



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022 / 2023

COUNCIL

6th July 2022

**APPOINTMENT OF NEW INDEPENDENT MEMBER AND COMMUNITY COUNCIL
MEMBER TO THE STANDARDS COMMITTEE**

**JOINT REPORT OF THE DIRECTOR OF LEGAL SERVICES & SERVICE
DIRECTOR OF DEMOCRATIC SERVICES & COMMUNICATION**

Author: Andy Wilkins (Director of Legal Services)

1. PURPOSE OF THE REPORT

This Report sets out the process to be undertaken to fill vacancies that have arisen on the Council's Standards Committee, specifically an Independent (lay) Member and Community Council representative member (plus reserve).

2. RECOMMENDATIONS

It is recommended that Council:

- 2.1 Agrees to advertise the role of Independent (lay) Member on the Council's Standards Committee, based on the established criteria set out in the report;
- 2.2 Agrees to consult with Community Councils in respect of inviting applications from Community Councillors for the vacancy of Community Council Member (plus a reserve) on the Council's Standards Committee;
- 2.3 Subject to 2.1 and 2.2 above, establishes an Appointments Panel to consider applications for the appointment of an Independent Member of the Standards Committee for a term of six years and a Community Council Member (plus reserve) for a term until the next ordinary elections (in 2027);
- 2.4 Nominates three County Borough Councillors (2 from the ruling group and 1 from the largest opposition group) and the incumbent Chair of the Standards Committee to be members of the Appointments Panel;

- 2.5 Delegates authority to the Director of Legal Services to appoint a Community Councillor to the Appointments Panel; and
- 2.6 Subject to the above, agrees to receive a further report and consider any recommendations emanating from the Appointments Panel convened to interview any applicants who apply for the vacant roles.

3. STANDARDS COMMITTEE VACANCIES

- 3.1 The Standards Committee comprises five members. There are three Independent Members, two County Borough Councillors (one from the ruling group and one from the largest opposition group) and one Community Councillor.
- 3.2 The term of office of one of the Independent members, Mr. Mel Jehu, will come to an end on 18 October 2022. Mr. Jehu cannot be reappointed having already served two terms in office. It is therefore necessary to consider the appointment of a new Independent Member to the Committee from 19 October 2022.
- 3.3 Similarly, the term of office of the Community Council Member, Councillor Ray Butler (Llantwit Fardre Community Council), came to an end following the Local Elections in May. Again, Councillor Butler cannot be reappointed having served two terms in office. It is therefore necessary to consider the appointment of a new Community Council member to the Committee whose term of office would commence immediately following their appointment.
- 3.4 The Standards Committees (Wales) Regulations 2001 prescribe the procedure for the appointment of Independent Members. The vacancies must be published in not less than two newspapers circulating in the area, the advertisement must set out the criteria established for the appointment of Independent Members and a panel of not more than five members including an Independent (lay) Member must consider applications. The Panel must apply established criteria and make recommendations in respect of appointments to the Council, who shall have regard to the recommendations.
- 3.5 The Panels set up on previous occasions to appoint Independent Members to the Standards Committee have comprised three County Borough Members (i.e. two from the ruling Group and one from the largest opposition Group), one Community Councillor and an Independent (lay) Member (from the Standards Committee). The criteria established in respect of the appointment of Independent members is:
 - Members must be 'independent' as defined by the Standards Committees (Wales) Regulations 2001 and not disqualified by those regulations nor by Section 80 of the Local Government Act 1972.
 - They must be entitled to be included in the electoral register for the County Borough Council.
 - They must be a respected member of the community within the County Borough area and have experience relevant to the Standards Committee's work.

- Applicants must be totally independent of politics.
- 3.6 Independent Members of the Standards Committee have previously been appointed for a period of six years.
- 3.7 Before appointing a Community Council Member the Council must consult—
- (a) community councils which are situated within its area; and
 - (b) community council associations established for and operating within that area (if any).
- 3.8 To satisfy this stipulation it is proposed, as has been the case with previous appointments, that the Director of Legal Services write to all Community Council Clerks inviting applications from Community Councillors for the position of Community Council Member on the Standards Committee. The Appointments Panel would then consider any applications made before making a recommendation to Council as to an appointment.

4. EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY

- 4.1 There are no specific equality and diversity implications emanating from this report. With respect to the appointment of an Independent Member the application process is available to all persons (subject to meeting the agreed criteria).

5. WELSH LANGUAGE IMPLICATIONS

- 5.1 There are no Welsh language implications arising as a result of the recommendations in this report.

6. CONSULTATION

- 6.1 The appointment of a Community Council member requires consultation with the Community Councils as detailed in the report.

7. FINANCIAL IMPLICATIONS

- 7.1 Remuneration of Independent Members and the Community Council Member (as co-opted members) is determined by the Independent Remuneration Panel for Wales in their annual reports. Costs attributable to the Member Remuneration and Allowances Scheme are considered as part of the annual budget setting process. There is a cost attributable to the required advertisements in respect of the recruitment of an Independent Member and these will be met from the relevant departments existing budget.

8. LEGAL IMPLICATIONS/LEGISLATION CONSIDERED

- 8.1 The Standards Committee (Wales) Regulations 2001 set out the provisions as to the appointment of Independent Members and Community Council

Members to the Standards Committee. The proposed recruitment process and criteria set out in the report are in accordance with the requirements set out in the regulations.

9. CONCLUSION

- 9.1 The restrictions on the length of terms of office for Standards Committees Members has meant two vacancies have now arisen on the Committee, specifically for an Independent Member and Community Council Member.
- 9.2 The report sets out the recommended way forward as to the process to be followed to fill those vacancies which must be conducted in accordance with the requirements of the Standards Committee (Regulations) 2001 and as set out in the report.

**LOCAL GOVERNMENT ACT 1972
as amended by
LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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LIST OF BACKGROUND PAPERS

**COUNCIL
6 JULY 2022**

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REPORT OFFICER TO CONTACT

Mr Andy Wilkins, Director of Legal Services

BACKGROUND PAPERS

Freestanding matter

