

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

AN EXPLANATORY NOTE

1. Introduction

- 1.1 Part III of the Local Government Act 2000 introduced a new Ethical Framework for Councils. The National Assembly for Wales has also made Regulations which implement much of the legislation. As part of this framework, the County Borough Council has a Standards Committee.
- 1.2 This Committee is also responsible for standards functions in relation to the Town and Community Councils (and their Members) in the area of the County Borough Council.
- 1.3 Another critical part of the Ethical Framework is the Code of Conduct for Members. One of the functions of the Standards Committee is to assist the County Borough Council and the Town and Community Councils in securing compliance with the Code.
- 1.4 This Code requires all members of these authorities to make a formal declaration to observe the Code. Failure to declare will result in a member ceasing to hold the office of Councillor.

2. Terms of Reference

- 2.1 The Standards Committee is required to have formal Terms of Reference which are:-
 1. To promote and maintain high standards of conduct by the Members and co-opted Members of the Authority.
 2. To assist members and co-opted Members of the Authority to observe the Members Code of Conduct.

3. To advise the Council on the adoption or revision of the Members Code of Conduct (and relevant protocols relating to Member/Officer relationships).
4. To monitor the operation of the Council's adopted Members Code of Conduct throughout the Authority.
5. To advise, train, or arrange to train Members and co-opted Members on matters relating to the Members Code of Conduct.
6. Where statutes so permit, to arrange dispensation to speak and/or vote where a Member or co-opted Member has an interest in any matters.
7. To receive Local Commissioner Reports following investigations, or part investigations, in relation to allegations of breach of the Members Code of Conduct and/or
 - (a) To receive and consider reports and recommendations made with regard to same, from the Monitoring Officer (when such matters are referred to that Officer) including provision with respect to the procedure to be followed by the Standards Committee; and
 - (b) Following its consideration of any such reports or recommendations, to take any action prescribed by statute or regulations made thereunder (including action against any Member or co-opted Member (or former Member or co-opted Member) of the Authority who is the subject of any such report or recommendation) and to give publicity to such report, recommendation or action.
8. To receive, consider and implement general advice from the Local Commissioner and the Council's Monitoring Officer.
9. *To receive from the Adjudication Panel, Interim Case Tribunals or Case Tribunals:-
 - (a) Notices issued by them to Council;

- (b) Recommendations about matters relating to the exercise of the Authority's function, the Code of Conduct and the Standards Committee and make such recommendations as it thinks fit to Council relating thereto.
10. To be responsible for liaison between the Council and external agencies, in particular the National Assembly for Wales, the District Auditor and the local Ombudsman in connection with any matter within the Committee's terms of reference, under the provisions of the 2000 Act and Regulations made thereafter.
 11. To make representations to the National Assembly and the Welsh Local Government Association about any matter relating to the General Principles of Conduct for Members of the Council.
 12. To consider and recommend procedures for complaints to be dealt with by the Standards Committee and to propose amendments as may be appropriate from time to time in accordance with statute etc.
 13. To oversee the whistle-blowing regime in particular in this respect to consider and recommend procedures in respect of the following:
 - Whistle-blowing arrangements;
 - Anti-Fraud/Corruption or malpractice strategy.
 14. To examine any Code(s) of Conduct for Employees of the Authority and to make recommendations as may be considered appropriate.
 15. To receive progress reports from the Monitoring Officer from time to time on such matters within the purview of the Standards Committee, and to make such recommendations to Council as may be deemed appropriate.
 16. To exercise such powers or duties as may be given to or imposed on Standards Committees from time to time by legislation.

17. To exercise in relation to Community Councils and their Members within the County Borough area such of the foregoing matters as are referred to in Section 56 of the Local Government Act 2000.
18. To monitor compliance of the leaders of political groups on the Council with their duties under Section 52A(1) of the Local Government Act 2000 that they are taking steps to promote and maintain high standards of conduct by the members of their group and are cooperating with the Standards Committee's functions.
19. To produce an annual report to the Council as to how the Standards Committee has operated, including:
 - (a) what has been done to discharge the general and specific powers conferred on it by statute and these requirements;
 - (b) reports and recommendations made or referred to it by the Public Services Ombudsman for Wales
 - (c) action taken by the Standards Committee follows is consideration of reports and recommendations
 - (d) notices given to the Standards Committee
20. It should be noted that members of local authorities who are Members of the Standards Committee will have a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term

3. **Composition and Formation**

- 3.1 The Local Government Act 2000 and Regulations made by the National Assembly for Wales thereunder provide specific rules for the composition and operation of a Standards Committee. The principal requirements are as follows:
 - (a) size of the Committee between 5 and 9 members;
 - (b) if the number is even at least half the members should be Independent Members. If the number is odd, the majority must be Independent Members;
 - (c) Independent Members must be people who are not Members or Officers, or the spouses of Members or Officers, of the County Borough Council or of Town or

- Community Councils in its area or other bodies having a Standards Committee;
- (d) there is also a bar on former Councillors or Officers being Independent Members of their own Authority's Standards Committee, but they can be an independent member of another Authority they have not served on after 12 months of ceasing to be a Member or Officer of their own Council;
 - (e) the leader, or elected mayor, or chair of a Board (within an Authority operating alternative arrangements) are excluded;
 - (f) a maximum of one member of an executive or Board can be placed on the Standards Committee;
 - (g) one member must be a Town or Community Council Member. That Town or Community Council Member cannot also be a County Borough Council Councillor;
 - (h) political balance rules do not apply;
 - (i) the quorum is 3 (2 being independent, including the chair);
 - (j) Access to Information Act rules apply;
 - (k) Monitoring Officer or representative must attend each meeting;
 - (l) Chair and Vice must be independent – Chair has casting vote;
 - (m) Chair and vice Chair are appointed by the Committee at its first meeting.

4. Criteria for Appointment

- 4.1 The Authority has established and publicised its criteria for appointment which are set out in a document attached to this note.
- 4.2 These criteria are a mixture of what is required by the 2000 Act and the Regulations and additional requirements of Neath Port Talbot County Borough Council to ensure the independence of members who are appointed as such.
- 4.3 Applicants must be able to give the appropriate time commitment and have flexibility for attendance at Committee or responding to urgent request to undertake certain activities.

4.4 Independent Members' remuneration along with travel and subsistence allowances will be payable in accordance with the Council's scheme.

5. **Panel to Appoint Independent Members of a Standards Committee**

5.1 Neath Port Talbot County Borough Council is to establish a panel of 4 members, 2 Neath Port Talbot County Borough Council Councillors, 1 Town or Community Councillor and a "lay member" to deal with the selection of Independent members to the Standards Committee.

5.2 The panel shall:

- a) consider every application received in relation to the vacancies for Independent Members of the Standards Committee;
- b) apply the criteria established for such applications; and
- c) make recommendations in relation to any such applications to Neath Port Talbot County Borough Council.

5.3 The appointment of Independent Members of the Standards Committee shall be made by Neath Port Talbot County Borough Council, it will do so by having regard to the recommendations of this panel.

6. **Other Matters**

6.1 Additional information regarding specific aspects of the work of Standards Committees will be issued to the successful applicants, together with such other documentation as they will need to function as members.

7. **Termination of Appointment**

7.1 Council has resolved that Council reserve the right to terminate the appointment of Independent Members to The Standards Committee on the basis of any such member cannot fulfil the obligation to carry out the duties expected of the member through prolonged ill-health or other inability to

attend meetings or deal with other duties specified. A member's appointment will be terminated for "misbehaviour". Such "misbehaviour" is as described hereafter (but not limited to) the following; behaviour comparable to that for which a Member of Council or Town or Community Council in its area would be censured by the Standards Committee or which behaviour could be likened to serious breaches of the Code for which suspension of a member would normally ensue or for committing acts which would reasonably be considered as having the effect of bringing the Council and its Standards Committee into disrepute.

- 7.2 Also, if after appointment is made it is discovered that the Independent Member did not at the time of appointment, or since appointment, satisfy the published criteria, or does not anymore satisfy the published criteria, then the appointment shall be terminated.