

CYNGOR SIR POWYS COUNTY COUNCIL.

**County Council
7th March, 2017**

REPORT AUTHOR: Audit Committee

SUBJECT: Appointment of the Audit Committee Independent / Lay Member following the County Council Elections in May 2017

REPORT FOR: Decision

1. Summary

- 1.1 The report is recommending to the County Council that the current postholder as Independent / Lay Member of the Audit Committee be reappointed for a second and final 5 year term of office as from the AGM on 18th May, 2017 until the next County Council elections in May 2022.

2. Background and Proposal

- 2.1 The Council is required in accordance with the Local Government Measure 2011 to appoint an Audit Committee with a prescribed membership as follows:
- (a) at least two-thirds of the members of the audit committee are members of the Council;
 - (b) at least one member is a lay member;
 - (c) no more than one member of the committee is a member of the authority's executive (the Cabinet);
 - (d) the senior member of the executive (the Leader) is not a member of the audit committee.
- 2.2 An act of an audit committee is invalid if the membership of the committee breaches the requirements set out in paragraph 2.1 above.
- 2.3 The Statutory Guidance from the Local Government Measure recommends that a lay member should not be appointed for more than two full terms of a local authority.
- 2.4 Following the County Council Elections in 2012, the Council undertook a recruitment and interview process to appoint a Lay Member who is the current postholder. In advance of the County Council elections for 2017 the Council should now be commencing the process for making an appointment to the role of Lay Member (as well as to appoint co-optees to other scrutiny committees) to commence as from the Council AGM in May 2017. In respect of the Audit Committee, if this process is not undertaken then the Audit Committee will be unable to function in accordance with paragraph 2.2 above until that Lay Member is appointed and there is the potential for a delay as occurred in 2012 where the Lay Member was not appointed until September.

- 2.5 However, the statutory guidance provides the Council with a potential alternative solution i.e. to reappoint the current Lay Member for a further term of office. This brings with it a number of advantages including:
- (a) removing the time delay for the Council having a functioning Audit Committee following the election;
 - (b) the Council not incurring the cost (both financial and time) of advertising the role and undertaking interviews, which will involve current Members;
 - (c) the Council having a person with a proven track record in the role who has gained knowledge and experience of the Council and its operation and can therefore “hit the ground running”.
- 2.6 The current Lay Member has been asked if he would be interested in continuing his role if the Council agreed to reappoint him to the role. He has confirmed in writing that he would be interested in continuing as Lay Member, subject to the approval of the County Council.

3. Impact Assessment

- 3.1 Is an impact assessment required? – No as this is not a policy change or change of objective.
- 3.2 If Yes is it attached? – N/A

4. Comments on the Report.

- 4.1 Finance – The recommendation can be supported from a finance point of view
- 4.2 Legal – The Recommendation can be supported from a legal point of view
- 4.3 Corporate Communications - The report is of public interest and requires news release and use of appropriate social media to publicise the decision.
- 4.4 Statutory Officers.

Strategic Director – Resources (Section 151 Officer) has commented as follows:) “I support the recommendation and that the reappointment will provide continuity after the forthcoming election should the committee membership change”.

The Solicitor to the Council (Monitoring Officer) has commented as follows: “I note the legal comment and have nothing to add to the report

- 4.5 The Chair of the Audit Committee has commented as follows: “I am happy to support extending the term of office for John Brautigam. He has proved to be an excellent co-opted member and this has also been indicated by other members of the audit committee with him being voted in as the vice chair of audit.”
- 4.6 The report was considered at the meeting of the Audit Committee on 3rd February, 2017, and the Committee’s recommendation is set out below.

5. Recommendation.

Recommendation to the County Council:	Reason for Recommendation:
That the current Audit Committee Lay Member be reappointed for a second and final term of office from the AGM on 18th May, 2017 for a period of 5 years until the next Council elections in May 2022.	To facilitate the appointment of the Audit Committee Lay Member from May 2017 to enable the Committee to function following the Council elections in May 2017.

Relevant Policy (ies):	
Within Policy:	Y
Within Budget:	Y

Relevant Local Member(s):	
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Person(s) To Implement Decision:	Wyn Richards, Scrutiny Manager and Head of Democratic Services
Date By When Decision To Be Implemented:	May 2017.

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Background Papers used to prepare Report: