Audit, Risk and Assurance Committee **Agenda Item No. 14**

15 SEPTEMBER 2025

Internal Audit Report - Composition of the Leader's Portfolio

Ward(s): All

Portfolios: All

Purpose: For Information

1. Aim

1.1 To seek assurance regarding potential material governance concerns raised by a Member in relation to the Leader of the Council portfolio arrangements.

2. Summary

2.1 This report covers the work we have undertaken to assess the governance risks raised in an e-mail to the Chair of the Audit, Risk and Assurance Committee on 7th July 2025 in respect of Legal Services being included in the Leader's portfolio.

3. Recommendations

3.1 That Audit, Risk and Assurance Committee receive and note the report.

4. Report detail – know

4.1 The Schedule to Table 3 in Part 03 of the Council's constitution states that "portfolios represent areas of the Council's activities on which the portfolio holder will take the lead and speak on related issues at Council meetings".

The constitution also states clearly that no functions are assigned to individual Members of the Executive.

Section 6 in Part 05 of the constitution sets out guidelines for "the relationship: officer support: the Executive". This section reminds officers of the need for impartiality and political neutrality and reminds both Members and officers of the tensions that may arise between Chief Officers and Cabinet Members with portfolios, and how working together is required to avoid such tensions and conflicts existing or being perceived.

4.2 In the past 11 Municipal years, Legal Services has regularly been allocated to the Leader's Portfolio with no previous governance risks or potential conflicts of interest being raised as a result. The table below shows the years where Legal Services has been allocated to either the Leader, or another Portfolio Holder.

Year	Portfolio Holder
2025-26 (June onwards)	Leader
2025-26 (May-June)	Other – Governance & Resources
2024-25 (June onwards)	Other - Internal Resources
2024-25 (May-June)	Other - Internal Services
2023-24	Other - Internal Services
2022-23	Leader
2021-22	Leader
2019-21	Leader
2018-19	Leader
2017-18	Leader
2016-17	Leader
2015-16	Leader
2014-15	Leader

4.3 The independence of the Monitoring Officer is protected by the statutory requirements set out in Section 5 of the Local Government & Housing Act 1989, and Members have no line manager responsibilities for Council officers.

We obtained assurances from the Monitoring Officer regarding independence and ability to fulfil their statutory duties without actual or perceived influence from the political executive, although it was noted that regular training on Member / Officer protocols would be beneficial in maintaining effective relationships between elected Members and officers.

The Code of Practice on Good Governance for Local Authority Statutory Officers issued by Solace, CIPFA and LLG in June 2024, states that “statutory officers must have access to brief the Leader (or directly elected Mayor), other leading members of the authority and political group leaders, to discuss options, potential policies, decisions, and the required steps to deliver good governance”.

Including Legal Services within the Leader’s portfolio facilitates that access.

4.4 Two other Local Authorities within the West Midlands have Legal and Governance and / or Democratic Services within their Leader’s portfolio, as do many London Boroughs that are also unitary authorities.

Including Legal Services within the Leader portfolio is not unusual either within Walsall or Local Government more widely, and we have confirmed with Democratic Services officers that there is nothing in the Council’s constitution that would prevent this allocation.

We do not believe that further safeguards are required at this time, or that this arrangement constitutes a governance risk that needs to be reflected in the Council’s Annual Governance Statement.

Control Environment

4.5 The Audit, Risk and Assurance Committee’s activities include providing independent assurance on the adequacy of governance arrangements and to

review the independence and effectiveness of Statutory Officers including the Monitoring Officer. This report supports the Committee in exercising that role.

4.6 *Assurance of Controls*

Part of Internal Audit's role is to provide assurance in the council's performance and risk management arrangements.

5. *Financial information*

5.1 Internal audit days provided is set out in the Internal Audit contract with Forvis Mazars.

6. *Reducing Inequalities*

6.1 Internal Audit has full regard to equalities both within the internal audit service and in the services / activities under review.

7. Decide

7.1 The Committee may wish to comment on the findings of the work carried out in response to the concerns raised.

8. Respond

8.1 The Committee may, during 2025/26 call those relevant accountable chief officers to provide assurance that concerns raised regarding governance risks have not materialised.

9. Review

9.1 Internal Audit will follow up on any further queries raised by the Committee in relation to this report.

Background papers
Council Constitution
Industry Guidance

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