



Doncaster Council

Report

17th May, 2019

To the Chair and Members of the COUNCIL

COUNCIL APPOINTMENTS TO OUTSIDE BODIES 2019/20

EXECUTIVE SUMMARY

1. The purpose of this report is to determine the appointment of representatives to the schedule of Outside Bodies which are deemed Council appointments for the 2019/20 Municipal Year.

RECOMMENDATION

2. The Council is asked to determine the appointments to Outside Bodies as set out in Appendix A to the report.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. In addition to being appointed to Committees and Panels within the Council, Councillors are also appointed to external bodies such as charitable bodies, local partnerships and other organisations. This can be either as representatives of the Council, as trustees or directors in their own right. The Council also has representatives on bodies such as the South Yorkshire Fire and Rescue Authority, South Yorkshire Pensions Authority and the Police and Crime Panel. Such appointments help to ensure that the Council's views are represented to local and national groups and, where the representative has voting rights, that the Council is involved in any decisions that may affect the people of the Borough.

BACKGROUND

4. Appendix A to this report details the outside bodies where appointments are required to be made at this meeting. The schedule in the Appendix also includes a small number of outside bodies where no appointment is required this year e.g. where an appointment has previously been made on the basis of a 4 year term of office. However, Members may wish to consider whether any of these should be reviewed.
5. Work is carried out each year to ensure that all details held on file in respect of each outside body and the capacity in which the appointee will serve, are correct and up-to-date as this information can change regularly. Incorporated within Appendix A are details of each outside body, term of office, capacity in which the appointee(s) will serve and any other relevant details. This is based on information provided by each of the outside bodies. Unless otherwise specified, the term of office for outside bodies runs from the date of appointment (this is

usually Annual Council) until the appointment is reviewed at the next Annual Council meeting. Where it is not possible to review appointments at Annual Council, current appointments will roll forward until such time as they can be reviewed; this is to ensure that the Council retains representation on these bodies. Where vacancies arise in-year or cannot be made at Annual Council e.g. an appointee is no longer eligible to represent the Council or resigns, the Council will look to fill these positions as soon as is reasonably practical.

6. Detailed below are any notable changes to the schedule of Outside Bodies that have occurred since last year's appointments were made:-

Citizens Advice Doncaster Borough

As reported at the Council's AGM last year, following a restructuring exercise carried out in 2018, the former Mexborough and North East Doncaster Citizens Advice Bureaux have been merged to form a new Borough-wide body known as Citizens Advice Doncaster Borough. Doncaster Council has now been invited to appoint one voting representative and one substitute to sit on the Trustee Board of the new Citizens Advice body. This organisation has therefore been added to the schedule of appointments detailed in Appendix A to this report.

East Doncaster Development Trust

In light of communications received from the East Doncaster Development Trust advising that DMBC representation is no longer required, this body has been deleted from the schedule of appointments.

Sheffield City Region (SCR) Mayoral Combined Authority (MCA) – Thematic Boards

In 2018, SCR undertook a review of the SCR governance structure. This resulted in a revised structure being agreed by the MCA and Local Enterprise Partnership (LEP) Boards, featuring 5 new Thematic Boards which came into operation from 1 April 2019.

The purpose of the Thematic Boards is to provide adequate experienced leadership capacity to review projects and make investment decisions. These Boards bring together the public and private leadership of the MCA and LEP to drive the delivery of the SCR's programme of activity, ensuring that the focus remains on the outcomes being delivered. The Thematic Boards therefore enable the MCA and LEP Boards to operate strategically rather than merely as investment boards.

The five Thematic Boards are accountable to the MCA and LEP and each one has a defined portfolio with distinct responsibilities for Business Growth, Housing, Infrastructure, Skills and Employment and Transport. The Transport Board also provides direction for and oversees the performance of the South Yorkshire Passenger Transport Executive (SYLTE).

The members of each Thematic Board (with the exception of the Transport Board) include:

- Two Leaders from the MCA (one from a constituent Local Authority and one from a non-constituent Local Authority);

- A nominated representative for each of the remaining seven Local Authorities;

South Yorkshire Leaders have each been invited by the SCR Mayor to take up the Chair's position on one of the new Thematic Boards. SY Chief Executives will also each sit on a Board in an advisory capacity only.

The Transport Board membership structure reflects the statutory responsibilities of the SCR Mayor. Membership of the Transport Board includes:

- The SCR Mayor (Chair);
- A Leader from the MCA of a constituent local authority (Deputy Chair);
- A nominated representative for each of the remaining three constituent local authorities on the MCA Board;

Accordingly, these 5 new Thematic Boards have been added to the schedule of Council appointments detailed in Appendix A.

Sheffield City Region Local Enterprise Partnership (LEP)

As a result of a recent change to the Terms of Reference of the LEP in relation to public sector member substitutes, there is now provision for Local Authority Leaders to nominate a substitute to represent them at LEP meetings. The entry relating to the Sheffield City Region LEP detailed in Appendix A has therefore been amended to reflect this.

South Yorkshire Joint Authorities

7. Appointments to the Joint Authorities are made annually and are subject to the rules of "political proportionality" provided by the Local Government and Housing Act 1989. Seat allocations on these bodies are determined by calculating political proportionality across South Yorkshire.
8. At the time of this report's publication, confirmation was still awaited from the Joint Authorities Governance Unit at Barnsley as to any changes in the proportional entitlement to seats for Doncaster Council's Political Groups on each Joint Authority as a result of the local elections held in Barnsley and Sheffield on 2nd May 2019. Any changes to the allocation of seats on these bodies will therefore be reported to Members in time for consideration at the Council Meeting.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

9. The option to appoint to the Outside Bodies detailed within the appendix seeks to ensure the Council's views are represented to local and national groups and, where the representative has voting rights, to be involved in any decisions that may affect the people of the Borough.
10. The option not to appoint to the list of Outside Bodies would mean a loss of opportunity for the Council in lobbying, decision making, representing the Council's views and influencing future policy.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

11. This report has no direct impact on the Council's Key Outcomes. Indirectly, clear responsibility and effective Constitutional provisions for making appointments to Outside Bodies contributes towards the Council's 'Connected Council' outcome 'Working with our partners and residents to provide effective leadership and governance', thus demonstrating that effective governance arrangements are in place.

RISKS & ASSUMPTIONS

12. Appointees to outside bodies will need to act strategically and ensure issues of significance are effectively reported back to the Authority where appropriate.
13. In recent years, the Council has reviewed the Governance of the Council's arrangements and relationship with outside bodies and partnerships. One of the key elements of this work has been to ensure that representatives appointed to Outside Bodies are clear of their roles and responsibilities. A particular risk exists where representatives may act beyond their powers or potentially commit the Council to unauthorised actions or expenditure. To mitigate this risk, training is provided for all individuals appointed to outside bodies to raise awareness and provide clarity and understanding of their roles. A partnership officer has also been identified for each group to support the appointed members. In addition, the Council may also provide indemnity insurance for individuals against personal liability, provided they act reasonably, and where this is not provided by the relevant partner organisation. As agreed at the 2017 Annual Council, the partnership officer for each outside body and partnership will produce an annual report back to an appropriate part of the Council detailing the work carried out during the previous year and the work programme for the upcoming year.

LEGAL IMPLICATIONS [Officer Initials SF Date 17/04/19]

14. Members of the Council are appointed in different capacities. The bodies range from incorporated bodies to Associations, Schemes and Statutory Bodies. The nature of the organisation and its constitution and nature of the appointment will affect any personal liabilities of the appointed representatives.
15. Representatives may be appointed to a body either with voting rights or as observers. The nature of appointment will be specified in the Articles/Constitution of the organisation. In some cases, the appointment may be as Directors or Trustees in which case the representative will be obliged to act in the interests of the charity or company and will be personally liable in the event of any breach of their duties. Where representatives are appointed to Outside Bodies as Directors or Trustees or where they are expected to carry out a management function for the Outside Body, they should seek legal advice as to their duties and responsibilities and any personal liability which may accrue.
16. The rules of political proportionality are set out in Sections 15 and 16 of the Local Government and Housing Act, 1989 (as amended). The SYFRA and the SYPA are Joint Authorities to which the duties under Sections 15 and 16 apply for so long as the Council appoints 3 or more seats on the Joint Authorities. In simplistic terms, the political group that holds the majority of seats on the Council has the majority of seats on a committee appointed to by Council.

17. The Local Government (Committees and Political Groups) Regulations 1990, provides the mechanism by which to implement this requirement.

FINANCIAL IMPLICATIONS [VJB Date 18/04/2019]

18. Approval of the recommendations does not have additional cost implications for the Authority. Representatives appointed to the Joint Authorities receive an allowance for undertaking their duties which is paid either by the relevant Joint Authority or by Doncaster Council. Where Members' allowances are paid by Doncaster Council, these are funded by a budget within the overall Member Services budget.

HUMAN RESOURCES IMPLICATIONS [Officer Initials RH Date 15.04.19]

19. There are no specific HR implications related to the content of this report.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 12/4/19]

20. There are no specific technology implications arising from this report.

HEALTH IMPLICATIONS [Officer Initials RS Date 12/04/2019]

21. There are no specific health implications arising from this report. However, the outside bodies themselves have the potential to improve health and reduce health inequalities. Individuals appointed to the outside bodies should be aware of this and can seek guidance from the public health team about how to maximise these opportunities and minimise any risks to the health of Doncaster residents.

EQUALITY IMPLICATIONS [Officer Initials JG Date 17/04/19]

22. There are no specific equality implications associated with this report.

CONSULTATION

23. Consultation has taken place with Group Leaders in respect of the appointment of Members onto Outside Bodies, prior to the Council meeting taking place.

BACKGROUND PAPERS

Report to Council – 18th May 2018: Council Appointments to Outside Bodies – 2018/19.

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