

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

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**COMMITTEE MEMBERSHIP – VACANCY FOR COMMUNITY  
COUNCIL MEMBER; AND ELECTION OF CHAIR AND VICE-CHAIR**

**Appendix A to this report is Exempt from Publication, pursuant to the Local  
Government Act 1972, Schedule 12A, Part 4, paragraphs 12 and 13**

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**Reason for this Report**

1. To note the vacancy which has arisen for the Community Council member of the Committee, and agree arrangements for a selection process to fill the vacancy; and elect a Chairperson to take office after the expiry of the current Chair's term of office, and a Vice-Chairperson if that position should subsequently become vacant.

**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).

**Issues**

3. The term of office of Community Councillor Stuart Thomas ended on 5<sup>th</sup> May 2022. Community Councillor Thomas has confirmed that he does not wish to be re-appointed for a further term of office; and a vacancy has therefore arisen.
4. The composition of the Standards and Ethics Committee is governed by the Standards Committees (Wales) Regulations 2001, as amended ('the 2001 Regulations'). Under the 2001 Regulations (Regulation 10(3)), the Council is required to consult with all community councils in its area and One Voice Wales, the organisation which represents community councils in Wales, before appointing the community council member of its standards committee. The community council member must be a community councillor in Cardiff and must not also be a Cardiff county councillor.

5. The Monitoring Officer has duly written to the Clerks of the six Community Councils in Cardiff, inviting each Council to submit a nomination/s for this position. Nominees have been asked to complete an Expression of Interest providing information about themselves. It has been explained that if more than one nomination is received, the Council will need to carry out a selection process to select the best candidate for the role.
6. The appointment of the community council member of the Standards and Ethics Committee requires approval by full Council.
7. One Voice Wales has also been consulted about this matter and has confirmed that it is content that the Council has sought nominations from each of the Community Councils in Cardiff, and has no further comments in this regard.
8. A total of 3 nominations have been received. The completed Nomination Forms and Expressions of Interest for each nominee are appended as **Appendix A (Exempt from Publication)** for the Committee's information.
9. The Committee is recommended to establish an Appointments Panel, comprised of three Committee members, at least two of whom should be independent members, to shortlist and if necessary, to interview all nominees who meet the eligibility criteria for the role, and to recommend a suitable appointment to full Council.
10. It is recommended that the Committee should also take this opportunity to recommend the appointment of a substitute community council member, to sit on any Hearings Panel which may be convened to determine a complaint about a community councillor (on referral from the Ombudsman) in any case in which the community council member may have a conflict of interests (for example, if the complaint involves a community councillor from their own council).
11. The substitute community council member would need to be from a different community council to the appointed member to minimise the risk of both community councillors having a conflict of interests in the same case. The appointment of a substitute should ensure appropriate community council representation on any Hearings Panel considering a complaint about a community councillor.
12. Although the 2001 Regulations make no explicit provision for the appointment of a substitute community council member of the standards committee, caselaw indicates that the appointment of substitute committee members is generally permissible (*The Queen on the Application of Doug Carnegie (On Behalf of the Oaks Action Group) v London Borough of Ealing v Action Regeneration Group Limited*, 2014; and *The Queen (on the application of Peter Higham) v Cornwall Council v A J Venning, Clean Earth Energy Wind Investments Ltd*, 2015).
13. However, as there is currently no provision in the Constitution (Article 9, The Standards and Ethics Committee) for a substitute community council member, the Constitution will need to be amended, with the approval of full Council, to

allow for this. The recommended Constitution amendments may be reported to Council for approval, along with the recommended appointments.

14. The Regulations provide that the community council member's term of office shall end on the date of the next ordinary local government elections; but may be extended on reappointment for one further consecutive term, following consultation with the community councils and One Voice Wales.

#### Chairperson of the Committee

15. The term of office of the Chair is due to expire on 23<sup>rd</sup> June 2022; and the Committee therefore needs to elect a new Chair (and possibly, Vice-Chair, should that position become vacant) to take up the position after this date. The Chair and Vice-Chair must be elected from amongst the independent members of the Committee for a period of between four and six years or until their term of office as an independent member of the Committee comes to an end, whichever is shorter. Nominations are invited for the position of Chair; and, if the position of Vice-Chair may subsequently become vacant, nominations are also invited for the position of Vice-Chair.

#### **Legal Implications**

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

#### **Financial Implications**

17. The remuneration of Members of the Standards and Ethics Committee will be in accordance with the Members' Schedule of Remuneration, aligned to the levels prescribed annually by the Independent Remuneration Panel for Wales. Funding will be met from existing budgets.
18. In the event of any financial costs arising as a result of the appointment process, then the funding will be found from within existing Council resources.

#### **RECOMMENDATIONS**

The Committee is recommended to:

1. Note the information set out in this report and **Appendix A (Exempt)**;
2. Agree the establishment of an Appointments Panel, comprised in accordance with paragraph 9 of the report, with delegated authority to shortlist and, if necessary, to interview eligible nominees for the position of community council member of the Standards and Ethics Committee, and make recommendations on appointment;
3. Authorise the Monitoring Officer, in consultation with the Chair, to make all necessary administrative arrangements for the selection process, including convening of the Appointments Panel and scheduling of interviews;

4. Recommend the appointment of (i) a community council member; and (ii) subject to approval of the required constitution amendments, a substitute community council member to discharge the role in any case in which the community council member has a conflict of interests, as set out in paragraphs 10-11 of the report;
5. Note that the recommendations of the Appointments Panel on the appointment of the community council member and a substitute community council member, along with the recommended Constitution amendments, will be submitted to full Council for approval; and
6. Receive nominations and elect a Chairperson for a term of four years or until the member's term of office on the Committee comes to an end if this is sooner; and if the position of Vice-Chair should subsequently become vacant, to appoint a Vice-Chairperson for a similar term of four years or until the member's term of office on the Committee comes to an end.

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

8<sup>th</sup> June 2022

### Appendices

Appendix A            Community Council Member Nominations  
and Expressions of Interest – Exempt from Publication

### **Background papers**

Correspondence with Community Council Clerks seeking nominations; and consulting One Voice Wales