

CYNGOR SIR POWYS COUNTY COUNCIL.

County Council – 21st October, 2015

REPORT AUTHOR: Solicitor to the Council and Monitoring Officer

SUBJECT: Arrangements to fill one vacancy arising from the completion of a term of office of an Independent (Lay) Member on the Standards Committee.

REPORT FOR: Decision

1. Forthcoming Vacancy on the Standards Committee.

- 1.1 The term of office of an Independent Member of the Standards Committee, Mr Ralph Miller, ends on 26th January, 2016. Mr Miller will have completed the maximum two terms of office permitted, and is therefore not eligible for re-appointment.
- 1.2 The County Council will therefore need to undertake an appointment process for a new Independent Member to replace Mr Miller in accordance with the Standards Committees (Wales) Regulations 2001 (as amended). The Regulations and the Constitution provide that Independent Members are appointed for not less than 4 years and not more than 6 years and our convention has been to appoint for a 6 year term. Approval is sought from the County Council for officers to commence the process as from October 2015.
- 1.3 The starting point under the regulations is a requirement for the Council to publish an advertisement in not less than two newspapers circulating within Powys advising local government electors that the Council is seeking to appoint an independent (lay) member to its Standards Committee.
- 1.4 Additionally the Council can also publish such advertisement in any newspaper that it publishes or online. It is intended to publish information on the Council's website.
- 1.5 A suggested draft newspaper advertisement based on the one used on the last occasion is attached as **Appendix 1** which will appear in the County Times and the Brecon and Radnor Express. Other news releases will also be made referring to the information on the Council's website.
- 1.6 The Council is also required under the regulations to establish criteria for the appointment of independent members to its Standards Committee
- 1.7 A draft set of criteria (based on that used on the last occasion) is attached as **Appendix 2**.
- 1.8 The regulations further stipulate that the Council must establish a Panel to:
 - (a) Consider every application received;

- (b) Apply the criteria established in considering applications;
- (c) Make recommendations to the County Council in relation to applications.

N.B. Appointments of Independent (Lay) members must be made by the County Council which must have regard to the recommendations of the Panel.

- 1.9 The previous practice of such Panels has been to shortlist applicants to attend before the Panel for interview. There may also be need to consider a shortlisting stage in the event of there being a number of applicants.
- 1.10 The regulations go on to provide that a Panel established by the Council must not consist of more than 5 panel members one of whom must be a “lay panel member” and one of whom must be a member of a community council. In this context “lay panel member” means someone who is not or has not been a County Councillor and is not or has not been an independent member of the Standards Committee .
- 1.11 Based upon the composition of panels established previously it is suggested that the panel on this occasion comprises the following:
 - Lay Panel Member (Who normally Chairs the Panel) – Lord Lieutenant or the High Sheriff.
 - Chairman of the Standards Committee.
 - 1 Independent ‘Lay’ Member of the Standards Committee.
 - 1 County Council representative from the Standards Committee – to be selected by the Standards Committee
 - 1 Town / Community Council representative from the Community Standards Sub-Committee – to be selected by the Sub-Committee
- 1.12 In the event of the non-availability of any member of the Panel it is suggested in accordance with past practice that the function of appointing a substitute be delegated to the Monitoring Officer in consultation with the Chairman of the County Council and the Chairman of the Standards Committee.
- 1.13 A provisional timetable for the appointment process in this connection is set out in **Appendix 3** and is recommended for adoption by the County Council. It will be observed that this timetable anticipates that the County Council will make the formal appointment of a new Independent (Lay) Member to the Standards Committee at its Meeting on 20th January, 2016.
- 1.14 Given the obvious need to attract the widest interest and encourage as many suitable candidates as possible to apply it is suggested that the Chair and Vice Chair of the Standards Committee be authorised to take such steps as appear necessary to them to achieve these objectives. This to include (but not be limited to) the power to (i) add to and modify the contents of the newspaper notice (subject to compliance with the regulations); (ii) undertake additional advertising/awareness raising steps; and (iii) produce additional literature/promotional material.
- 1.15 The Solicitor to the Council (Monitor Officer) has commented as follows: “ I have nothing to add to the report.

Recommendation:	Reason for Recommendation:
<p>(i) That the Council agrees the following:</p> <ul style="list-style-type: none"> (a) to commence an appointments process for a new Independent Member of the Standards Committee for a term of 6 years from 21st October, 2015 in accordance with the process set out in the Report and the timetable set out in Appendix 3; (b) the criteria set out in Appendix 2. (c) subject to (d) below, the draft newspaper advertisement set out in Appendix 1 and confirms that it should appear in the County Times and the Brecon and Radnor Express. (d) to authorise the Chair and Vice Chair of the Standards Committee to take such steps as appear necessary to them to achieve the objectives referred to in paragraph 1.14 of the report. This to include (but not be limited to) the power to (i) add to and modify the contents of the newspaper notice (subject to compliance with the regulations); (ii) undertake additional advertising / awareness raising steps; and (iii) produce additional literature/promotional material. <p>(ii) That the Council agree the composition of the Panel set out in paragraph 1.11 of the report and delegates the power of appointment of substitutes to the Monitoring Officer as set out in paragraph 1.12 of the report.</p>	<p>To make arrangements for the filling of one vacancy, of an Independent Member of the Standards Committee.</p>

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	All Members
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Person(s) To Implement Decision:	Clive Pinney, Solicitor to the Council and Monitoring Officer
Date By When Decision To Be Implemented:	October, 2015

Contact Officer Name:	Tel:	Fax:	Email:
Clive Pinney Council Solicitor	01597-826385	01597-826220	Clive.pinney@powys.gov.uk

Background Papers used to prepare Report:

JOIN OUR STANDARDS COMMITTEE

The Council has a vacancy for an Independent (Lay) Member and is seeking a person who would be interested in joining our Standards Committee and Standards Community Council Sub-Committee.. You will be entitled to an allowance of £99 for a half day or £198 for a whole day plus travel expenses.

Further details are obtainable on the Powys County Council website: www.powys.gov.uk or from :

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Clerk to the Standards Committee, Powys County Council, Llandrindod Wells, Powys, LD1 5LG (e-mail: elizabeth.patterson@powys.gov.uk)

The deadline for receipt of application is 13th November 2015.”



CYNGOR SIR POWYS COUNTY COUNCIL

STANDARDS COMMITTEE

Criteria for the Appointment of Independent (Lay) Members

1. An interest in seeking to uphold and promote high ethical standards in local government.
2. Candidates should be able to demonstrate the following qualities:-
 - (a) good character;
 - (b) understanding and communication skills;
 - (c) social awareness, including an understanding of local communities within Powys;
 - (d) maturity and sound temperament;
 - (e) sound judgement.
3. Members of the Standards Committee must be able to give a commitment to serve on the Committee and its Sub-Committee as required.
4. Some knowledge of local authority or public sector business, or knowledge or experience gained within a regulatory or ethical standard area, would be an advantage.
5. The following are not eligible to serve as Independent (Lay) Members of the Standards Committee by virtue of regulations made by the National Assembly for Wales :-
 - (i) a councillor, officer, or the spouse of a councillor or officer, of Powys County Council, any other Welsh county council, a Welsh National Park Authority, or a Fire Authority or Town or Community Council in Wales.* N.B. 'Officers' includes all staff of one of these authorities including teaching staff.
 - (ii) any person who was previously a member or officer of Powys County Council (post 1996).
 - (iii) any person who, within the previous 12 months, was a member or officer of any other Welsh county council, or a Welsh Fire Authority.

*Town and Community Councillors are welcome to apply but would be required to resign from their Town or Community Council role if appointed as an Independent Member.

Provisional Timetable for Appointments Panel 2016

Agree process at Council	Wed	21 st October 2015
Red Kite digital copy – when link to internet is available		Monthly - first week of month
Press Notice to papers	Fri	23 rd October 2015
Notice in the papers	w/c	26 th October 2015
News release and publication on the Council's website / social media	w/c	19 th October 2015
Re-issue of press release (if necessary)	w/c	2 nd November 2015
Closing date for applications	Fri	13 th November 2015
Shortlisting (left longer after closing date to give time to copy pack for selection panel)	Fri	27 th November 2015
Panel Sitting	Fri	10 th December 2015
County Council	Fri	20 th January 2016

Term of office starts 26th January 2016