

**27<sup>th</sup> June 2018**

## **Ordinary Council**

### **Appointment of Representatives on Outside Organisations**

**Report of:** *Claire Mayhew - Corporate & Democratic Services Manager*

**Wards Affected:** *All Wards*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 Following a change to the Council's Constitution on 25 January 2017 Councillors are now appointed to a number of outside organisations by Ordinary Council. Many of the outside organisations support and advance the broad objectives of the Authority. Representations come about either through the Authority initiating the appointment, or an organisation requesting a representative being nominated or a Charity Commission rule that a Council representative is appointed.
- 1.2 Following consideration of the list of nominations and to ensure effective use of Councillors resource and support for outside organisations it is considered appropriate to categorise the list in the following:
  - Statutory Representatives
  - Trustee required
  - Council has interest whether financially or otherwise
  - Others – point of contact
- 1.3 Where a Councillor is required to be a point of contact it is considered appropriate for the outside organisation and the Councillor to make contact and discuss the best approach.
- 1.4 The list of nominations for representatives/point of contact on outside organisations is presented at the Ordinary Council meeting each year for Members' approval.

## **2. Recommendation(s)**

- 2.1 That the list of outside bodies and nominated representatives/point of contact for 2018/19 shown in Appendix A be approved.**

## **3. Introduction and Background**

- 3.1 The Council will need to be satisfied, and remain satisfied throughout the year, that the list of outside bodies only contains bodies upon which the Council could properly or would wish to nominate representatives and to be represented. Or where a Councillor could be an appropriate point of contact.
- 3.2 The list of nominations for representatives on the relevant outside organisations are now presented at the Ordinary Council meeting each year for Members' approval.
- 3.3 The choice of nominations put forward by the relevant Group Leaders are made in the light of the need to avoid conflicts of interest (including how any such nomination if successful would impact on the particular Member's other duties such as being a member of any committee of the Council upon which they have been nominated to serve and are serving). No nomination for a role should be put forward where a conflict of interest is likely to arise to a significant degree.
- 3.4 The capacity upon which a successful nominee is to serve needs to be borne in mind and the implications fully understood, from their personal viewpoint, that of the Council and that of the particular organisation.
- 3.5 Members who serve on outside bodies must exercise independent judgment in the interests of the organisation in which they are involved.
- 3.6 Where a Member is serving on the outside body in a representative capacity (i.e. representing the Council), this should be made plain to that body and the Member, whilst being aware that they have a commitment to representing the Council on the outside organisation, must also be aware that it is their responsibility to decide what view to take on any question before the outside organisation.
- 3.7 Where a Member is acting as a Trustee, Director or member of a Management Committee of an outside body, the Member must act in accordance with that body's interests, and not those of the Council or even the council tax payers at large.

- 3.8 Whilst there could, in exceptional circumstances, be a situation in which a representative on an outside body may find themselves unable to adequately carry out their responsibilities properly, both as a member of the Council and as a member of the outside body, there are advantages to having Members carefully appointed to relevant outside organisations.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Councillors are now appointed to a number of outside organisations by the Ordinary Council. Many of the outside organisations support and advance the broad objectives of the Authority. Representations come about either through the Authority initiating the appointment, an organisation requesting a representative being nominated or a Charity Commission rule that a Council representative is appointed.
- 4.2 The Council's Partnership Policy encourages effective partnership working wherever appropriate to help deliver the Council's goals and overcome constraints. The Policy aims to ensure that the Council's time is spent productively and effectively. When a Councillor is appointed to an outside organisation, they act on behalf of that organisation, and may participate fully in the activities. Where it is felt appropriate the nominated Councillor can act as a point of contact and make agreement with the outside organisation how the Councillor can best serve them.

#### **5. Consultation**

- 5.1 A full consultation took place in 2014 with outside organisations and Council representatives. Details of outside organisations and their nominated Councillor representatives are published on the Council's website.

#### **6. References to Corporate Plan – Vision for Brentwood**

- 6.1 Member representation on outside organisations relates directly to the Council's Community and Health priority in Vision for Brentwood:
- *To work with community and voluntary organisations to develop the priorities for community development.*
  - *To support community engagement with residents and businesses*

## **7. Implications**

### **Financial Implications**

**Name & Title:** Jacqueline Van Mellaerts, Interim Chief Finance Officer

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- 7.1 There are no financial implications.

### **Legal Implications**

**Name & Title:** Daniel Toohey, Monitoring Officer and Head of Legal Services

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- 7.2 Those appointed to serve on outside bodies will need to remain alert and exercise careful judgment to avoid conflicts of interest (actual and perceived). The concept of bias or perceived bias is wider than the Members' Code of Conduct.
- 7.3 The Members' Code of Conduct applies whenever a Member (a) conducts the business of the Authority, or (b) acts as a representative of the Authority.
- 7.4 When a Member acts as a representative of the Authority (a) on another relevant authority, the Member must, when acting for that other authority comply with that other authority's code of conduct; or (b) on any other body, the Member must, when acting for that other body, comply with the Authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 7.5 None except that Members acting as outside representatives would wish to ensure that such outside bodies adequately protect them from risk, including personal liability, through for example proper insurance arrangements.

## **8. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

- 8.1 None

## **9. Appendices to this report**

- Appendix A – List of outside bodies and nominated representatives –  
*to follow*

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