

|                               |                       |
|-------------------------------|-----------------------|
| <b>Annual Council Meeting</b> | <b>Agenda Item: 9</b> |
|-------------------------------|-----------------------|

|                         |  |
|-------------------------|--|
| <b>Meeting Date</b>     | 19 May 2010  |
| <b>Report Title</b>     | <b>BOROUGH COUNCIL REPRESENTATION ON OUTSIDE BODIES, TRUSTS ADMINISTERED BY SWALE BOROUGH COUNCIL AND STATUTORY BODIES</b> |
| <b>Portfolio Holder</b> | Leader   |
| <b>SMT Lead</b>         | Director of Corporate Services   |
| <b>Head of Service</b>  | Interim Head of Legal  |
| <b>Lead Officer</b>     | Democratic and Electoral Services Manager  |
| <b>Key Decision</b>     | No   |
| <b>Classification</b>   | Open   |
| <b>Forward Plan</b>     | Reference number: n/a  |

|                        |   |
|------------------------|---|
| <b>Recommendations</b> | <b>1. To agree Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies and recommend to Council whether to re-nominate or make alternative nominations.</b> |
|                        | <b>2. That Members agree to a review of the process of appointments of Borough Councillors onto outside bodies, as proposed within the draft Third Sector Strategy, to be completed by May 2011.</b>                    |

### **Purpose of Report and Executive Summary**

- 1.1 There are 62 outside bodies within Swale who have representatives from Swale Borough Council on them, and nominations are reviewed annually.

## **2 Background**

- 2.1 Each year the Council reviews its appointments to outside bodies and trusts at the Annual Council meeting, following discussion at Executive. Appendix I sets out the current representation on trusts and outside bodies.

## **3 Proposal**

- 3.1 The Executive are asked to consider whether to make any changes to the nominations for 2010/2011 for Council representatives on outside bodies. Appointments will be made by full Council, but nominations can be made by the Executive. The attached table highlights those organisations whose purposes or

activities are matters that fall within remit of the Executive, as defined by legislation.

3.2 The Council's approach to Outside Bodies will be considered with the Third Sector Strategy and the Constitution Review. Swale Borough Council's draft Third Sector Strategy document 'Investing in Swale's Third Sector', proposes several actions including the development of a policy on Swale Borough Councillors' representation on outside bodies. These proposals are intended to ensure the nomination process was clear, open and transparent; that responsibilities and liabilities are clarified; and that the list of approved duties is reviewed and updated to access wider groups.

A comprehensive audit of organisations to which Swale Borough Council appoint to needs to include insurance and indemnity arrangements, the capacity of the Councillor on the outside body, terms of reference, the number of appointments and all relevant information about the purpose and function of the organisation. As Swale currently nominates to 62 organisations and resources are limited, the work will be completed by the start of the next municipal year.

## **4 Alternative Options**

4.1 Not applicable.

## **5 Consultation Undertaken or Proposed**

5.1 Those Councillors presently nominees on an outside body were requested to submit their annual report and this was produced as a booklet in April 2010. The reports submitted were attached as Appendix II to the Executive agenda for 12 May 2010. Any additional reports received after this date will be tabled at the Annual Council meeting.

## **6 Implications**

| <b>Issue</b>                     | <b>Implications</b>  |
|----------------------------------|--|
| Corporate Plan                   | Becoming a High Performing Organisation.   |
| Financial, Resource and Property | None identified at this stage, although should the Executive recommend to Council to review the process and policy of nominations on outside bodies, this would have a human resource implication.   |
| Legal and Statutory              | The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets the responsibilities between Council and the Executive.<br><br>Some appointments are as Trustees or Directors which have specific legal responsibilities and liabilities for the individual member. |

|                                       |   |
|---------------------------------------|---|
|                                       | To ensure compliance with the Members' Code of Conduct any member appointed to an outside body must review their declaration in the Members' Register of Interests within 28 days of any change.  |
| Crime and Disorder                    | None identified at this stage.  |
| Risk Management and Health and Safety | The audit of outside bodies being undertaken as part of the Third Sector Strategy will review the roles and capacities that members it nominates are appointed to outside bodies. The audit will also enable the Council to identify and manage any risks that may arise from making appointments to outside bodies.. |
| Equality and Diversity                | None identified at this stage, although should the Executive decide to review the process and policy of nominations on outside bodies, this could have equality and diversity implications.   |
| Sustainability                        | None identified at this stage, although should the Executive decide to review the process and policy of nominations on outside bodies, this could have sustainability implications.   |

## 7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report
- Appendix I: Approved Duties List incorporating representation on outside bodies, Borough Council nominees on trusts administered by Swale Borough Council and statutory and other Panels.

## 8 Background Papers

Swale Borough Council Constitution  
Local Authorities (Functions and Responsibilities) (England) Regulations 2000.