004 (p. 21).

(3) Diwygiwyd adran 53(1) gan adran 68(1) a (2)(a) o Ddeddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 (dccc 4).

(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).

“ystyr “gweithrediaeth maer a chabinet” (“*mayor and cabinet executive*”) yw’r math o drefniadau gweithrediaeth a bennir yn adran 11(2) o Ddeddf 2000;”;

- (g) yn y diffiniad o “aelod” (“*member*”), ym mharagraff (b), yn lle “awdurdod tân” rhodder “awdurdod tân ac achub”;
- (h) yn y diffiniad o “awdurdod perthnasol” (“*relevant authority*”), ym mharagraff (ch) yn lle “awdurdod tân” rhodder “awdurdod tân ac achub”;
- (i) yn y diffiniad o “is-bwyllgor adran 54A” (“*section 54A sub-committee*”), hepgorer y geiriau “awdurdod perthnasol”;
- (j) yn lle’r diffiniad o “pwyllgor safonau” (“*standards committee*”) rhodder—

“ystyr “pwyllgor safonau” (“*standards committee*”), oni fydd y cyd-destun yn mynnu fel arall, yw—

- (a) pwyllgor safonau awdurdod perthnasol;
- (b) cyd-bwyllgor;
- (c) is-bwyllgor adran 54A; neu
- (d) is-bwyllgor cymunedol;”.

(3) Yn rheoliad 4, ym mharagraff (a), ar ôl “awdurdod” mewnosoder “neu’r awdurdodau”.

(4) Yn rheoliad 8, ym mharagraff (3), yn lle “awdurdod tân” rhodder “awdurdod tân ac achub”.

(5) Yn lle rheoliad 9, rhodder—

“9.—(1) Yn ddarostyngedig i baragraff (2), pan fo awdurdod lleol yn gweithredu trefniadau gweithrediaeth ni chaiff pwyllgor safonau gynnwys mwy nag un aelod gweithredol o’r awdurdod hwnnw.

(2) Pan fo dau awdurdod lleol neu ragor wedi sefydlu cyd-bwyllgor, ni chaiff y pwyllgor hwnnw gynnwys mwy nag un aelod gweithredol o bob un awdurdod lleol cyfansoddol.”

(6) Yn rheoliad 10—

- (a) ym mharagraff (1)(a), ar ôl y gair “hwnnw” mewnosoder “neu yn achos cyd-bwyllgor, yn ardal yr awdurdodau lleol cyfansoddol”;
- (b) ym mharagraff (2), ar ôl “hwnnw” mewnosoder “neu, yn achos cyd-bwyllgor, gan ba un bynnag o awdurdodau lleol cyfansoddol y pwyllgor hwnnw y cytunir arno rhyngddynt”;
- (c) ym mharagraff (3)(a), ar ôl “ardal” mewnosoder “neu yn achos cyd-bwyllgor, ardaloedd cyfun yr awdurdodau cyfansoddol”.

““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”;
- (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) Cyn rheoliad 13, yn syth ar ôl y pennawd “Penodi aelodau annibynnol i bwyllgorau safonau”, mewnosoder—

“12A.—(1) Yn rheoliadau 13 i 17 mae gofyniad ar awdurdod perthnasol neu weithred ganddo mewn cysylltiad ag ardal yr awdurdod hwnnw yn cynnwys, yn achos cyd-bwyllgor, ardaloedd cyfun awdurdodau cyfansoddol y pwyllgor hwnnw.

(2) Yn rheoliadau 13 i 17 caniateir i ofyniad ar awdurdod perthnasol gael ei gyflawni, yn achos cyd-bwyllgor, gan unrhyw un o'r awdurdodau lleol cyfansoddol.”

(8) Yn rheoliad 18—

(a) yn lle paragraff (1) rhodder—

“(1) Rhaid i gyfnod swydd aelod o bwyllgor safonau awdurdod lleol sy'n aelod o'r awdurdod hwnnw beidio â bod yn hwy na'r cyfnod tan yr etholiadau llywodraeth leol cyffredin nesaf ar gyfer yr awdurdod hwnnw yn dilyn penodi'r aelod i'r pwyllgor.”;

(b) ym mharagraff (2), ar y diwedd mewnosoder “neu, yn achos cyd-bwyllgor, o awdurdod lleol cyfansoddol o'r pwyllgor hwnnw”.

(9) Yn rheoliad 18A—

(a) yn lle paragraff (1) rhodder—

“(1) Rhaid i gyfnod swydd aelod o bwyllgor safonau awdurdod lleol sy'n aelod pwyllgor cymunedol beidio â bod yn hwy na'r cyfnod tan yr etholiadau cyffredin nesaf ar gyfer y cyngor cymuned y mae'n aelod ohono yn dilyn ei benodi i'r pwyllgor safonau.”;

(b) ym mharagraff (2), ar y diwedd mewnosoder “neu, yn achos cyd-bwyllgor, o awdurdod lleol cyfansoddol o'r pwyllgor hwnnw”.

(10) Yn rheoliad 19—

(a) yn lle paragraff (1) rhodder—

“(1) Pan fo awdurdod perthnasol yn awdurdod Parc Cenedlaethol neu'n awdurdod tân ac achub, rhaid i gyfnod swydd aelod o bwyllgor safonau'r awdurdod hwnnw sy'n aelod o awdurdod o'r fath beidio â bod yn hwy na'r cyfnod tan y bydd yr aelod hwnnw yn peidio â bod yn aelod o'r awdurdod hwnnw.”;

(b) ym mharagraff (2), ar y diwedd mewnosoder “neu, yn achos cyd-bwyllgor, o awdurdod perthnasol cyfansoddol o'r pwyllgor hwnnw”.

(11) Yn rheoliad 21—

(a) yn lle paragraff (1) rhodder—

(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) Yn ddarostyngedig i baragraff (2) o reoliad 18 a pharagraff (2) o reoliad 19, caniateir i aelod o bwyllgor safonau awdurdod perthnasol sy’n aelod o’r awdurdod hwnnw, neu yn achos cyd-bwyllgor sy’n aelod o awdurdod cyfansoddol o’r pwyllgor hwnnw, gael ei ailbenodi am un tymor olynol pellach.”;

- (b) ym mharagraff (2), ar ôl “hwnnw” mewnosoder “neu, yn achos cyd-bwyllgor, gan ba un bynnag o’r awdurdodau perthnasol cyfansoddol y cytunir arno rhyngddynt,”.

(12) Yn rheoliad 21A—

- (a) ym mharagraff (1), ar ôl “hwnnw” mewnosoder “neu, yn achos cyd-bwyllgor, gan ba un bynnag o’r awdurdodau lleol cyfansoddol y cytunir arno rhyngddynt,”;

- (b) ym mharagraff (2)(a), ar ôl “ardal” mewnosoder “neu, yn achos cyd-bwyllgor, ardaloedd cyfun yr awdurdodau cyfansoddol”.

(13) Yn rheoliad 22, ar ddiwedd paragraff (8) mewnosoder “neu, yn achos cyd-bwyllgor, i swyddog priodol pa un bynnag o’r awdurdodau perthnasol cyfansoddol y cytunir arno rhyngddynt at y diben hwnnw”.

(14) Yn rheoliad 23, ym mharagraff (1), ar ôl “awdurdod” mewnosoder “neu’r awdurdodau”.

(15) Yn rheoliad 25, yn lle paragraff (3) rhodder—

“(3) Rhaid i swyddog monitro neu gynrychiolydd swyddog monitro awdurdod perthnasol, neu yn achos cyd-bwyllgor, swyddog monitro neu gynrychiolydd swyddog monitro awdurdod cyfansoddol o’r cyd-bwyllgor hwnnw, fod yn bresennol ym mhob cyfarfod o’r pwyllgor safonau.”

(16) Yn rheoliad 26, ar ôl paragraff (2) mewnosoder—

“(2A)(a) Yn ddarostyngedig i’r is-baragraffau a ganlyn, rhaid darllen adrannau 100B i 100D fel pe na baent yn ei gwneud yn ofynnol i bwyllgor safonau gyhoeddi, neu sicrhau eu bod ar gael i’r cyhoedd fel arall, agendâu, cofnodion, neu wybodaeth sy’n gysylltiedig â mater a atgyfeirir at ei bwyllgor safonau yn unol ag adran 70(4) neu (5) neu adran 71(2) neu (4) o Ddeddf 2000;

- (b) bydd yr eithriad i’r gofynion i ddarparu mynediad i agendâu ac adroddiadau y darperir ar ei gyfer yn is-baragraff (a) yn peidio â bod yn gymwys pan fo trafodion y pwyllgor safonau yn dod i ben;

“(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—

“(2A)(a) Subject to the following subparagraphs, 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 subparagraph (a) will cease to apply upon the conclusion of the proceedings of the standards committee;

- (c) yn is-baragraff (b) ystyr bod y trafodion yn dod i ben yw'r diweddaraf o'r digwyddiadau a ganlyn a bennir yn Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001(1):
- (i) bod y cyfnod a ganiateir ar gyfer cyflwyno hysbysiad yn gofyn am ganiatâd i apelio o dan reoliad 10(2) yn dod i ben;
 - (ii) ceir hysbysiad am benderfyniad llywydd Panel Dyfarnu Cymru neu aelod enwebedig o'r panel yn unol â rheoliad 10(9);
 - (iii) ceir hysbysiad am gasgliad unrhyw apêl yn unol â rheoliad 12 (a)(i) neu (b); neu
 - (iv) bod y pwyllgor safonau yn gwneud dyfarniad pellach ar ôl cael argymhelliad gan driwlynys apêl o dan reoliad 12(a)(ii);
- (d) rhaid i'r pwyllgor safonau gyhoeddi'r deunyddiau y mae is-baragraff (a) yn cyfeirio atynt cyn gynted ag y bo'n ymarferol bosibl ar ôl i'r trafodion ddod i ben."

(17) Yn rheoliad 28, ym mharagraff (1), ar ôl "awdurdod perthnasol o dan sylw" mewnosoder "neu, yn achos cyd-bwyllgor, swyddog priodol awdurdod cyfansoddol o'r cyd-bwyllgor hwnnw,".

(18) Yn rheoliad 29 ar ôl "awdurdod perthnasol" yn y ddau le y mae'n digwydd mewnosoder "neu, yn achos cyd-bwyllgor, un o'r awdurdodau perthnasol cyfansoddol,".

(19) Ar ôl rheoliad 30 mewnosoder—

"Trefniadau trosiannol atodol

31. Caiff person sy'n aelod o bwyllgor safonau ar y dyddiad y mae Rheoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 yn dod i rym barhau yn ei swydd hyd ddyddiad yr etholiadau llywodraeth leol cyffredin nesaf, os yw'r awdurdod perthnasol yn penderfynu hynny, oni bai bod y person hwnnw yn peidio â bod yn aelod o'r awdurdod perthnasol o dan sylw cyn dyddiad yr etholiadau hynny."

- (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(1):
- (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."

(1) O.S. 2001/2281 (Cy. 171), fel y'i diwygiwyd gan y Rheoliadau hyn.

(1) S.I. 2001/2281 (W. 171), as amended by these Regulations.

Diwygio Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001

3.—(1) Mae Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli) yn y lle priodol mewnoder—

“ystyr “cyd-bwyllgor” (“*joint committee*”) yw pwyllgor a sefydlir gan ddau awdurdod perthnasol neu rador o dan adran 53(1) o Ddeddf 2000;”;

“ystyr “is-bwyllgor adran 54A” (“*section 54A sub-committee*”) yw is-bwyllgor a benodir gan Bwyllgor Safonau o dan adran 54A(1) o Ddeddf 2000;”;

“ystyr “is-bwyllgor cymunedol” (“*community sub-committee*”) yw is-bwyllgor a benodir gan Bwyllgor Safonau awdurdod lleol o dan adran 56 o Ddeddf 2000;”;

“ystyr “Pwyllgor Safonau” (“*Standards Committee*”) yw—

(a) Pwyllgor Safonau awdurdod perthnasol;

(b) cyd-bwyllgor;

(c) is-bwyllgor adran 54A; neu

(d) is-bwyllgor cymunedol;”.

(3) Yn rheoliad 3 (swyddogaethau swyddogion monitro) ar ôl paragraff (2) mewnoder—

“(3) Yn ddarostyngedig i baragraff (4), caiff swyddog monitro awdurdod perthnasol wneud trefniadau i lunio adroddiad, neu i wneud argymhellion, yn unol â pharagraffau (1)(b) a (2), i Bwyllgor Safonau awdurdod perthnasol arall.

(4) Ni chaiff swyddog monitro awdurdod perthnasol (“A”) wneud trefniadau o dan baragraff (3) i lunio adroddiad, neu i wneud argymhellion, i Bwyllgor Safonau awdurdod perthnasol arall (“B”) oni bai bod cadeirydd Pwyllgor Safonau A wedi rhoi cydsyniad ysgrifenedig i hynny.”

(4) Yn rheoliad 5 (cyfyngiadau ar ddatgelu gwybodaeth), ym mharagraff (1)—

(a) ar ddiwedd is-baragraff (d) mewnoder “neu”;

(b) hepgorer is-baragraff (dd).

(5) Yn rheoliad 6 (adroddiadau), ar ddiwedd paragraff (a) mewnoder “neu, yn unol â threfniadau a wneir o dan reoliad 3(3), i Bwyllgor Safonau awdurdod perthnasol arall”.

Amendments to the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001

3.—(1) The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 are amended as follows.

(2) In regulation 2 (interpretation) in the appropriate place insert—

“community sub-committee” (“*is-bwyllgor cymunedol*”) means a sub-committee appointed by a Standards Committee of a local authority under section 56 of the 2000 Act;”;

“joint committee” (“*cyd-bwyllgor*”) means a committee established by two or more relevant authorities under section 53(1) of the 2000 Act;”;

“section 54A sub-committee” (“*is-bwyllgor adran 54A*”) means a sub-committee appointed by a Standards Committee under section 54A(1) of the 2000 Act;”;

“Standards Committee” (“*Pwyllgor Safonau*”) 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 3 (functions of monitoring officers) after paragraph (2) insert—

“(3) Subject to paragraph (4), the monitoring officer of a relevant authority may make arrangements to make a report, or recommendations, in accordance with paragraphs (1)(b) and (2) to the Standards Committee of another relevant authority.

(4) The monitoring officer of a relevant authority (“A”) may not make arrangements under paragraph (3) to make a report, or recommendations, to the Standards Committee of another relevant authority (“B”) unless the chairperson of the Standards Committee of A has consented in writing.”

(4) In regulation 5 (restrictions on disclosure of information), in paragraph (1)—

(a) at the end of sub-paragraph (e) insert “or”;

(b) omit sub-paragraph (f).

(5) In regulation 6 (reports), at the end of paragraph (a) insert “or, in accordance with arrangements made under regulation 3(3), to the Standards Committee of another relevant authority”.

(6) Yn lle rheoliad 7 (swyddogaethau'r pwyllgor safonau) rhodder—

“7.—(1) Ar ôl cael adroddiad ac unrhyw argymhellion oddi wrth swyddog monitro, neu adroddiad oddi wrth Ombwdsmon Gwasanaethau Cyhoeddus Cymru ynghyd ag unrhyw argymhellion gan swyddog monitro, rhaid i Bwyllgor Safonau ddyfarnu naill ai:

(a) nad oes dim tystiolaeth o unrhyw fethiant i gydymffurfio â chod ymddygiad yr awdurdod perthnasol o dan sylw a rhoi hysbysiad i'r perwyl hwnnw i:

(i) y person sy'n destun yr ymchwiliad;

(ii) y person neu'r personau sy'n gwneud yr honiad a arweiniodd at yr ymchwiliad; a

(iii) Ombwdsmon Gwasanaethau Cyhoeddus Cymru; neu

(b) bod rhaid i berson sy'n destun yr ymchwiliad gael ei wahodd i gyflwyno sylwadau, naill ai ar lafar neu'n ysgrifenedig, mewn perthynas â chasgliadau'r ymchwiliad ac unrhyw honiad ei fod wedi methu â chydymffurfio â chod ymddygiad yr awdurdod perthnasol.

(2) Caiff Pwyllgor Safonau wneud trefniadau i'r swyddogaethau a bennir ym mharagraff (1) gael eu harfer gan Bwyllgor Safonau awdurdod perthnasol arall.”

(7) Ar ôl rheoliad 7 (swyddogaethau'r pwyllgor safonau) mewnosoder—

“Adroddiadau neu Argymhellion a atgyfeirir at Bwyllgor Safonau arall

7A.—(1) Pan fo swyddog monitro o dan reoliad 6 (adroddiadau) neu Bwyllgor Safonau o dan reoliad 7 (swyddogaethau'r Pwyllgor Safonau) yn gwneud trefniadau o dan reoliad 3(3) neu 7(2), rhaid i'r swyddog monitro neu'r Pwyllgor Safonau sy'n gwneud y trefniadau hynny roi'r hysbysiad a ddisgrifir ym mharagraff (2) i:

(a) y person neu'r personau sy'n destun ymchwiliad;

(b) y person neu'r personau sy'n gwneud yr honiad o gamymddygiad sy'n arwain at yr ymchwiliad; ac

(c) Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

(6) For regulation 7 (functions of the standards committee) substitute—

“7.—(1) After receiving a report and any recommendations from a monitoring officer, or a report from the Public Services Ombudsman for Wales together with any recommendations of a monitoring officer, a Standards Committee must determine either:

(a) that there is no evidence of any failure to comply with the code of conduct of the relevant authority concerned and give notice to that effect to:

(i) the person who is the subject of the investigation;

(ii) the person or persons making the allegation which gave rise to the investigation; and

(iii) the Public Services Ombudsman for Wales; or

(b) that a person who is the subject of the investigation must be invited to make representations, either orally or in writing, in respect of the findings of the investigation and of any allegation of a failure to comply with the relevant authority's code of conduct.

(2) A Standards Committee may make arrangements for the functions specified in paragraph (1) to be exercised by the Standards Committee of another relevant authority.”

(7) After regulation 7 (functions of the standards committee) insert—

“Reports or Recommendations referred to another Standards Committee

7A.—(1) Where a monitoring officer under regulation 6 (reports) or a Standards Committee under regulation 7 (functions of the Standards Committee) makes arrangements under regulation 3(3) or 7(2), the monitoring officer or Standards Committee making such arrangements must give the notice described in paragraph (2) to:

(a) the person or persons who is or are the subject of investigation;

(b) the person or persons making the allegation of misconduct giving rise to the investigation; and

(c) the Public Services Ombudsman for Wales.

(2) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (1) gynnwys y canlynol:

- (a) datganiad bod y mater wedi ei atgyfeirio i Bwyllgor Safonau awdurdod perthnasol arall iddo ddyfarnu arno;
- (b) enw'r awdurdod perthnasol arall; ac
- (c) y rheswm pam y mae'r mater wedi ei atgyfeirio i Bwyllgor Safonau yr awdurdod perthnasol arall."

(8) Yn rheoliad 8 (gweithdrefn a phwerau pwyllgorau safonau)—

- (a) ym mharagraff (5), yn lle "o'r awdurdod perthnasol" rhodder "o awdurdod perthnasol";
- (b) ym mharagraff (6), yn is-baragraff (b) hepgorer "neu (b)".

(9) Yn rheoliad 9 (dyfarniadau'r pwyllgor safonau)—

- (a) ym mharagraff (1)—
 - (i) yn is-baragraff (c), yn lle "o'r awdurdod perthnasol" rhodder "o awdurdod perthnasol";
 - (ii) yn is-baragraff (ch), ar ôl "chwe mis" mewnosoder "neu am weddill cyfnod y person hwnnw yn y swydd, os yw'n gyfnod byrrach";

(b) yn lle paragraff (3) rhodder—

"(3) Ar ôl gwneud dyfarniad yn unol â pharagraff (1) neu (2) rhaid i'r Pwyllgor Safonau hysbysu:

- (a) y person neu'r personau sy'n destun yr ymchwiliad;
- (b) y person neu'r personau sy'n gwneud yr honiad o gamymddygiad sy'n arwain at yr ymchwiliad;
- (c) Ombwdsmon Gwasanaethau Cyhoeddus Cymru; ac
- (d) pan fo'r Pwyllgor Safonau wedi gwneud ei ddyfarniad yn unol â threfniadau â swyddog monitro neu Bwyllgor Safonau awdurdod perthnasol arall, Bwyllgor Safonau'r awdurdod hwnnw."

(c) ar ôl paragraff (4) mewnosoder—

(5) Rhaid i hysbysiad a roddir o dan baragraffau (3) a (4) gynnwys y rhesymau dros y dyfarniad."

(10) Yn rheoliad 10 (yr hawl i apelio)—

- (a) ym mharagraff (1), ar ôl "caiff y person hwnnw" mewnosoder "ofyn am ganiatâd i";

(2) The notice to which paragraph (1) refers must include the following:

- (a) a statement that the matter has been referred to another relevant authority's Standards Committee for determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the matter has been referred to the Standards Committee of the other relevant authority."

(8) In regulation 8 (procedure and powers of standards committee)—

- (a) in paragraph (5), for "the relevant authority" substitute "a relevant authority";
- (b) in paragraph (6), in sub-paragraph (b) omit "or (b)".

(9) In regulation 9 (determinations of the standards committee)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (c), for "the relevant authority" substitute "a relevant authority";
 - (ii) in sub-paragraph (d), after "six months" insert "or, if shorter, for the remainder of that person's term of office";

(b) for paragraph (3) substitute—

"(3) After making a determination in accordance with paragraph (1) or (2) the Standards Committee must notify:

- (a) the person or persons who is or are the subject of the investigation;
- (b) the person or persons making the allegation of misconduct giving rise to the investigation;
- (c) the Public Services Ombudsman for Wales; and
- (d) where the Standards Committee has made its determination pursuant to arrangements with the monitoring officer or Standards Committee of another relevant authority, the Standards Committee of that authority."

(c) after paragraph (4) insert—

"(5) Notice given under paragraphs (3) and (4) must include reasons for the determination."

(10) In regulation 10 (right of appeal)—

- (a) in paragraph (1), after "that person may" insert "seek permission to";

- (b) ym mharagraff (2)—
- (i) yn lle “yr apêl,” rhodder “y cais am ganiatâd i apelio”;
 - (ii) yn lle’r geiriau o “i’r cyfeiriad hwn” i “CF10 3NQ” rhodder “i lywydd Panel Dyfarnu Cymru”;
- (c) ym mharagraff (3)—
- (i) yn lle “hysbysiad apêl” yn y lle cyntaf y mae’n ymddangos rhodder “hysbysiad yn gofyn am ganiatâd i apelio”;
 - (ii) yn lle is-baragraff (b) rhodder—

“(b) pa un a roddir caniatâd i apelio ai peidio, bod y person sy’n gofyn am ganiatâd i apelio yn cydsynio i’r apêl gael ei chynnal drwy gyfrwng sylwadau ysgrifenedig.”;
- (d) ar ôl paragraff (3) mewnosoder—
- “(4) Mae cais am ganiatâd i apelio i’w benderfynu gan lywydd Panel Dyfarnu Cymru neu gan aelod o’r panel a enwebir gan lywydd y Panel Dyfarnu i arfer y swyddogaeth hon.
- (5) Oni bai bod y llywydd neu’r person a enwebir yn ystyried bod amgylchiadau neilltuoel yn golygu bod gwrandawriad yn ddymunol, mae’r penderfyniad ynghylch a ddylid rhoi caniatâd i apelio i’w wneud heb i’r partïon fod yn bresennol.
- (6) Caiff llywydd Panel Dyfarnu Cymru neu’r aelod enwebedig o’r panel wneud cais ysgrifenedig am wybodaeth bellach gan y partïon.
- (7) Rhaid i’r wybodaeth bellach y gwneir cais amdani ym mharagraff (6) gael ei chyflwyno i lywydd Panel Dyfarnu Cymru neu i’r aelod enwebedig o’r panel o fewn cyfnod o 14 diwrnod i’r dyddiad y ceir y cais am wybodaeth bellach.
- (8) Wrth benderfynu a ddylid rhoi caniatâd i apelio, rhaid i lywydd Panel Dyfarnu Cymru neu’r aelod enwebedig o’r panel roi sylw i ba un a oes gobaith rhesymol i’r apêl neu ran ohoni lwyddo.
- (9) Rhaid i lywydd Panel Dyfarnu Cymru neu’r aelod enwebedig o’r panel benderfynu a ddylid rhoi caniatâd i apelio a rhoi hysbysiad am y penderfyniad yn ddim hwyrach na 21 diwrnod ar ôl cael y cais am ganiatâd i apelio, neu pan wnaed cais am wybodaeth bellach o dan baragraff (6), yn ddim hwyrach na 14 diwrnod ar ôl diwedd y cyfnod a bennir ym mharagraff (7).

- (b) in paragraph (2)—
- (i) for “The appeal” substitute “The application for permission to appeal”;
 - (ii) for the words from “to this address” to “CF10 3NQ” substitute “to the president of the Adjudication Panel for Wales”;
- (c) in paragraph (3)—
- (i) for “notice of” where it first appears substitute “notice seeking permission to”;
 - (ii) for sub-paragraph (b) substitute—

“(b) whether or not permission to appeal is granted, the person seeking permission to appeal consents to the appeal being conducted by way of written representations.”;
- (d) after paragraph (3) insert—
- “(4) An application for permission to appeal is to be decided by the president of the Adjudication Panel for Wales or a member of the panel nominated by the president of the Adjudication Panel to exercise this function.
- (5) Unless the president or the person nominated considers that special circumstances render a hearing desirable, the decision on whether to grant permission to appeal is to be made in the absence of the parties.
- (6) The president of the Adjudication Panel for Wales or the nominated panel member may, in writing, request further information from the parties.
- (7) The further information requested in paragraph (6) must be submitted to the president of the Adjudication Panel for Wales or the nominated panel member within a period of 14 days from the date on which the request for further information is received.
- (8) In reaching a decision on whether to grant permission to appeal, the president of the Adjudication Panel for Wales or the nominated panel member must have regard to whether the appeal or part of it has a reasonable prospect of success.
- (9) The president of the Adjudication Panel for Wales or the nominated panel member must decide whether to grant permission to appeal and give notice of the decision no more than 21 days after receipt of the application for permission to appeal, or where further information has been requested under paragraph (6), no more than 14 days after the end of the period specified in paragraph (7).

(10) Rhaid i lywydd Panel Dyfarnu Cymru neu'r aelod enwebedig o'r panel hysbysu'r canlynol am y penderfyniad ym mharagraff (8):

- (a) y person sy'n gofyn am ganiatâd i apelio;
- (b) Ombwdsmon Gwasanaethau Cyhoeddus Cymru; ac
- (c) y Pwyllgor Safonau a wnaeth y dyfarniad sy'n destun y cais am ganiatâd i apelio.

(11) Os gwrthodir caniatâd i apelio rhaid i'r hysbysiad a roddir o dan baragraff (9) hefyd gynnwys y rhesymau dros y penderfyniad hwnnw.

(12) Os rhoddir caniatâd i apelio rhaid i lywydd Panel Dyfarnu Cymru neu'r aelod enwebedig o'r panel atgyfeirio'r mater i dribiwnlys apelau.”.

(11) Yn rheoliad 11 (apelau), ym mharagraff (2)—

- (a) yn lle “y dirprwy lywydd” rhodder “aelod enwebedig o'r panel”;
- (b) yn lle “neu'r dirprwy lywydd” rhodder “neu'r aelod enwebedig o'r panel”.

Diwygio Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001

4.—(1) Mae Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1, ym mharagraff (3) yn y lle priodol mewnosoder—

“ystyr “cyd-bwyllgor” (*“joint committee”*) yw pwyllgor a sefydlir gan ddau awdurdod perthnasol neu ragor o dan adran 53(1) o'r Ddeddf;”;

“ystyr “is-bwyllgor adran 54A” (*“section 54A sub-committee”*) yw is-bwyllgor a benodir gan bwyllgor safonau o dan adran 54A(1) o'r Ddeddf;”;

“ystyr “is-bwyllgor cymunedol” (*“community sub-committee”*) yw is-bwyllgor a benodir gan bwyllgor safonau awdurdod lleol o dan adran 56 o'r Ddeddf;”;

“ystyr “pwyllgor safonau” (*“standards committee”*) yw—

- (a) pwyllgor safonau awdurdod perthnasol;
- (b) cyd-bwyllgor;
- (c) is-bwyllgor adran 54A; neu
- (d) is-bwyllgor cymunedol;”.

(10) The president of the Adjudication Panel for Wales or the nominated panel member must notify the decision in paragraph (8) to:

- (a) the person seeking permission to appeal;
- (b) the Public Services Ombudsman for Wales; and
- (c) the Standards Committee which made the determination that is the subject of the application for permission to appeal.

(11) If permission to appeal is refused the notice given under paragraph (9) must also include the reasons for that decision.

(12) If permission to appeal is granted the president of the Adjudication Panel for Wales or the nominated panel member must refer the matter to an appeals tribunal.”

(11) In regulation 11 (appeals), in paragraph (2)—

- (a) for “the deputy president” substitute “a nominated panel member”;
- (b) for “or deputy president” substitute “or the nominated panel member”.

Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (*“is-bwyllgor cymunedol”*) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (*“cyd-bwyllgor”*) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (*“is-bwyllgor adran 54A”*) means a sub-committee appointed by a standards committee under section 54A(1) of the Act;”;

““standards committee” (*“pwyllgor safonau”*) 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;”.

(1) O.S. 2001/2279 (Cy. 169).

(1) S.I. 2001/2279 (W. 169).

(3) Yn rheoliad 2—

- (a) ar ddiwedd paragraff (f) hepgorer “neu”;
- (b) ym mharagraff (ff), yn lle’r geiriau sy’n dilyn “ei godi” rhodder “; neu”;
- (c) ar ôl paragraff (ff) mewnosoder—
“(g) os yw’n ymddangos i’r pwyllgor ei bod yn briodol fel arall caniatáu gollyngiad.”

(4) Ar ôl rheoliad 2 mewnosoder—

“Gollyngiadau a ganiateir yn unol â rheoliad 2(g)

3.—(1) Rhaid i ollyngiad a ganiateir gan bwyllgor safonau awdurdod perthnasol o dan adran 81(4) o’r Ddeddf ar y seiliau a nodir yn rheoliad 2(g) ac sy’n parhau i gael effaith, gael ei adolygu gan y pwyllgor safonau unwaith ym mhob cyfnod o 12 mis o’r dyddiad y caniateir y gollyngiad am y tro cyntaf.

(2) Pan fydd yn cynnal adolygiad o dan baragraff (1) rhaid i’r pwyllgor safonau ddyfarnu a ddylai’r gollyngiad barhau i gael effaith.

Gweithdrefn a phwerau pwyllgorau safonau

4.—(1) Caiff pwyllgor safonau awdurdod perthnasol atgyfeirio cais am ollyngiad a wneir gan aelod o’r awdurdod i bwyllgor safonau awdurdod perthnasol arall i’r pwyllgor hwnnw ei ystyried a dyfarnu arno.

(2) Caiff swyddog monitro awdurdod perthnasol y gwneir cais am ollyngiad iddo wneud trefniadau, gyda chydsyniad ysgrifenedig cadeirydd pwyllgor safonau yr awdurdod hwnnw ymlaen llaw, i bwyllgor safonau awdurdod perthnasol arall ei ystyried a dyfarnu arno.

(3) Pan fo ymdrechion rhesymol i gysylltu â chadeirydd pwyllgor safonau yr awdurdod perthnasol wedi bod yn aflwyddiannus, caiff isgadeirydd y pwyllgor safonau roi cydsyniad o dan baragraff (2).

(3) In regulation 2—

- (a) at the end of paragraph (h) omit “or”;
- (b) in paragraph (i), for the words that follow “removed” substitute “; or”;
- (c) after paragraph (i) insert—
“(j) “it appears to the committee to be otherwise appropriate to grant a dispensation.”

(4) After regulation 2 insert—

“Dispensations granted in accordance with regulation 2(j)

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

Procedure and powers of standards committees

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Pan fo swyddog monitro neu bwyllgor safonau yn gwneud trefniadau i bwyllgor safonau awdurdod perthnasol arall ystyried cais am ollyngiad a dyfarnu arno, rhaid i'r swyddog monitro neu'r pwyllgor safonau sy'n gwneud y trefniadau hynny roi hysbysiad am hynny i'r person sy'n gwneud y cais.

(5) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (4) gynnwys y canlynol—

- (a) datganiad bod y mater wedi ei atgyfeirio i bwyllgor safonau awdurdod perthnasol arall i'r pwyllgor hwnnw ei ystyried a dyfarnu arno;
- (b) enw'r awdurdod perthnasol arall; ac
- (c) y rheswm pam y mae'r cais wedi ei atgyfeirio i bwyllgor safonau yr awdurdod perthnasol arall.

(6) Pan fo'r pwyllgor safonau wedi dyfarnu ar y cais rhaid iddo roi hysbysiad ysgrifenedig am ei benderfyniad i'r canlynol—

- (a) yr aelod sy'n gwneud cais am y gollyngiad; a
- (b) pwyllgor safonau yr awdurdod perthnasol a atgyfeiriodd y cais.”

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

Leighton Andrews

Y Gweinidog Gwasanaethau Cyhoeddus, un o
Weinidogion Cymru
27 Ionawr 2016

Minister for Public Services, one of the Welsh
Ministers
27 January 2016

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2016 Rhif 85 (Cy. 39)

**LLYWODRAETH LEOL,
CYMRU**

Rheoliadau Llywodraeth Leol
(Pwyllgorau Safonau,
Ymchwiliadau, Gollyngiadau ac
Atgyfeirio) (Cymru) (Diwygio)
2016

2016 No. 85 (W. 39)

**LOCAL GOVERNMENT,
WALES**

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



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Report

Standards Committee

Part 1

Date: 26 May 2016

Item No: 10

Subject Community Council Review

Purpose To advise Committee of the comments received in response to the community council review.

Author Head of Law and Regulation

Ward General

Summary As part of the Forward Work programme, Standards Committee have agreed to undertake a periodic review of local community councils to check that statutory registers are being properly maintained and procedures for declarations are being followed. A letter was sent by the Monitoring Officer to all 14 community council Clerks in January 2008, asking about the arrangements for maintaining and publishing statutory registers and any training and development needs. Copies of the responses received to date are attached.

Proposal To note the Report and agree any further action.

Action by Head of Law and Regulation

Timetable Immediate

Background

1. As part of the Forward Work programme, Standards Committee have agreed to undertake a periodic review of local community councils to check that statutory registers are being properly maintained and procedures for declarations are being followed. The review is also intended to engage with community councils to ensure compliance with the ethical framework and to identify any training and development needs.
2. A letter was sent by the Monitoring Officer to all 14 community council Clerks in January 2008, asking about the arrangements for maintaining and publishing statutory registers and any training and development needs.
3. Copies of the 8 responses received to date are attached.
4. All of the responding councils have made arrangements to maintain and publish the registers, as required by the Local Government Act 2000 and the Local Government (Wales) Measure and are, therefore, complying with their statutory duties.
5. They have not identified any specific training needs and, generally, most of them feel that any further training can be deferred until after the next local elections in May 2017.
6. Most of the responding councils have indicated a willingness to adopt the City Council local resolution protocol, on a voluntary basis, as a means of resolving low-level complaints.
7. Following the changes to the new Model Code of Conduct, all of the community councils are required to formally adopt the new code before 26th June 2016.

Financial Summary

8. There are no financial implications.

Options Available

9. To note the Report and agree any further action required

Comments of Chief Financial Officer

10. There are no financial implications.

Comments of Monitoring Officer

11. Included in the Report.

Staffing Implications: Comments of Head of People and Business Change

12. There are no staffing or policy implications.

Dated: 16 May 2016

Standards Review

Responses to Community Councils Letter sent 8 January 2016

1. Llanvaches Community Council

1. ***What arrangements have you made for maintaining the Register of Members interests in accordance with Section 81 of the Local Government Act 2000? In particular who is the designated "proper officer, what arrangements are made for making the register available for public inspection and where are the records held?***

A register is held with the Proper Officer at the Clerks address. The register is updated monthly and any new additions are added to the register also available on the website. To date there are no Member Interests.

2. ***If your Community Council has a website, is the Register of Members interests published on the website and how often is this updated?***

Updated as and when a new Member Interest is notified.

3. ***Does the Council also publish other information electronically as required by Sections 55-57 of the 2013 Act?***

All information published electronically complying with Section 55-57 of the 2013 Act.

4. ***Do members of the Community Council have any need for refresher training on the Members Code of Conduct or are there any particular areas of the Code on which they would benefit from training?***

No but may be worth offering training post Community Council elections 2017.

5. ***Are there any particular problems with standards of Ethical behaviour within the Community Council or particular problems regarding the application of the Code?***

No.

6. ***Newport City Council has adopted a local resolution protocol for resolving low-level complaints and minor breaches of the Code of Conduct involving Councillors and officers, as recommended the Ombudsman. This involves an informal resolution process but with a right to refer the complaint to the Standards Committee for a final decision, which could result in a recommendation that a Councillor be censured. A copy of this Protocol is attached, for your information.***

Would you be interested in adopting this protocol on a voluntary basis and agreeing to any relevant complaints being dealt with in this way?

Yes.

7. ***Do you have any other comments regarding Ethical standards issues or matters that you would wish the Standards Committee to consider?***

No.

2. Goldcliff Community Council

We were compliant although our web site currently needs updating due mainly to the fact that I was unwell early 2015. The website however should be updated by end of January 2016. Up until that time we were up to date. I have however made arrangements with our website provider for refresher training on website maintenance which hopefully should take place soon. Annual accounts were displayed on the notice board in 2015 as is always the case but still need to be put on the web site as do several sets of minutes and agendas.

I am aware though that there are Councils in the Newport area who do not comply with the 2013 act in that they have never displayed minutes or accounts on their web sites so I have not worried too much in recent months. GCC's obligations will be put right asap.

Register of Members interests has never been on the web site but I maintain the register as always (which in most cases is a nil return - I ask all members to complete the usual return at the agm each May) although we do have one or two Councillors who go glazy eyed when I week information from them. The Register is updated each year (I don't use the full form that NCC uses for its members but the supplementary form). I did exchange emails with GP on this several years ago when he provided me with the set of forms. At that time it was not compulsory for CCs.

Code of Conduct (or any training) meets a head down response from one or two when courses come thru and short of making them compulsory (which personally I think they should be) don't know what to do about it. Our recently co-opted councillor set a good example in taking up OVW training just before Christmas.

As regards complaints to the Ombudsman. We were in that situation two years ago but the complaint was not upheld. Wayne, our Chair and myself, were obviously aware. Reference to a complaint to the Ombudsman was briefly noted in our minutes, without any detail, and the correspondence sealed and filed when the complaint was rejected.

3. Llanwern

Awaiting response following their AGM.

4. Penhow Community Council

1. The Council Clerk (Beryl Morgan) is the designated Proper Officer.
Our Register of Members Interest was updated during May – July 2015 and is now stored in hard copy and electronically in the Clerk's filing system (at home address).
The Register of Interest can be made available for inspection on request, either by e-mail, or by provision of a photocopy or by visual inspection of the hard copy (signed) record from the Clerk's filing system.
2. The Community Council does have a website (penhowcommunity.org), & the Register of Interest is published on this website.
The website is updated as needed (at least twice a month).
The Register of Interest is to be updated as needed, & reviewed annually (along with our Standing Orders, Financial Regulations & Risk Assessment documents), at the start of each new Council year (May).
3. Certified Audit Accounts are not yet on the website. We have had problems working out how to transfer the official document onto the website. This is currently being addressed.

4. As far as I am aware, members of the Council do not have any need for refresher or additional training on The Code of Conduct, but I will check this at our next meeting (February 3rd).
5. We have no problems with ethical behaviour or application of the Code.
6. Will discuss at our next meeting.
7. Probably not but will raise at our next meeting.

5. Marshfield Community Council

1. *What arrangements have you made for maintaining the Register of Members interests in accordance with Section 81 of the Local Government Act 2000? In particular who is the designated "proper officer, what arrangements are made for making the register available for public inspection and where are the records held? Council Members and co-opted committee members are requested by the Clerk to complete a questionnaire, as used by NCC. This is held in a file by the Clerk and made available for inspection during meetings and at any reasonable time, if requested by members of public.*
2. *If your Community Council has a website, is the Register of Members interests published on the website and how often is this updated? Marshfield CC has a website but the Register of Interests is not included, although those disclosed during meetings are included in the minutes of the meeting which are included in the website.*
3. *Does the Council also publish other information electronically as required by Sections 55-57 of the 2013 Act? Yes.*
4. *Do members of the Community Council have any need for refresher training on the Members Code of Conduct or are there any particular areas of the Code on which they would benefit from training? Not required in recent years but a number of vacancies have been filled by co-option since then. I will need to obtain feedback to answer this question.*
5. *Are there any particular problems with standards of Ethical behaviour within the Community Council or particular problems regarding the application of the Code? No, but interpretation of prejudicial interests has been the subject most often requiring some guidance.*
6. *Newport City Council has adopted a local resolution protocol for resolving low-level complaints and minor breaches of the Code of Conduct involving Councillors and officers, as recommended the Ombudsman. This involves an informal resolution process but with a right to refer the complaint to the Standards Committee for a final decision, which could result in a recommendation that a Councillor be censured. A copy of this Protocol is attached, for your information.*

Would you be interested in adopting this protocol on a voluntary basis and agreeing to any relevant complaints being dealt with in this way? Yes.
7. *Do you have any other comments regarding Ethical standards issues or matters that you would wish the Standards Committee to consider? No.*

6. Langstone Community Council

1. As Clerk, I am designated as the Proper Officer for Langstone Community Council. I hold copies of each Councillor's Declaration of Interest form and these are available at my office on request and online at LCC's website.
2. The website contains links to each Councillor's Declaration of Interests. These are updated whenever a Councillor makes a change to his/her Declaration and whenever a Councillor joins or leaves the Council.
3. Yes, LCC publishes all agenda, minutes, financial reports, etc on its website.
Here is a link to the website: www.langstonecommunitycouncil.org.uk
 - it would benefit from Code of Conduct training, but did not highlight any specific areas.
 - The Council did not identify any particular issues with standards of ethical behaviour.
 - The Council agreed that it would be interested in adopting a low-level complaints protocol and would welcome relevant complaints being dealt with in this way.

7. Rogerstone Community Council

Register of Interests is kept at Tydu Community Hall & available for inspection by appointment. The Proper Officer is the Clerk 2. Register of Interests is on our website & updated when Members advise of a change in circumstances.

1. As far as we are aware, information is published electronically as required (any comments on the information on our website would be welcome).
2. Members would be interested on refresher training on the Code of Conduct in general 5. We do not believe so.
3. Yes.
4. No.

8. Graig Community Council

1. As the Council's Proper Officer, I as the Clerk am responsible for the compilation of the Register of Member's Interests and it is held at my home address. Details on our website advise the public how to contact me to arrange for inspection.
2. Yes, we have a website. The actual register is not published, but on our COUNCILLORS page, there is a profile of each Councillor. This includes a photograph, a short biography, contact details, details of sub-committees and groups the Councillor sits on, his/her political affiliation, which ward they represent and details of their Members Interests. I trust this is sufficient. The information is easier to access here than if it were added as a document on our DOCUMENT LIBRARY page.

This information is updated whenever new information is presented, a new Councillor joins or at the very least annually when an election takes place.

3. Yes, in addition to the information detailed in (2) above, we publish minutes, agendas, public information etc. We believe we cover the requirements of Sections 55-57 of the 2013 Act and more.
4. On discussing their needs with Council, they believe they have no need of further training on the Members Code of Conduct at this time. All Councillors have received training in this area (which was provided by the City Council during the past 3 years) with the exception of one new Councillor who is able to ask advice from the other Councillors who have all attended at least one of the two full training sessions.
5. Council has no concerns regarding the standard of Ethical behaviour of any kind.

6. Council would be happy to adopt the City Council's local resolution protocol for resolving low-level complaints and minor breaches of the Code of Conduct involving Councillors and Officers, as recommended by the Ombudsman.
7. Council has no further comments regarding Ethical standards issues or matters that they would wish the Standards Committee to consider.

I trust this response is in an acceptable format for you Anne, but please let me know if you would prefer me to respond in a more formal way by letter to the Committee.

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Report

Standards Committee

Part 1

Date: 26 May 2016

Item No: 11

Subject Work Programme 2015/16

Purpose To provide an update on the current Work Programme

Author Head of Law and Regulation

Ward General

Summary The Standards Committee Annual Report for 2014/15 was received by full Council meeting on 29 September 2015.

The Annual Report contained a draft Forward Work programme for the next 12 months. Standards Committee approved the Work Programme in October 2015 and prioritised specific items for review. This Report provides an update on those items that are due for review in May 2016.

Proposal To note the report and agree the updated Forward Work programme.

Action by Head of Law and Regulation

Timetable Immediate

Background

1. The Standards Committee Annual Report for 2014/15 was received by full Council meeting on 29th September 2015.
2. The Annual Report contained the following draft Forward Work programme for the next 12 months, which was subsequently approved by Standards Committee in October 2015

Date	Topic	Information
September	Annual Report to Council	Review of work undertaken in the past 12 months, identifying any specific ethical standards issues facing the Council and priorities for the forthcoming year. Summary of numbers of complaints received and outcomes.
As and when applications received Review annually	Dispensations	Granting individual and blanket dispensations to Councillors. Reviewing decisions annually to identify common issues and consistency of approach. Produce guidance to Members on any issues arising.
As and when required	Local Resolution Protocol complaints	Conducting hearings into any Stage 3 complaints by Members or Officers
Monthly	Complaints of Misconduct	Update of numbers of complaints received and outcomes. Update on complaints resolved through Local Resolution Protocol.
By September 2016	Member training and development	Carry out review of member training, re-assessing the need for refresher training in the light of any changes in legislation, guidance and Code of Conduct. Arrange and deliver any necessary refresher training
Annually	Ethical standards audit	Check that statutory registers are being properly maintained procedures for declarations are being followed
Annually	Review of community councils	Check that statutory registers are being properly maintained procedures for declarations are being followed Engage with community councils to ensure compliance and to identify any training and development needs.
By September 2016	Review of Council Protocols	(a) Member /Officer relations (b) Planning Protocol - How they are implemented, communicated to staff, training and compliance monitoring.
On-going	Review of Council	(a) Bullying and Harassment.

	Policies and procedures relating to ethical standards	(b) Grievance and complaints policies. (c) Ethical Procurement policy - How they are implemented and communicated, monitor compliance.
By September 2016	Succession Planning for new independent members of Standards Committee	Advertise and recruit new independent members of Committee. Deliver training and induction.

3. The following items within the Work Programme are due for consideration in at this meeting in May 2016:

- Dispensations
- Local Resolution Protocol for Complaints.
- Complaints of Misconduct
- Review of Councils Protocols.
- Succession Planning.

4. Dispensations

There have been no dispensation applications during the past 12 months. Previously, the Committee had considered a number of dispensation applications in connection with members Neighbourhood Allowances. The rules regarding the use of this funding were tightened up considerably as from April 2015 and the funds were not fully utilised during the last financial year. The neighbourhood allowances were then removed from the budgets from April 2016 as part of proposed savings. Therefore, no further dispensation applications will be forthcoming regarding the use of these allowances.

There have been no other dispensation applications relating to other types of personal interests.

The Dispensation Regulations (reported separately on the agenda) have now been amended to allow dispensation applications to be referred to other authorities' Standards Committees in the case of any perceived conflict of interest or for expedition, in cases or urgency, where members are unavailable. There is also a new general category for granting dispensation, not covered by any of the other specific exemptions.

5. Local Resolution Protocol

There has only been 1 complaint under the Local Resolution Protocol during the past 12 months. This concerned a perceived conflict of interest on the part of an elected Member and failure to show respect and consideration for other Members. The matter was investigated under Stage 2 of the Protocol but there was no evidence of any abuse of position and the member apologised to the other councillors for his behaviour. Therefore, the matter was resolved and the complaint was not taken any further.

The Code of Conduct has now been amended to remove any duty to report breaches to the Ombudsman, to facilitate the local resolution of these low level complaints.

6. Complaints of misconduct

There have only been two formal complaints to the Ombudsman during the past 12 months. One of the complaints was not accepted for formal investigation on the basis that there was no evidence of any misconduct. The other complaint, regarding a community councillor, is subject to on-going investigation.

7. Review of the Council's Protocols

The Planning Protocol is currently being reviewed at a national level by Welsh Government and the Lawyers in Local Government Group, with a view to introducing a standard protocol for all councils in Wales under the Planning (Wales) Act 2015. The draft Protocol has been circulated for consultation. In the meantime, the conflict of interest provision under paragraph 10(2) (b) of the

Code has been removed, to clarify that ward members are not deemed to have any “personal” interest in planning applications relating to their wards.

It is suggested that any further review of the Council’s Planning Protocol is deferred pending the outcome of the national review.

In the light of the changes to the Code of Conduct, and the on-going review of the Council’s Constitution by the Democratic Services committee, a further review of the protocol, for member-officer relations may be appropriate. This was last considered by Committee some years ago, but the proposed amendments were not agreed by Council. The protocol was intended to supplement the code and give practical advice to officers and members in relation to how they behave towards one another.

This could be reviewed in September, if the Committee so wish.

8. Succession Planning.

The term of office for all elected members has now been extended until May 2017 to coincide with the next local elections and the automatic 4 year term has been removed.

The independent members serve a term of office of 4 years, although they are eligible to serve two consecutive terms of office.

The Chair and Vice-Chair of the Standards Committee were both first appointed in September 2008 and their appointments were renewed by the Council for a further 4 years in September 2012. Therefore, their term of office is due to expire in September 2016 and it will be necessary to advertise and appoint two new independent members and appoint a new Chair and Vice Chair.

Copies of the previous advertisement and job specifications are attached, for information.

9. Future work programme items

In the light of the changes to the Code of Conduct, Committee may wish to consider whether there is a need for any updated member training at this stage, or whether this should be deferred until after the next local elections in May 2017.

The Standards Committee Annual report will also be considered in September.

Financial Summary

10. There are no financial implications.

Options Available

11. To note the Report and agree the updated work programme.

Comments of Chief Financial Officer

12. There are no financial implications.

Comments of Monitoring Officer

13. Included in the Report.

Staffing Implications: Comments of Head of People and Business Change

14. There are no staffing or policy implications.

Background Papers

Standards Committee Annual Report 2015/2016.

Dated: 16 May 2016

NEWPORT CITY COUNCIL

VACANCY FOR INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE

The Council is looking to appoint an independent member to its Standards Committee in accordance with the Standards Committees (Wales) Regulations 2001 (as amended).

The Standards Committee is established under the Local Government Act 2000 and is responsible for promoting and maintaining high standards of ethical conduct by elected and co-opted members of the Council and local community councils, monitoring compliance with the Members Code of Conduct, dealing with any reports of breaches of the Code and determining any appropriate action.

The Committee comprises 5 independent members, 3 Council members and 1 Community Council member. The Chairperson and Vice-Chairperson must be independent members.

A vacancy now exists for one independent member. To be eligible, applicants must be independent of the Council and, therefore,

- must not be a current member or officer (or the spouse of any current member or officer) of Newport City Council, any other local authority or community council
- must not be a former member or officer of Newport City Council
- must not have been a former member or officer of any other council within the last 12 months

In addition, applicants should

- have a knowledge and understanding of local government
- not be active in local or national politics
- recognise and understand the principles of high ethical standards in public life
- be able to display independent thought and an unbiased attitude
- be able to understand and weigh up evidence

The Committee meets at least four times a year and more frequently, as required. A fee as prescribed by the Independent Remuneration Panel for Wales will be paid for attendance at meetings (currently £198 per day). Independent members are appointed for a term of 4 years but are eligible to be re-elected for one further term. Appropriate training will be provided.

Interviews will be conducted by a panel of 5 members of the Standards Committee who will make recommendations to the Council. The successful applicant would be expected to take up the appointment immediately following confirmation of the appointment by the Council.

If you believe you meet the needs of the post and you are interested in becoming a member of the audit committee of the city council, you can obtain more information and an application form by contacting...

NEWPORT CITY COUNCIL

INDEPENDENT MEMBER OF STANDARDS COMMITTEE

KEY PURPOSE

Newport City Council (“the Council”) has established a Standards Committee in accordance with the Local Government Act 2000 and the Standards Committees (Wales) Regulations 2001 (as amended). The Committee comprises 5 independent members, 3 Council members and 1 Community Council member. The Chairperson and Vice-Chairperson must be independent members.

KEY ACCOUNTABILITIES

The role of the Standards Committee is to:-

- promote and maintain high standards of ethical conduct by elected and co-opted members of the Council and local community councils
- monitor compliance with the Members Code of Conduct
- deal with any reports of breaches of the Code and determine any appropriate action

Independent members are required to:-

- Attend a minimum of 4 committee meetings per year and additional meetings, as required.
- Participate in the promotion of high ethical standards and compliance with the Members Code of Conduct and contribute towards the effective discharge of the statutory role and responsibilities of the Standards Committee.

QUALIFICATIONS AND EXPERIENCE

Independent members should have

- High ethical standards
- An ability to understand and weigh up evidence
- An ability to display independent thinking and an unbiased attitude
- Good communication skills, both written and oral

Knowledge and experience of local government functions would be advantageous

A fee as prescribed by Independent Remuneration Panel for Wales will be paid for attendance at meetings.

SPECIAL CONDITIONS

Independent members must be independent of the Council and cannot

- be a serving Member or officer (or the spouse or partner of a Councillor or officer) of the Council, any other local authority or community council
- be a former member or officer of Newport City Council
- have been a former member or officer of any other council within the last 12 months
- be active in local or national politics

Independent members will be required to sign an undertaking to comply with the Council’s Code of Conduct.

Independent members are appointed for a term of 4 years but are eligible to be re-elected for one further term. Appropriate training will be provided.

JOB REQUIREMENT FORM

INDEPENDENT MEMBER OF STANDARDS COMMITTEE

Requirement	Essential or Desirable	How tested (S) used at shortlisting
Education/Qualifications/ Knowledge	.	
1.1 Good educational background	E	Application Form (S)
1.2 Good understanding of the principles of high ethical standards in public life	E	Application Form (S)/ Interview
1.3 Knowledge and understanding of local government	D	Application Form (S)/Interview
Experience		
1.1 Relevant work experience in the public sector, voluntary sector or business community	E	Application Form (S)
1.2 Local Government experience	D	Application Form (S)
1.3 Experience of a role in the public sector with public accountability	D	Application Form (S)
Aptitude and Skills		
1.1 Good communication and inter-personal skills, both written and oral;	E	Interview
1.2 An ability to understand and weigh up evidence	E	Interview
1.3 An ability to work effectively with Councillors and officers	E	Interview
1.4 An ability to assess issues relating to ethical standards and to identify and evaluate solutions.	E	Interview
1.5 Ability and confidence to challenge and hold to account in a fair and impartial manner	E	Interview
Personal Attributes		
1.1 Demonstrate high ethical standards	E	Interview
1.2 Demonstrate commitment and enthusiasm	E	Interview
1.3 Demonstrate independent thinking and an unbiased attitude	E	Interview

1.4 Demonstrate independence and objectivity	E	Interview
Circumstances		
1.1 Be able to commit to attending a minimum of 4 Standards Committee meetings a year and attend any essential training and development courses.	E	Application Form (S)/Interview
1.2 Flexibility to attend meetings at different times of the day (should the need arise)	E	Application Form (S)/Interview
Equal Opportunities		
1.1 Understand and demonstrate a willingness to promote positively the Equalities policy of Newport City Council	E	Interview

APPLICATION TO SERVE AS INDEPENDENT MEMBER ON NEWPORT CITY COUNCIL STANDARDS COMMITTEE

1. Surname:	Title: (Mr/Mrs/Miss/Ms)
2. Forenames:	
3. Permanent Address: <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> Post Code: <div style="border-bottom: 1px solid black; width: 150px; display: inline-block;"></div>	
4. Home Telephone No:	
5. E-mail Address:	
6. Date of Birth	
7. Present Occupation (if any):	
8. Name, Address and Tel No. of Present Employer (if applicable) <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px;"></div>	
9. Please give details of any relevant experience or knowledge of ethical standards in public life <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px;"></div>	

<p>10. Are you a Member or officer, former Member or officer or related to any Member or officer of Newport City Council? If so, please give details</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>11. Please indicate whether you are a member of any Political Party and provide details of any activities of a political nature in which you are involved</p> <p>_____</p> <p>_____</p>
<p>12. Please give details of any business connection with Newport City Council or any previous dealings with the Council.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>13. Please indicate and give details of any unspent criminal convictions (excluding driving offences).</p> <p>_____</p> <p>_____</p>
<p>14 Please give details of your availability to attend meetings of the Standards Committee and any particular working days or times when you would generally be unable to attend:</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>15. Do you undertake any other public role, for example, Justice of the Peace, School Governor, Trade Union Official or Community Council Member? If so, please provide details</p> <p>_____</p> <p>_____</p>

[illegible]

Date:

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