

Slough Borough Council

REPORT TO: Council

DATE: 28 November 2024

CONTACT OFFICER: Colin J Sweeney (Interim Democratic Services and Scrutiny Manager)

WARD(S): All

PART I **FOR DECISION**

AUDIT AND GOVERNANCE COMMITTEE: APPOINTMENT OF VICE-CHAIR FOR THE REMAINDER OF THE 2024/25 MUNICIPAL YEAR AND RELATED AMENDMENTS TO THE CONSTITUTION

1 **Purpose of Report**

To appoint a Vice-Chair to the Audit and Governance Committee for the remainder of the 2024/25 Municipal Year, following the resignation of Councillor Sabia Akram as Vice-Chair, as appointed at the Annual Meeting of the Council on 16 May 2024.

To note the proposed consequential changes to the Constitution by the Monitoring Officer.

2. **Recommendation**

The Council is requested to resolve that:

- a) Councillor Andrea Escott be appointed Vice-Chair to the Audit and Governance Committee for the remainder of the 2024/25 Municipal Year.
- b) The Monitoring Officer's consequential changes to the Constitution, as detailed in paragraphs 7.1 and 7.2 to this report, be noted.

3. **Commissioners' Review**

Commissioners have reviewed the report and made no comment.

4. **Strategic Priorities**

Effective, transparent, and equitable democratic and decision-making processes are an essential pre-requisite to the delivery of all the Council's priorities.

5. **Other Implications**

(a) **Legal Implications**

Article 9 of the Council's Constitution contains rules on membership of the Audit and Corporate Governance Committee. Prior to the Monitoring Officer amendments, these stated that membership should not include members of the executive, group leaders or chairs of Overview and Scrutiny Committees/Panels and the crossover of membership between Overview and Scrutiny

Committee/Panels and the Audit and Corporate Governance Committee should be limited to two. The Chair of the Committee is expected to be an elected member.

Article 9A of the Constitution contains rules in relation to the Standards Committee. This states that none of the members of this committee should be members of the Audit and Corporate Governance Committee.

The Audit and Corporate Governance Committee considered new terms of reference for the committee and a new Standards Committee in January 2022 and recommended approval to Council. The minutes record that discussion was had about whether membership of the Standards Committee should be drawn from membership of the Audit and Corporate Governance Committee:

Members also resolved to recommend to Council that the membership of the new Standards Committee should be drawn from the Members of the Audit and Corporate Governance Committee. The rationale for seeking same membership to both committees was because it was felt that this particular group of Members had been trained in both activities; thus providing expertise and knowledge as well as consistency to the new Standards Committee. The Monitoring Officer explained that best practice would be to have separate membership on the Committees which would strengthen governance arrangements. It was noted that Council could take into account the views of the Audit Committee at the time appointments were made but that this should not be enshrined in the Constitution.

Whilst the minute records that the two committees should have separate membership, it does not state that there should be no overlap. Officers have been unable to locate any best practice guidance stating that there should be no overlap between Audit and Standards committees, although it is best practice to not give Audit Committee other functions to risk overloading the committee and diluting the focus on audit matters. The restriction on membership is not included in Article 9 and therefore the restriction appears to be an error and should be rectified.

CIPFA has produced guidance on local authority audit committee. The latest guidance is Audit Committees: practical guidance for local authorities and police – 2022 Edition. The guidance has been updated since the 2018 guidance available when the terms of reference for this committee were reviewed. The guidance recommends the following:

- A strong, independently minded chair, capable of promoting apolitical open discussion, encouraging a candid approach from all participants and a focus on matters of greatest priority.
- A committee that is willing to operate in an apolitical manner.
- The ability to challenge the executive where required.
- The leader of the council, administration and elected mayor should not be a member of the audit committee.
- Including a member of the cabinet on the committee is discouraged and a member of the executive should not chair the audit committee.
- A period of two years should elapse before a councillor who previously held a senior policy role joins the audit committee.
- An overlap with other committee roles such as scrutiny or standards is not necessarily a problem and can add value by bringing knowledge of activity

in these areas into the committee. Those who are members of other committees should take care to not blur their roles.

The external auditors have published their interim annual report for 2021-22, 2022-23, 2023-24 and this is reported separately on the agenda. This includes commentary on the functioning of the Audit and Corporate Governance Committee, including the need for consistency of membership over a long period and evidence of the politicisation of the audit committee and a need to maintain an apolitical approach and not overlap with the roles of other committees, including scrutiny.

(b) Financial Implications

There are no direct implications relating to the appointment of the Vice-Chair to the Audit and Governance Committee for the remainder of the 2024/25 Municipal Year.

6. **Supporting Information**

6.1 It is a requirement to appoint Chairs and Vice-Chairs to the Committees and other bodies as set out in the Constitution.

6.2 At the Annual Meeting of the Council, held on 16 May 2024, Councillor Sabia Akram was duly appointed as Vice-Chair to the Audit and Governance Committee. At the time this complied with the terms of reference at Article 9 of the Council's Constitution.

6.3 In June the Council was formally notified of a change to the political groups. This included notification of the formation of a new Slough Independent Group and notification of one elected member resigning from the Conservative Group. This required the Council to re-calculate the political proportionality for each committee and to consider the chair and vice-chairing arrangements. The nominations for the vice-chair of Audit and Corporate Governance Committee included Councillor Akram, as the existing vice-chair, but now a member of the Slough Independent Group. Council agreed the changes, however the report and request for nominations did not make clear the restriction in the terms of reference in relation to group leaders. Councillor Akram is Group Leader of the Slough Independent Group. An apology for this oversight was given during a subsequent meeting with Councillor Akram and the Council's Monitoring Officer and Councillor Akram resigned this month before the November committee meeting.

6.4 Councillor Akram nominated Councillor Waqas Sabah as the Slough Independent Group representative to the Audit and Corporate Governance Committee. In accordance with Council Procedure Rules, Part 4.1, Paragraph 1.2 (vi) (Casual Vacancies) the Interim Democratic Services and Scrutiny Manager approved this appointment on 13th November 2024. The decision was reported to Members via the Significant Decision process.

7. **Related Consequential Amendments to the Constitution**

7.1 Given that the Council now has four political groups, with a smaller majority group, the crossover of membership between the Overview and Scrutiny Committee and the Audit and Governance Committee be increased to four as

opposed to two (Part 2 Article 9). This is appropriate as it provides more flexibility to the groups to select members with the appropriate skill set and interest in the business of these committees, whilst also ensuring a separation in the functions of each.

7.2 The terms of reference to the Standards Committee states that no member of that committee shall be a member of the Audit and Governance Committee – this is an anomaly and will be removed (Part 2 Article 9a).

8. **Appendices**

None.

9. **Background Papers**

None.