

Meeting:	Full Council
Meeting date:	23/11/2023
Report of:	Bryn Roberts, Director of Governance
Portfolio of:	Cllr Claire Douglas, Leader of the Council

Decision Report: Appointment of an Independent Member for Audit and Governance Committee and an Independent Person for Joint Standards Committee

Subject of Report

1. This report seeks Council's approval for the appointment of an Independent Member for Audit and Governance Committee and an Independent Person for Joint Standards Committee.
2. (i) The Chartered Institute of Public Finance and Accountancy (CIPFA) recommends that "each authority audit committee should include at least two co-opted independent members" to ensure that the committee has the necessary expertise to carry out their role effectively.
(ii) The Council has a statutory duty under the Localism Act 2011 (S28 (7)) to appoint at least one Independent Person to advise on councillor code of conduct matters

Benefits and Challenges

3. The appointment of an additional Independent Member will support and strengthen the work of the Audit and Governance Committee. The appointment of an additional Independent Person will increase capacity within the code of conduct complaint process.

Policy Basis for Decision

4. The Audit and Governance Committee was established further to the Local Government Act 1972 (Ss 101 and 102)

and the Accounts and Audit Regulations 2003 (S4) and its purpose includes the provision of assurance to members and the public about the governance, financial reporting and performance of the council. The appointment of Independent Members assists and promotes good governance and scrutiny of the committee. Section 102(3) of the Local Government Act 1972 allows a council to include persons who are not members of the authority to sit as members of a committee. Section 104 of the Act sets out disqualifications from membership, which is the same as those for being elected or being a member of a local authority. These requirements were reflected in the recruitment pack.

5. The Localism Act 2011 sets out the requirements in relation to Local Government Standards and it requires the appointment by the authority of at least one Independent Person. The functions of the Independent Person in relation to Standards are:
 - They must be consulted by the authority and their views taken into account before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect to that member.
 - They may be consulted by the authority in respect of a Standards complaint at any other stage; and
 - They may be consulted by a member or co-opted member of the Council or a parish council against whom the complaint has been made.
 - The role of the Independent Person was widened under the Local Authority's (Standing Orders) England (Amendment) Regulations 2015. In the case of proposed disciplinary action against a statutory officer, the Council is required to invite the Independent Persons who have been appointed for the purposes of the Members Code of Conduct regime to form an independent panel and take into account any recommendation of that panel before taking a decision to discipline or dismiss.

Financial Strategy Implications

6. Neither role is remunerated, however, reasonable travel and subsistence expenses are payable in accordance with the Council's adopted schemes.

Recommendation and Reasons

7. Council is recommended to approve the following appointments:
 1. Myles Binney as an Independent Member of the Audit and Governance Committee
 2. Roseleen Mazza as an Independent Person of the Joint Standards Committee

Background

8. The authority currently has one Independent Member of Audit and Governance and one Independent Person for Joint Standards. A recruitment process was undertaken during September and October 2023 to seek to recruit an additional member for each committee with adverts for both roles placed on the Council's job pages on its website. Recruitment Packs are shown at Annex A (Independent Member) and Annex B (Independent Person). A number of applications were received by the deadline and interviews were held on 2 November 2023.
9. The interview panel comprised the Head of Legal Services and the Head of Democratic Governance. Applicants were asked a series of questions designed to demonstrate their experience and expertise for the role that they had applied for as well as to prove that they met the requirement for independence and other essential qualifications. The questions are set out in Annex C.
10. The preferred candidate for the role of Independent Member of Audit and Governance Committee is a Chartered Internal Auditor with extensive civil service experience in financial management and governance and a keen interest in the work of local government.
11. The preferred candidate for the role of Independent Person for Joint Standards Committee is a retired headteacher who has extensive experience of managing conflict, using analytical skills and judgement and handling sensitive and confidential matters.
12. Both preferred candidates are residents of the City of York.

Options Analysis and Evidential Basis

13. Council could choose to resolve not to approve either or both appointment and could request officers to readvertise the roles to seek additional applications. However, the interview process was robust and both provisional appointees were judged to have the necessary skills, expertise and independence to carry out the respective roles.

Organisational Impact and Implications

- **Financial:** No significant implications as the roles are not remunerated
- **Human Resources:** The HR recruitment team advised on and assisted with the recruitment process.
- **Legal:** The Head of Legal Services was a key part of the recruitment process and involved at all stages

Risks and Mitigations

14. There are no known risks associated with the recommendations. The risk to the authority is if the roles are not appointed to, thereby potentially weakening the Audit and Governance Committee and the Standards process.

Wards Impacted

15. All wards

Contact details

For further information please contact the author of the report.

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Report approved:	Yes
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Background papers

CIPFA guidance 2022: [CIPFA-Audit-Committee-Position-Statement-2022 \(1\).pdf](#)

Localism Act 2011S28: [Localism Act 2011 \(legislation.gov.uk\)](#)

Local Government Act 1972: [Local Government Act 1972 \(legislation.gov.uk\)](#)

The Accounts and Audit Regulations 2003: [The Accounts and Audit Regulations 2003 \(legislation.gov.uk\)](#)

Annexes

Annex A Recruitment Pack, Independent Member for Audit and Governance

Annex B Recruitment Pack, Job role Independent Person for Independent Person

Annex C IM and IP recruitment process, Interview Questions