

# Report

## Standards Committee

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### Part 1

Date: 16 July 2015

Item No: 9

**Subject** **Local Government Democracy (Wales) Act 2013 (Commencement No.2) Order 2015**

**Purpose** To advise Standards Committee of the changes introduced by the Local Government (Democracy) (Wales) Act 2013 with effect from 1 May 2015

**Author** Head of Law and Regulation

**Ward** General

**Summary** The Report sets out the legislative changes introduced by the Local Government (Democracy) (Wales) Act 2013 which were brought into effect by Commencement Order No.2 as from 1 May 2015. Of particular relevance to Standards Committee are the changes to the requirements for community councils to maintain the statutory register of members' interests. This duty is now devolved to the proper officer of the community council and there is an obligation to publish the register electronically on the community council website. Further changes have also been introduced to allow for the establishment of joint Standards Committees and for Regulations to be made to allow misconduct cases and dispensation applications to be referred to another local authority's standards committee for determination.

**Proposal** To note the Report

**Action by** Head of Law and Regulation

**Timetable** Immediate

## Background

1. The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) received Royal Assent on 30 July 2013. Its primary purpose was to reform the constitution and function of the Local Democracy and Boundary Commission for Wales but the legislation also introduced various other changes relating to local government.
2. The Local Government (Democracy) (Wales) Act 2013 (Commencement No. 2) Order 2015 brought into force sections 55-58, 68 and 69 of the 2013 Act with effect from 1 May 2015.
3. Sections 55-57 of the 2013 Act require Community and Town Councils to publish certain information electronically (i.e. on a website). This includes information about the council’s clerk and members, minutes of council meetings and any audited statement of the council’s accounts. Community and Town Councils are also required to publish public notices electronically, and to make certain information about their meetings and proceedings available electronically. This requirement to publish information electronically is in addition to existing publication requirements. Grants of £500 have already been provided to community councils to develop their websites for this purpose.
4. Statutory guidance to assist Community and Town Councils in fulfilling their duties came into force on 1 May 2015 and is available on <http://gov.wales/?skip=1&lang=en>.

### 5. **Registers of Members’ Interests**

Section 81 of the Local Government Act 2000 (“the 2000 Act”) previously required the Monitoring Officer of each relevant authority to establish and maintain a register of members’ interests. In the case of a community or town council, this duty rests with the monitoring officer of the county or county borough council for the area in which the community or town council is located. In practice, day- to-day responsibility for this has been delegated to clerks of community and town councils.

6. Section 81 of the 2000 Act also requires each relevant authority, including a community or town council, to make its register available for public inspection at all reasonable hours.
7. Following commencement of section 58 of the 2013 Act, these requirements have been amended in two respects:
  - (a). The duty to establish and maintain the register of members’ interests transfers from the Monitoring Officer to the ‘proper officer’ of the community or town council, i.e. the officer designated by the council for this purpose; and
  - (b) in addition to being available for public inspection, the register of interests must also be published electronically, i.e. on the authority’s website.
8. The amendments made by Section 58 will require a number of small consequential amendments to the Model Code of Conduct to clarify interpretation of its provisions. However, the Welsh Government is working to bring forward a number of amendments to the Model Code for consultation later in the year. Consequently, to avoid the need for authorities to adopt revised codes of conduct in relatively quick succession, it is intended to make all amendments at the same time.

### 9. **Joint Standards Committees**

Section 68 of the 2013 Act amends the duty on a relevant authority in section 53 of the 2000 Act to establish a Standards Committee, so that two or more authorities may establish a joint Standards Committee. The Welsh Government is currently of the view that this provision does not, of itself, require consequential amendments to be made to the Standards Committees

(Wales) Regulations 2001, or the Local Government (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001. References in these regulations to a 'standards committee' will have the same meaning as that in the 2000 Act (as amended) and, therefore, will include a joint standards committee where one has been established. However, the Welsh Government intends to make a number of amendments to these Regulations later this year and will review the matter further at that time

#### 10. **Referral of Misconduct Cases / Dispensation Applications**

Sections 73 and 81 of the 2000 Act provide powers for the Welsh Ministers to make Regulations in relation to:-

- (a) the way in which any matter relating to an alleged breach of the Code of Conduct referred to a Monitoring Officer by the Public Services Ombudsman for Wales is to be dealt with; and
- (b) circumstances in which Standards Committees may grant a dispensation to a member with a prejudicial interest.

11 Section 69 of the 2013 Act amends these Regulation-making powers so that the Welsh Ministers may make provision enabling such matters or applications to be referred to another authority's standards committee. The Welsh Government intends to consult on amended Regulations giving effect to these provisions later this year.

#### **Financial Summary**

12 There are no financial implications.

#### **Options Available**

13. To note the Report

#### **Comments of Chief Financial Officer**

14. There are no financial implications.

#### **Comments of Monitoring Officer**

15 Included in the Report.

#### **Staffing Implications: Comments of Head of People and Business Change**

16 There are no staffing or policy implications.

#### **Background Papers**

The Local Government (Democracy) (Wales) Act 2013 (Commencement No. 2) Order 2015

Dated: 8 August 2015