

PART 8 - ETHICS AND STANDARDS

8.1 Ethics and Standards Committee

8.1.1 There shall be an Ethics and Standards Committee consisting of eight Members namely:

- three Councillors appointed by the Council;
- one person appointed by the Council who shall be a Member of a Community Council within the Torfaen area; and
- four persons appointed by the Council for a period of four years who shall not be Members or Officers of any County Borough Council, County Council, National Park Authority or Fire Authority or be the spouses of any such Member or Officer. (Referred to in this section as 'independent members')

8.1.2 The Leader of the Council cannot be a member of the Ethics and Standards Committee and the Committee may not include more than one Member who is a member of the Cabinet.

8.1.3 The Chair of the Ethics and Standards Committee shall be elected from amongst the independent members of the Committee.

8.1.4 The requirements of the Standards Committee (Wales) Regulations 2001 as amended shall be followed in relation to the procedure for selecting and appointing independent members.

8.1.5 The political balance rules do not apply to the appointment of Councillors to the Ethics and Standards Committee.

8.1.6 The term of office of the members of the Ethics and Standards Committee are as follows.

- (a) Independent members are appointed for a period of not less than 4 years or no more than six years and may be reappointed for one further consecutive term of no more than four years;
- (b) Members of the Council who are members of the standards committee will have a term of office determined by the Council but in any event it shall be 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;
- (c) The Member of a Community Council who is a member of the Standards Committee will have a term of office of four years or until the next Community Council election following his/her appointment whichever is shorter. He/she may be reappointed for one further consecutive term following appropriate consultation.

8.1.7 The Chair will be elected by the members of the Ethics and 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. The Chairperson can be appointed for one period only.

8.2. Terms of Reference of the Ethics and Standards Committee

8.2.1 The Ethics and Standards Committee shall have the following terms of reference in relation to the Council and the Community Councils within Torfaen:

- To promote and maintain high standards of conduct;
- To assist Torfaen County Borough Council and Community Council Members in observing their respective Codes of Conduct;
- To advise the respective Councils on the adoption or revision of a Code of Conduct;
- To monitor the operation of their respective Codes of Conduct;
- To advise, train or arrange training on matters relating to the Code of Conduct;
- To approve the Authority's Whistleblowing and Vexatious Complaints Policies, monitoring their operation and making recommendations to the Council to improve their effectiveness;
- To determine matters relating to alleged breaches of the Code of Conduct which may be referred to the Committee in accordance with Regulations made under Section 73 of the Local Government Act 2000; and
- To grant dispensations enabling participation in business which is prohibited by the Code of Conduct in accordance with Regulations made under Section 51(5) of the Local Government Act 2000.
- To make an annual report to Council as soon as possible after the end of each financial year to include:

a description of how the Ethics and Standards Committee has discharged its functions ;

a summary of any reports and recommendations that were referred to the Ethics and Standards Committee under Chapter 3 of the Local Government Act 2000;

a summary of the actions that the Ethics and Standards Committee has taken following consideration of the reports and recommendations referred to in (b) above;

a summary of any notices that were given to the Ethics and Standards Committee under Chapter 4 of Part 4 of the Local Government Act 2000; and

the Ethics and Standards Committee's assessment of the extent to which leaders of political groups have complied with their duties to promote and maintain high standards of conduct by members of their

group and to cooperate with the Ethics and Standards Committee in the exercise of the Ethics and Standards Committee's functions; and any recommendations which the Ethics and Standards Committee considers it appropriate to make to the Council about any matter which falls within the Committee's functions.

8.3 Joint Standards Committee

- 8.3.1 The Council may establish a joint Ethics and Standards Committee with one or more local authorities for the purpose of discharging the statutory functions of the Ethics and Standards Committee

8.4. Rules of Proceedings of the Ethics and Standards Committee

- 8.4.1 The following paragraphs of Part 4 of this Constitution shall apply to meetings of the Ethics and Standards Committee as if references to the Council were to the Committee and references to the Presiding Member were to the Chair of the Committee:

4.9, 4.10, 4.13, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27.

- 8.4.2 The minutes of meetings of Ethics and Standards Committee shall include:

- A record of any decision made by the Committee
- The reasons for the decision
- Any declaration of interest by any member of the Committee which is relevant to any matter decided by the Committee.

- 8.4.3 The Ethics and Standards Committee may adopt their own procedure and order of business when determining a complaint against any Member to ensure that the requirements of natural justice are met. The procedure adopted by the Committee from time to time is included as Appendix 14.

- 8.4.4 The Ethics and Standards Committee shall meet at least once during each calendar year.

- 8.4.5 The quorum for any meeting of the Ethics and Standards Committee shall be at least three members of the Committee, of whom at least half must be independent members.

- 8.4.6 Independent members and community council members will be entitled to vote at meetings.

- 8.4.7 A community council member shall not take part in the proceedings of the Ethics and Standards Committee when any matter relating to their community council is being considered.

- 8.4.8 If the Chair is absent from a meeting of the Ethics and Standards Committee, members of the Committee present shall choose an independent member of the Committee to preside.

8.5. Access to Information

- 8.5.1 The provisions of section 4.27 shall apply to proceedings of the Committee as they apply to Council.
- 8.5.2 The Council may also provide for agendas, reports and other documents to be made available for inspection at offices of Community Councils in the area.

Statutory Provisions:

Part III, Chapter I and section 73 of the Local Government Act 2000

Part VA, section 99 and Schedule 12 of the Local Government Act 1972

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001

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

The Standards Committees (Wales) Regulations 2001

The Standards Committees (Wales) (Amendment) Regulations 2006

End of Part Eight