

Committee Name and Date of Committee Meeting

Cabinet – 21 June 2021

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

Strategic Director Approving Submission of the Report

Jo Brown, Assistant Chief Executive

Report Author(s)

Barbel Gale, Governance Manager
01709 807665 or barbel.gale@rotherham.gov.uk

Craig Tyler, Head of Democratic Services
01709 822103 or craig.tyler@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.

At the Annual Meeting on 19 May 2017, the Council approved procedure rules that detail how councillors will be appointed to serve on outside bodies. Cabinet is now responsible for the appointment of councillors to serve on outside bodies. This report presents the nominations received and recommends the appointment of the nominees to the various organisations and partnerships.

Recommendations

1. That the Cabinet agrees that Councillors be appointed to serve on Outside Bodies, as detailed on the schedule in Appendix 1.
2. That Cabinet instructs the Assistant Chief Executive to discontinue membership of Crestra Ltd (formerly Groundwork Creswell Ashfield and Mansfield).

List of Appendices Included

Appendix 1 Proposed representatives on Outside Bodies 2021-2022

Appendix 2 PART A - Initial Equality Screening Assessment

Background Papers

The Council's Constitution.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No.

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 An enquiry was received in April 2021 from an organisation called Cresta Ltd (previously known as the Groundwork Creswell Ashfield and Mansfield) stating the Council is currently a Company Member of their trust and as such has the right to appoint a board member / trustee. The geographical footprint of the organisation does not correspond with that of the Council and there have been no recent dealings with Cresta Ltd or under its former name of Groundwork Creswell, Ashfield and Mansfield. It is therefore proposed that the Assistant Chief Executive writes to the Company to formally discontinue this association.

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. Members do have the option to retain the current level of appointments.

- 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.

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 following the end of the period where non-executive councillors can call-in decisions on 2 July 2021

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 Councils budget makes provision for members expenses and these are reported in the Councils 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.

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
Craig Tyler, Head of Democratic Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	07/06/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	02/06/21
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	02/06/21

Report Author: Barbel Gale, Governance Manager

01709 807665 or barbel.gale@rotherham.gov.uk

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