

| <b>Council Meeting</b> | <b>Agenda Item:</b>   |
|------------------------|---|
| <b>Meeting Date</b>    | 13 December 2017  |
| <b>Report Title</b>    | Appointment to Outside Bodies – Queenborough Fishery Trust/Swale Recreation Trust   |
| <b>Cabinet Member</b>  | Leader  |
| <b>SMT Lead</b>        | Chief Executive   |
| <b>Head of Service</b> | n/a   |
| <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> | 1. The Council is asked to agree Borough Council representation on the Queenborough Fishery Trust (QFT)/Swale Recreation Trust (SRT). |

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

- 1.1 At the Annual Council meeting held on 17 May 2017, the Council made appointments to outside bodies, trusts and statutory bodies. At that time, the appointments of the two representatives on the QFT were not due for renewal. The two Council nominees currently representing the Council on the QFT/SRT are Councillor Ken Pugh (until 31 January 2020) and Councillor Ted Wilcox (until 31 January 2018).
- 1.2 One of the posts is due to expire on 31 January 2018, and we have been advised that Councillor Ted Wilcox is happy to continue in that role for another four year term.
- 1.3 The Council is asked to make a nomination to the post from 1 February 2018 to 31 January 2022.

## **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:

2.3 **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.

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

### **3 Proposals**

3.1 Council is asked to make a nomination to represent the Council on the QFT/SRT from 1 February 2018 until 31 January 2022.

## 4 Alternative Options

- 4.1 Council can decide whether or not to make appointments to these 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 Group Leaders will have been made aware that a nomination will be sought at the Council meeting, and may consider putting forward a nomination.

## 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  |

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|                        | 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**

7.1 The following documents are to be published with this report and form part of the report:

None.

## **8 Background Papers**

None.