

CITY AND COUNTY OF CARDIFF DINAS A SIR CAERDYDD

STANDARDS AND ETHICS COMMITTEE:

23 MARCH 2010

REPORT OF THE MONITORING OFFICER AGENDA ITEM: 4

INDEPENDENT MEMBER APPOINTMENTS

Reason for this Report

1. To inform the Committee that the terms of office of 4 of the 5 current independent members are due to expire on 27th July 2010; and to recommend reappointments as appropriate.

Background

2. The Council's Constitution (Article 9.2(a)(i)) provides that the Standards & Ethics Committee's membership shall include 5 independent members, who are not either a councillor or an employee or the spouse of a councillor or an employee of the authority or any other relevant authority (as defined by the Local Government Act 2000), appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001.

Issues

3. The terms of office of 4 out of the 5 current independent members of the Committee are due to expire on 27 July 2010. (The sole current independent member whose term of office continues is the Chair, Akmal Hanuk, who has been reappointed until 1st November 2013 following the expiry of his first term of office on 1st November 2009.)
4. The Standards Committees (Wales) Regulations 2001 (as amended) ("the Regulations") provide that an independent member of a standards committee may be reappointed by the authority for one further consecutive term of up to 4 years. If however, any vacancy arises on the standards committee for an independent member, the Council is obliged to carry out a publicly advertised appointment process to fill the vacancy. The obligation to carry out a publicly advertised appointment process does not apply to reappointments made in accordance with the Regulations.

5. Council approval is required for any reappointment or new appointment of independent members to the Committee.
6. The 4 independent members concerned, Anne Morgan, Paul Stockton, Deirdre Jones and Maureen Hedley-Clarke, have indicated that they are willing to stand for reappointment; and the Committee is invited to recommend to Council the approval of such reappointments with effect from 27th July 2010.
7. In the interests of retaining continuity of experience on the Committee, it is suggested that the Committee may wish to consider staggered terms of office so that the terms of office of all independent members do not expire simultaneously. The maximum term of office for reappointments is 4 years (as noted in paragraph 4 above), ie. the term for all reappointments must expire on or before 27th July 2014. The term of office of the Chair (the continuing independent member) will expire on 1st November 2013 (as noted in paragraph 3 above).
8. The Committee may wish to note that the terms of office of the elected members on this Committee (including the community council representative) will expire in May 2012 or on the date of the next local government elections if sooner; and the elected members are similarly eligible for reappointment for one further consecutive term (provided this is their first term of office).
9. One possible way of staggering the terms of office of the independent members (as suggested in paragraph 7 above) would be for the Committee to reappoint 2 independent members for 3 year terms (expiring on 27th July 2013); and the other 2 members for 4 year terms (expiring on 27th July 2014). The effect of this would be as follows:

July 2013	November 2013	July 2014
2 independent members stand down	1 independent member (the Chair) stands down	2 independent members stand down

The Committee could then commence a publicly advertised appointment process for new independent members (in accordance with the Regulations) at the beginning of 2013, such new appointments to take effect upon the expiry of the reappointments (on the dates suggested above, or as otherwise agreed – see paragraph 10 below). If thought appropriate, new appointees may also be invited to attend Committee meetings as observers prior to taking up their posts.

10. Alternatively, the Committee may wish to consider other possible ways of staggering the terms of office of the independent members (for example reappointing for any combination of 4 years / 3 years / 2 years / 1 year or any part year), subject always to the maximum term being 4 years.

11. In considering suitable terms of office for each reappointment, the Committee will no doubt wish to take account of the wishes expressed by the independent members concerned and allocate terms of office to reflect those wishes so far as possible. If necessary, however, the Committee may think it appropriate to use a method of random selection (eg. drawing lots) to determine the reappointed members' respective terms of office.

ADVICE

This report has been prepared by the Monitoring and City and County Solicitor. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the advice contained in this section.

Legal Implications

The relevant legal provisions and the implications of these are contained within the body of this report.

Financial Implications

There are none arising directly from the recommendations of this report.

RECOMMENDATION

That the Committee:

- (1) recommends to Council the reappointment of the independent members Anne Morgan, Paul Stockton, Deirdre Jones and Maureen Hedley-Clarke with effect from 27th July 2010 for the terms of office determined under recommendation (2) below; and
- (2) determines the appropriate length of the term of office for each such reappointment, having regard to paragraphs 7 to 11 of this report, and subject to a maximum term of 4 years in each case.

Kate Berry
Monitoring Officer and City and County Solicitor
12 March 2010

Background papers

Various reports to the Standards & Ethics Committee and to Council (and minutes thereof) on the Appointment of Independent Members 2005-2009