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| Annual Council Meeting | Agenda Item: 8 |
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| Meeting Date | 16 May 2012 |
| 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 |

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| Recommendation | 1. The Council is asked to agree Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies |
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Purpose of Report and Executive Summary

- 1.1 Following the review and audit of outside bodies carried out in 2011, there are now 38 outside bodies within Swale that have representatives from Swale Borough Council on them. In accordance with the revised procedures, Group Leaders were asked to undertake an annual review as to whether they consider nominations should continue to be made to these organisations.
- 1.2 As part of that process, Group Leaders also considered requests from outside bodies for a Council representative. These were in respect of:
 - CCTV Partnership Board
 - Diversity House
 - Swale District Advisory Board.
- 1.3 This report is asking the Council to agree representation to outside bodies, trusts administered by Swale Borough Council and statutory bodies. It should be noted, that some of the appointments can be made by the Cabinet and so the Council is not asked to agree those. For completeness, however, details of those outside bodies are included in the attachment to the report.

2 Background

- 2.1 Group Leaders have submitted their proposals for nominations which are set out in Appendix I.

2.2 By way of background, the protocol agreed by Council on 23 February 2011 set out the following guiding principles as to whether or not appointments should be made. 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)

CCTV Partnership Board and Swale District Advisory Board

2.3 In respect of the CCTV Partnership Board and the Swale District Advisory Board, the nominations can be made by the Cabinet and these will be considered at their next meeting.

Diversity House

2.4 In respect of the nomination asked for by Diversity House, this is an appointment that would be made by the Council.

Diversity House has provided the following information:

There are several reasons why we consider it fit for a Borough Councillor to sit on our organisation:

1. Our service users are residents of Swale;
2. Our service users are mostly disadvantaged and having insight to their issues and worldview will be of immense benefits to any Councillor sitting within our organisation as it will help them to deliver their own services to the community;
3. Our organisation deal with the issue of diversity and equality in all its ramifications and this is an important aspect which promotes civic participation and community cohesion. Working with any Councillor will help to co-construct values and beliefs, and consequently ways of ensuring that this knowledge translates into appropriate service commissioning and delivery for our local people;
4. It is vital to have a Councillor sitting within our organisation as a way of auditing our organisation's activities and quality performance;
5. It will help to ensure our credibility and transparency;
6. It will enhance the diversity of our operations and practices;
7. We have worked collaboratively with Swale Borough Council on some pertinent projects and issues - community cohesion; review of cultural strategy; equality and diversity policy; etc.

The Councillor role would be as a trustee and the time commitments for a prospective nominee are four meetings per year, alternating between day times and evenings.

- 2.5 Members' attention is drawn, however, to the fact that the nomination is for a trustee. Members may wish to think seriously before being nominated by the Council about the legal obligations that this imposes on the appointee. Attention is drawn to the Guidance previously issued to Members, as set out in Appendix II.

Police and Crime Panel

- 2.6 Members will be asked later in the year to make a nomination to the Police and Crime Panel. The police and crime panel (PCP) will have power to scrutinise PCC activities, including the ability to review the police and crime plan and annual report, veto decisions, request PCC papers and call PCCs and chief constables to public hearings. The panel can also seek a professional view from HMIC regarding potential dismissals. At the time of writing, it is not yet clear whether the appointment will need to be made by the Council or the Cabinet.

3 Proposal

3.1 Council is asked to consider the Group Leaders' nominations and decide who should be appointed to sit on each body as set out in Appendix I.

3.2 In considering whether appointments should be made, regard should be had to the following requirement agreed by Members to submit an annual report:-

Any Member who fails to submit their annual report shall not be re-appointed to that Outside Body). I can confirm that all Councillors appointed during 2011 - 2012 municipal year have submitted reports.

3.3 A copy of the reports can be viewed on the on-line agenda. (Paper copies have been provided to those members without access to the internet and a copy has been placed in the Members' room).

4 Alternative Options

4.1 Council can decide whether or not to accept the nominations made by the Group Leaders, and whether or not to make appointments to those outside bodies. 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. 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 25 April 2012. The booklet is attached as an Appendix to the online agenda for this meeting.

6 Implications

| Issue | Implications |
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| 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. Some appointments are as Trustees or Directors which have specific legal responsibilities and liabilities for the individual member. |

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| | 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, undertaken as part of the Third Sector Strategy, reviewed the roles and capacities of Members the Council nominates to outside bodies. The audit enabled the Council to identify and manage any risks that may arise from making appointments to outside bodies and allows 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 there be a further review of the process and policy of nominations on outside bodies, this could have equality and diversity implications. |
| Sustainability | None identified at this stage, although should there be a further review of the process and policy of nominations on outside bodies, this could have equality and diversity 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 and proposed nominations.
- Appendix II: Guidance on outside body appointments

8 Background Papers

- Outside body reports submitted by Members (a copy is in the Members' room and can be viewed as part of the on-line agenda)
- Swale Borough Council Constitution
- Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- Outcome of the review of Outside Bodies undertaken in 2010/11.