

GOVERNANCE & AUDIT COMMITTEE: 21 MARCH 2023

APPOINTMENT OF AN INDEPENDENT MEMBER OF THE GOVERNANCE & AUDIT COMMITTEE

REPORT OF THE HEAD OF DEMOCRATIC SERVICES AGENDA ITEM 4

Appendix A to this report is not for publication by virtue of paragraph 12 of Schedule 12A, Part 4 of the Local Government Act 1972

Reason for this Report

1. To consider the decision of the Appointment Panel on 13 March 2023 to recommend the appointment of an Independent Member to the Governance and Audit Committee.

Background

2. At the Annual meeting on 26 May 2022, Council approved the terms of reference of the Governance and Audit Committee and the establishment and composition of the Committee, with 12 Members comprised of 8 Elected Members and 4 Independent Members.
3. After serving on the Committee for eight and a half years, and as Committee Chairperson since January 2020, David Hugh Thomas announced on 15 November 2022 that he would be standing down from the Committee with effect from 31 March 2023. An Appointment Panel was established to recruit an Independent Member to serve on the Committee in his place.
4. A recruitment exercise was undertaken, and the notification of a vacancy was published in the media and on the Council's website. The Council website also provided additional information about the role and the requirement of being an Independent Member of the Committee.
5. The Appointment Panel comprised Gavin McArthur, Deputy Chair of the Committee and Appointment Panel Chair, Chris Lee, Corporate Director Resources and Section 151 Officer, and Paula O'Connor, Chair and Independent Member of the Governance and Audit Committee in Swansea Council.

Issues

6. The vacancy was advertised on the Council's website, in the Guardian and through the Council's social media channels from 30 January 2023. The advert closed on 24 February 2023, with three applications being received. Shortlisting took place on 24 February with provisional dates the interview being planned. The recruitment exercise was concluded on the 13 March with the Appointment Panel interviewing the shortlisted candidate.
7. The recommendation of the Appointment Panel is to appoint the candidate identified in **Appendix A**, subject to satisfactory references, agreement of the Governance and Audit Committee and approval by Council, for an initial a 5-year term of office, with the possibility of reappointment for one further 5-year term.
8. If approved, the Governance and Audit Committee's recommendation will be considered at the Council meeting scheduled for 25 May 2023.

Legal Implications

9. The Local Government (Wales) Measure 2011 ('the Measure'), Part 6, Chapter 2, as amended by the Local Government and Elections (Wales) Act 2021, requires local authorities to appoint a Governance and Audit Committee to discharge the statutory functions set out in section 81 of the Measure. Section 82 of the Measure deals with membership of the Governance and Audit Committee and provides that two thirds of the members of the committee are to be members of the Council and one third must be a lay members. Under the Council's Constitution, Article 8.1, the Governance and Audit Committee is to comprise of 8 elected Members and 4 independent (lay) members; and the Chair and Vice-Chair must be independent members.
10. A local authority must have regard to the statutory guidance issued by the Welsh Ministers in relation to exercise of the functions and membership of the Governance and Audit Committee: [THE LOCAL GOVERNMENT MEASURE 2011](#) although it should be noted that revised statutory guidance is due to be issued shortly, currently awaiting Ministerial approval. The statutory guidance includes the following (which is essentially replicated in the revised draft statutory guidance):

'.. lay members should be independent from the council and have no business connection with it, although knowledge of how local government functions would be a definite advantage. In appointing lay members whose political allegiances are well known, local authorities should consider if this compromises the independence from the council a lay member should possess. It is recommended that councils follow a public recruitment exercise, similar to that used to appoint members of standards committees, to recruit their lay members. It is recommended that a lay member should not be appointed for more than two full terms of a local authority. Any lay member with voting rights is subject to the provisions of the authority's Code of Conduct for Members.'

11. The appointment of a member of a Council Committee is a function reserved to full Council.

Financial Implications

12. There are no direct financial implications arising from this report. Independent Member remuneration payments are to be made in accordance with the rates applicable through the Members' Schedule of Remuneration, and contained within the allocated budget.

RECOMMENDATIONS

13. The Governance and Audit Committee is recommended to:

- Consider the decision of the Appointment Panel on 13 March 2023; and
- Recommend to Council the appointment of the Independent Member shown in **Appendix A (Exempt)** to the Governance and Audit Committee, subject to receipt of satisfactory references, for an initial 5-year term of office, with the possibility of reappointment for one further 5-year term.

GP JONES
HEAD OF DEMOCRATIC SERVICES
21 March 2023

The following are attached:

Appendix A. Candidate Profile – Extract of CV – Exempt from publication

Background Papers:

[Allocation of Seats and Nominations and Appointments of Members to Committees](#) Annual Meeting of Council dated [26 May 2022](#).

[Governance and Audit Committee on Tuesday, 15th November, 2022](#)