

Central Bedfordshire Council

General Purposes Committee

28 March 2019

Outside Bodies

**Responsible
Director(s):**

Charles Warboys Director of Resources

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This report relates to a decision that is Non-Key

Purpose of this report

Purpose of this report is to present the updated Outside Bodies policy for approval and the list of Outside Bodies requiring appointment. Also presented is a list of Outside Bodies no longer requiring an appointment.

RECOMMENDATIONS

The General Purposes Committee is asked to:

- 1. Approve the list of Outside bodies requiring appointment attached in Appendix B including 3 new outside bodies (CASE; Eggington Community Fund and London Luton Airport Consultative Forum;**
- 2. Note that this Committee approves the addition of and removal of Outside bodies to the list attached in Appendix B;**
- 3. Note the Monitoring Officer has delegated authority, after consultation with appropriate members of the Council, and where required in accordance with their wishes, to make appointments, removals or replacements to outside bodies;**
- 4. Note the reasons for the list of Outside bodies no longer requiring an appointment attached in Appendix C; and**
- 5. Approve the proposed changes to the policy for Councillor representation on Outside Bodies in Appendix D.**

Issues

Introduction.

1. The Council and its legacy authorities have traditionally appointed Member representation on Outside Bodies. An outside body is defined as either an incorporated or an unincorporated body which is not part of the Council's own governance structure but whose work helps in some way towards fulfilling the Council's own responsibilities and/or improving community life in Central Bedfordshire.
2. The term embraces a diverse range of organisational purposes and structures. Outside bodies are categorized as either strategic, locality / ward-based or general in nature.
3. The Council currently appoints Members to 62 Outside Bodies, which are diverse in terms of their role and purpose ranging from Anglian (Central) Region Flood Committee to Henlow Multi Use Games Area.
4. A list of the current outside bodies and the Member representation is attached in Appendix A and includes feedback from the survey of Members undertaken in October 2018 and the additional enquiries that were undertaken with relevant officers to complete the survey.
5. Appendix B outlines the Outside Bodies (52) requiring a Member appointment and includes three new bodies which have been put forward for inclusion on the list of Outside Bodies requiring a Member appointment, as a result of the survey. Two are ward / locality based organisations (Caddington and Slip End Association- CASE) and Eggington Community Fund) and one is a strategic body – London Luton Airport Consultative Forum.
6. Appendix C outlines those bodies (13) where a Member appointment is no longer required and the reason given from the survey.
7. The Committee is asked to approve appointments to those Outside Bodies listed in Appendix B including the 3 new outside bodies listed in para. 5 above and authorize the Head of Governance to write to two bodies Ashton Schools Foundation and Shefford Bloomfield Games Association to clarify if there is an ongoing need for Member appointment to those bodies.
8. The Council adopted a policy regarding Outside Bodies in 2010. This has been reviewed and refreshed and the proposed changes are set out in Appendix C. The Committee is asked to approve this policy for adoption by the Council.
9. Councillor Budge Wells will lead on the inclusion of any new bodies to the list of Outside Bodies and ensure appropriate Member representation.

Issues

10. In general, Members who are appointed to charities, community associations or other voluntary / community sector bodies (whether incorporated or not) should:
 - a. understand clearly the organisation's purpose and main objectives and their own role in the organisation;
 - b. attend meetings regularly and take an active, informed and supportive role in the body's affairs
 - c. take care always to act in the best interests of the organisation and in accordance with its rules or governing document, while contributing their knowledge and experience as a councillor;
 - d. satisfy themselves that the organisation has transparent governance arrangements, regular reports on its activities and sound financial management, with accounts regularly monitored; and that annual reports and accounts are submitted in timely fashion;
 - e. seek to protect the body's assets and manage its affairs prudently;
 - f. be aware of the main risks the body faces (including funding risks) and the steps to be taken to deal with them;
 - g. ensure it maintains its membership, so that the work of running the organisation and any financial obligations continue to be shared by a reasonable number of people;
 - h. behave ethically in accordance with the organisation's own code of conduct, if they have one, or otherwise the Council's Code of Conduct for Members;
 - i. not gain or seek to gain from their appointment any benefit or remuneration (beyond any travel or other allowances formally approved by the body);
 - j. ensure the organisation has appropriate health and safety and equal opportunities policies and adequate insurance arrangements;
 - k. seek to safeguard the Council's interests on those bodies which are funded by or through the Council, to the extent that this does not conflict with their duties towards the organisation; and
 - l. seek advice from the Monitoring Officer or other relevant Council officer if they have concerns about the running of the body.

11. Because of this potential liability the Council should avoid appointing voting members to unincorporated associations such as local community associations or sports clubs where there is a significant risk of personal liability.
12. Members appointed by the Council to an outside body will, when sitting on that body, often have duties to the organisation which take precedence over their duties to the Council. This will depend on the type of organisation on which they serve. Members will therefore wish to consider, at any time when it appears that the organisation's interests may conflict with the Council's interests, whether that conflict prevents them from taking part in decision-making either at the organisation's meeting or at the Council's meeting. In such circumstances the Member should seek advice from the Monitoring Officer.

Conclusion

13. The survey of Members and enquiries with officers revealed that 52 outside bodies need Member appointment and this adds value. These bodies are listed in Appendix B. The survey and enquiries also revealed that thirteen organisations had either closed, or not met or circumstances had changed and Member representation was no longer appropriate and are not therefore recommended for appointment and the individual reasons are outlined in Appendix C. There are 2 organisations (see para. 7) whose current status is unclear and should be investigated by the Head of Governance.

Reason/s for decision

14. The Council has updated the list of Outside bodies and Member appointments can be made to the Outside Bodies listed in Appendix B
15. The policy was adopted in 2010 and a refresh is needed to bring it up to date. A draft updated version of the policy is attached in Appendix D

Council Priorities

16. Representation on outside bodies helps towards fulfilling the Councils own responsibilities and priorities and improving community life in Central Bedfordshire.
17. A review and refresh of the list of outside bodies and the policy for Member representation on these bodies will primarily support being a more efficient and responsive council, ensuring that the list of outside bodies aligns to our corporate priorities.

Corporate Implications

Legal Implications

18. A Member appointed to a corporate outside body must when attending

meetings of the body act in that body's best interests, which may not necessarily be the same as the Council's. Members may of course bring to bear their own experience and knowledge as a Councillor, and may have regard to the Council's interests, but have a duty to exercise independent judgement when making decisions. Members should not claim to act or give the impression that they are acting under a Council mandate.

19. A Member appointed to a non corporate outside body will be acting as the Council's representative and contributing to that body's purposes while taking account of the best interests of Central Bedfordshire and its residents.
20. An unincorporated association, has no separate legal existence, and is no more than a group of individuals who agree to pursue a common purpose. Members may be asked to make a financial contribution, for example in the form of a subscription, and to sign a membership agreement which can include an agreement to contribute to liabilities incurred by other members. When a member acts on behalf of the unincorporated association, for example in buying equipment to be used by the association, he/she incurs a personal liability for the cost of that equipment and then seeks to recover that expenditure from the funds of the association or from the other members of the association. In particular cases, the association may be regarded in law as a partnership in which case each member may be personally liable for any debts incurred by any member of the association.
21. Because of this potential liability the Council should avoid appointing voting members to unincorporated associations such as local community associations or sports clubs where there is a significant risk of personal liability.

Financial and Risk Implications

22. There are no financial implications arising directly as a result of this report
23. Risk implications arise if the legal implications described above are compromised. The Council's Indemnity for Members and Officers ([at Part 6 of the Ethical Handbook at the back of the Constitution](#)) provides indemnity cover in connection with any liability the member may incur by reason of any action, or failure to act, which has been authorised by the Council or which forms part of, or arises from, any duties or functions placed upon the Member. This includes functions arising from the Member's service on an outside body, where the Member has been officially appointed by the Council and the outside body itself does not provide its own cover. The indemnity cover is only provided, however, when either the Member is sitting on the outside body purely to represent the Council, or the body on which the Member sits is acting only in the interests of the Council.

Equalities Implications

24. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
25. The Outside bodies support a diverse range of statutory voluntary and community interests which address specific issues fostering good relations and supporting community life in Central Bedfordshire.
26. The outside bodies help to deliver social impact and engage with a range of issues – from flood management to Citizens Advice. Many outside bodies achieve their aims through a wide range of activities, such as providing services or other forms of direct support and advice to the groups they help.

Conclusion and next steps

27. The current list of Outside Bodies has been updated and appointments to those bodies can take place. The policy on Outside bodies has also been reviewed and updated and is attached in Appendix E

Appendices

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| Appendix A: | Current List of Outside bodies and survey results |
| Appendix B | Outside bodies requiring Member appointment |
| Appendix C | Outside bodies where Member appointment is no longer required |
| Appendix D: | Draft revised policy for representation on Outside Bodies including tracked changes |

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