

Article 9 – The Standards Committee

9.01 Standards Committee

The Council will establish a standards committee. Its procedures are described in Part 4 of this Constitution.

9.02 Composition

(a) **Membership.** The Standards Committee will be composed of *nine* members. Its membership will include:

- (i) *five* 'independent' members, who shall be neither councillors nor officers, nor a spouse of a councillor or officer, of this Council nor any other relevant authority as defined in the Act and who shall be appointed in accordance with arrangements set out in the Standards Committee (Wales) Regulations 2001. Such members should be of high standing in the community and shall be non-political
- (ii) three councillors, excepting members of the Board.
- (iii) one member of a community council wholly or mainly in the Council's area (a 'community committee member'). Such member shall represent the interests of community councils in the area of the Council and shall be of high standing in the community and shall be non-political.

(b) **Term of office.**

- (i) The term of office of an independent member shall not be less than four years and no longer than six years. The term will be decided upon so that the terms of office of all independent members will not expire at the same time. An independent member *may* be reappointed for one further *consecutive* term, *which shall not exceed four years.*
- (ii) Members of the Council who are members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever

is the shorter. They may be reappointed for one further consecutive term. An elected member shall cease to be a member of the Standards Committee if he/she ceases to be a member of the Council

(iii) A member of the Standards Committee who is a community committee member will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for one further consecutive term. A community committee member shall cease to be a member of the Standards Committee if he/she ceases to be a member of a community council within Gwynedd.

(iv) The term of office of a member of the Standards Committee which commences or expires by reference to ordinary local government elections in any year shall commence or expire on the fourth day following those elections.

(c) Quorum.

(i) A meeting of the Standards Committee *or the Community Sub-committee* shall only be quorate when:

- (a) at least three members, including the chairman are present, and
- (b) at least half the members present (including the chairman) are independent members.

(ii) A meeting of a sub-committee established under paragraph (f)(ii) below (a section 54A sub-committee) shall only be quorate when:

- (a) at least two members, including the chairman, are present, and*
- (b) at least half the members present (including the chairman) are independent members.*

In the context of this paragraph, 'chairman' includes the Vice-chairman when chairing a meeting in the Chairman's absence or any other independent member who is chairing the meeting in the absence of both the Chairman and Vice-chairman.

(ch) **Voting.**

- (i) A question to be decided by the Standards Committee shall be decided by a majority of votes cast by the members present. In the case of equality of votes the chairman shall have a second casting vote.
- (ii) Independent members and the community committee member will be entitled to vote at meetings.

(d) **The Community Committee Member.**

The community committee member shall not take part in the proceedings of the Standards Committee when any matter relating to his/her community council is being considered;

(dd) **Chairing the Committee.**

- (i) Only an independent member of the Standards Committee may be the chairman and vice-chairman.
- (ii) The chairman and vice chairman will be elected by the members of the Standards Committee for whichever is the shortest period of (a) not less than 4 years or no more than 6 years, or (b) until the term of office of the independent member comes to an end. *An independent member, who has been reappointed as such for a second term, may be appointed as chairman or vice-chairman notwithstanding the fact that he/she was elected as chairman o'r vice-chairman of the committee during that member's first term of office.*
- (iii) If present the chairman shall preside at meetings of the Standards Committee. If the chairman is absent the vice-chairman shall preside. If both the chairman and vice-chairman are absent such other independent member as the members of the Standards Committee present may appoint shall preside.
- (v) The chairman or vice-chairman may at any time resign from office by notice in writing to the Monitoring Officer of the Council.

(vi) Where a casual vacancy in the office of chairman or vice-chairman is filled, the person so appointed shall hold office for whichever is the shorter of the following periods -

- until the date upon which the term of office of the person in whose place that person is elected would have expired, or
- until the term of office of that person as an independent member of the Standards Committee comes to an end.

(e) **Meetings of the Standards Committee.**

- (i) The Standards Committee shall hold at least one meeting during every calendar year.
- (ii) The Monitoring Officer or his representative shall attend every meeting of the Standards Committee and no business shall be conducted in the absence of the Monitoring Officer or his representative.

(f) ***Sub-committees***

(i) The Standards Committee may *establish* a ‘*Community* Sub-committee’ to exercise the *committee’s* functions as set out in Article 9.03 (ff) below (*i.e. functions relating to community councils*). The *Community* Sub-committee will include at least one independent member and one community committee member.

(ii) The Standards Committee may establish one or more sub-committees (‘section 54A sub-committees’) to exercise any of its functions apart from the functions of the Community Sub-committee.

(ff) **General.**

- (i) Unless the circumstances otherwise dictate, the proceedings of the Standards Committee shall be governed by the Council’s rules of procedure.
- (ii) A complainant or a councillor subject to a complaint must not canvass in any way any member of the Standards Committee.

- (iii) It shall be the duty of any member of the Standards Committee who is canvassed by a complainant or a councillor subject to a complaint to report the matter immediately to the Monitoring Officer.
- (iv) If a complaint is made by a member of the Standards Committee, or a person connected with such a member, that member shall not participate as a member of the Standards Committee when the complaint is considered.
- (v) Independent members shall be paid such allowances and expenses as may from time to time be approved by the Council.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- (b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (ch) monitoring the operation of the Members' Code of Conduct;
- (d) advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (dd) granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;

- (e) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any complaint made to him/her or on any matter referred to that officer by the *Public Services Ombudsman for Wales*;
- (f) authorising payments by the Monitoring Officer of allowances and expenses to persons who have assisted in an investigation by the Monitoring Officer;
- (ff) the exercise of (a) to (f) above in relation to the community councils wholly or mainly in its area and the members of those community councils.

References: Sections 53-55 and Sections 81(5), Local Government Act 2000.

The Standards Committees (Wales) Regulations 2001 (as amended).

Chris Skelcher and Alan Doig, Standards Committees: Strengthening Conduct in Local Government, University of Birmingham School of Public Policy, Occasional Paper

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