

Meeting:	Audit and Governance Committee
Meeting date:	27/11/2024
Report of:	Bryn Roberts, Director of Governance
Portfolio of:	Cllr Claire Douglas, Leader of the Council and Executive Member for Policy, Strategy and Partnerships

Audit and Governance Committee Report: Process for the Appointment of an Independent Member of the Audit and Governance Committee

Subject of Report

1. This report seeks the committee's views and comments on the proposed recruitment process for an Independent Member of the Committee.
2. The report is brought at the request of members at a previous meeting of the Committee.

Policy Basis for Decision

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

Recommendation and Reasons

4. That Members note the proposed recruitment process.

Reason: To ensure the committee's views are taken into account in planning the recruitment process.

Background

5. 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.
6. Until recently, the Audit and Governance Committee has had two appointed Independent Members, Mr Joe Leigh and Mr Myles Binney. Mr Leigh resigned his appointment in August 2024.
7. Council appointed Mr Binney as an Independent Member to Audit and Governance in November 2023. The recruitment process at that time was advised by the Council's Human Resources team, who also provided practical support with advertising the role.
8. The draft recruitment pack is attached at Annex A and comprises background information about the role, including eligibility requirements. There is also a role specification listing essential and desirable requirements of candidates.
9. The role will be advertised on the Council's website and messages will be placed on the Council's social media pages, to reach as wide a field of candidates as possible.
10. The previous recruitment process was undertaken in conjunction with the recruitment of an Independent Person for Standards, and Independent Remuneration Panel members. Interviews were conducted by the Head of Legal Services and the Head of Democratic Governance.
11. It is proposed that interviews for the current role are again undertaken by officers, and that a recommendation on any proposed appointment

is brought to Audit and Governance Committee for consideration prior to Full Council being requested to formally make an appointment.

Consultation Analysis

Not applicable

Organisational Impact and Implications

- **Financial:** No significant implications as the roles are not remunerated
- **Human Resources:** The HR recruitment team advised on the recruitment process.
- **Legal:** Although there is no legislative requirement to have an Audit & Governance Committee, such a committee has been created under the Council's Constitution (Article 9) and functions have been lawfully delegated to it which are consistent with good practice (CIPFA recommendations and the Redmond Review). Article 9 provides for two independent members to be appointed to the Council's Audit and Governance Committee.

Section 13(1) of the Local Government and Housing Act 1989 provides that a co-opted member of a committee established under the Local Government Act 1972 as a committee discharging the functions of the Council must be a non-voting member. However, it is possible for a co-opted member to have voting rights where the items are discussed on advisory basis under section 102(4) of the Local Government Act 1972.

Article 9 of the Constitution sets out the role and responsibilities of Audit and Governance Committee. It discharges some functions of the Council and fulfils an advisory role. Any independent members appointed to the Committee, would be involved in a non voting consultative role where functions are being discharged with their views being taken into account by voting members of the Committee.

An independent member has the ability to vote on advisory items and in such circumstances are considered to be a co-opted member for the purposes of s27(4) of the Localism Act 2011 and would be required to register their private interests and comply with the Council's Code of Conduct.

Risks and Mitigations

12. Failure to appoint a second Independent Member of the Audit and Governance Committee would place the authority at risk should the remaining Independent Member be unable to attend meetings of the Committee, or should he choose to relinquish the role.

Contact details

For further information please contact the authors of this Report.

Author

Name:	Lindsay Tomlinson
Job Title:	Head of Democratic Governance
Service Area:	Democratic Governance
Report approved:	Yes
Date:	19/11/2024

Background papers

- None

Annexes

- Annex A: Recruitment Pack, Independent Member of Audit and Governance