

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
COUNCIL

29th September 2021

**JOINT REPORT OF THE HEAD OF FINANCE AND HEAD OF LEGAL
AND DEMOCRATIC SERVICES**

Matter for Decision

Wards Affected: all wards

Appointment of lay persons of Governance and Audit Committee

Purpose of Report

1. To seek authority to commence a recruitment exercise for lay persons of the Governance and Audit Committee.

Background information

2. Neath Port Talbot County Borough Council's ("the Council") Governance and Audit Committee is required to discharge the following functions of this Council
 - review and scrutinise the authority's financial affairs, including approval of the Annual Statement of Accounts;
 - make reports and recommendations in relation to the authority's financial affairs;
 - review and assess the risk management, internal control and corporate governance arrangements of the authority;
 - make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;
 - oversee the authority's internal and external audit arrangements, including internal and external audit work plans, receive, review and make reports on audit work and performance;

- review the financial statements prepared by the authority.
3. The current Governance and Audit Committee comprises 12 elected members and one lay person.
 4. The operation of the Governance and Audit Committee from May 2022 will be different to the current Governance and Audit Committee, namely:
 - (a) One third of the members must be lay persons – that being a person is not a member or officer of the Council, a spouse of a member or officer of the Council or a person who has not any time in the period of twelve months before appointment been an officer or member; and
 - (b) the chair of the Governance and Audit Committee must be a lay person;
 5. It should be noted that it will be a decision of the Governance and Audit Committee that is established in May 2022 as to who their chair will be.
 6. In order to meet these requirements, it would be proposed that the total number of members of the Governance and Audit Committee from May 2022 be 12, comprising 8 elected members of the Council and 4 lay persons. Accordingly, the number of elected members of the Governance and Audit Committee will be reduced from 12 to 8.
 7. Given that the Council currently has one lay person, a recruitment exercise must now commence in order to appoint these 3 additional lay persons. It is proposed that this recruitment process commence in Autumn 2021, so that appointment be made as soon as possible to provide the lay persons with the opportunity to attend Governance and Audit Committee as observers prior to their commencing their appointment to the Committee.
 8. Local Authorities are required to establish a panel to consider applications in relation to a vacancy, to apply criteria established by the Local Authority when considering applications and to make recommendations to Council in respect of any applications received. The panel shall consist of not more than five panel members one of whom is what is described as “a lay panel

member". This must be a person who is not a member of the Local Authority and also is not a lay person of the Governance and Audit Committee.

9. Accordingly, it would be proposed that a selection panel be convened with the following membership:
 - Cllr John Warman (Mayor)
 - Cllr Del Morgan (Chair of the Governance and Audit Committee)
 - Mrs Joanna Jenkins (Lay Member of the Governance and Audit Committee)
 - Cllr Helen Ceri Clarke
 - Mr Rod Alcott
10. The panel will have no decision making powers and instead will consider and interview applicants and the recommendation and considerations of the panel will be brought back to full Council for determination.
11. An eligibility and information pack setting out the eligibility for appointment is set out at Appendix 1 of this report.
12. In order to make an application, interested applicants will be required to provide a letter of application describing how they meet the eligibility and criteria, together with a completed application form as set out Appendix 2 of this report.
13. An advert in the form included in Appendix 3 will be published in local newspapers, placed on the Council's website and communicated via its social media channels, as well as forwarded to local organisations and town/community councils.
14. All documents will also be translated to ensure applicants can submit their applications in English or Welsh.
15. Members will note as well that the current lay person of the Governance and Audit Committee's current tenure expires in May 2022 and accordingly it would be proposed that Mrs Joanna Jenkins be re-appointed to the Governance and Audit Committee for a further term of five (5) years from May 2022 to ensure

consistency in representation at the Governance and Audit Committee.

Financial Impacts:

16. The costs of advertising the remuneration for lay persons will be met from existing budgets. Lay persons will be remunerated at the rate of £99 for a half day and £198 for a day. Approved travel expenses will be payable in accordance with Council's scheme of Remuneration for Members

Integrated impact assessment:

17. As this report relates to governance matters there is no requirement for an integrated impact assessment.

Valleys Communities Impacts:

18. No Implications

Workforce Impacts:

19. No implications

Legal Impacts:

20. The Local Government and Elections (Wales) Act 2021 stipulates that from May 2022 the Governance and Audit Committee, must ensure that
 - (a) one third of the members are lay persons
 - (b) the chair of the Governance and Audit Committee is a lay person;

Risk Management Impacts:

21. Failure to ensure the Governance and Audit Committee is properly constituted renders any decisions of the Governance and Audit Committee invalid.

Consultation:

22. There is no requirement under the Constitution for external consultation on this item.

Recommendation

23. It is RECOMMENDED that:

- (a) Members approve the change of constitution for the Governance and Audit Committee from May 2022 to comprise of 8 elected members and 4 lay persons, with a lay chair being appointed by the Governance and Audit Committee
- (b) Members approve Mrs Joanna Jenkins as a lay person of the Governance and Audit Committee from May 2022 for a further period of five (5) years.
- (c) Members approve the recruitment exercise to appoint 3 lay persons of the Governance and Audit Committee
- (d) Members approve the eligibility criteria, application form and advert set out at Appendix 1, 2 and 3 of this report for use in the recruitment process
- (e) Members approve the establishment of a selection panel in the manner set out in this report
- (f) A report be brought back to full council following the conclusion of the selection process for members to consider the views of the Selection Panel and consider appointment of lay persons.

Reason for Proposed Decision

To ensure that the Governance and Audit Committee is constituted appropriately.

Implementation of Decision:

24. This will report will be for immediate implementation

Appendices

Appendix 1 – Eligibility Criteria and Information Pack

Appendix 2 – Application Form

Appendix 3 – Advert

Officer Contact

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Appendix 1

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL GOVERNANCE AND AUDIT COMMITTEE APPOINTMENT OF LAY PERSONS

Introduction

1. The Governance and Audit Committee is a key component of Neath Port Talbot County Borough Council's ("the Council") corporate governance. It provides an independent and high-level focus on the audit, assurance, and reporting arrangements that underpin good governance and financial standards
2. The purpose of the Governance and Audit Committee is to provide independent assurance to the members of the Council and its wider citizens and stakeholders, on the adequacy of the risk management framework, the internal control environment, and the performance assessment of the Council. It provides an independent review of the Council's governance, performance assessment, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance and Audit Committee

3. The Council's Governance and Audit Committee is required to discharge the following functions of this Council

- review and scrutinise the authority's financial affairs, including approval of the Annual Statement of Accounts;
- make reports and recommendations in relation to the authority's financial affairs;
- review and assess the risk management, internal control and corporate governance arrangements of the authority;
- make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;
- oversee the authority's internal and external audit arrangements, including internal and external audit work plans, receive, review and make reports on audit work and performance;
- review the financial statements prepared by the authority.

4. As a lay person, you will:

- participate in meetings of the committee and making decisions
- demonstrate independence, integrity, and impartiality in decision making according to legal, constitutional and policy requirements.
- have regard to the requirements of the Chair of the Committee and the professional advice of senior officers of the authority including the Chief Financial Officer and Head of Internal Audit (or equivalent)
- comply with the authority's Code of Conduct of which full training will be provided
- work according to the Terms of Reference for the Committee

- contribute to the development of the forward work programme for the Committee.
- promote the role of the committee within the authority
- report as required to Council
- respond to any recommendations made by the Auditor General for Wales
- participate in any training and development required for the role

5. As part of this you will be

- Contributing to the work of the Committee in its role in: Reviewing and scrutinising the authority's financial affairs
 - Make reports and recommendations in relation to the authority's financial affairs
 - Oversee the authority's internal and external audit arrangements
 - Work with internal and external auditors
 - Review the financial statements prepared by the authority and approve them when powers are delegated including making relevant reports and recommendations.
- Contributing to the effective performance of the authority
 - Review the draft report of the authority's annual self-assessment and make recommendations for changes to the conclusions or actions that the authority intends to take
 - Make recommendations in response to the draft report of the authority's Panel Assessment (commissioned once per term from May 2022)
 - Review and assess the authority's ability to handle complaints effectively.

- Make reports and recommendations in relation to the authority's ability to handle complaints effectively.
- Reviewing and assessing the Governance, Risk Management and Control of the authority
 - Review and assess the risk management, internal control, and corporate governance arrangements of the authority
 - Make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
 - Review and Assess the financial risks associated with corporate governance, and be satisfied that the authority's assurance statements, including the annual governance statement, reflects the risk environment and any activities required to improve it

Lay Persons

6. The criteria for selection and the qualities sought from candidates are that applicants have:-
 - a. To be committed to the values of the council and the following values in public office:
 - b. Openness and transparency
 - c. Honesty and integrity
 - d. Tolerance and respect
 - e. Equality and fairness
 - f. Appreciation of cultural differences
 - g. Sustainability
7. Lay Persons must also be able to meet the required time commitment and flexibility necessary to ensure the efficient running of the Governance and Audit Committee and respond to certain

requests at short notice. It is expected there will be at least four meetings a year although there may be more depending on business transacted. The Governance and Audit Committee will choose from amongst the lay persons a Chair and Vice-Chair. Leadership and presentation qualities may, therefore, be required.

8. A detailed knowledge of local government is not necessary although it would be an advantage to have some experience relative to the type of work of Governance and Audit Committees and previous experience in governance and audit work would be desirable.

Eligibility to serve as Lay Persons

9. The Council cannot (subject to the proviso below) consider applications from the following persons:-
 - (a) Current Members, officers or employees, or the civil partners or spouses of current Members, officers or employees, of the Council or any Town/Community Councils situated within the Council's area.
 - (b) Past Members, officers or employees, or the civil partners or spouses of past Members, officers or employees, of the Council or any Town/Community Councils situated within its area.
 - (c) Current Members, officers or employees of any other County Council, County Borough Council, Brecon Beacons National Park Authority or the Mid & West Wales Fire and Rescue Authority (or any legal successors of these National Park and

Fire & Rescue Authorities) or any civil partners or spouses of such Members, officers or employees.

[For the purposes of (a), (b) and (c) above a person shall not be regarded as being a “Member” of the Council, a Town/Community Council, the National Park or the Fire & Rescue authorities where that person is a Member of such a body solely by virtue of the fact that he/she has been appointed to that body as an Lay person of its Governance and Audit Committee.]

10. Past Members, officers or employees of other County Councils, County Borough Councils, the Brecon Beacons National Park or the Mid & West Wales Fire and Rescue authorities, or their civil partners or spouses, may apply to become Lay persons of the Council’s Governance and Audit Committee provided that:-
 - a) They or their civil partners/spouses, have ceased to be Members, officers or employees of those bodies for a period of at least 12 months prior to their applications being made to become an Lay person of the Council’s Governance and Audit Committee, and
 - (b) Such applicants have never been a Member, officer or employee of the Council and/or one of the Town/Community Councils in its area.
11. Further, to be eligible for appointment to and thereafter to continue membership of the Governance and Audit Committee, the Lay person must:-

- Satisfy the requirements for membership contained in Section 53 of the Local Government Act 2000 and Regulations made thereunder.
- Be over 18 and preferably by a registered elector for the County Borough of Neath Port Talbot;
- Be a well respected person of standing and good character who is independent both of the County Borough Council and Town and Community Councils in its area, and local politics;
- Provide two referees
- Not be disqualified under Section 80 of the Local Government Act 1972 or any other enactment;

12. Applicants should not

- Be a close relative (parent, partner, brother, sister or child) of any member or holder of any politically restricted post in the County Borough Council or any Town or Community Council in its area;
- Be a Member (including a co-opted Member) of any Committee, Sub Committee, Joint Committee or Panel connected to the Neath Port Talbot Council Borough Council;
- Be a representative nominated by the Local Authority to serve on a School Governing Body;
- Be an official or employee of a Trade Union whose members include persons in Local Authority employment:
- Be a person with a significant commercial relationship with the Council

(Section 80 and 81 of The Local Government Act 1972 and definitions for being judged as being independent of the Council and local politics is set out in the application pack)

13. Selection for membership may also take account of the balance of the Governance and Audit Committee as a whole including diversity, the ability to speak Welsh and the geographical spread of its membership.

14. While the following will not necessarily be matters which disqualify someone from consideration for membership, every applicant will be required to disclose criminal convictions which have not been spent and membership of political parties or trade union or trade or employers association or professional association or any other organisations, clubs or societies including those with secret activities or membership.

Application

15. It is anticipated that assessments and interviews will take place in November 2021 with the appointments being confirmed shortly afterwards. Lay persons will be appointed to serve for 5 years, subject to terms of appointment/termination as agreed by the County Borough Council.

Expenses and Remuneration

16. Lay Persons will be remunerated at the rate of £99 for a half day and £198 for a day. Approved travel expenses will be payable in accordance with Council's scheme of Remuneration for Members.

17. A letter of application describing how you meet the above requirements and criteria, together with the completed application form should be forwarded to Mr Huw Jones (h.jones@npt.gov.uk). The closing date for applications is twelve noon on **TO BE CONFIRMED.**

Appendix 2

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
APPLICATION FOR APPOINTMENT TO THE GOVERNANCE AND
AUDIT COMMITTEE**

Name	
Address	
Email	
Tel. No.	
Referees	
1.	
2.	
Eligibility	The appointment calls for a well-respected person of standing, who may have some experience relative to the type of work of a Governance and Audit Committee who complies with the criteria for selection and personal qualities and other matters specified in the advertisement.
Disqualification Criteria from Eligibility Declarations	<p>I have read the eligibility criteria and confirm that:</p> <p><input type="checkbox"/> I am a registered elector of the County Borough of Neath Port Talbot (please note this is not mandatory)</p> <p><input type="checkbox"/> I am over 18 years of age</p> <p><input type="checkbox"/> I am not a member or an officer of any local authority</p> <p><input type="checkbox"/> I have not any time in the last 12 months being a member</p>

or an officer of any local authority

I am not the spouse or civil partner of a member or an officer of any local authority

I am not disqualified by virtue of Section 80 of the Local Government Act 1972 as set out in the papers supplied

I am independent of the Council and have no connection with local politics as set out in the papers supplied

I am not an LEA appointment on a School Governing Body

I am not an official or employer of a Trade Union whose members include persons in Local Authority employment

I do not have a significant commercial relationship with the Council

I have no unspent criminal convictions (if you have any unspent convictions please list on separate sheet provided)

Details of your background/experience in support of your application

Education and Training	
Employment	
Public Appointments or Awards	
Membership of Voluntary Organisations	
Membership of Trade Unions or bodies which operate with a view to affecting public opinion	
Hobbies and Recreation	

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

GOVERNANCE AND AUDIT COMMITTEE

INFORMATION RELATING TO UNSPENT CONVICTIONS

Please list any unspent convictions you have below: *(see note at the bottom of this page and overleaf)*

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NOTE:

**REHABILITATION OF OFFENDERS ACT 1974
REHABILITATION PERIODS**

TABLE A

Sentence	Rehabilitation Period
A sentence of imprisonment (detention in a young offenders institution) (or youth custody) or corrective training for a term exceeding six months but not exceeding thirty months	Ten years
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service	Ten years
A sentence of imprisonment (detention in a young offenders institution) (or youth custody) for a term not exceeding six months	Seven years
A sentence of dismissal from Her Majesty's Service	Seven years
Any sentence of detention in respect of a conviction in service disciplinary	Five years

Sentence	Rehabilitation Period
proceedings	
A fine or any other sentence subject to rehabilitation under this Act, not being a sentence to which Table B below or any of subsections (3) (4A) or (8) below applies	Five years

TABLE B

REHABILITATION PERIODS FOR CERTAIN SENTENCES CONFINED TO YOUNG OFFENDERS

Sentence	Rehabilitation Period
A sentence of Borstal training	Seven years
(A custodial order under Schedule 5A to the Army Act 1955 or the Air Force Act 1955, or under Schedule 4A to the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months)	Seven years
A custodial order under Section 71AA of the Army Act 1955 or the Air Force Act 1955 or under Section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months	Seven years
A sentence of detention for a term exceeding six months but not exceeding thirty months passed under Section 53 of the said Act of 1933 or under Section (206 of the Criminal Procedure (Scotland) Act 1975)	Seven years
A sentence of detention for a term not exceeding six months passed under either of those provisions	Five years
An order for detention in a detention centre made under (Section 4 of the Criminal Justice Act 1982) Section 4 of the Criminal Justice Act 1961	Three years
(A custodial order under Section 71AA of the said Acts of 1955, or Section 43AA of the said Act of 1957, where the maximum period of detention specified in the order is six months or less	Three years

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
EQUAL OPPORTUNITIES**

Equal Opportunities Monitoring Form



Neath Port Talbot County Borough Council is working towards promoting and ensuring equality of opportunity in employment and service delivery. It is the Council's policy to ensure that all applications for posts with the Authority are considered on the basis of merit, regardless of gender, age, disability, race, colour, nationality, ethnic origin, responsibility for dependants, marital status, sexual orientation, HIV or AIDS status, trade union activity or religious belief.

To ensure this policy is carried out effectively, all applicants are asked to provide the information requested on this form. It will be used only for administrative and monitoring purposes and will be confidential and not used to discriminate in favour or against any individual applicant.

Full Name of Applicant

Post Applied For Lay Person of the Governance and Audit Committee

Date of Birth

Gender (Please tick as appropriate)

Male

Female

Nationality (Please tick box as appropriate)

British English Irish

Welsh Scottish

Other (Please give details)

Ethnic Origin (Please tick as appropriate)

(a) White

(b) Mixed:
White and Black Caribbean

White and Black African
White and Black Asian
Any other mixed background (Please give details)

(c) Asian:
Indian Pakistani
Bangladeshi
Any other Asian Background (Please give details)

(d) Black:
Caribbean African
Any other Black Background (Please give details)

(e) Chinese or other Ethnic Group:
Chinese Other

Welsh Language (Please tick as appropriate)

Fairly fluent speaker and writer Fairly fluent speaker
Fluent speaker and writer Fluent speaker
Learner Little or no knowledge

Disability

The Council actively encourages applications from people with disabilities. The Disability Discrimination Act 1995 defines a person with disability as someone who has “physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day to day activities”.

Do you consider yourself to have a disability? (Please tick as appropriate)

Yes No

Note: It is our Policy to interview all people with disabilities who meet the essential shortlisting requirements of the post. The Person Specification shows these requirements. If you need clarification on these job requirements, please contact the HR Recruitment Team in which the post is based.

Where did you see the advertisement for this post?

Internal Bulletin Intranet
Western Mail Evening Post Job Centre

Internet
(if so state name of website):

Other
(Please state):

Appendix 3

ADVERTISEMENT
NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
Recruitment of Lay Persons
of the Governance and Audit Committee

The Council invites applications from members of the public to become lay persons of its Governance and Audit Committee

Neath Port Talbot County Borough Council's ("the Council") Governance and Audit Committee is required to discharge the following functions of this Council

- review and scrutinise the authority's financial affairs, including approval of the Annual Statement of Accounts;
- make reports and recommendations in relation to the authority's financial affairs;
- review and assess the risk management, internal control and corporate governance arrangements of the authority;
- make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;
- oversee the authority's internal and external audit arrangements, including internal and external audit work plans, receive, review and make reports on audit work and performance;
- review the financial statements prepared by the authority.

To be eligible for appointment to the Governance and Audit Committee a lay person must:-

- Not be disqualified under Section 80 of the Local Government Act 1972 or any other enactment;
- Be over 18 and preferably be a registered elector for the County Borough of Neath Port Talbot;
- Be a well-respected person of standing and good character who is independent both of the County Borough Council and Town/Community Councils in its area, and of local politics, and

- Not be a member or an officer of any local authority,
- Not at any time in the period of twelve months ending with the date of that person's appointment been a member or an officer of any local authority, and
- Not be the spouse or civil partner of a member or an officer of any local authority;

An application pack with further details on eligibility and process may be obtained from Mr Huw Jones (h.jones@npt.gov.uk)

Applications will close at 12 noon on the **TO BE CONFIRMED**

Enquiries regarding the Governance and Audit Committee or this appointment should be directed to Mr Huw Jones (h.jones@npt.gov.uk)