

Council Meeting

Meeting Date	17 June 2015
Report Title	Appointments to Outside Bodies – Faversham Swimming Pool Management Committee
Cabinet Member	Leader
SMT Lead	Director of Corporate Services
Head of Service	n/a
Lead Officer	Democratic and Electoral Services Manager
Key Decision	No
Classification	Open
Forward Plan	Reference number: n/a

Recommendations	1. The Council is asked to agree Borough Council representation on the Faversham Swimming Pool Management Committee
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1 Purpose of Report and Executive Summary

- 1.1 At the Annual Council meeting held on 20 May 2015, the Council made appointments to outside bodies, trusts and statutory bodies. The decision was made to defer making appointments to the Faversham Swimming Pool Management Committee, to clarify whether two of the appointed representatives wished to continue.
- 1.2 Mr Root has confirmed that he wishes to continue in this role.
- 1.3 It has not been possible to make contact with Mr Collins. We have contacted the Management Committee and they have asked the Council not to reappoint Mr Collins, as he has had no involvement for some time.
- 1.4 The Management Committee has asked the Council to consider appointing a Mr Mick Ellsmore.

2 Background

- 2.1 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)

2.2 Members may wish to think seriously before being nominated as a trustee or director by the Council, with regard to the legal obligations that this imposes on the appointee. Attention is drawn to the information below:

2.2.1 **Constitution position** – the appointment process within the Constitution follows certain principles. It is split between (a) those bodies to which the Council appoints as a body corporate e.g. charities and trusts and which fulfil primarily council functions and (b) those which do not require 'body corporate' appointment and are more closely linked to the exercise of executive functions e.g. partnerships.

In relation to Faversham Pools Management Committee, the Council is appointed as the Custodian Trustee and has to discharge its responsibilities as a Council function and is not able to delegate it. The appointment of trustees is set out with the Declaration of Trust which states that a member need not be a member of the appointing organisation. So notwithstanding that this is a Council responsibility, if the desire is to appoint more community members then this can be achieved by the Council through its own normal nomination process.

- 2.4 **Register of Interests** - Members are required to record any changes to their interests arising from their appointment to an outside body.

3 Proposal

- 1.5 Council is asked to determine who will represent the Council on the Faversham Swimming Pool Management Committee.

- 1.6 The nominations put forward at the Council meeting on 20 May were:

- Mr Anthony William Collins
- Mr Steve Root
- Mr Barnicott
- Cllr Monique Bonney
- Cllr Mike Henderson
- Cllr Anita Walker

- 1.7 Given the comments received back from the Committee, the re-appointment of Mr Anthony William Collins is not recommended.

- 1.8 The Chairman of the Trust has suggested the following replacement:

"The Pools Trust is progressing with its incorporation and is seeking to attract trustees with specific skills to add to the growing range of specific professional disciplines available to manage the Trust. Mick Ellsmore's background as a former local government Director of Finance combined with his experience in dealing with charitable bodies and his interest in leisure and recreation services would make him a great asset to the Trust.

Mick is already advising the Trust on its incorporation and if the Council agrees to his appointment Mick's formal service as a trustee would begin at the next AGM which this year will take place in October".

- 1.9 The Leader has confirmed his support for the appointment of Mr Ellsmore.

4 Alternative Options

- 4.1 Council can decide 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

- 1.10 Group Leaders have been made aware of the feedback from representatives and the Management Committee.

6 Implications

Issue	Implications
Corporate Plan	Open for Business
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	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets the responsibilities between Council and the Executive.</p> <p>Some appointments are as Trustees or Directors which have specific legal responsibilities and liabilities for the individual member.</p> <p>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.</p>
Crime and Disorder	None identified at this stage.
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.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	The audit of outside bodies 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.

7 Appendices

None

8 Background Papers

None.