

STANDARDS & ETHICS COMMITTEE: 4 SEPTEMBER 2017

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

**COMMITTEE VACANCIES – COMMUNITY COUNCIL MEMBER & ONE
INDEPENDENT MEMBER**

Reason for this Report

1. To inform the Committee about 2 vacancies on the Committee and seek approval of the arrangements to fill those vacancies.

Background

2. The Constitution provides that the Standards & Ethics Committee shall have five independent members, three county councillors and one community councillor – Constitution Article 9.2(a).
3. The term of office of Community Councillor John Hughes expired following the May 2017 local government elections, and cannot be further extended.
4. One currently serving Independent Member, Hollie Edwards-Davies, has indicated her intention to resign from the Committee due to personal and work commitments.

Issues

5. The Council needs to recruit and make appointments to fill the 2 vacancies on the Committee. The appointment of members of the Standards and Ethics Committee is governed by the Standards Committees (Wales) Regulations 2001 (as amended) (“the Regulations”) and the Council’s Constitution.

Community Council Member

6. Under the Regulations and the Council’s Constitution, the Standards and Ethics Committee must have one community council member, who can be appointed for up to 2 consecutive terms. Community Councillor John Hughes served for the maximum permissible time on the Committee, from his appointment in 2008 until the local government elections in May 2017.

His term of office cannot be further extended. The Council therefore needs to make a new appointment.

7. Members should note that a Cardiff County Councillor who is also a Community Councillor in Cardiff may not be appointed as the Standards and Ethics Committee's community council member (under Regulation 11).
8. Before appointing a Community Council member to the Standards and Ethics Committee, the Regulations require the Council to consult with the community councils situated within its area and any community council association operating within the area (Regulation 10).
9. Accordingly, the Monitoring Officer has written to the Clerks of the six Cardiff community councils to inform them of the vacancy and inviting nominations to be received by no later than 29th September 2017. All nominees have been asked to complete an expression of interest to provide information about their experience and skills. One Voice Wales has also been consulted on the appointment, and has responded to confirm that it will do all it can to encourage Cardiff's community councils to nominate suitable applicants from among their membership.
10. If more than one nomination is received, the Council will need to adopt a selection process; and the Monitoring Officer's recommendations in this respect are as follows:
 - (i) the Committee should appoint a sub-committee (an Appointments Panel) with delegated authority to shortlist and interview candidates and make a recommendation on appointment;
 - (ii) the Appointments Panel should comprise 3 Committee members, 2 independent members to include the Chair and or Vice-Chair, and one elected member. In order to avoid a conflict of interests, the elected Member representative on the Panel should not be a serving Community Councillor;
 - (iii) the Panel should assess candidates' suitability having regard to their experience and skills; and be supported by advice from the Monitoring Officer and the Council's Human Resources department, as necessary;
 - (iv) shortlisting should be scheduled to take place during the weeks commencing 2nd or 9th October, and interviews during the weeks commencing 16th or 23rd October; and
 - (v) the Panel's recommendation on appointment could then be submitted to full Council for approval in November (Council meeting scheduled for 30/11/17).
11. The timescale set out in the paragraph above would allow the Community Councillor recommended for appointment to the Committee to discharge the role of the Community Councillor representative required for the Independent Member Appointments Panel (as set out in paragraph 14(iii) below); and for both appointments to be submitted to full Council for approval in November 2017. It is recommended that the appointment of both the Community Council member and the Independent Member should be made at the same time in order to avoid potential problems with quorum

(if the elected Members outnumber the Independent Members the Committee becomes inquorate).

12. The Community Council member's term of office, as set by the Regulations, will run until the next ordinary local government elections; and may be extended for one consecutive term only.

Independent Member

13. The Constitution requires the Standards and Ethics Committee to have five Independent Members. The Council therefore needs to make a new appointment to fill the vacancy arising from the resignation of Hollie Edwards-Davies.
14. The Regulations require a public recruitment process to be followed for an Independent Member vacancy, specifically, the Council must:
 - (i) advertise the vacancy in at least 2 newspapers circulating in its area, and may additionally advertise the vacancy in its own newspaper;
 - (ii) set selection criteria and publish those criteria in the advertisement of the vacancy;
 - (iii) establish an Appointments Panel, comprised of up to five panel members, and including one lay panel member (the lay panel member must be a person who is not, and has not been, a member, co-opted member or officer of a county or community council; and is not the spouse or civil partner of a member or officer of a county or community council) and one Cardiff community councillor; and
 - (iv) arrange for the Appointments Panel to assess all applications against the published criteria and make a recommendation on the appointment to Council for approval.
15. The Regulations provide that an Independent Member's term of office must be set at between four and six years. Having regard to the costs involved in carrying out the required public recruitment exercise, it is recommended that the full 6 year term should be agreed.
16. A draft advertisement for the vacancy and person specification, based on the documentation used previously (for the recruitment of Independent Members in 2014) are attached as **Appendices A and B** respectively. Members are invited to approve these documents, subject to any amendments; and to instruct the Monitoring Officer to make the necessary arrangements for publication of the advertisement as required by the Regulations.
17. Members are invited to agree the establishment of an Appointments Panel for the Independent Member vacancy, to be comprised as follows:
 - (i) One lay person;
 - (ii) One Cardiff Community Councillor – it is suggested that the recommended new Community Council member of the Committee could be asked to fulfil this role (pending approval of their appointment to the Committee by full Council, as there is no

- requirement for the Community Council representative to be a member of the Committee);
- (iii) One or two Independent Members of the Committee, to include the Chair and or Vice-Chair; and
 - (iv) One elected Member of the Committee.

18. The proposed timescale is as follows:

Advertisements published	- by week commencing 11 th September
Closing date for applications	- 6 th October
Shortlisting	- week commencing 16 th or 23 rd October
Interview	- week commencing 6 th November

The timescale set out above would allow the recommendations on appointment for both the Independent Member and the Community Council member to be submitted to the November meeting of full Council (scheduled for 30/11/17). Members will note, however, that the new appointees will not be in post before the next Committee meeting, which is currently scheduled for 22nd November 2017.

Legal Implications

19. The legal implications are contained within the body of the report.

Financial Implications

20. The cost of the recruitment advert will be met from the Directorate budget.

RECOMMENDATIONS

The Committee is recommended to:

- (i) note the information set out in the report;
- (ii) provide any comments on the proposed process to fill the vacancies;
- (iii) establish two Appointments Panels: (i) for the Community Council member; and (ii) for the Independent Member vacancy, with delegated authority to shortlist and interview candidates and make recommendations on appointments to full Council;
- (iv) agree the size and composition of the Appointments Panels established under recommendation (iii) as set out in the report, and make nominations to them;
- (v) approve the advertisement and person specification for the Independent Member vacancy, as set out in **Appendices A and B**, subject to any agreed amendments;
- (vi) authorise the Monitoring Officer, in consultation with the Chair, to make all necessary arrangements to fill both vacancies as set out in the report; and

- (vii) note that the recommendations of each of the Appointments Panels with regard to the appointments to fill the two vacancies are to be submitted to full Council for approval.

Davina Fiore
Director of Governance and Legal Services and Monitoring Officer
29 August 2017

Appendices

Appendix A	Independent Member Vacancy - Advertisement
Appendix B	Independent Member Person Specification