



Purpose: For Decision

Full Council Report

Date **17 MAY 2023**

Title **APPOINTMENTS TO OUTSIDE BODIES**

Report of **MONITORING OFFICER**

EXECUTIVE SUMMARY

1. The purpose of this report is to receive nominations of councillors to serve on outside bodies that are required to be appointed by the council and to make any required appointments, and to note appointments to be made by the Leader of the Cabinet.
2. It also lists nominations for representatives to be put forward for appointment by external organisations.

RECOMMENDATION

3. That the council appointments as set out in the Appendix 1 to this report (as revised) be approved.
4. That the appointments made or to be made by the Leader of the Cabinet in respect of executive appointments as listed in Appendix 2 to this report (as revised) be noted.
5. That nominations for representatives for external organisations (who make the appointments) as contained in Appendix 3 to this report (as revised) be agreed in so far as those organisations are relevant to the exercise of council functions.

BACKGROUND

6. Outside bodies are external organisations, including those with which the local authority has formal or informal arrangements.
7. Participation in outside bodies contributes to the local authority's strategic functions, priorities or community leadership roles, supports partnership and joint working, and enables councillors to gain and share knowledge and expertise.
8. Under the constitution, the Annual Meeting will receive nominations of councillors to

serve on outside bodies that are required to be appointed by the council (Part 4A Section 1 on page 137). [PART 4A - Annual Meetings.pdf \(moderngov.co.uk\)](#)

9. The function of making appointments to outside bodies has been reserved by members and so no officer delegations exist presently.
10. Part 3 of the Constitution lists the 'local choice functions' set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. The relevant part is paragraph 16 on page 75 of the Constitution which, in effect, provides for the Leader of the Cabinet to make the appointment where the appointment relates to the discharge of 'executive functions', and for the council to appoint where the appointment concerns the discharge of 'non-executive functions'. [PART 3 - Local Choice Functions.pdf \(moderngov.co.uk\)](#). Difficulties may arise where any appointment relates to the discharge of both 'executive functions' and 'non-executive functions', in which case it is recommended that such appointments or nominations as representatives for appointment are made with the agreement of the executive.
11. Appendix 1 to this report sets out the nominations received at the date of writing this report (5 May 2023) for appointments to be made by the council. It will be updated if and when changes are made.
12. Appendix 2 to this report lists (as at 5 May 2023) appointments made or to be made by the Leader of the Cabinet (which when made will be duly reported to Full Council).
13. Appendix 3 contains nominations requested for representatives for external organisations (who make the appointments).

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

14. The recommendations in this report support the [Corporate Plan 2021 – 2025](#) in delivering the corporate priorities and vision contained within it.

CONSULTATION

15. The draft report was circulated to group leaders and ungrouped councillors.

FINANCIAL / BUDGET IMPLICATIONS

16. None arising from this report.

LEGAL IMPLICATIONS

17. Some appointments to outside bodies are made because of a statutory or legal requirement to appoint one or more councillors to them. In other cases, for example, the constitution of outside bodies may require a councillor to be appointed. However, most appointments to outside bodies are discretionary, and take into consideration how representation on them adds value in terms of contributing towards the local authority's strategic priorities.

18. Those councillors or members who are appointed to other bodies or by other bodies are advised to update their notifications for their relevant register(s) of interest, where appropriate.

EQUALITY AND DIVERSITY

19. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is not considered that the content of this report has any negative impact on any of the protected characteristics.

OPTIONS

20. Option 1: To make appointments as set out in the Appendix 1 to this report (as revised) in respect of council appointments.
21. Option 2: Not to make such council appointments.
22. Option 3: To note the appointments made or to be made by the Leader of the Cabinet in respect of executive appointments as listed in Appendix 2 to this report (as revised).
23. Option 4: Not to note such appointments made or to be made by the Leader of the Cabinet.
24. Option 5: To agree nominations for representatives for external organisations (who make the appointments) as contained in Appendix 3 to this report (as revised) in so far as those organisations are relevant to the exercise of council functions.
25. Option 6: Not to agree nominations for representatives for external organisations (who make the appointments) as contained in Appendix 3 to this report (as revised).

RISK MANAGEMENT

26. Councillors who are involved in the management of outside bodies have responsibilities to that body that must be acted upon. Their role, responsibilities and potential liabilities will depend upon the legal nature of the organisation (e.g. another local authority, company, trust, charity, unincorporated association) and the capacity in which they have been appointed (e.g. director, trustee, member with voting rights or member with observer status). Failure to act in a proper manner may give rise to personal liability or liability for the local authority.
27. Councillors should therefore carefully consider the implications and responsibilities of being involved with particular outside bodies, including time commitments, managing potential or actual conflicts of interest, personal risk arrangements and the extent of any insurance cover, and obligations to report back to the local authority.

28. For instance, with the continued emphasis on partnership working, councillors (as community leaders) have an important role to fulfil in supporting and advising outside bodies. However, this can give rise to conflicts of interest, particularly where the organisation is seeking or receiving funding from the local authority. Councillors always need to be clear about their roles and alert to potential conflicts of interest in order to ensure transparency and public confidence in local democracy, including the local government decision-making process.
29. All councillors taking up such appointments are recommended to make sure that when they take up their appointment with the relevant outside body they have access to the important documents regulating that organisation such as its constitution or terms of reference to ensure that they are aware of what the body can and cannot do, and receive a proper briefing on that body and their role within it if necessary.
30. Those councillors taking up such appointments are obliged to continue to comply with the local authority's Members' Code of Conduct, to comply with the code of conduct of the outside body they are appointed to if one exists, and to declare a personal interest in any business of the local authority where it relates to a body they are appointed to by the local authority.

EVALUATION

31. Where appointments are not made to all of the outside bodies, there is a risk that this could hinder the local authority in furthering its interests and corporate priorities, and not further develop the external facing role of councillors. In those cases where appointments are required to be made, there would be a risk of legal challenge. Where the option is taken not to appoint to particular outside bodies, consideration should be given whether there are any implications arising from that decision by not making an appointment.

APPENDICES ATTACHED

32. Appendix 1 – Full council appointments.
33. Appendix 2 – Executive function appointments.
34. Appendix 3 – Nominations for representatives on external organisations.

BACKGROUND PAPERS

35. None.

Contact Point: Christopher Potter, Monitoring Officer, ☎ 821000 e-mail christopher.potter@iow.gov.uk

CHRISTOPHER POTTER
Monitoring Officer