

Committee: Ordinary Council	Date: 22 June 2022
Subject: Appointment of representatives on Outside Organisations 2022/2023	Wards Affected: All
Report of: Claire Mayhew - Corporate Manager (Democratic Services) and Deputy Monitoring Officer	Public
Report Author: Name: Claire Mayhew - Corporate Manager (Democratic Services) and Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

Summary

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.

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
- Council has interest whether financially or otherwise
- Others – point of contact

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.

The list of nominations for representatives/point of contact on outside organisations is presented at the Ordinary Council meeting each year for Members' approval (Appendix A).

In January 2021, Council's approved an amendment to Chapter 4, Paragraph 27 of the constitution to state:

27. Outside Bodies

27.1 Any person appointed by the Council to serve as our representative to an outside body shall be appointed until they resign, are dismissed or their successor is appointed. Members shall cease to hold appointments on the fourth day after the ordinary day of election unless they are re-elected as a Borough Member at the Election.

- (a) *The Council should not appoint where there is a conflict of office or interest*
- (b) *The Council should not appoint where the appointment holds a risk that insolvency of the body would render the appointee debarred from office i.e. where the appointment is an effective directorship listed at Companies House.*

27.2 The Chief Executive will:

- (a) *in consultation with the appropriate Group Leaders, revise as necessary appointments to outside bodies arising as a result of a vacancy or otherwise;*
- (b) *in consultation with the Leader of the Council and the Group Leaders, agree the allocation of appointments to any new outside bodies or organisations.*
- (c) *ensure that the body meets the criteria for an appointee*

27.3 The Appointee will:

- (a) *ensure a good flow of communication between the outside body and the council. This will include non-confidential matters that the appointee may consider to be of interest or significance to either party.*
- (b) *upon request of the Chief Executive, provide an update on any disclosable matters pertaining to the outside body.*
- (c) *be prepared to provide a brief report to the Audit & Scrutiny committee when requested to do so under the work programme.*

A review of the Outside Organisations appointments was presented at Audit & Scrutiny Committee on 8th March 2022. Members requested that a Working Group be formed to review the appointments to Outside Organisations.

It was approved unanimously that the review would be added Work Programme for the purpose of evaluating and recommend the removal of any Outside Organisations to Ordinary Council for the new municipal year 2023/2024. No removals of appointments will be made in 2022/2023.

Recommendation(s)

Members are asked to:

R1 That the list of outside bodies and nominated representatives/point of contact for 2022/2023 shown in Appendix A be approved.

OR

R2 Alternative nominations on outside bodies for the appointments of representatives/point of contact for 2021/2022 shown in Appendix B be approved.

Main Report

Introduction and Background

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 Member could be an appropriate point of contact.
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. 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.
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.
5. Members who serve on outside bodies must exercise independent judgment in the interests of the organisation in which they are involved.

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.
7. Where a Member is acting as an Independent 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.
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.

Issue, Options and Analysis of Options

9. Members 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.
10. 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 Member 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 Member can act as a point of contact and make agreement with the outside organisation how the Member can best serve them.

Consultation

11. Details of outside organisations and their nominated Member representatives are published on the Council's website.
12. Further work is being undertaken to work with some organisations that appointed Members of the Council that have been appointed on the Outside Organisation as Trustee and are listed on Companies House under that organisation. The Council are consulting with these organisations to appointing a council representative

instead of a Trustee to encourage the ongoing support that will benefit both the Council and the organisation.

13. Alternative nominations for these appointments have been received from the Liberal Democratic Group and are attached at Appendix B.

References to Corporate Plan – Brentwood 2025

14. Explore opportunities to work further with stakeholders and partner organisation

Implications

Name & Title: Jacqueline Van Mellaerts, Corporate Director (Finances & Resources) & Section 151 Officer

Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

15. There are no direct financial implications arising from this report. However financial implications may need to be taken into consideration when reports are reviewing outside organisations each municipal year.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law and Governance) & Monitoring Officer.

Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk

16. 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.
17. 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.
18. 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.

19. A Member appointed to an outside body as a trustee will need to be aware of the legal duties of a trustee and the implications that may have on them.

Economic Implications

Name & Title: Phil Drane, Corporate Director (Planning & Economy)

Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk

20. There are no direct economic implications arising from this report.

Equality and Diversity Implications

Name & Title: Kim Anderson, Corporate Manager Communities, Leisure and Health

Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk

21. There are no direct equality and diversity implications arising from this report.

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

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

22. None

Appendices to this report

Appendix A - List of outside bodies and nominated representatives 2022/2023.

Appendix B - Alternative nominations to outside bodies 2022/2023 submitted by the Liberal Democratic Group