STATUTORY INSTRUMENTS

2009 No. 1255

LOCAL GOVERNMENT, ENGLAND AND WALES

The Standards Committee (Further Provisions) (England) Regulations 2009

Made - - - -	*18th May 2009*
Laid before Parliament	*21st May 2009*
Coming into force - -	*15th June 2009*

The Secretary of State, in exercise of the powers conferred by sections 53(6), 56A(1), 57D(1) and (6), 81(5) and 105(2) of the Local Government Act 2000(**a**), makes the following Regulations:

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Standards Committee (Further Provisions) (England) Regulations 2009 and shall come into force on 15th June 2009.

(2) Parts 1 and 4 apply to relevant authorities in England and police authorities in Wales.

(3) Parts 2 and 3 apply to relevant authorities in England.

Interpretation

2. In Parts 2 to 4 of these Regulations—

"the Act" means the Local Government Act 2000;

"authority" means a relevant authority within the meaning given to that expression by section 49(6) of the Act (principles governing conduct of members of relevant authorities) but—

(i) in Parts 2 and 3 it does not include parish councils; and

(ii) in Part 3 it also includes any local authority specified in regulations made under section 3A(8)(**b**) of the 1989 Act.

"the 1989 Act" means the Local Government and Housing Act 1989(**c**);

"monitoring officer", in relation to an authority which is a relevant authority for the purposes of section 5 of the 1989 Act (designation and reports of monitoring officer)(**d**), means the

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(**a**) 2000 c. 22. Section 56A was inserted by section 189 of the Local Government and Public Involvement in Health Act 2007 (c. 28). Section 57D was inserted by section 185 of that Act.

(**b**) Section 3A was inserted by section 202 of the Local Government Public Involvement in Health Act 2007.

(**c**) 1989 c. 42.

(**d**) There have been amendments to section 5 which are not relevant.

monitoring officer designated under subsection (1) of that section and includes any person for the time being nominated by the monitoring officer as deputy for the purposes of that section and any person nominated under section 82A(2) or (3) of the Act(**a**) to perform any function;

"Standards Board" means the Standards Board for England constituted under section 57 of the Act.

PART 2

SUSPENSION OF INITIAL ASSESSMENT FUNCTIONS

Prescription of circumstances in which power to suspend certain functions of standards committee may be exercised

3.—(1) The circumstances which are prescribed, under the power conferred on the Secretary of State by section 57D(1) and (8) of the Act, for the purpose of the exercise by the Standards Board of the power conferred on it by section 57D(1) to give a direction in accordance with that subsection, are those listed in paragraph (2) of this regulation.

(2) The circumstances mentioned in paragraph (1), in which the Standards Board may exercise the power mentioned in that paragraph, are any one or more of the following—

(a) The standards committee of the specified authority has failed to have regard to guidance issued by the Standards Board with respect to the exercise of functions under Part 3 of the Act or regulations made under that Part.

(b) The standards committee of the specified authority has failed to comply with a direction issued by the Standards Board with respect to the exercise of functions under Part 3 of the Act or regulations made under that Part.

(c) The standards committee of the specified authority has failed to carry out within a reasonable time period or in a reasonable manner, one or more functions under Part 3 of the Act or regulations made under that Part.

(d) The monitoring officer of the specified authority has failed to carry out within a reasonable time period or in a reasonable manner, one or more functions under Part 3 of the Act or regulations made under that Part.

(e) The specified authority has invited the Standards Board to exercise the power under section 57D(1) of the Act.

(f) The standards committee of the specified authority has invited the Standards Board to exercise the power under section 57D(1) of the Act.

(3) Where any authorities have established a joint standards committee, the Standards Board may exercise the power under section 57D(1) of the Act to give a direction in respect of that joint standards committee, and this Part shall apply in respect of such joint standards committees with all necessary modifications.

(4) Before exercising the power to give a direction, the Standards Board must comply with any applicable requirements of regulation 5.

Revocation of direction

4.—(1) Where the Standards Board has given a direction under section 57D(1) of the Act, it may revoke that direction if, on reviewing the relevant circumstances, it is satisfied that those circumstances no longer apply.

(**a**) Section 82A was inserted by section 113(2) of the Local Government Act 2003 (c. 26). Subsection (1) was amended by section 194(9) of the Local Government and Public Involvement in Health Act 2007 (c. 28).

(2) In this regulation "relevant circumstances" means such circumstances, as prescribed by regulation 3(2), as the Standards Board considered gave reason for the exercise of the power to give the direction in question.

Notice of intention to serve direction

5.—(1) Where the Standards Board intends to give a direction under section 57D(1) of the Act, it must give notice of that intention, in accordance with the provisions of this regulation, to the authority which it considers should be specified in the direction.

(2) The notice shall be given in writing and shall—

(a) state the intention of the Standards Board to give a direction under section 57D(1) of the Act;

(b) give the reasons why the Standards Board intends to give such a direction; and

(c) set a date no later than 6 months from the date on which the notice is served, before which a direction may be given.

(3) The Standards Board shall send a copy of the notice served under paragraph (2) to the chair of the standards committee and to the monitoring officer of the authority.

(4) The notice served under paragraph (2) shall give the authority no less than 28 days in which to submit observations to the Standards Board.

(5) The Standards Board shall take account of any observations received and any other relevant evidence before deciding whether to proceed to give a direction.

(6) If no direction is given before the date specified in a notice served under paragraph (2), the Standards Board must serve a fresh notice under that paragraph before it may give a direction.

(7) This regulation does not apply—

(a) where a direction is given pursuant to an invitation under regulation 3(2)(e) or (f) to the Standards Board to suspend any functions of a standards committee; or

(b) to a further direction given under regulation 7.

Service and contents of direction

6.—(1) Where the Standards Board decides to give a direction under section 57D(1) of the Act, it shall serve the direction on the specified authority in writing.

(2) The Standards Board shall send a copy of the direction to the chair of the standards committee and to the monitoring officer of the specified authority concerned, and to the chair of the standards committee of any other authority which is referred to in the direction.

(3) The direction shall specify—

(a) the date from which it is to take effect;

(b) the reasons why it has been given; and

(c) the identity of the body which will deal with the initial assessment of any written allegations received by the standards committee.

(4) The direction shall require the specified authority to arrange for details of the direction to be published—

(a) in at least one newspaper circulating in that authority's area;

(b) if considered appropriate by the Standards Board, on that authority's web page; and

(c) if considered appropriate by the Standards Board, in any other publication.

Amendment to direction

7.—(1) Where—

(a) the Standards Board has served a direction under section 57D(1) of the Act on a specified authority in accordance with regulation 6(1), and

(b) that direction has not been revoked,

the Standards Board may serve a further direction on the authority in writing specifying a different body to deal with the initial assessment of any written allegations received by the standards committee.

(2) The Standards Board shall send a copy of any direction served under paragraph (1) to the chair of the standards committee and to the monitoring officer of the specified authority concerned, and to the chair of the standards committee of any other authority which is referred to in the direction.

(3) A direction under paragraph (1) shall specify the date from which allegations made to the standards committee of the authority must be sent to the different body.

Service and contents of notice of revocation

8.—(1) Where the Standards Board decides, under regulation 4, to revoke a direction under section 57D(1) of the Act, it shall serve notice of its decision in writing on the specified authority.

(2) The Standards Board shall send a copy of the notice to the chair of the standards committee and to the monitoring officer of the specified authority, and to the chair of the standards committee of any other authority which is referred to in the direction.

(3) The notice shall specify the date from which the revocation of the direction is to take effect and shall require the specified authority to arrange for details of the revocation of the direction to be published—

(a) in at least one newspaper circulating in that authority's area;

(b) if considered appropriate by the Standards Board, on that authority's web page;

(c) if considered appropriate by the Standards Board, in any other publication.

Assessment of allegations by Standards Board

9.—(1) This regulation applies where a direction under section 57D(1) of the Act is in force and specifies the Standards Board as the body to whom relevant allegations and relevant requests should be referred.

(2) Section 57A(4), and section 57C(2) and (3) of the Act(**a**) shall apply as if, for references in those subsections to "the standards committee", there were substituted references to "the Standards Board".

(3) Section 58 of the Act (allegations referred to Standards Board)(**b**) shall apply to an allegation referred by a standards committee to the Standards Board under section 57D(1)(b) of the Act, as it applies to an allegation referred under section 57A(2)(b) of the Act, but with the modifications set out in paragraph (4) of this regulation.

(4) The modifications to section 58 of the Act mentioned in paragraph (3) are that—

(a) subsection (1) shall apply as if for paragraph (c) of that subsection, there were substituted "refer the allegation to the monitoring officer of the authority (or, if appropriate, of another authority), to be dealt with as if it had been referred by a standards committee under section 57A(2)(a)"; and

(b) subsections (3) and (4) are omitted.

(5) Regulations 11, 13, 14 and 16 of the Standards Committee (England) Regulations 2008(**c**) shall apply in respect of matters referred to monitoring officers under section 58(1)(c) of the Act

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(**a**) Sections 57A and 57C were inserted by section 185 of the Local Government and Public Involvement in Health Act 2007 (c. 28).

(**b**) Section 58 was substituted by section 185 of the Local Government and Public Involvement in Health Act 2007.

(**c**) SI 2008 No. 1085.

as modified by paragraph (4) of this regulation, as they apply to matters referred under section 57A(2) or (3) of the Act, with the modifications set out in paragraph (6) of this regulation.

(6) The modifications mentioned in paragraph (5) are that—

(a) Regulation 11 (modification of duty to give written summary) shall apply as if—

(i) references in that regulation to "the standards committee" were references to "the Standards Board"; and

(ii) the references to section 57C(2) of the Act were references to that section as applied by paragraph (2) of this regulation.

(b) Regulation 13 (referral of matters to monitoring officer for steps other than investigation) shall apply as if—

(i) the reference in paragraph (1)(a) to "a standards committee" and the references in paragraphs (3)(c), (5) and the first reference in paragraph (6) to "the standards committee", were each a reference to "the Standards Board";

(ii) the reference in paragraph (1)(a) to "section 57A(2)(a) or 57A(3) of the Act" were a reference to section 58(1)(c) of the Act as modified by paragraph (4)(a) of this regulation;

(iii) paragraph (2) were omitted; and

(iv) for paragraph (4)(c)(i) there were substituted "where the matter was referred to the monitoring officer under section 58(1)(c) of the Act, to the Standards Board with a copy also being sent to the standards committee".

(c) Regulation 14 (referral of matters to monitoring officer for investigation) shall apply as if—

(i) the references in paragraph (1) to section 57A(2)(a) and 57A(3) were a reference to section 58(1)(c) as modified by paragraph (4)(a) of this regulation;

(ii) the first reference to "the standards committee" in paragraph (2) were a reference to "the Standards Board"; and

(iii) at the end of paragraph (8)(c) there were added "and to the Standards Board".

(d) Regulation 16 (references back from monitoring officer) shall apply as if—

(i) after the reference in paragraph (1) to section 57A(2)(a), there were inserted "or section 58(1)(c)";

(ii) for the words "refer that matter back to the standards committee concerned" in paragraph (1) there were substituted "refer the matter to, or back to, the Standards Board";

(iii) in the full-out after paragraph (1)(a)(ii), after "section 57A(2) of the Act" there were inserted "or the Standards Board when it made its decision under section 58(1)(c) of the Act";

(iv) in paragraph (1)(a)(iii) after the words "standards committee" there were inserted "or Standards Board, as the case may be,";

(v) for paragraph (2) there were substituted "If a matter is referred to, or back to, the Standards Board under this regulation, the Standards Board shall make a decision as if the allegation had been made to the standards committee under section 57A(1) of the Act"; and

(vi) for paragraph (4) there were substituted "Where the Standards Board considers a matter referred to it, or back to it, under this regulation, it may direct that the matter should not be referred to it a further time.".

Assessment of allegations by standards committee of another authority

10.—(1) This regulation applies where a direction under section 57D(1) of the Act is in force and specifies the standards committee of another authority in England as the body to whom relevant allegations and relevant requests should be referred.

(2) For the purposes of this regulation and the modifications which it makes—

(a) the standards committee of the authority given the direction is called "the suspended standards committee"; and

(b) the standards committee of the other authority specified as mentioned in paragraph (1) is called "the specified body".

(3) Section 57A(2) to (4) of the Act shall apply as if—

(a) references in those subsections to a "standards committee" were to the "specified body";

(b) in section 57A(2), for the words "under subsection (1)" there were substituted "by virtue of a direction under section 57D(1)"; and

(c) at the end of section 57A(2)(a) there were added "or to the monitoring officer of the specified body".

(4) Section 57C(2) to (4) of the Act shall apply as if references in those subsections to "the standards committee" were to "the specified body".

(5) Regulations 11, 13, 14 and 16 of the Standards Committee (England) Regulations 2008 shall apply in respect of matters referred to monitoring officers under section 57A(2)(a) or (3) of the Act as modified by paragraph (3) of this regulation, with the modifications set out in paragraph (6) of this regulation.

(6) The modifications mentioned in paragraph (5) are that—

(a) Regulation 11 shall apply as if the references to section 57C(2) of the Act were to that section as modified by paragraph (4) of this regulation, and as if for the words "standards committee" in that regulation there were substituted the words "the specified body".

(b) Regulation 13 shall apply as if—

(i) for the words "standards committee" in each place where they occur in paragraphs (1)(a), (2), 3(c) and (5) and in the first place in which they occur in paragraph (6), there were substituted the words "specified body";

(ii) the reference in paragraph (1)(a) to "section 57A(2)(a) or 57A(3) of the Act" were to those provisions as modified by paragraph (3) of this regulation; and

(iii) for paragraph (4)(c)(i) there were substituted "where the matter was referred to the monitoring officer under section 57(A) to the specified body, with a copy also being sent to the standards committee.".

(c) Regulation 14 shall apply as if—

(i) the references in paragraph (1) to section 57A(2)(a) and 57A(3) of the Act were a reference to those provisions as modified by paragraph (3) of this regulation;

(ii) in paragraph (2), for the words "standards committee" in the first place in which they occur, there were substituted the words "specified body";

(iii) at the end of subparagraph (8)(c) there were added "and to the specified body"; and

(iv) for paragraph (8)(d)(i) there were substituted "either the suspended standards committee or the specified body".

(d) Regulation 16 shall apply as if—

(i) the reference in paragraph (1) to section 57A(2)(a) of the Act, were to that provision as modified by paragraph (3) of this regulation;

(ii) for the words "refer that matter back to the standards committee concerned" in paragraph (1) there were substituted "refer the matter to, or back to the specified body";

(iii) in the full-out after paragraph (1)(a)(ii), and in paragraph (1)(a)(iii), after the words "standards committee" there were inserted "or the specified body"; and

(iv) for the words "standards committee" in each place in which they occur in paragraphs (2) and (4) there were substituted the words "specified body".

Reviews of decisions not to act

11.—(1) This regulation applies where a direction under section 57D(1) of the Act is in force and a person makes a request under section 57B(2) of the Act(**a**) for the review of a decision as provided for by that subsection.

(2) Subject to paragraph (3), the body specified in the direction shall review the decision as if it were an allegation made under section 57A of the Act, as modified by regulation 9 or 10 (as the case may be).

(3) No individual who took part in the making of the decision shall take part in the review of that decision.

(4) If by virtue of paragraph (2) a decision is made that no action should be taken in respect of an allegation, section 57B of the Act does not apply in relation to that decision.

Consultation with ombudsmen

12.—(1) If a standards committee of an authority in relation to which a direction under section 57D(1) of the Act is in force, is consulted by a Local Commissioner under section 67(2) of the Act (consultation with ombudsmen)(**b**) or by the Public Services Ombudsman for Wales under section 67(2A) of the Act(**c**), that committee shall—

(a) inform the Local Commissioner or Public Services Ombudsman for Wales, as the case may be, that it has been given a direction under section 57D(1) of the Act; and

(b) provide contact details of the body specified in the direction.

(2) A Local Commissioner and the Public Services Ombudsman for Wales may consult the body specified in paragraph (1)(b) about the investigation.

Service of documents

13. Any notice or direction under this Part served by the Standards Board shall be deemed to have been effectively served 2 days after it has been sent unless the contrary is proved.

PART 3

JOINT STANDARDS COMMITTEES

Establishment and functions etc. of joint standards committees

14.—(1) Two or more authorities may establish a joint standards committee to exercise such functions falling within paragraph (2) as may be determined by those authorities.

(2) A joint standards committee may exercise any function conferred by or under Part 3 of the Act or Part 1 of the 1989 Act and subject to paragraph (5), enactments conferring such functions shall be construed accordingly in relation to such a committee and as though any reference to a standards committee were to a joint standards committee.

(3) Any function exercisable by a joint standards committee shall be exercisable only by that committee and not by a standards committee of any of the individual authorities which established that joint committee.

(4) Where a joint standards committee has responsibility for the exercise of all the functions of a standards committee under the enactments mentioned in paragraph (2), that joint standards committee is to be treated as the committee required to be established by section 53(1) of the Act

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(**a**) Section 57B was inserted by section 185 of the Local Government and Public Involvement in Health Act 2007 (c.28).
(**b**) Section 67 was amended by section 196 of the Local Government and Public Involvement in Health Act 2007.
(**c**) Subsection (2A) was inserted into section 67 by the Public Services Ombudsman (Wales) Act 2005 (c. 10) section 35, Schedule 4, paragraph 8.

(standards committees)(**a**) in relation to each authority which established that joint standards committee.

(5) In their application in relation to a joint standards committee, the enactments mentioned in sub-paragraphs (a) to (f) shall have effect in accordance with those sub-paragraphs—

(a) nothing in Part 3 of the Act or in any regulations made under that Part, shall require a joint standards committee to give any notification or document relating to an allegation of misconduct to any parish council except where that joint standards committee is considering a matter relating to a member of that parish council;

(b) nothing in any regulations made under Part 3 of the Act shall authorise the inclusion, in the membership of the joint standards committee, of a member of the executive of more than one of the authorities which has established the joint standards committee;

(c) section 53(4)(a) of the Act shall be treated as requiring at least one member from each authority establishing the joint standards committee to be a member of the joint standards committee;

(d) regulation 5(1) of the Standards Committee (England) Regulations 2008(**b**) shall be treated as authorising the authorities establishing the joint standards committee to appoint independent members separately or jointly in accordance with the terms of reference agreed under regulation 15 of these Regulations, and—

(i) if such appointments are made separately, the requirements of regulation 5(1) apply in respect of each authority;

(ii) if such appointments are made jointly, the requirements of regulation 5(1) apply in respect of the authorities jointly;

(e) regulation 7(3) of the Standards Committee (England) Regulations 2008 shall be treated as requiring at least one member of any of the authorities establishing the joint standards committee to be present where a joint standards committee discharges any function specified in an enactment mentioned in that provision; and

(f) regulation 7(4) of the Standards Committee (England) Regulations 2008 shall be treated as requiring at least one member of a parish council for which any of the authorities establishing the joint standards committee is responsible, to be present where a joint standards committee discharges any function specified in an enactment mentioned in that provision.

Terms of reference of joint standards committees

15.—(1) All of the authorities which together establish a joint standards committee must agree the terms of reference of the joint standards committee and must send a statement which sets out those terms of reference and any revision of those terms of reference, to the Standards Board.

(2) The terms of reference specified in paragraph (1) must—

(a) identify the functions which are to be discharged by the joint standards committee;

(b) make provision for the administrative arrangements of the joint standards committee;

(c) specify, for each authority that is involved in the establishment of the joint standards committee, which committee is the standards committee to which written allegations under section 57A(1) of the Act may be sent;

(d) specify the number of members to be appointed to the joint standards committee by the authorities establishing that committee and make provision for the terms of office of those members;

(e) make provision for the appointment of members, by the joint standards committee, to sub-committees of that committee;

(**a**) There has been an amendment to section 53 which is not relevant to these regulations.
(**b**) SI 2008 No. 1085.

(f) specify what provision is made for the payment of allowances to members of the joint standards committee;

(g) make provision for the procedure for an authority to withdraw from the joint standards committee upon service of notice.

(3) The expenses incurred by a joint standards committee shall be defrayed by the authorities establishing that committee in such proportions as they may agree or in case of disagreement by a single arbitrator agreed on by the appointing authorities.

PART 4

DISPENSATIONS

Interpretation

16. In this Part—

"dispensation" means such a dispensation as is mentioned in section 81(4) of the Act (disclosure and registration of members interests etc);

"mandatory provisions" means the mandatory provisions of a model code of conduct which for the time being applies to an authority;

"meeting" includes any meeting of an authority, of the executive of the authority, of any committee or sub-committee of the authority or its executive, of any joint committee or sub-committee of a joint committee, or of any area committee;

"member" means a member or co-opted member of an authority or a councillor appointed under section 16A of the Local Government Act 1972 (appointed councillors)(**a**).

Circumstances in which dispensations may be granted

17.—(1) The standards committee of an authority may, subject to paragraph (2) below, grant a dispensation to a member in the following circumstances—

(a) where the transaction of business of the authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because—

(i) the number of members of the authority prohibited from voting on the business of the authority at a meeting exceeds 50% of those members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or

(ii) the number of members prohibited from voting on the business of the authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting;

(b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and

(c) the standards committee concludes that having regard to the matters mentioned in sub-paragraph (a) above, the written request made pursuant to sub-paragraph (b) above, and to any other relevant circumstances of the case, it is appropriate to grant the dispensation.

(2) Nothing in paragraph (1) above shall permit a dispensation to be granted—

(**a**) 1972 c. 70. Section 16A was inserted by section 76(4) of the Local Government and Public Involvement in Health Act 2007 (c. 28).

(a) in respect of participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or

(b) where the effect of the mandatory provisions from which a dispensation is sought is that—

  (i) a member is prohibited from voting on a matter at a meeting of an overview and scrutiny committee of an authority relating to a decision made by any body of which that person was a member at the time the decision was taken; or

  (ii) a member of the authority's executive is prohibited from exercising functions which are the responsibility of the executive of the authority and which would otherwise be discharged by that member solely.

Records of dispensations

18. The standards committee of an authority must ensure that—

(a) the existence, duration and nature of any dispensation is recorded in writing; and

(b) such record is kept with the register of interests established and maintained under section 81(1) of the Act.

Revocation

19. The Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002(**a**) are revoked.

Signed by authority of the Secretary of State for Communities and Local Government

John Healey
Minister of State
Department for Communities and Local Government

18th May 2009

(**a**) SI 2002 No. 339.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 53 of the Local Government Act 2000 ("the Act") requires relevant authorities in England and Wales (defined in section 49(6) of the Act) to establish standards committees to exercise functions conferred under Part 3 of the Act and Part 1 of the Local Government and Housing Act 1989 ("the 1989 Act").

Section 57A of the Act enables people to make written allegations to the standards committee of a relevant authority in England that a member or co-opted member (or former member or former co-opted member) of the authority has failed to comply with the authority's code of conduct. Section 57B of the Act makes provision for reviews of decisions by standards committees to take no action in respect of an allegation. Section 57C makes provision for information to be given to the subject of an allegation by the standards committee. The Standards Committee (England) Regulations 2008 (SI 2008/1085) make provision for dealing with such allegations.

Section 81 of the Act requires the mandatory provisions of a model code of conduct applicable to relevant authorities to prevent or restrict the participation of a member or co-opted member of a relevant authority in any business in which that person has an interest which that person is required to register in the authority's register of members' interests. Subsection (5) of that section enables the making of regulations to prescribe circumstances in which standards committees may grant dispensations to permit a member or co-opted member to participate in business notwithstanding the existence of an interest.

These Regulations make further provision in respect of standards committees. Part 2 provides for the Standards Board for England ("the Standards Board") to give a direction to a standards committee to suspend its functions under sections 57A(2) to (4), 57B(4) and 57C(2) to (4) ("the initial assessment functions") and to provide for those functions to be exercised either by the Standards Board or by the standards committee of another authority. Part 3 makes provision enabling relevant authorities to establish joint standards committees with other relevant authorities to discharge any or all of their functions under Part 3 of the Act or Part 1 of the 1989 Act. Part 4 revokes the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002 (SI 2002/339) and replaces them with new provisions.

Regulations 1 and 2 contain citation, commencement, application and interpretation provisions.

Regulation 3 prescribes the circumstances in which the Standards Board may exercise the power in section 57D(1) of the Act to give a direction which has the effect of suspending the initial assessment functions of standards committees. The circumstances are:—

- the standards committee has failed to have regard to guidance issued by the Standards Board;
- the standards committee has failed to comply with a direction issued by the Standards Board;
- the standards committee or monitoring officer has failed to carry out functions in relation to the conduct of members within a reasonable time or in a reasonable manner; or
- the authority or standards committee has invited the Standards Board to give a direction.

Regulation 4 prescribes the circumstances in which the Standards Board may revoke a direction.

Regulations 5 to 8 make provision as to the process for the giving of a direction to a standards committee and for the amendment to, or revocation of, a direction. They also impose an obligation on the Standards Board to give standards committees the opportunity to make representations and to take account of those representations before giving a direction.

Regulations 9 to 11 apply provisions in Part 3 of the Act and in the Standards Committee (England) Regulations 2008 with some modifications, in situations when a direction under section 57D(1) is in force. Regulation 9 applies when the direction specifies the Standards Board as the body which performs the initial assessment functions of the standards committee which has

received the direction. Regulation 10 applies where the direction specifies the standards committee of another relevant authority as the body which performs those initial assessment functions. Regulation 11 applies to reviews of decisions by standards committees, or the Standards Board to take no action in respect of an allegation, when a direction is in force.

Regulation 12 requires standards committees which have been given a direction suspending their initial assessment functions, to respond to consultation by a Local Commissioner or the Public Services Ombudsman for Wales by providing details of the body which has taken over the initial assessment of allegation functions.

Regulation 13 makes provision as to service of documents.

Regulations 14 and 15 enable two or more relevant authorities to establish joint standards committees to perform any functions under Part 3 of the Act or regulations made under the Act or the function of the grant and supervision of exemptions from political restrictions imposed by Part 1 of the 1989 Act. They permit relevant authorities to decide which functions they wish to be exercised by a joint standards committee and require terms of reference to be agreed and sent to the Standards Board specifying which functions are to be exercised by the joint standards committee. They also provide that other enactments applicable to standards committees apply, with necessary modifications, to functions performed by joint standards committees and specify how certain modifications are to apply.

Regulations 16 and 17 prescribe the circumstances in which standards committees may grant dispensations to members or co-opted members who would otherwise be prohibited from engaging in the business of a relevant authority. If a member or co-opted member acts in accordance with the grant of a dispensation, any participation in business prohibited by the mandatory provisions of a model code of conduct issued under section 50(1) of the Act is not a failure to comply with the authority's code of conduct.

The circumstances in which a standards committee may grant a dispensation are:—

— where, but for the grant of any other dispensation in relation to that business, more than 50% of the members who would otherwise be entitled to vote at a meeting are prohibited from voting; or

— where, but for the grant of any other dispensation in relation to that business, the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting.

Regulation 17(2) provides that a dispensation can only be granted in respect of business conducted during the period of 4 years after the date on which the dispensation is granted. It also specifies that the circumstances in which dispensations can be granted do not extend to allowing a member of an overview and scrutiny committee to participate in the scrutiny of a decision in which that member was involved, or to allow an individual member of the executive of an authority to exercise executive functions solely.

Regulation 18 requires standards committees to keep records of dispensations granted under regulation 17. Regulation 19 revokes the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2000.

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