

Annual Council Meeting	Agenda Item: 9
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Meeting Date	18 May 2011
Report Title	BOROUGH COUNCIL REPRESENTATION ON OUTSIDE BODIES, TRUSTS ADMINISTERED BY SWALE BOROUGH COUNCIL AND STATUTORY BODIES
Portfolio Holder	Leader
SMT Lead	Director of Corporate Services
Head of Service	Interim Head of Legal and Democratic Services
Lead Officer	Democratic and Electoral Services Manager
Key Decision	No
Classification	Open
Forward Plan	Reference number: n/a

Recommendations	1. To note the outcome of the review of Outside Bodies carried out in the last municipal year.
	2. To agree the list of Outside Bodies following recommendations from the Group Leaders.
	3. To note the Outside Bodies and partnership arrangements to be made by Cabinet.
	4. To agree Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies

Purpose of Report and Executive Summary

- 1.1 There are 62 outside bodies within Swale that have previously had representatives from Swale Borough Council on them, and nominations are reviewed annually. This year the list of bodies requesting appointments has also been reviewed, arrangements audited and a protocol agreed.

2 Background

- 2.1 On the 26 January 2011, the General Purposes Committee considered a draft protocol which set out the following principles determining whether or not the Authority should make appointments to Outside Bodies. The committee resolved:

That the draft protocol for Outside Body appointments made by the Council be agreed, subject to amendments to reflect that Section 3 has been removed from the proposed Procedure Note; that Group Leaders will consider which bodies appointments should be made to;

and that all Members will be required to produce a report which sets out any significant matters and attendance information, otherwise they will not be eligible for appointment to that particular body in the subsequent year.

2.2 On the 23 February 2011, Council agreed:

“That the draft protocol for Outside Bodies, including the amendments recommended by the General Purposes Committee, be agreed, and that future outside body appointments should first be considered by the General Purposes Committee which will make recommendations to Council.”

2.3 The following principles guiding whether or not appointments should be made are included in the Protocol agreed by Council on 23 February 2011. They are: -

Essential: -

- Representation is still required – will be reviewed annually
- Appointee’s role is clearly defined and does not duplicate existing arrangements
- Aims and objectives of the Outside Body (OB) are compatible with the Council’s
- OB must have Terms of Reference, Constitution, Written agreement, Trust Deed or Memo and Articles, Audited accounts
- OB indemnifies appointed member and adequate insurance cover is arranged by organisation
- Appointment required by virtue of a statutory duty or other legal requirement;
- Appointment required by virtue of a specific decision or policy adopted by the Council;
- Any costs of attendance can be met within resources available to the Authority

Additional considerations

- Appointment will improve the Council’s working relationships with outside bodies
- Appointment deriving from the Council’s community leadership/consultative role or enhances the Council’s Community Leadership role
- Organisation set up by the Council
- To ensure that the authority is in a position to influence sub-regional strategic decisions
- Capacity building – where interests, expertise or specific skills or knowledge are required – two way process
- Time commitments must be proportionate to the Council’s objectives
- Equality of access to Councillors’ time
- Expenses covered by external organisation (save from VCS)

- 2.4 The Council's approach to making appointments to Outside Bodies was considered during the Third Sector Strategy and the Constitution Review.
- 2.5 A comprehensive audit has been carried out of organisations to which Swale Borough Council made appointments. The audit covered organisations requesting nominations and asked for information about insurance and indemnity arrangements, the capacity of the Councillor on the outside body, terms of reference, the number of appointments and other relevant information about the purpose and function of the organisation.
- 2.6 Appendix I sets out the current representation on trusts and outside bodies; it indicates which appointments are no longer recommended (highlighted in grey); the capacity in which the Member is being asked to attend; and whether the appointment is to be made by Cabinet or the Council.

3 Proposal

- 3.1 Council is now asked to consider the Group Leaders' recommendation, the revised list of appointments and decide which bodies to which appointments should be made and then to make appointments to them.

4 Alternative Options

- 4.1 Council can decide whether or not to accept the recommendations made by officers and the Group Leaders. Consideration should be given to the principles already agreed in the Outside Bodies' Protocol adopted by full Council on 23 February 2011.

5 Consultation Undertaken or Proposed

- 5.1 The proposals in this report follow consultation with the Group Leaders and the General Purposes Committee. Those Councillors presently nominees on an outside body have been requested to submit their annual report and the reports received have been produced as a booklet and were sent to Members on 3rd May 2011. The booklet is attached as an Appendix to the online agenda for this meeting. Any additional reports received after this date will be tabled at the Annual Council meeting.

6 Implications

Issue	Implications
Corporate Plan	Becoming a High Performing Organisation.
Financial, Resource and	None identified at this stage, although should the Executive recommend to Council to review the process and policy of

Property	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. 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 and will allow members to take informed decisions about whether or not they wish to accept appointments that could impose significant legal obligations on them.
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: Sets out the current representation on trusts and outside bodies; it indicates which appointments are no longer recommended (highlighted in grey); the capacity in which the Member is being asked to attend; and whether the appointment is to be made by Cabinet or the Council.

8 Background Papers

Swale Borough Council Constitution
Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
Outcome of the review of Outside Bodies undertaken in 2010/11.