

Guidance for Councillors Appointed to Outside Bodies



This guidance is intended to help Councillors understand their duties when appointed to outside bodies. This guidance applies to Members who have been appointed to Outside Bodies by the Council. A Role Profile setting out the expectation of Members on Outside Bodies is also included in this Guide.

1. General

Membership on outside bodies can take various forms. If you are appointed to an outside body by the Council this could be as:

- a member of a committee
- director of a board
- trustee
- observer
- monitoring role
- advisory role

2. Directors/Trustees

Members appointed in a decision-making capacity, a position of general control, or management of a body, owes their duties and responsibilities to that body, which are separate and distinct from duties owed to the Council. On occasion it is likely that these duties will conflict, and Members should be aware of the interests they may have to declare.

The key point to note, is that where Councillors are carrying out their duties as a trustee, director, or management committee member, they may take into account the wishes of the Council, but their primary duty is to act in the best interests of the organisation to which they have been appointed.

3. Observer/Monitoring/Participant Roles

Councillors, as community leaders, have an important role to fulfil in supporting and advising outside bodies. Many roles are observing or monitoring roles, or as an ordinary member of a group. In this case any exchanges of views or information should be as an extension of your councillor duties, and you should not be taking part in the outside body's management or governance, other than to attend and vote at meetings as required. Members should be aware of conflicts of interests, particularly if a body is seeking or receiving funding from the Council.

3. The General Role of all Councillors Appointed to Outside Bodies

All Councillors should ensure that the work of the Outside Body they are appointed to links in with the Corporate Strategy and Corporate Priorities of the Council and gives value to the Community. If Councillors feel that it is inappropriate for them to continue representing the Council on the Outside Body they should inform Democratic Services and the Monitoring Officer.

4. Issues to consider before appointment

Before putting yourself forward for an outside body appointment you should familiarise yourself with the work of the organisation and the level of commitment required. Information is available from Democratic Services on the role of the organisation, or many organisations will have a website where you can find out more about what they do.

Councillors also need to consider whether they are willing to be appointed to participate formally in the management of external organisations, for example as a director, trustee or voting member, and the level of commitment this role will require.

Councillors who serve on more than one outside body need to be mindful of potential conflicts of interest between the bodies as well as with the Council.

5. Application of the Code of Conduct for Members

The Code of Conduct, which forms part of the Constitution, provides information and obligations on Councillor's dealings with outside organisations. The Code does apply when a councillor is acting as a representative of the Council on an outside body.

6. Insurance Cover for Borough Councillors

The Council's insurance will indemnify any employee or member arising from their service on the board or participation in the capacity of governor, officer, trustee, director, committee member or other official of any not-for profit entity other than the insured.

Provided always that:

- a) The service or participation by the employee or member is specifically requested by or under the specific direction of the insured.
- b) The insured is legally entitled to approve the service or participation and to indemnify the employee or member in respect of it.
- c) Any payment will only be made by the insurer for an amount in excess of any indemnification or insurance coverage provided by the not-for-profit entity or afforded from any other source and to which the employee or member is entitled.

When a member is appointed to serve on an outside body, they should also ensure that as well as completing the Register of Financial and Other Interest form, they should complete the annual "Related Party Transactions form", with the details of those bodies on which they serve.

7. Appointments to Outside Bodies

At the Borough Council, appointments to outside bodies are made as follows:

Cabinet will make Executive Appointments.

Policy Review and Development Panels will nominate Members to serve on outside bodies which fall within their remit, which are then approved by Council.

Parish level representation and general appointments are made by Council.

Reports are taken to the above bodies early in the Municipal Year. If you are interested in putting yourself forward to serve on an outside body, please contact your Group Leader.

8. Reporting arrangements for Members Appointed to Outside Bodies

Cabinet Members and Executive Appointments Cabinet Members serving on outside bodies will report via their Cabinet Members' Reports to Council.

Non Cabinet Members who have been appointed to Executive positions will be required to provide an update to the relevant Portfolio Holder on a six monthly basis for the Portfolio Holder to include in their Cabinet Members Report to Council.

Scrutiny Nominations (approved by Council)

The Panels will request reports/updates from Councillors serving on outside bodies which fall within their remit and these will be scheduled onto the Work Programme on an Annual basis.

Appointments made by Full Council

All Members are required to submit an annual report (or more frequently if there are things to report) to Democratic Services which will be published in the Members Bulletin to inform fellow Councillors of the work of the Outside Body.

Members will also be required to respond to periodical questionnaires asking for feedback on the work of the Outside Body.

All Outside Body Appointments

All Members appointed to Outside Bodies will be expected to liaise with the appropriate Assistant Director on a regular basis to update them on any issues or risks that could impact the Council. Assistant Directors and Councillors will be provided with a list of which Service Area each Outside Body should report to.

If at anytime Members feel that the work of the Outside Body is likely to bring the Council into disrepute or have any urgent concerns relating to the work of the Outside Body these should be reported to the Monitoring Officer immediately rather than waiting for a periodical update.

If multiple Councillors are appointed to the same Outside Body only one representative will be required to submit a feedback report to avoid repetition. Councillors may also like to consider inviting Outside Bodies to provide an update to the relevant Committee or Panel as required.

9. Allowances and Expenses

Mileage and subsistence is claimable for Councillors attending meetings of outside bodies that they have been appointed to by the Council.

10. Further Advice

Further advice is available from Democratic Services and the Monitoring Officer.

Role Profile – Member Representatives on Outside Bodies

A Member representative on an Outside Body is required to:

1. Make themselves aware of what the Outside Body expects from them and ensure that they act within their remit e.g. observer, director, Trustee etc. In so doing, a representative may seek information from the Outside Body in relation to its Constitution, Terms of Reference, Accounts etc.
2. Operate within the rules and Constitution of the Outside Body
3. Attend meetings as the Council's representative as required.
4. Report regularly to the Council on the activities of the Outside Body; the impact of those activities on the Borough Council and liaise with the relevant Borough Council officers if they are aware of any risks or issues which may impact the Borough Council or the Outside Body. Reporting arrangements are included in the Guide above.
5. Ensure that they are representing the views of the Council and its Corporate Priorities and not representing the views and political position of their own political party.
6. Declare any disclosable pecuniary interests that relate to your public duties and abide by the Code of Conduct.

You must not:

1. Improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
2. place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
3. Make commitments on behalf of the Council, financial or otherwise.