

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

COUNCIL

21 FEBRUARY 2018

REPORT OF THE HEAD OF LEGAL SERVICES D MICHAEL

Matter for Decision

Wards Affected: All

NPTCBC STANDARDS COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBERS

Purpose of the Report

1. To obtain approval from Council regarding the criteria for appointment of Independent Members to the Standards Committee and also for the composition of the Independent Panel to consider applications to become Independent Members.

Background

2. On 19th July 2017 I reported to Council that two members of the Standards Committee were due to retire in May 2018. I asked for authority to recruit two replacement Independent Members and to convene an Advisory Panel to consider applications to become Independent Members.
3. It is a requirement of the legislation regulating Standards Committees that the appointment of Independent Members, although a matter for Council, should be subject to a recommendation from an Independent Panel.

4. I will shortly be advertising the two vacancies which will arise and have prepared documentation for applicants. Attached to this report in Annex 1 is a document for consideration by Members setting out the eligibility, and criteria for, appointment. Some of these rules will derive from statute. I would request Council's approval of the appointment of Independent Members document.
5. When the original report was prepared in July 2017 it was envisaged that the Panel would consist of two County Borough Councillors. After a formal consultation it is suggested that the two County Borough Councillors are the Mayor and Councillor Del Morgan who is both a County Borough Councillor and a member of a Town Council. Ms Gaynor Richards has indicated that she would be prepared to serve as the Lay Panel Member. It was originally envisaged that the outgoing Chair and Vice Chair of the Standards Committee would also serve on the Panel but the Chair has indicated that he would not be able to do so. It is therefore suggested that a further Member be drawn from the remaining Independent Members on the Standards Committee.

Financial Impact

6. Any expenditure will be contained within existing budgets.

Equality Impact Assessment

7. Equalities issues are dealt with in paragraph 10 of the document and in other documentation to be provided to applicants.

Workforce Impacts

8. There are no workforce impacts associated with this Report.

Legal Impacts

9. The legal requirements for this Procedure are set out in the report.

Consultation

10. There is no requirement under the Constitution for external consultation on this item.

Recommendations

11. 1. That the appointment of Independent Members document contained in Annex 1 be approved.
2. That the advisory panel be constituted as follows:
- County Borough Council Members – The Mayor and Councillor Del Morgan
 - Lay Member – Ms Gaynor Richards
 - Standards Committee – Ms Julie Howells Vice Chair of Standards Committee and a further member of Standards Committee drawn from the remaining independent members.

Reason for Proposed Decision

- 12 To secure appointments to the Standards Committee in accordance with appropriate criteria.

Appendices

13. Annex 1 – Appointment of Independent Members

List of Background Papers

14. None.

Officer Contact

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**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
STANDARDS COMMITTEE
APPOINTMENT OF INDEPENDENT MEMBERS**

Introduction

1. In accordance with Section 53 of the Local Government Act 2000 and The Standards Committees (Wales) Regulations 2001, the Council is seeking to appoint two people to serve as “independent members” of its Standards Committee. This is an important role within the ethical framework of the Council which is intended to ensure that conduct in the Council and the Town and Community Councils in its area is of an appropriate standard.

The Standards Committee

2. This Standards Committee has overall responsibility for maintaining and promoting the Council’s ethical standards, advising on issues relating to Code of Conduct for Members and developing any training arrangements in regard to conduct and ethics. The Standards Committee may receive referrals from the Public Services Ombudsman for Wales from time to time and will then determine whether the actions of any of its Councillors are in breach of the Code of Conduct for Members and apply sanctions. It has similar duties for Town and Community Councils in this area.

Independent Members

3. The criteria for selection and the qualities sought from candidates are that applicants have:-
 - A sense of objectivity;
 - strong personal integrity;
 - respect for others;
 - the ability to act with discretion;

- the ability to evaluate facts and evidence and formulate objective judgements;
 - to be an effective listener and communicator, and
 - a strong belief in pursuing and preserving ethical values in public life.
4. Independent Members must also be able to meet the required time commitment and flexibility necessary to ensure the efficient running of the Standards Committee and respond to certain requests at short notice. It is expected there will be at least four meetings a year although there may be more depending on business transacted. The Standards Committee will choose from amongst the independent members a Chair and Vice-Chair. Leadership and presentation qualities may, therefore, be required.
5. A detailed knowledge of local government is not necessary although it would be an advantage to have some experience relative to the type of work of Standards Committees or Committees dealing with ethics or standards in any environment.

Eligibility to serve as Independent Members

6. The Council cannot (subject to the proviso in Paragraph 7 below) consider applications from the following persons:-
- (a) Current Members, officers or employees, or the civil partners or spouses of current Members, officers or employees, of the Council or any Town/Community Councils situated within the Council's area.
 - (b) Past Members, officers or employees, or the civil partners or spouses of past Members, officers or employees, of the Council or any Town/Community Councils situated within its area.
 - (c) Current Members, officers or employees of any other County Council, County Borough Council, Brecon Beacons National Park Authority or the Mid & West Wales Fire and Rescue Authority (or any legal successors of these National Park and Fire & Rescue Authorities) or any civil partners or spouses of such Members, officers or employees.

[For the purposes of (a), (b) and (c) above a person shall not be regarded as being a “Member” of the Council, a Town/Community Council, the National Park or the Fire & Rescue authorities where that person is a Member of such a body solely by virtue of the fact that he/she has been appointed to that body as an Independent Member of its Standards Committee.]

7. Past Members, officers or employees of other County Councils, County Borough Councils, the Brecon Beacons National Park or the Mid & West Wales Fire and Rescue authorities, or their civil partners or spouses, may apply to become Independent Members of the Council’s Standards Committee provided that:-

- a) They or their civil partners/spouses, have ceased to be Members, officers or employees of those bodies for a period of at least 12 months prior to their applications being made to become an Independent Member of the Council’s Standards Committee, and
- (b) Such applicants have never been a Member, officer or employee of the Council and/or one of the Town/Community Councils in its area.

[For the purposes of this paragraph a person is not to be regarded as a “Member” of such a body solely by virtue of the fact that he/she has been appointed to that body as an Independent Member of its Standards Committee.]

8. Further, to be eligible for appointment to and thereafter to continue membership of the Standards Committee, an independent member must:-

- Satisfy the requirements for membership contained in Section 53 of the Local Government Act 2000 and Regulations made thereunder.
- Be over 18 and preferably by a registered elector for the County Borough of Neath Port Talbot;
- Be a well respected person of standing and good character who is independent both of the County Borough Council and Town and Community Councils in its area, and local politics;
- Provide two referees

- Not be disqualified under Section 80 of the Local Government Act 1972 or any other enactment;

9. Applicants should not

- Be a close relative (parent, partner, brother, sister or child) of any member or holder of any politically restricted post in the County Borough Council or any Town or Community Council in its area;
- Be a Member (including a co-opted Member) of any Committee, Sub Committee, Joint Committee or Panel connected to the Neath Port Talbot Council Borough Council;
- Be a representative nominated by the Local Authority to serve on a School Governing Body;
- Be an official or employee of a Trade Union whose members include persons in Local Authority employment;
- Be a person with a significant commercial relationship with the Council

(Section 80 and 81 of The Local Government Act 1972 and definitions for being judged as being independent of the Council and local politics is set out in the application pack)

10. Selection for membership may also take account of the balance of the Committee as a whole including diversity, the ability to speak Welsh and the geographical spread of its membership.
11. While the following will not necessarily be matters which disqualify someone from consideration for membership, every applicant will be required to disclose criminal convictions which have not been spent and membership of political parties or trade union or trade or employers association or professional association or any other organisations, clubs or societies including those with secret activities or membership.

Application

12. It is anticipated that assessments and interviews will take place in March with the appointments being confirmed shortly afterwards. Two independent members will be appointed to serve for 4 years, subject to

terms of appointment/termination as agreed by the County Borough Council.

Expenses and Remuneration

13. Independent Members will be remunerated at the rate of £99 for a half day and £198 for a day. Approved travel expenses will be payable in accordance with Council's scheme of Remuneration for Members.
14. The terms of reference of the Standards Committee, together with membership application packs, declaration forms and other relevant details can be obtained from Mr. D Michael, Monitoring Officer, at the Civic Centre, Port Talbot SA13 1PJ (Tel: 01639 763368).
15. A letter of application describing how you meet the above requirements and criteria, together with a detailed CV accompanied by at least two references and the completed application form and spent convictions form from the application pack should be forwarded to the Monitoring Officer in the specially marked envelope provided. The closing date for applications is 12 noon on _____

The Monitoring Officer can also be contacted on the above number for informal discussion.

D. Michael – Monitoring Officer