

To the Chair and Members of the COUNCIL

COUNCIL APPOINTMENTS TO OUTSIDE BODIES 2016/17

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 2016/17 Municipal Year.

RECOMMENDATIONS

2. The Council is asked to:-
 - (i) Determine the appointments to Outside Bodies as set out in Appendix A to the report; and
 - (ii) Agree that should any vacancies remain on the schedule of appointments to outside bodies, the relevant Group Leader be requested to contact the Monitoring Officer following the meeting, to confirm details of the appointment(s); these will be reported to the next available Council meeting.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. In addition to being appointed to Committees and Panels within the Council, Members 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.

BACKGROUND

4. Appendix A to this report details the outside bodies where appointments are required to be made at this meeting. This includes those outside bodies where appointments have previously been made and run beyond the 2016/17 period but also require some appointments to be made for 2016/17.
5. Work is on-going to ensure all details held on file in respect of the 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. In order to ensure expediency and timely representation on outside bodies, it is recommended that should Council be unable to make appointments to any of the outside bodies, the appropriate Group Leader contact the Monitoring Officer following the meeting to provide details of any individual(s) to be appointed. This will help prevent prolonged delays in filling any outstanding vacancies.
7. Detailed below are any notable changes to the schedule of Outside Bodies that have occurred since last year's appointments were made:-

North Doncaster Development Trust (NDDT)

The NDDT has informed the Council that, following a review, the Trust's Memorandum and Articles of Association have been revised to remove the requirement to appoint 4 elected Members as Trustees from each of the four electoral wards covering the Trust's area. Current Trustees including those who were elected members appointed by DMBC will be given the opportunity to stand for re-election as NDDT Board Members but in the capacity of a community member rather than as a Council appointment. This body has therefore been deleted from the schedule of appointments.

Adwick Charities, Bentley with Arksey Doles Charity, Cantley Poor's Land Trust and Mexborough Charity Trust

A number of appointments to the above charitable bodies are due to be made for new 4 year terms of office, i.e. for the period May 2016 – May 2020. In light of the Council moving to 4 yearly, all-out Elections from May 2017, it is proposed that the afore-mentioned appointments due to end in May 2016 be extended until May 2017 to enable fresh 4 year appointments to be made at next year's Council AGM to align with the DMBC Elections.

South Yorkshire Joint Authorities

8. 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.
9. Based on proportional entitlement to Political Groups at Doncaster Council, the three seats to be allocated to Political Groups on each Joint Authority will be 2 seats to the Labour Group and 1 seat to the Conservative Group.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

10. Council has a duty to consider arrangements it wishes to put in place for the appointment of individuals to Outside Bodies during 2016/17. No other options are considered relevant or appropriate.

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 outcome 'Working with our partners we will provide strong 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. During 2015/16 work has been undertaken to review the Governance of the Council's arrangements and relationship with outside bodies and partnerships. One of the key elements of this work was to ensure that representatives appointed to Outside Bodies were 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 has been arranged for all individuals appointed to outside bodies to raise awareness and provide clarity and understanding of their roles. 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.

LEGAL IMPLICATIONS

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 Members.
15. Members may be appointed to a body to represent the Council either with voting rights or as observers. The nature of appointment will be specified in the Articles/Constitution of the organisation. In some cases, Members may be appointed as Directors or Trustees in which case they are obliged to act in the interests of the charity or company and are personally liable in the event of any breach of their duties. Where Members 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

18. There are no financial implications associated with this report in agreeing the nominations to Outside Bodies for the 2016/17 Municipal Year. Representatives appointed to the Joint Authorities receive an allowance for undertaking their duties which is paid by the relevant Joint Authority. The Council's representatives on the Police and Crime Panel also receive an allowance for undertaking their role in holding the Police and Crime Commissioner to account. This allowance is funded by the Home Office. Costs associated with any of the appointments are not met directly from the Council.

TECHNOLOGY IMPLICATIONS

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

EQUALITY IMPLICATIONS

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

CONSULTATION

21. 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 – 22nd May 2015 – Council Appointments to Outside Bodies – 2015/16.

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