

AGENDA ITEM NO.

ISLE OF ANGLESEY COUNTY COUNCIL	
REPORT TO	COUNTY COUNCIL
DATE	12 th MAY 2011
SUBJECT	REPRESENTATION OF COMMUNITY / TOWN COUNCILS ON THE STANDARDS COMMITTEE
PORTFOLIO HOLDER(S)	MICK GIANNASI
LEAD OFFICER(S)	LYNN BALL, MONITORING OFFICER
CONTACT OFFICER	MEIRION JONES, SOLICITOR TO THE MONITORING OFFICER (EXT: 2563)

Introduction

1. As the term of office of most of the current Members of the Standards Committee comes to an end on the 17th December 2011 it is necessary to start the process of selecting members for the next Standards Committee. The new terms will commence on the 18th December 2011 and last for four years. A separate report is presented to Council regarding the recruitment process for the new Standards Committee. However, there is one matter which first involves changing the Council's Constitution. This needs to be considered by the Council and then the Welsh Ministers. The relevant issue involves the representation of Community / Town Councils on the Standards Committee.

The Current Position

2. Standards Committee membership is set out in Article 9 of the Constitution (2.9.2.1) and comprises of:-

3 County Councillors
5 independent members
1 community council member
3. The term of office is at 2.9.2.2 in the Constitution. The current community council member is appointed until the 17th December 2011 or when he ceases to be a community council member within the area of the Isle of Anglesey County Council, whichever is shorter.
4. The law prohibits a community council member from taking part in the proceedings of the Standards Committee when any matter relating to their community council is being considered.

5. There is a legal requirement that “the membership of a standards committee of a local authority which is to discharge functions in relation to –
- (a) community councils which are situated in that local authority’s area, and
 - (b) the members of those community councils,
- shall include at least one community committee member”.

The Proposal

6. That the number of Town / Community Council representatives on the Standards Committee be increased to two.
7. This proposal is made to avoid the potential conflict between paragraphs 4 and 5 above i.e. without the proposed amendment, if a complaint were received against a member of the same Town / Community Council as that of the representative on the Standards Committee then the Committee would be unable to hear the complaint.

Consultation

8. The Recovery Steering Group, the Standards Committee and the Board of Commissioners resolved to approve the proposal:-
- 8.1 The Recovery Steering Group on the 17/02/2011 resolved “to endorse the suggestion put forward by the Director of Legal Services / Monitoring Officer and to recommend to the Executive and to the County Council the number of Town / Community Council representatives on the Standards Committee be increased from 1 member to 2”.
- 8.2 The Standards Committee resolved “to change the membership of the Town and Community Council representation on the Standards Committee from 1 member to 2”.
- 8.3 The Board of Commissioners resolved “to recommend to the Council and to the Welsh Ministers that they amend the Council’s Constitution by increasing the number of Town/Community Council representatives on the Standards Committee to two, and to authorise officers to make any consequential amendments to the Constitution”.
- 9.1 The legislation states that “a Standards Committee shall consist of not less than five and no more than nine members”. The membership details of the current Standards Committee appear in paragraph 2 above and the present total is nine. Consequently in order to have two Town / Community Councillors it would be necessary to reduce the number of either County Councillors or independent members of the Standards Committee.
- 9.2 The composition of a Standards Committee must be either –
- i. Where the total number of members of the Standards Committee is an even number at least half shall be independent members, or
 - ii. Where the total number of members of the Standards Committee is an odd number the majority of that number shall be independent members.

- 9.3 The quorum requirements are:-
- i. At least three members to be present, including the chairperson; and
 - ii. At least half of the members present (including the chairperson) are independent members.
- 9.4 It is therefore proposed that the membership of the Standards Committee is changed so that it is, either:-
- 9.4a 2 County Councillors, 5 independent members and 2 Community / Town Councillors, or
 - 9.4b 2 County Councillors, 4 independent members and 2 Community / Town Councillors

Recommendation

The Council is requested to recommend to the Welsh Ministers that the membership of the Standards Committee, with effect from the 18/12/11, shall be EITHER:-

1. 2 County Councillors, 5 independent members and 2 Community / Town Councillors, OR
2. 2 County Councillors, 4 independent members and 2 Community / Town Councillors