
Meeting: General Purposes Committee

Date: 10 February 2010

Subject: Appointments to Outside Bodies - Policy

Report of: Director of Corporate Resources

Summary: The report proposes a policy for making Member appointments to outside bodies, followed by a review in the autumn 2010 of the bodies to which appointments should be made from May 2011. The policy includes a proposal that appointments should not be made, other than as non-voting observers, to companies and charities unless they provide their own indemnity cover to Council appointees.

Contact Officer: Barbara Morris, Assistant Director Legal and Democratic

Public/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Member appointments to outside bodies play an important part both in fulfilling the Council's statutory responsibilities and in providing strong community leadership.

Financial:

Members' attendance at meetings of outside bodies as the Council's duly appointed representative is an approved duty for the payment of travelling and subsistence allowances, unless claimed from the outside body concerned.

Legal:

Members' responsibilities and liabilities when serving on outside bodies, which vary according to the type of body and the capacity in which the member serves, are explained in more detail in the policy.

Risk Management:

There are no strategic or service risks from appointments, but Members should be aware of their potential personal liabilities towards registered companies or charities on which they serve, which will not be covered by the Council's own insurance-backed indemnity unless they are serving on behalf of the Council as a non-voting observer.

Staffing (including Trades Unions):

None.

Equalities/Human Rights:

None.

Community Safety:

None.

Sustainability:

None.

RECOMMENDATION(S):

1. That, subject to amendment to accommodate the recommendations of the Constitution Advisory Group, as set out in paragraph 8, the attached policy for making Council appointments to outside bodies be approved and circulated to all Members.
2. That, as a matter of principle, Council appointments should not be made, other than as non-voting observers, (a) to companies or charities which have not provided their own insurance-backed indemnity cover to Council appointees; and (b) to any unincorporated association where there is a significant risk of personal liability; and that any such existing appointments be rescinded unless the body confirms it intends to provide suitable cover.
3. That, in relation to all other current Council appointments, the Assistant Director Legal and Democratic be requested:-
 - (a) to ask all Members who have been appointed to an outside body to report in 6 months' time on the value or not of the Council continuing to appoint Members after May 2011, on the basis of the criteria set out in the policy; and
 - (b) to report back to this committee on the outcome.
4. That Members meanwhile be requested to report from time to time on the work of the bodies to which they have been appointed via the Members' Newsletter.

Our Current Appointments to Outside Bodies

1. Since June 2009 the Council has made 161 Member appointments to 88 outside bodies of various descriptions, as set out in Appendix A. The current list of bodies is based on a review carried out in 2008/09 as part of the transition to Central Bedfordshire Council of all the bodies to which the three legacy authorities had previously made Member appointments. Members were also asked for their views on whether Central Bedfordshire Council should be represented on the organisation. That review achieved an overall reduction in the number of outside bodies to which this Council was appointing from nearly 200 across the three legacy authorities.
2. All appointments were made for the period until the next election in May 2011 under a Council authority at its annual meeting on 18 June 2009, which delegated the necessary authority to the Assistant Director Legal and Democratic in consultation with Group Leaders.

Reviewing the Value of Council Representation

3. While some of the bodies are key strategic organisations or partners in service delivery, others are more locally-based, possibly in just one ward. Some are active and meet regularly while others may meet only infrequently or have a time-limited task to perform. With the Council now more firmly established and the expectation of only 59 councillors in 2011, Members may wish to conduct a further review of the current arrangements during 2010 to determine in particular whether it is
 - (a) desirable in terms of benefit to the Council and/or the local community,
 - (b) appropriate in terms of Members' roles and potential liabilities, and
 - (c) sustainable in respect of Members' time commitments after May 2011to continue the present extent of Council representation on outside bodies.
4. A clearer policy on outside body appointments will make such a review easier to accomplish. This will however need to be supplemented by good feedback from Members who currently sit on the various bodies to help us judge the value of Council representation. We suggest conducting another survey of Members in the autumn of 2010 to inform the review. It would therefore be extremely helpful if, over the next few months, Members could make their own assessments of the value of continued Council representation on each body, in preparation for that survey.

Key Issues for Consideration

5. The attached draft policy (Appendix A) seeks to clarify several key issues which have been raised over recent months, with reference to the legal issues involved and comparisons with best practice in other local authorities.
 - 5.1 What is an outside body and what are our criteria for deciding whether to appoint Members?

- 5.2 In what capacity do our Members serve on that body and what are their responsibilities?
 - 5.3 What liabilities and indemnity cover do Members have when serving on outside bodies?
 - 5.4 In what circumstances would Members have a conflict of interests when serving on an outside body?
 - 5.5 Should Members be expected to report back to the Council on the work of the outside body and/or the usefulness of Council representation?
6. The current schedule of outside bodies (Appendix B) includes brief details of each body including its function or role; its legal status including whether it is a corporate or non-corporate body; whether it is strategic, ward-based or general in nature; whether it provides its own indemnity cover; whether the Council's appointed representatives are voting members or just observers; meeting arrangements; and the Member(s) who currently serve on it.
 7. We have also taken the opportunity also to attach advice which the Monitoring Officer issued in December 2009 (Appendix C) about the potential for conflicts of interest arising in relation to the business of outside bodies for Executive Members and the implications in terms of the Members' Code of Conduct.
 8. The Constitution Advisory Group considered the draft policy at its meeting held on 25 January 2010 and recommended:-
 1. **That a separate category be established within the policy to recognise those bodies which, whilst not part of the Council's formal governance structure, are in effect, informal Council-initiated consultative or liaison forums (eg leisure centre joint consultative groups) and do not therefore fall within the strict definition of "outside bodies" set out in paragraph 1 of the policy.**
 2. **That the list of outside bodies be reviewed to ensure that it is correct.**
 3. **That outside bodies be required to provide all necessary information before agreement is given to the appointment of a Council representative.**

Appendices:

Appendix A – Draft Policy on Appointments to Outside Bodies

Appendix B – Schedule of Outside Bodies 2009/11

Appendix C1 and C2 – Monitoring Officer's Advice on Conflicts of Interest

Background Papers: (open to public inspection)

None.

Location of papers: Not applicable.