

Committee Name and Date of Committee Meeting

Cabinet – 29 July 2024

Report Title

Appointments to 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

That Cabinet:

1. Agrees that councillors be appointed to serve on outside bodies, as detailed on the schedule in Appendix 1.
2. Agree that any in year changes are agreed by the Chief Executive in conjunction with the Leader of the Council.

List of Appendices Included

Appendix 1 Proposed representatives on outside bodies 2024-2025

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

Appointments to 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 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, Cabinet should first consider whether it is appropriate for an appointment to be 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 Cabinet to adhere to the principles of political balance.
- 2.3 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 Cabinet to have regard to a Member's current interests, prior to making any appointment.
- 2.4 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 Whilst the external organisations listed within Appendix 1 have contacted the Council seeking a nomination, the appointment of representatives to outside bodies is at the discretion of Cabinet. As detailed in section 2.1 of the report determination of any appointment is based on the organisations ability to meet the specified criteria.
- 3.2 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.

3.3 Option 1: To reduce the number of representatives appointed to serve on outside bodies or to not appoint representatives to that outside body.

This is not the preferred option as this may inhibit the organisations' ability to adhere to its governance procedures or conduct its business within the legislative requirements as detailed in its Constitution, Articles of Association or Terms of Reference.

3.4 Option 2: To appoint representatives to serve on outside bodies, as detailed on the schedule in Appendix 1.

This is the preferred option as the appointment of councillors to serve on outside bodies (i.e., external organisations and partnerships) is intended to be a mutually beneficial act for both the authority and the bodies listed. It also ensures the organisation is able to adhere to its governance procedures and conduct its business within the legislative requirements.

3.5 Option 2 is recommended, option 1 is not considered appropriate. Cabinet is therefore recommended to approve the appointment of nominees listed in Appendix 1.

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 18 July 2024, 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 trade as economic operators under procurement legislation and participate in procurement activity (pre-procurement through to contract expiry) undertaken by the Council 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 and the relevant legislation at the time (Public Contracts Regulations 2015, Procurement Act 2023 or the Health Care Services (Provider Selection Regime) Regulations 2023).

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 and seek advice.

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 OBE	26/06/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	05/06/24
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	07/06/24

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

This report is published on the Council's [website](#).