

Committee Name and Date of Committee Meeting

Cabinet – 20 June 2022

Report Title

Appointment of Councillors to serve on Outside Bodies

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Jo Brown, Assistant Chief Executive

Report Author(s)

Samantha Mullarkey, Governance Advisor
01709 247916 or samantha.mullarkey@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

Outside bodies are external organisations which have requested that the Council appoint a representative to them. Outside bodies have separate governance structures to the Council. Appointments to outside bodies can be an important mechanism for community leadership, partnership and joint working and knowledge and information sharing.

The Council's Constitution states that Cabinet is responsible for the appointments to Outside Bodies. This report presents the nominations received and recommends the appointment of the nominees to the various organisations and partnerships.

Recommendations

1. That Cabinet agrees that Councillors be appointed to serve on outside bodies, as detailed on the schedule in Appendix 1.
2. That the amendments to the outside bodies list for 2022/23 be noted.

List of Appendices Included

Appendix 1 Proposed representatives on outside bodies 2022-2023
Appendix 2 PART A - Initial Equality Screening Assessment
Appendix 3 Climate Impact Assessment

Background Papers

The Council's Constitution

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None.

Council Approval Required

No

Exempt from the Press and Public

No

Appointment of Councillors to serve on Outside Bodies

1. Background

- 1.1 Outside bodies are external organisations which have requested that the Council appoint a representative to them. Outside bodies have separate governance structures to the Council. Appointments to outside bodies can be an important mechanism for community leadership, partnership and joint working and knowledge and information sharing.

2. Key Issues

- 2.1 The procedure rules governing the appointment of Councillors to serve on outside bodies requires the Cabinet to review the list of notified outside bodies and determine whether the authority should make or continue to make an appointment to those bodies. Determination should be based on one or more of the following criteria being met:

- the proposed appointment is a statutory requirement.
- the proposed appointment would be consistent with the Council's policy or strategic objectives; and/or
- the proposed appointment would add value to the Council's activities.

- 2.2 With regard to making appointments, the Cabinet should first consider whether it is appropriate for an appointment to be of a specific office holder either by reference to the constitution of the outside body concerned, or in the light of any other circumstances as it (Cabinet) may determine. The procedure rules do not require the Cabinet to adhere to the principles of political balance.

- 2.3 The Cabinet is responsible for making any appointment to an outside body, other than those reserved to Overview and Scrutiny Select Commissions. In making such appointments, the procedure rules require the Cabinet to have regard to a Member's current interests prior to making any appointment.

- 2.4 Following a review, the following amendments have been made to the outside bodies list for 2022/23:

Additions:

- Adoption Panel
- Fostering Panel
- PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee
- Yorkshire and Humber Elected Member Prevent Champion's Network

Removals (due to groups disbanding or no longer requiring elected Member appointments):

- Don Catchment Working Group
- Environmental Protection UK – Yorkshire and Humberside Division
- Health and Safety Commission
- Local Government Yorkshire and Humber – Health and Wellbeing Group
- Phoenix Enterprises Ltd
- Rotherham Licence Watch Steering Group
- Trans-Pennine Properties (Wakefield) Ltd – Yorkshire Purchasing Organisation
- Unity Centre Steering Group
- Women’s Refuge
- Women’s Strategy Group
- Yorkshire and Humberside Grid for Learning – Foundation Committee

The appointments to the South Yorkshire Mayoral Combined Authority are now dealt with at the Annual Council meeting and as such have been removed from the outside bodies list.

3. Options considered and recommended proposal

- 3.1 The appointment of representatives to outside bodies is at the discretion of the Cabinet. It is evident that the level of appointments to outside bodies has an impact on already busy councillor workloads. Whilst retaining links with outside bodies is an important aspect of community leadership, it is also important that the activities of the Council and councillors are focused on corporate priorities.
- 3.2 Nominations have been received and have been collated by the Leader of the Council. The Cabinet is therefore recommended to approve the appointment of nominees listed in Appendix 1.
- 3.3 Cabinet are also asked to note the changes to the outside bodies list. The review of the list was undertaken to ensure the information is up to date for the 2022/23 municipal year.

4. Consultation on proposal

- 4.1 It is incumbent on the Council’s political groups to nominate councillors to serve as representatives on outside bodies.
- 4.2 There is no requirement for consultation beyond internal political group arrangements.

5. Timetable and Accountability for Implementing this Decision

- 5.1 In accordance with the procedure rules that govern the appointment of Councillors to serve on outside bodies, Cabinet is accountable for the

decisions it makes in appointing individual councillors. Appointments will take effect on 2 July 2022. following the end of the period where non-executive councillors can call-in decisions.

6. Financial and Procurement Advice and Implications

- 6.1 There are no financial implications arising from this report beyond any expenses that may be incurred from a Member's travel to and from a meeting outside of the borough. The Council's budget makes provision for members expenses and these are reported in the Council's annual accounts.
- 6.2 There are no direct procurement implications arising from this report, however, should any of the outside bodies which also trade as economic operators bid for council contracts there may be a requirement for the appointed Councillor to complete a declaration of interest in line with the Council's Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

- 7.1 There are no specific legal implications arising from the report, but it is important for individual councillors appointed to outside bodies to be clear about the nature of the appointment, including whether they have a decision-making role or not. As set out at paragraph 12.2 below, different duties and responsibilities will apply depending on the individual councillor's role on the outside body. Councillors appointed to outside bodies will need to be clear as to whether their duty is to the Council or to the outside body and will need to identify any potential conflicts of interest.

8. Human Resources Advice and Implications

- 8.1 There are no human resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for children and young people or vulnerable adults arising from this report.

10. Equalities and Human Rights Advice and Implications

- 10.1 As this report is submitted to enable the nomination of councillors for appointment to serve on outside bodies, an equality analysis has been undertaken. Political groups should have regard to the provisions of the Equality Act 2010 when making such appointments to outside bodies.

11. Implications for CO2 Emissions and Climate Change

- 11.1 There are no implications for CO2 Emissions and Climate Change arising from this report however a Carbon Impact Assessment has been completed and is attached to the report as Appendix 3.

12. Implications for Partners

- 12.1 The appointment of Councillors to serve on outside bodies (i.e. external organisations and partnership) is intended to be a mutually beneficial act for both the authority and the bodies listed. The implications associated with the proposed appointments are considered to be positive.
- 12.2 It is important that partners, as much as Councillors, understand the role that councillors undertake in serving on outside bodies. The role of the Councillor can be as a representative, trustee or director as the table below demonstrates:

Title	Brief Description of Role
Representative	Represents the Council's interests and provide advice, guidance and contributes at meetings of the organisation.
Trustee	To act in accordance with the trust deed and to protect the trust's assets. They must comply with the Trustee Act 2000.
Director	Has a duty of care towards the company, to act in the best interests of the company as a whole. Directors therefore have a "quasi-trustee" role taking proper care of the assets of the company.

13. Risks and Mitigation

- 13.1 No risks have been identified in respect of the recommendation in this report.

14. Accountable Officers

Barbel Gale, Governance Manager
Emma Hill, Head of Democratic Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	06/06/22
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	31/05/22
Assistant Director, Legal Services (Monitoring Officer)	Phillip Horsfield	31/05/22

Report Author: Samantha Mullarkey, Governance Advisor
01709 247916 or
samantha.mullarkey@rotherham.gov.uk This report is published on the Council's [website](#).