

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

**INDEPENDENT MEMBERS AND CHAIR OF THE COMMITTEE -
UPDATE**

Reason for this Report

1. To update the Committee on the independent member positions on the Committee, specifically:
 - (i) To note the vacancies which have arisen and are due to arise shortly, and set up an Appointments Panel to select and interview candidates and recommend appointments to fill those vacancies;
 - (ii) To note the terms of office of the remaining independent members; and
 - (iii) To elect a new Chair (and Vice-Chair, if necessary) to take up the position after the expiry of the current Chair's term of office.

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. As members are aware, independent member, Lizz Roe, has resigned from the Committee due to personal circumstances.
4. The terms of office of the remaining independent members on the Committee have been reviewed and an administrative error was discovered which mistakenly recorded the end of James Downe's first term of office as November 2019 instead of November 2017 (when it in fact expired). James Downe confirmed he was willing to stand for re-appointment and Council on 18th July 2019 approved his reappointment for a second consecutive term.

Issues

5. Independent Member, Hugh Thomas, has also indicated that he wishes to resign from the Committee due to personal circumstances, but that he is willing to remain in post until a new appointment is made to take his place.

6. The terms of office of the remaining independent members on the Committee are as follows:

Richard Tebboth (Chair)	Second term of office ends on 22/09/19
James Downe (Vice-Chair)	Second term of office ends on 01/11/21
Hollie Edwards-Davies	Second term of office ends on 20/06/22

7. As the Constitution requires the Standards and Ethics Committee to have five Independent Members, the Council needs to make three new appointments to fill the vacancies arising from the resignations of Lizz Roe and Hugh Thomas; and the vacancy which will arise when the current Chair, Richard Tebboth, ends his second term of office in September 2019.
8. 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.
9. The Regulations require a public recruitment process to be followed for an Independent Member vacancy, specifically, the Council must:
- advertise the vacancies in at least 2 newspapers circulating in its area, and may additionally advertise the vacancies in its own newspaper;
 - set selection criteria and publish those criteria in the advertisement of the vacancies;
 - 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
 - arrange for the Appointments Panel to assess all applications against the published criteria and make recommendations on the appointments to Council for approval.
10. 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, the Committee may wish to recommend that the proposed appointee should be offered the full 6 year term.
11. An advertisement for the vacancies and person specification, based on the documentation used previously (for the recruitment of an Independent Member in 2017) and amended to reflect Committee members comments, are attached as **Appendices A and B** respectively. The Monitoring Officer has put in hand arrangements for the advertisement to be placed in the Western Mail on Saturday 27 July 2019 and South Wales Echo on Wednesday 30 July 2019. In addition, and in collaboration with the Communications and Media team the vacancies would be published on the Council’s Website, a media brief and social media links; and shared with Elected Members, Community Council Clerks, WLGA and partner networks including Third Sector Council

and in particular minority and disability groups to encourage applications from a more diverse group of candidates.

12. The Committee is required to set up an Appointments Panel comprised of one lay panel member and one Cardiff community councillor; and may appoint up to 3 additional Panel members. In line with previous practice, the Committee may wish to decide that the Appointments Panel should be comprised of 5 members (the statutory maximum number), as follows:
 - a) One lay person – a lay member of the Education Appeals Panel has previously undertaken this role; and it is suggested that a similar appointee may be sought;
 - b) Community Councillor Stuart Thomas for the Community Councillor position;
 - c) Two Independent Members of the Committee, to include the Chair and or Vice-Chair; and
 - d) One Elected Member of the Committee.
13. Please note that the Regulations require a minimum of two Panel members (one lay member and one Cardiff community councillor). An odd number of members is usually advisable to facilitate a majority decision, so the Committee may alternatively wish to establish an Appointments Panel comprised of three members – one lay member, one Community Councillor and one other Committee member.
14. It is proposed that shortlisting will commence as soon as there are sufficient suitable applicants for the vacancies, with the aim of selecting and recommending suitable appointees to full Council for approval in September if possible, before the next Committee meeting (currently scheduled for 2nd October 2019).

New Chair

15. The Committee also needs to elect a new Chair to take up the position after the expiry of the current Chair's term of office on 22/09/19. Nominations are invited for the position of Chair.
16. If the position of Vice-Chair may consequently become vacant, then a new Vice-Chair may also need to be elected.

Legal Implications

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

Financial Implications

18. There are no financial considerations beyond the cost of the recruitment advert, which will be met from within the Directorate budget.

RECOMMENDATIONS

The Committee is recommended to:

1. Note the information set out in the report;
2. Agree the establishment of an Appointments Panels comprised of up to 5 members, as set out in paragraphs 12 and 13 of the report, with delegated authority to shortlist and interview candidates and make recommendations on appointment to full Council;
3. Authorise the Monitoring Officer, in consultation with the Chair, to make all necessary administrative arrangements;
4. Note that the recommendations of the Appointments Panel on the appointment of 3 independent members to the Committee will be submitted to full Council for approval; and
5. Elect a new Chair to take up the position after the expiry of the current Chair's term of office on 22/09/19, and also elect a new Vice-Chair, if that position consequently becomes vacant, with effect from the same date.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

23rd July 2019

Appendices

Appendix A

Independent Member Vacancy - Advertisement

Appendix B

Independent Member Person Specification

Background papers

Standards and Ethics Committee report, 'Committee Vacancies', September 2017