

CHAIR OF THE AUDIT & GOVERNANCE COMMITTEE**REPORT OF THE LEGAL ADVISER AND
MONITORING OFFICER****For Approval****1. PURPOSE OF REPORT**

- 1.1 At the meeting of the Audit and Governance Committee on 19 November 2021, Members requested a report be tabled at the next available meeting of the Fire Authority to consider the position of Chair of the Committee, a vacancy having arisen through a resignation from office.

2. RECOMMENDATIONS

- 2.1 That Members consider whether to appoint to the position of Chair of the Audit and Governance Committee for the remainder of the municipal year.

3. BACKGROUND

- 3.1 Whilst the Audit and Governance Committee have in previous years appointed amongst their membership to the positions of Chair and Vice Chair, there was a departure from this situation with appointments being made at the Authority's Annual Meeting. Subsequently, the appointed Chair was to resign from the office of Councillor and a vacancy has therefore arisen with the appointing authority (Middlesbrough Borough Council) scheduled to confirm an appointment at their meeting on 24 November, 2021.
- 3.2. The Authority's Standing Orders are not so dis-similar from other public bodies and provide that the appointed Chair shall preside at meetings of the Authority or at the respective Committee (Standing Order 2 refers). Further, that *'in the absence of the Chair at any meeting, the Vice Chair shall preside at the meeting. In the absence of both, the members present shall, as their first item of business, appoint one of their number to be Chair of the meeting.'*
- 3.3. At the Committee meeting on 19 November 2021, reference was made to Standing Order No.33 ('Election of Chair of Committee') and an interpretation was given that an appointment of a Chair was required as the first part of the business of the meeting. This Standing Order provides; *'At the first meeting of every committee, the first business shall be to choose a Chair, and if the committee think proper, a Vice-Chair, unless the Chair and/or the Vice-Chair has previously been appointed by the Authority. For the purpose of the election of a Chair the Chair or the Vice Chair of the Authority, if present at the meeting, shall act as Chair.'*

- 3.4. The important caveat to this Standing Order is that the appointments to the roles of Chair and Vice Chair had been made by the Authority. Two consequences arise from this distinction. Firstly, that in the absence of the Chair the Vice-Chair should preside in conformity with Standing Order No. 2 above. Secondly, as the Authority had exercised the power of appointments to the roles of Chair and Vice Chair to the Committee only the Authority could so appoint where a vacancy had arisen. Knowles on local authority meetings supports the proposition that *'at common law a committee meeting can control its own proceedings subject to compliance with standing orders.'*

4. APPOINTMENT OF A CHAIR OF THE AUDIT AND GOVERNANCE COMMITTEE

- 4.1. Members are reminded that the 'Terms of Reference' of the Committee requires the Chair to be *'a member outside of the majority group'*.
- 4.2. Subject to the calling of any extraordinary meeting of the Committee, there is only one scheduled meeting, namely that on the 25 February, 2022, before the Authority's Annual Meeting.
- 4.3. It is open for Members to consider the following options:-
- (1) To appoint a Member of the Committee as Chair in accordance with the Terms of Reference.
 - (2) To leave the position of Chair vacant and to rely on the Vice-Chair for the next scheduled meeting.
 - (3) For the Authority to delegate to the Committee the power to appoint (as the first item of business) a Chair from amongst its membership then present at the next scheduled meeting.

5. SUMMARY AND CONCLUSION

- 5.1. In their consideration of the above options, members are reminded that good governance is founded on certain principles including that of certainty and due authority being placed in the hands of the Chair and for those powers to be exercised for the benefit of the Committee and the Authority as a whole.

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LEGAL ADVISER AND MONITORING OFFICER