

REVIEW OF OUTSIDE BODIES

- To:** Constitution and Ethics Committee
- Meeting Date:** 29th November 2018
- From:** Director of Governance and Legal Services and Monitoring Officer
- Purpose:** To consider the outcome of a full review carried out by Strategic Management Team (SMT) of all the outside bodies that have a relationship with the Council to establish their relevance and current status, noting that some bodies may not require a representative of the Council.
- Recommendation:** The Constitution and Ethics Committee is asked to:
- (i) note the full review carried out by SMT of all the outside bodies that have a relationship with the Council to establish their relevance and current status;
 - (ii) recommend that the Monitoring Officer brief and inform all relevant Members and officers of their legal status on outside bodies e.g. observer, director or trustee;
 - (iii) recommend that the Monitoring Officer provide training to Members on their responsibilities and liabilities depending on their specific level of involvement;
 - (iv) determine whether to issue the guidance or refer it to full Council for approval;
 - (v) consider whether to produce an annual report on outside bodies for each annual meeting of Council; and
 - (vi) consider amendments to the Constitution, and recommend any changes to full Council, if appropriate.

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1. BACKGROUND

- 1.1 At its meeting on 27th September 2018, the Committee considered guidance which had been drafted as part of the Council's consideration of actions flowing from the investigation into complaints involving the community transport organisations FACT, HACT & ESACT.
- 1.2 Due to the high profile nature of the community transport investigation and the need to ensure all members of council were aware of the guidance, the Committee was asked to consider whether the guidance should be ratified by Full Council, once agreed by the Committee, as part of Full Council's remit is to appoint representatives to outside bodies.
- 1.3 In considering the guidance, Members acknowledged that they had found themselves in situations where they were judged to have held an interest without their knowledge and that while there were brief mentions of these issues in the Localism Act and the Council's Code of Conduct, these mentions were insufficient and had left Members and officers uninformed of their obligations.
- 1.4 It was therefore proposed that before taking the guidance to Full Council a full review should be carried out, as quickly as possible, of all the outside bodies that had a relationship with the Council to establish their relevance and current status, noting that some bodies might not require a representative of the Council. After the review, the outside bodies nomination list would be redrawn and all relevant Members and officers briefed and informed of their legal status e.g. observer, director or trustee.
- 1.5 In considering the role of the SMT in the review process, it was noted that most appointments to outside bodies were made by the relevant Policy and Service Committee following a delegation by General Purposes Committee. It was suggested that each Service should assign an officer to review the outside bodies relating to their area and following consultation with the Policy and Service Committee Chairs, Vice-Chairs and Lead Members determine the necessity for a Member to be appointed to them.
- 1.6 It was also proposed that individual Members be informed of the review early in the process to avoid conflict if positions on outside bodies were removed without prior knowledge and also to ensure that they were alerted to the guidance as soon as possible. The Committee observed that the procedure with officers would be different and that SMT would need to include officers in the review as well as the Members.
- 1.7 It was proposed to categorise the involvement of Members and officers on outside bodies according to the level of the position held, as well as differentiating between appointed and nominated positions. Current position holders would be advised and given the opportunity to acknowledge any potential conflicts or step down.
- 1.8 Members acknowledged that taking the guidance to Full Council would allow all Members the opportunity to become aware of its existence while emphasising its importance to them. However, it was agreed that following the outcome of the fundamental review of appointments to all outside bodies and the way they were categorised, to sit alongside the guidance, the Committee would determine whether to issue the guidance or refer it to full Council.
- 1.9 It was noted that the guidance was unclear on who the Members and officers were responsible to with respect to the Council and LGSS. The presenting officer suggested that including a list of scenarios would help and that each situation was different, which was why the review of each individual body was so important. It was suggested that training could

be conducted following the review, which would include informing Members on their responsibilities and liabilities depending on their specific level of involvement.

2. STRATEGIC MANAGEMENT TEAM REVIEW OF OUTSIDE BODIES

2.1 On 10 October 2018, SMT was asked to carry out a fundamental review of appointments to all outside bodies including the way they were categorised, to sit alongside the guidance. It was asked to consider the following:

1. Outside Bodies appointed to by Council
2. Outside Bodies appointed to by General Purposes Committee (GPC)
3. Outside Bodies appointed to by all Policy and Service Committees

2.2 The deadline for the completion of the review was Friday, 16 November 2018.

3. PROPOSED CHANGES TO THE CONSTITUTION

3.1 Part 3a – Allocation of Responsibility for Functions – Full Council and Committees states the following:

Council Functions

Only the Council will exercise the following functions:

- Appointing representatives to outside bodies unless the appointment has been delegated by the Council
- Making appointments to the Fire Authority

3.2 It is proposed that the separate list of outside bodies appointed to by Council should remain.

3.3 Part 3B - Responsibility for Functions - Committees of Council - General Purposes Committee states the following:

The GPC has a number of specific functions including the following:

- Appointing members to a range of external bodies

Delegated Authority	Delegation/ Condition
Authority to nominate representatives to Outside Bodies other than the Cambridgeshire and Peterborough Fire Authority, the County Councils Network Council and the Local Government Association	

3.4 GPC currently refers appointments to the other partnership liaison and advisory groups to the relevant policy and service committee.

3.5 It is proposed that the above Delegated Authority to GPC should be amended to include the Combined Authority and Greater Cambridge Partnership, which are Council appointments.

3.6 It is also proposed that Delegated Authority should be given to each Policy and Service Committee to nominate representatives to Outside Bodies, which cover their service area. The following would therefore be added to the terms of reference for each Policy and Service Committee including GPC:

Delegated Authority	Delegation/Condition
Authority to nominate representatives to Outside Bodies other than the Combined Authority, Greater Cambridge Partnership, Cambridgeshire and Peterborough Fire Authority, the County Councils Network Council and the Local Government Association	

3.7 There would therefore be, excluding Council appointments, one list of outside bodies, which would indicate the Policy and Service Committee responsible for the appointment.

3.8 It is proposed that a report listing each outside body separately and setting out the following should be produced for each Annual Meeting of Full Council:

- aims and activities
- the name of the Council’s representative
- the status of that representative on the body
- how many meetings are held a year
- whether expenses are paid by the organisation
- whether there is insurance provision in place
- a report from the Member representative on what they have done over the last year.

4. OUTSIDE BODIES – FINAL LISTS

4.1 It is proposed that there should be only two outside bodies’ lists. Each list indicates the “Guidance Classification” to ensure the legal status of the body is both clear to the Council’s representative and the officer supporting that representative. Outside Bodies lists for Full Council and Policy and Service Committees are attached at **Appendix A and B** respectively.

Source Documents	Location
Council’s Constitution Staffing and Appeals Committee – 27 September 2018	http://tinyurl.com/Constitution-CCC Constitution and Ethics Committee meeting 27/09/2018