

## Annual Council Meeting

<b>Meeting Date</b>	17 May 2017
<b>Report Title</b>	Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies
<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>	<b>1. The Council is asked to agree Borough Council representation on outside bodies, trusts administered by Swale Borough Council and statutory bodies</b>
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### 1 Purpose of Report and Executive Summary

- 1.1 Following the review and audit of outside bodies carried out in 2011, there are now 35 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 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.

### 2 Background

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

2.3 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.

2.3.1 **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.

**2.3.2 Change in number of Council representatives required**

AmicusHorizon Area Panel – as from 2017/18 this will change to one 'Kent General Panel', and only one representative (currently three) is required.

Faversham Pools Management Committee - there has been a change in status whereby the Management Committee has become an incorporated organisation and a Council nomination is no longer required.

**Lower Medway Internal Drainage Board** - for the next financial year the Council have been asked to provide six representatives (currently four) to sit on the Lower Medway Internal Drainage Board. This has increased because the Council now contribute 57% of the Board revenue, and the Board has 10 council appointed members.

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**

1.3 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.

### 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**

1.4 The proposals in this report follow consultation with Group Leaders.

### 6 **Implications**

Issue	Implications
Corporate Plan	A Council to be proud of.
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

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 – Council appointed (to follow).

## 8 Background Papers

None.