

Cyngor Sir CEREDIGION County Council

REPORT TO: Ethics & Standards Committee

DATE: 05 June 2023

TITLE: Succession Planning of Independent Members

PURPOSE OF REPORT: For Decision

BACKGROUND:

The Ethics and Standards Committee comprises of nine members:

- 5 X independent members and,
- 4 councillors (2 x County councillors, and 2 x Town/Community councillors).

John Weston and Carol Edwards were appointed initially on 22/2/2018 and are eligible for reappointment on 22/2/2024 for a further four years.

Carol Edwards has confirmed that she will be reappointed for a further four years. John Weston has confirmed that he will not be seeking reappointment once the initial six years comes to an end on 21/2/2024.

Consequently, it is now necessary to recruit a new independent member to the Ethics and Standards Committee to maintain the Committee's composition, as set out in the Constitution, and as required by legislation.

The procedure and criteria for appointment of independent members are set out in the Standards Committees (Wales) Regulations 2001 (SI 2001/2283). This includes:

- Where a vacancy arises for a post as an independent member of a standards committee the relevant authority concerned shall publish an advertisement in not less than two newspapers (which are not published by that relevant authority) circulating in its area.
- Publish the criteria for appointment.
- A Selection Panel must be established of not more than five panel members, including a lay panel member, and a community council member. This panel will consider every application, apply the criteria, and make recommendations to Council. Appointments shall be made having regard to the recommendations of the panel.

PROPOSAL

1. That the job description, person specification and criteria for the appointment of independent members shall be as set out in **Appendix 1**.
2. That membership of the Selection Panel shall be as follows (x5):
 - Chair of the Council (in absence Vice Chair);
 - Chair and Vice Chair of the Ethics and Standards Committee (or other independent members nominated by the Monitoring Officer as necessary);
 - Town and Community Council representative nominated by One Voice Wales;
 - Independent/Lay Panel member (Chair of the selection panel) (nominated by the Monitoring Officer);

The Independent/Lay Panel member must not be or have been a member, co-opted member or officer of the County Council, any other council or National Park Authority, or Town/Community Council. It is proposed that the same lay member who chaired the previous Selection Panel in 2011, 2013, 2017, 2021 and 2022 be nominated (subject to availability).

CURRENT SITUATION:

Members are asked to consider the criteria and associated documents and suggest amendments as necessary.

RECOMMENDATION (S): To recommend to Council to approve:

- 1) Carol Edwards term of office is extended 22/2/2024 to 21/2/2028.
- 2) the role description, person specification and criteria (as set out in **Appendix 1**), and suggest amendments as necessary;
- 3) Membership of the Selection Panel as follows:
 - Chair of the Council(in absence Vice Chair);
 - Chair and Vice Chair of the Ethics and Standards Committee (or other independent members nominated by the Monitoring Officer as necessary)
 - Town and Community Council representative nominated by One Voice Wales.
 - Independent/Lay Panel member (Chair of the selection panel) (nominated by the Monitoring Officer)

REASON FOR RECOMMENDATION (S):

The recommendations are necessary to ensure that the appropriate appointments are in place, in accordance with the Constitution.

Contact Name: Lisa Evans
Designation: Scrutiny and Standards Officer
Date of Report: 15 May 2023
Acronyms:

Member of a Standards Committee Role Description

1. Accountabilities

- To Full Council
- To the Chair of the Standards Committee

2. Role purpose and activity

Participating in meetings and making decisions

- To participate effectively in meetings of the Standards committee
- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements, internal governance, ethical standards and relationships
- To ensure the integrity of the committee's decision making and of her/his own role by adhering to the Code of Conduct and other constitutional and legal requirements
- To promote and support good governance by the Council

To contribute to the role of the Standards Committee in effectively fulfilling its functions and to support the Committee Chair by:

- Promoting and maintaining high standards of conduct by Councillors, lay members and co-opted members
- Assisting Councillors, lay members and co-opted members in their observance of the Members' Code of Conduct
- Advising the Council on the adoption or revision of the Members' Code of Conduct.
- Monitoring the operation of the Members' Code of Conduct
- Advising, training or arranging to train Councillors, lay members and co-opted members on matters relating to the Members' Code of Conduct
- Granting dispensations to Councillors and co-opted members
- Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales
- Contributing to the development and application of any local resolution protocol
- The exercise of these functions (above) in relation to community councils and the members of those community councils
- Working with Political Group Leaders to promote and maintain high standards of conduct by the Group members
- Monitoring compliance by Leaders of Political Groups with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group and advising, training or arranging to train the Leaders of Political Groups about these duties. **(From May 2022)**

- Making an annual report to the Authority (**first report due in respect of the 2022/23 financial year, as soon as possible after year end**) describing how the committee's functions have been discharged during the financial year. The report may include any matter within the functions of the committee. The report must include:
 - How the committee has discharged its legal duties, particularly, how the committee has monitored the compliance of Group Leaders with their duties to take reasonable steps to promote and maintain high standards of conduct by members of the Group and the work of the Committee in advising, training or arranging to train the Leaders of Political Groups about these duties
 - The degree of compliance of Group Leaders with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

INDEPENDENT MEMBER OF ETHICS AND STANDARDS COMMITTEE

PERSON SPECIFICATION

	Essential	Desirable
Qualifications: No specific qualifications or background is required.		
Knowledge and Skills: <ul style="list-style-type: none"> • Good educational background • A good communicator, both written and oral with questioning skills • The ability to converse through the medium of Welsh and English • Demonstrate commitment and enthusiasm • Assertive • Inquisitive, open minded and non-judgemental • Understanding of the Ethics & Standards Committee's main functions • General understanding of the principles of high ethical standards in public life and the Members' Code of Conduct • Knowledge and understanding of local government. 	√ √ √ √ √ √ √	√ √
Experience: <ul style="list-style-type: none"> • A demonstrable interest in local issues • Experience in Committee working and public accountability • Experience of a role in the public sector • Live and/or work in Ceredigion • Experience of a role relating to public accountability 	√ √ √	√ √ √
Competencies: <ul style="list-style-type: none"> • A person in whose impartiality and integrity the public can have confidence • Demonstrate high ethical standards • Understand and comply with confidentiality requirements • Able to make a significant contribution to the work of the Committee. 	√ √ √ √	
Other requirements: <ul style="list-style-type: none"> • To formally agree to observe the Local Code of Conduct for Members including completing a Declaration of Financial and Other Interests • Able to attend approximately programmed meetings, and ad hoc if required, and devote preparation time for each meeting • Must not be disqualified (as set out in the Eligibility requirements). Must not currently have and must not enter into any contractual relations with the Council under which he/she will gain personally • Will have disclosed to the Council any matter in his/her background which, if it became public, might make the Council reconsider the appointment • Will not be an active member of any political party or have a public profile in relation to political activities 	√ √ √ √ √	

<ul style="list-style-type: none"> • Will not have been an officer or a member of either a County council [i.e. a county, or town council within three years of the date of his/her written application • Committed to the six year term • Ability to assess issues relating to ethical standards and to identify/ evaluate solutions • Ability to work well with Councillors and confidence to challenge and hold to account in a fair and impartial manner. 	✓ ✓ ✓	✓
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Ethics & Standards Committee – Independent Persons

PERSON SPECIFICATION – CRITERIA

Eligibility requirements

2. Candidates who wish to be appointed as an independent member of the Ethics & Standards Committee must satisfy the following eligibility criteria, in order to ensure that applicants are independent of the Council. Candidates should:
 - e) not currently be a member or officer of
 - Ceredigion County Council
 - Any other County Council or County Borough Council
 - A National Park Authority
 - A Fire Authority
 - A Town or Community Council
 - f) not be a spouse or civil partner of any of the above
 - g) not be a former member or officer of Ceredigion County Council
 - h) not have been a member or officer of any other County Council, County Borough Council, National Park Authority or Fire Authority during the past twelve months.

Other criteria for the role

The successful applicant will be expected to:-

14. Be flexible in attending meetings at short notice
15. Possess good listening and team-working skills
16. Be able to analyse factual and evidential material, and to form sound unbiased judgements
17. Demonstrate objectivity, discretion and personal integrity
18. Show respect for others and an understanding of diversity issues
19. Have an interest in, and knowledge of, local matters, development of the local community and understanding of local government
20. Participate in the promotion of high ethical standards and compliance with the services

21. Participate in the promotion of high ethical standards and compliance with the Members Code of Conduct and contribute towards the effective discharge of the statutory role and responsibilities of the Ethics & Standards Committee.
22. Advising the Council on the adoption or revision of the Code of Conduct
23. Advising, and training Members, Co-opted Members on matters relating to the Members Code of Conduct
24. An ability to work effectively with Councillors and officers
25. Ability and confidence to challenge and hold to account in a fair and impartial manner
26. Demonstrate commitment and enthusiasm.