

Joint Audit and Governance Committee



Report of Head of Legal and Democratic and Monitoring Officer

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Revised terms of reference

Recommendation(s)

1. To agree a proposed change to the committee's terms of reference as set out in paragraph 7 of this report; and
2. To recommend Council approve the additional wording and authorise the head of legal and democratic to make the changes to the councils' constitution.

Purpose of Report

1. To invite the committee to consider additional wording for its terms of reference in respect of a mechanism for the potential removal of the independent person from the committee.

Corporate Objectives

2. High standards of conduct underpin all of the councils' work and the achievement of both councils' corporate objectives and assist with ensuring effective governance.

Background

3. At its meeting on 15 November 2022, this committee agreed the principle of co-opting an Independent Person onto the committee on a non-voting basis to strengthen the councils' internal controls and help promote governance and strong financial management. The committee recommended each Council agree the proposal together with the recruitment process and a request that the Independent Remuneration Panel consider whether the post should attract an allowance, and if so, the level of allowance. Each Council supported the proposal at their December 2022 meetings.

4. At their annual meetings in May 2023 each Council considered, and agreed, the recommendation of the Independent Remuneration Panel to pay an annual allowance of £1,768 for the post.
5. Following advertisement interviews were held on 21 July 2023 with Mr Mike Boon appointed to the position of independent person.
6. In agreeing the principle of co-opting an independent person this committee considered that the committee's terms of reference should include provision for the removal of the independent person if they were not making a meaningful contribution to the committee's work. The committee requested that officers bring forward proposed wording for consideration.

Addition to terms of reference

7. Officers propose the addition of the following wording. The mechanism sets out a formal process and would allow the independent person the opportunity to respond to any proposal for their removal.

The committee may consider the removal of the independent person from the committee if it is agreed that they are not making a meaningful contribution to the work of the committee. Any request for their removal must be made to the co-chairs of the committee who will consult with the monitoring officer and section 151 officer. The committee will make a final decision on the matter. The independent person will have the opportunity to respond to the proposal at the committee if there is cause to consider such a proposal.

Climate and ecological impact implications

8. There are no climate and ecological implications arising from this report.

Financial Implications

9. There are no direct financial implications arising from this report. The post of independent person attracts an annual allowance of £1,768.

Legal Implications

10. There are no specific legal implications arising from this report. Section 102(3) of the Local Government Act 1972 allows a council to include persons who are not members of the authority on 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.

Risks

11. The mechanism requested by the committee and set out in this report is designed to address the risk that an independent person may not be contributing to the work of the committee.

Other Implications

12. None.

Conclusion

13. The committee requested officers bring forward a mechanism, for inclusion in the committee's terms of reference, to remove the independent person if they were not making a meaningful contribution to the work of the committee. The committee is invited to consider this and agree to recommend Council agree it, or an amended form of words, for inclusion in the committee's terms of reference.

Background Papers

None