

WEST DEVON BOROUGH COUNCIL

NAME OF COMMITTEE	COUNCIL
DATE	21 May 2013
REPORT TITLE	APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2013/14
Report of	Democratic Services Manager
WARDS AFFECTED	All

Summary of report:

To approve the Council's representation on Outside Bodies and appoint the appropriate representatives to serve on these Bodies

Financial implications:

There are no financial implications arising directly from this report.

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 this Council's appointments to those Bodies for the 2013/14 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.

Officer contact:

Darryl White, Democratic Services Manager, Email: darryl.white@southhams.gov.uk

1. BACKGROUND

- 1.1 The Council makes appointments to a large number of Outside Bodies.
- 1.2 Some Members will recall that this list is subject to ongoing review and the current list is attached at Appendix A.

- 1.3 In previous years, the appointments to Outside Bodies have been somewhat ad hoc and the responsibility of a combination of Council and the three Committees. With the new Committee Structure in place, it is now felt to be an opportune time to bring each of these appointments together for consideration at the Annual Council meeting.

2. ISSUES FOR CONSIDERATION

Providing Feedback to the Wider Membership

- 2.1 Since Members are appointed to represent the Outside Bodies on behalf of the Council, they are encouraged to report back on the work of the body and highlight issues of interest to the Council. With the establishment of the Members' Bulletin, Members are therefore asked to provide feedback to the wider membership via this publication.
- 2.2 Moreover, 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.
- 2.3 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

- 2.4 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.
- 2.5. 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.
- 2.6. 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.

- 2.7 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.

3. RISK MANAGEMENT

The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

Corporate priorities engaged:	In some form or another, this report is linked to all of the Council Corporate Priorities
Statutory powers:	Local Government Act 2000.
Considerations of equality and human rights:	None directly related to this report.
Biodiversity considerations:	None directly related to this report.
Sustainability considerations:	None directly related to this report
Crime and disorder implications:	None directly related to this report.
Background papers:	Council Constitution.
Appendices attached:	A. List of Outside Bodies

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Conflicts of interest.	Members may find themselves in positions where interests conflict potentially damaging their own and the Council's reputation.	2	2	4	↔	By seeking early advice of the Monitoring Officer.	Members

Direction of travel symbols ↓ ↑ ↔