



**ORDINARY COUNCIL
27 SEPTEMBER 2023**

REPORT TITLE:	Substitute appointment of representatives on an Outside Organisations 2023/2024
REPORT OF:	Claire Mayhew, Joint Acting Up, Director – People & Governance (Monitoring Officer)

REPORT SUMMARY

Following the appointments to Outside Organisation at Ordinary Council on 21 June 2023.

Essex Police & Fire Panel has asked that we nominate a substitute to attend meeting in replace of the nominate representative, when necessary, as a statutory requirement. No other requests for substitutes for any of the other outside organisations have been made.

An annual Outside Organisation review has been undertaken to ensure effective partnership working wherever appropriate to help deliver the Council's objectives and to ensure that the Council's time is spent productively and effectively and forms part of the Scrutiny Work Programme.

RECOMMENDATIONS

- R1 That the substitute appointment on the Essex Police & Fire Panel in Appendix A be approved.**

SUPPORTING INFORMATION

1.0 INTRODUCTION

- 1.1 Consideration on any nominations to ensure effective use of Councillors resource and support for outside organisations it is considered appropriate to categorise the list in the following:

- a) Statutory Representatives
- b) Trustee
- c) Council has interest whether financially or otherwise
- d) Others – point of contact

1.2 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.

2.0 REASONS FOR RECOMMENDATIONS

2.1 All appointments to Outside Organisations need approval of Ordinary Council.

3.0 OTHER OPTIONS CONSIDERED

3.1 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.

3.2 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.

3.3 When a Member is appointed to an outside organisation, they act on behalf of that organisation and may participate fully in the activities as set out Chapter 4, Paragraph 27 of the Constitution. 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.

4.0 BACKGROUND INFORMATION

4.1 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.

4.2 No nomination for a role should be put forward where a conflict of interest is likely to arise to a significant degree.

- 4.3 Members who serve on outside bodies must exercise independent judgment in the interests of the organisation in which they are involved.
- 4.4 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.
- 4.5 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.
- 4.6 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.

5.0 ENGAGEMENT/CONSULTATION

- 5.1 Details of outside organisations and their nominated Member representatives are published on the Council's website.
- 5.2 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 benefits both the Council and the organisation.

6.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Interim Director – Resources (Section 151 Officer)

Tel & Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk

- 6.1 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.

7.0 LEGAL IMPLICATIONS

Name & Title: Claire Mayhew, Joint Acting Up, Director – People & Governance (Monitoring Officer)

Tel & Email: 01277 312500/claire.mayhew@brentwood.gov.uk

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.

8.0 EQUALITY & HEALTH IMPLICATIONS

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

Tel & Email: 01277 312500/kim.anderson@brentwood.gov.uk

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

8.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email 01277 312500/phil.drane@brentwood.rochford.gov.uk

- 8.1 The Public Sector Equality Duty applies to the council when it makes decisions. The duty requires us to have regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for b) or c), although it is relevant for a).

8.3 The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

9.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email: 01277 312500/phil.drane@brentwood.rochford.gov.uk

9.1 There are no economic implications.

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APPENDICES

Appendix A: Nomination for substitute on the Essex Police & Fire Panel – Outside Organisation 2023/24

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Ordinary Council	21.06.2023
Audit and Scrutiny Committee	07.03.2023
Audit and Scrutiny Committee	08.03.2022
Ordinary Council	28.07.2021