

Report to: **ANNUAL COUNCIL**

Date: **19 May 2016**

Title: **APPOINTMENT OF REPRESENTATIVES ON
OUTSIDE BODIES 2016/17**

Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Immediately**
(e.g. referral on of recommendation or implementation of substantive decision)

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RECOMMENDATIONS:

That the Council RESOLVES that:-

- 1. the Council should be represented on the list of Outside Bodies (as attached at Appendix A);**
- 2. appropriate representatives be appointed as the Council's appointments to those Bodies for the 2016/17 Municipal Year and that, for the purposes of Members' Allowances, attendance at meetings of these Bodies be regarded as an approved duty; and**
- 3. Members appointed to Outside Bodies provide regular feedback and consultation on issues affecting the Bodies concerned.**

1. Executive summary

- 1.1 In accordance with the Council Constitution, it is a requirement for the Council to approve the list of Outside Bodies and appropriate representatives to serve on this list for the 2016/17 Municipal Year.

2. Background

- 2.1 The Council makes annual appointments to a large number of Outside Bodies.
- 2.2 Some Members will recall that an extensive review was undertaken into the list of Outside Bodies during 2010. The current list (attached at Appendix A) is now subject to an ongoing review.

3. Issues for Consideration

Providing Feedback to the Wider Membership

- 3.1 Since Members are appointed to represent the Outside Bodies on behalf of the Council, there is an agreed Council practice (minutes 12/03 and 27/03 refer) of reporting back on the work of the body and highlighting issues of interest to the Council. Some Members adhere to this and produce reports for the Members' Bulletin. However, in general, feedback and consultation remains at only a moderate level.
- 3.2 Therefore, Members are reminded that appointment to Outside Bodies includes:
 - a commitment to provide regular feedback on issues raised at such Bodies;
 - consultation with other Members and relevant officers on issues coming up before the Bodies; and
 - briefing / debriefing relevant officers as soon as possible after becoming aware of issues which may be of interest to the Council.
- 3.3 These requirements will help the Council in assessing whether continued membership of those Bodies remains in line with the Council's agreed Corporate Priorities.

Conflicts of Interest

- 3.4 With some of the organisations concerned, conflicts of interests due to Council representation can arise. In such cases, Members should be aware that, even though they may be the Council's representative, the first legal duty is to act in the best interests of that Outside Body when participating in the affairs of that organisation. Fortunately, commonality of interests is a more frequent situation than circumstances of conflicts of interests, but if situations do arise which may put the Council or the Member in a difficult situation advice should be sought from the Monitoring Officer.
- 3.5 Any Member serving on an Outside Body should seek advice at an early stage from that organisation as to the duties and liabilities of Members. The extent of any liability (and insurance) will depend on

the nature of the organisation (e.g. is the organisation a company limited by guarantee or is it unincorporated? Am I acting as a trustee or as a Director?). If clarity of advice cannot be offered by that outside body the advice of the Monitoring Officer should be sought. Fortunately, mishaps are few and far between but Members do need to be clear as to both their responsibilities and liabilities.

- 3.6 When acting for an Outside Body, the Member is not acting for the Council as the outside organisation will invariably have a legal status independent of the Council. If the outside organisation has a Code of Conduct, it is that Code which will apply; otherwise the Member should observe this Authority's adopted Code of Conduct.
- 3.7 Members are also reminded of their obligations regarding the Register of Interests. Amongst other things, the register should show membership of, or position of general control or management in organisations where a Member represents his / her authority.

Devon and Cornwall Housing

- 3.8 Members will recall that the Council has previously made a nomination to the Devon and Cornwall Housing (DCH) Community Interest Company. Following a governance review conducted by DCH, the organisation has decided to dissolve its Community Interest Company during early 2016/17. Whilst it is acknowledged that this will result in the Council losing its nominated representative on the Company, the Head of Paid Service will provide an update in this regard to the Council meeting.

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The Council Constitution requires the Council to approve the list of (and appointments to) the Outside Bodies.
Financial		There are no financial implications arising directly from this report.
Risk		In the event of any Member finding themselves in a position where interests conflict, they are strongly encouraged to seek early advice of the Council's Monitoring Officer
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications directly related to this report.

Safeguarding		There are no safeguarding implications directly related to this report
Community Safety, Crime and Disorder		There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing		There are no health, safety and wellbeing implications directly related to this report.
Other implications		None

Supporting Information

Appendices:

- A. List of Outside Bodies.

Background Papers:

Survey results of the 2010 Outside Bodies review; and Council Constitution.