

Non-Executive Report of the: General Purposes Committee 12 October 2017	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Review of external appointments – Phase 1	

Originating Officer(s)	Matthew Mannion, Committee Services Manager
Wards affected	(All Wards);

Summary

Further to a request by the Mayor, this report provides the Committee with an overview of the Council's process for appointing representatives to outside bodies and information on bodies to which the Council nominates (or may nominate) representatives. It forms the first part of a review that will allow the Committee to look at the range of current organisations, make recommendations about the appropriateness of appointments to each body and develop a picture of the skills and accountabilities needed for appointees to each outside body. This report asks that further work be undertaken to inform Phase 2 of the review.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the process for the nomination of representatives to outside bodies, for both executive and non-executive functions as set out in paragraphs 3.2 to 3.6.
2. Note the roles and responsibilities for outside body appointments as detailed in paragraphs 3.7 to 3.9 and agree that these continue to be communicated to all parties via appropriate channels.
3. Review the list of current outside bodies as set out in Appendix A and make recommendations or comments as necessary.
4. Agree that outside bodies be asked to provide the Council with updated information on their purpose, status and operating structure to inform Phase 2 of the review, which will seek to develop a picture of the skills and accountabilities needed of appointees to each outside body.
5. Receive a Phase 2 report at the January 2018 meeting, providing
 - a. a further list of outside bodies, incorporating any changes as a result of (4);
 - b. any new information obtained as a result of (5); and
 - c. revised Guidance for Members Representing the Council on External Bodies.

1. REASONS FOR THE DECISIONS

- 1.1 The Council has delegated the function of making appointments to outside bodies, where the activities of those outside bodies relate to Council functions, to the General Purposes Committee.
- 1.2 The Mayor has asked the Committee if it would consent to carry out a review of the organisations and the process for outside body appointments for both executive and Council functions.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee could refuse the Mayor's request to conduct a review of outside bodies.

3. DETAILS OF REPORT

- 3.1 The Mayor has asked the Committee if it would consent to carry out a review of the organisations and the process for outside body appointments for both executive and Council functions. The Mayor has suggested that the review could:
 - A. look at the range of current organisations and make recommendations about the appropriateness of appointments to each body; and
 - B. develop a picture of the skills and accountabilities needed for each outside body, so they may be matched with potential appointees when future decisions on appointments are made.

ROLES IN THE OUTSIDE BODY APPOINTMENT PROCESS

- 3.2 The process of appointing and maintaining representatives on outside bodies requires input and collaboration from a number of different roles.

Decision makers

The Mayor

- 3.3 The Mayor can make nominations to outside bodies where the activities of the outside body relate to executive functions. This includes almost all current outside body appointments. The Mayor can make such appointments at a Cabinet meeting or through Individual Mayoral Decisions. Decisions are published in accordance with the Council's Access to Information Rules.

General Purposes Committee

- 3.4 The Mayor cannot make nominations to outside bodies where the activities of the outside body relate to Council functions. The responsibility for these

nominations lies with the Full Council. However, the Council has delegated this function to the General Purposes Committee.

3.5 The terms 'Executive function' and 'Council function' are explained in Parts 3.1 and 3.2 of the Council's [Constitution](#).

3.6 Subject to the constitution or rules of each outside body, decision makers can nominate Councillors, Council officers or lay-persons (members of the public) to outside bodies.

Officers (Democratic Services)

3.7 Council Officers support both the decision makers and appointed Council representatives. Officers also liaise with outside bodies to communicate key information. These tasks are undertaken by officers in Democratic Services (Committee and Member Support Teams). They

- Provide advice and guidance to decision makers/nominators (i.e. The Mayor and General Purposes Committee) on the issues around the appointment of persons to outside bodies.
- Provide advice, guidance and support to appointees (Member, Officer and Laypersons) on their specific appointment/role on the outside body. See also 'Appointees' below.
- Maintain, process and publish all relevant data, decisions, etc in relation to the making of the appointments in accordance with the Council's relevant statutory responsibilities.
- Communicate details of Council nominees (names and basic contact details) to outside bodies (and vice-versa) promptly following appointments.
- Communicate the Council's expectations to outside bodies (see below).
- [Cabinet Members only] Provide diary support as required regarding outside body appointments and commitments (via the Mayor's office).

Outside bodies

3.8 The Council appoints representatives to outside bodies as it recognises that they contribute to the wellbeing of the Borough. Where nominations are made, outside bodies are expected to reciprocate the Council's investment by observing the following:

- Outside bodies must maintain regular direct contact with the Council's appointees, including advising of any meetings the appointees are entitled to attend.
- Outside bodies must provide Council Officers with basic information and regular updates on their purpose, operation and constitution.

- Outside bodies must inform the Council in a timely manner of any changes to their status, contact details, constitution/operating structure or anything else that would reasonably be of interest to the Council.

Appointees

- 3.9 Appointed Council representatives play an important liaison role. Often they provide the only formal link between the Council and the outside body to which they have been nominated. Therefore, appointees are expected to:
- Read and observe the guidance provided by Council Officers on their role within the outside body to which they are appointed and contact Officers should they feel they have a training/support need. The guidance includes a number of requirements appointees are expected to observe, including participation in meetings and reporting back to the Council.
 - Alert Council Officers of any changes to their personal circumstances which may affect their ability to carry out their representative role.
 - Alert Council Officers should the outside body fail to provide them with regular information (or in any other way not meet the Council's expectations).
- 3.10 The Council acknowledges that acting as a Council appointed representative on an outside body can be demanding. As such, Council Officers have developed guidance for appointees. The guidance is currently being reviewed by legal officers and will be presented at Phase 2 of the review.

CURRENT OUTSIDE BODIES

- 3.11 Appendix A details those outside bodies which are currently deemed 'active' with regards to Council appointments, i.e. they have informed the Council that they currently allow for one or more Council-nominated representatives on their governance arrangements and the Council has made such an appointment in the past three years. Current appointees to each body are also shown. In some cases, the Council does not currently have a nominated representative to that body, so the nomination is shown as vacant. Basic information on the purpose of each outside body is provided, where known.
- 3.12 The Committee is invited to consider the list of current outside bodies and make comments and recommendations as necessary. The list of outside bodies will then be amended/refined as necessary.
- 3.13 It is proposed that Officers will ask outside bodies to provide the Council with updated information on their purpose, status and operating structure to enable the Committee to understand the skills and accountabilities required of appointees so they might be matched with potential appointees when future decisions on appointments are made. This exercise will be undertaken in Phase 2 of the review.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 There are no financial commitments arising from the recommendations within this report.

5. LEGAL COMMENTS

5.1 Pursuant to Part 3.2.2 of the Constitution, the appointment and removal of Councillors and others to outside bodies is an Executive decision when the appointment relates to executive functions. Where it is non-executive then that function is delegated to General Purposes Committee as per Part 3.3.1(8) of the Constitution.

5.2 There are 3 types of external bodies:

- Formal joint Committees or joint working groups set up with other authorities. Councillors and/or officers serve on them as Council Members or officers.
- Bodies that are independent of the Council but are advisory or consultative and appointees have a representative function rather than an executive one. The purpose of the appointment is to speak on behalf of the Council.
- Bodies that are independent outside bodies and the appointees are placed there to act as Trustees, members of the Management Committee, officer of a Company, or some similar role. In such cases, the Councillor and/or officer is not there to act as Council representative but to use their judgement in the best interests of the outside body. In most cases, while acting on the outside body, the Councillor and/or officer will be under a positive legal duty to act in its best interests rather than those of the Council

5.3 Due to the differing roles on external bodies, appointments should be time-limited and regularly reviewed to ensure that the correct person has been appointed. Where the Councillor and/or officer's role is representative and speaking on behalf of the Council then it is important that there is regular feedback from the Council representative attending to ensure that the Council's interests are being best represented.

5.4 In its consideration of this Report and its recommendations, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). There is some information in the report relevant to these considerations in paragraph 6 below.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 The appointment of representatives to external bodies enables the Council to strengthen links with the community. The appointment of representatives also contributes to the Council's leadership role in the community.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 Clarifying procedures and roles for the outside body appointment process should improve efficiency by maximising the limited officer capacity to support outside appointments. By ensuring the Council focusses its efforts on outside bodies that support its objectives, this review should increase the effectiveness of the Council's outside body appointments.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 It is not considered that there are any environmental implications.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Participating in the work of outside bodies in an effective, consistent and structured way reduces potential risk to the Council's reputation.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no crime and disorder reductions implications.
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Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix A – List of current outside bodies.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE.

Officer contact details for documents:

- Joel West, Senior Committee Officer 020 7364 4207