

Report to the Constitution and Member Services Standing Scrutiny Panel



Date of meeting: 4 December 2012

Report of: Assistant to the Chief Executive

Subject: Audit and Governance Committee (AGC) – Portfolio Holder Assistants

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Recommendation:

To review, as requested by the Council, the arrangements under which Portfolio Holder Assistants may serve as members of the (AGC) .

Report:

1. Introduction

- 1.1 At the Council meeting on 13 December 2011, the Overview and Scrutiny Committee reported on proposals to amend Article 11 of the Constitution which sets out the terms of reference of the AGC.
- 1.2 Those amendments centred on the issue of whether a Portfolio Holder Assistant would be able to serve as one of the Councillor members of the Committee, or whether this was not a desirable in view of possible conflicts of interest.
- 1.3 The Council adopted those proposals from the Overview and Scrutiny Committee whereby Portfolio Holder Assistants, provided they are not involved in any Portfolio dealing with the Council's finances, could be eligible for appointment to the AGC. The Council directed that this arrangement should be reviewed after one year or if there were a substantial change either in the role of Portfolio Holder Assistants or in the AGC itself. In the latter case, the Council was mindful of the possibility of Statutory Audit Committees being created by the Government.
- 1.4 One Portfolio Holder Assistant served on the AGC until the Annual Council meeting in May 2012 but subsequently, the Leader of the Council decided not to create such positions for the current Council year. The Audit and Governance Committee members have been consulted about whether they had any concerns about the arrangement. Two members commented, both stating that there had not been any difficulties prior to May 2012. The benefits of having a Portfolio Holder Assistant as a member of the AGC was emphasised by one responder as showing the importance of the Councillor representatives having knowledge, expertise or interest in the Audit function thereby assisting the Committee in its role.
- 1.5 There are no adverse comments on this issue from officers and it is suggested that in

view of current policy regarding Portfolio Holder Assistants, there are no grounds for changing the current arrangements.

- 1.6 On the question of any change in the role of the AGC and the proposal to create statutory Audit Committees there is no immediate proposal to form new committees as the government's consultation on the latter is continuing.

2. Reason for Decision:

- 2.1 The Council directed that this Panel should review the changes to Article 11 agreed in December 2011.

3. Options Considered and Rejected:

- 3.1 The only other option available is for a fully-fledged review of Article 11. However, as there are no Portfolio Holder Assistants at the present time, it is recommended that no further review is necessary until more experience with such appointments is available. It should be borne in mind also that the Council agreed other changes to Article 11 which are themselves subject to further review so it may be that combining the two reviews at a later stage is a better option.

4. Consultation Undertaken:

- 4.1 All members of the AGC were consulted about Portfolio Holder Assistants via email, as were relevant officers.

5. Resource Implications:

None.

6. Community Plan/BVPP Ref:

None.

7. Relevant Statutory Powers:

- 7.1 There are no statutory powers which apply to the AGC as the establishment of such a Committee is currently a matter of local discretion rather than a statutory responsibility.

8. Background Papers:

- 8.1 Email to members of the AGC dated 12 November 2012.

9. Environmental/Human Rights Act/Crime and Disorder Act Implications:

None.

10. Key Decision Reference:

None.