



Report to Business and Resources Overview and Scrutiny Committee

Meeting Date – 16 April 2024

Key Decision – N/A

Public/Private – Public

Portfolio – Governance and Transformation Portfolio

Directorate – Resources

Report Author – Monitoring Officer

Title – Representatives on Outside Bodies

Brief Summary:

At its meeting in June 2023, Council approved the establishment of an officer working group to undertake a full review of those internal, partnership and outside bodies to which Councillors have previously been appointed by predecessor councils and to draft a suggested list of approved bodies having regard to agreed criteria. The working group was to make recommendations to the Business and Resources Overview and Scrutiny Committee, for onward recommendation to Council (or the Leader where the body relates to an Executive function) as to whether representatives should be appointed to bodies on the list; and to keep the list under review, and to consider any new requests for representation on such bodies.

The working group prepared the following documents for consideration and recommendation to Council:

- Statutory Appointments to be made at Annual Council;
- Key Strategic Partnerships and Community Partnerships to be appointed to by the Executive;
- Community Partnerships to be delegated to Community Panels for appointment; and
- A list of outside bodies that the Council will no longer appoint to.

Recommendations:

1) That the Business and Resources Overview and Scrutiny Committee consider the following appendices and make recommendations as to those outside bodies which the Council will continue to appoint to:

- Appendix 1 - Statutory Bodies to be appointed by Annual Council;
- Appendix 2 – Key Strategic Partnerships and Community Partnerships to be appointed to by the Executive; and
- Appendix 3 – Community Partnerships to be delegated to Community Panels for appointment.

2) That the Business and Resources Overview and Scrutiny Committee consider Appendix 4 and recommend those outside bodies which the Council should no longer appoint to;

3) That the Guidance for Councillors on Membership of Outside Bodies, as attached at appendix 5, be agreed and referred to the Executive;

4) That the amended Outside Bodies Procedure Rules be agreed and referred to the Executive.

Tracking

Executive:	23 April 2024
Scrutiny:	16 April 2024
Council:	30 April 2024

1. Background

- 1.1. Cumberland Council is asked to appoint members to a number of outside bodies on an annual basis. These outside bodies may include, but are not restricted to, companies, voluntary associations, charities, management committees and housing associations.
- 1.2. Following the Local Government Reorganisation there were approximately 200 outside organisations that the sovereign councils made appointments to.
- 1.3. In June 2023 Council agreed that a review of these bodies would be carried out by an officer working group comprising Democratic Services, Legal, Finance and Policy.
- 1.4. The working group firstly categorised the work by determining if the organisation was an outside body.
- 1.5. An outside body can be loosely defined as either a corporate or unincorporated body which is not part of the Council's own governance structure but whose work helps in some way towards fulfilling the Council's own responsibilities and meeting its priorities.
- 1.6. The organisations that did not meet this criteria (or no longer existed) are set out in Appendix 4.
- 1.7. The remaining bodies were then divided into key strategic partnerships, community partnerships and statutory bodies.
- 1.8. A statutory body/ statutory authority is:
 - a body, with specific statutory functions, established by law;
 - a body which is authorised by parliament, or government, to discharge public function under certain legislation; or
 - a body exercising public functions often, though not exclusively, within a regulatory framework.
- 1.1. Key strategic partnerships are those partnerships which contribute to the Council's strategic functions, priorities and its community leadership role.
- 1.2. A community partnership is one where participation is not necessary to fulfil strategic key partnership roles but, nonetheless, beneficial in terms of leading, engaging and supporting the community.
- 1.9. Appendix 1 sets out the statutory bodies which Council must appoint to.
- 1.10. The remaining outside bodies are set out in Appendices 2 and 3. It is proposed that the organisations detailed in Appendices 2 and 3 are appointed to by the Executive.
- 1.11. It is also proposed that the appointments to those bodies listed in Appendix 3 are delegated to the relevant Community Panels. It is important to note that Community Panels are, legally, Area Committees which can only exercise functions insofar as the functions impacts on its own area. As such the exercise of making appointments by Community Panels will be limited to those bodies which

have activities within the map area of the Panel. It is advised that representation should usually be by the Ward Councillor for the area where the body is located.

- 1.12. The Business and Resources Overview and Scrutiny Committee are asked to consider whether the Council should continue to appoint to the outside organisations set out in Appendices 2 and 3.
- 1.13. The Business and Resources Overview and Scrutiny Committee are asked to agree that the Council no longer appoints to the outside organisations listed in Appendix 4.

2. Guidance

- 2.1 As part of the work a guidance document for Councillors on Outside Bodies has been prepared. The draft document is attached as Appendix 5 for agreement and referral to the Executive.

3. Outside Bodies Procedure Rules

- 3.1 The working group has made recommendations as to the appropriate delegation to make appointments. As a result the Outside Bodies Procedure Rules as contained in the Constitution require some amendment.
- 3.2 Appendix 6 sets out the proposed amended Outside Bodies Procedure Rules for agreement and referral to the Executive.

4. Conclusion and reasons for recommendations

- 5.1 The final list of agreed outside bodies and Outside Bodies Procedure Rules will provide a clear procedure for the appointment of Cumberland representatives on Outside Bodies and ensure a mechanism is established to keep this under review.

Implications:

Contribution to the Cumberland Plan Priorities - Outside bodies can play a crucial role in helping the council deliver its objectives in the Council Plan. These bodies can bring expertise, resources and a different perspective that might not otherwise be available. They can provide the council with valuable insights into the needs and priorities of the community and help the council to make better informed decisions. By working collaboratively with outside bodies the council can deliver its aspirations more effectively and build relationships and trust within the local community.

Relevant Risks and explain how risks can be mitigated -

Consultation / Engagement – Engagement will take place with Councillors and Outside Bodies

Legal – Part 2 Section 5 of the Constitution (Local Choice Functions) provides that it is the responsibility of full Council to appoint an individual to any office other than an office in which he is employed by the authority or to any body other than the authority, any joint committee of two or more authorities, or any committee or sub-committee of such a body, except where the function to which the appointment relates is an executive function.

Finance – None directly arising from this report.

Information Governance – None directly arising from this report.

Impact Assessments –

Have you screened the decision for impacts using the Impact Assessment?

If you have not screened the decision using the Impact Assessment, please explain your reason.

Lead Officer Contact details:

Name: Rachel Plant, Democratic Services Manager

Email: Rachel.Plant@cumberland.gov.uk

Background papers:

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

Cumberland Constitution

Appendices to follow:

Appendix 1 - Statutory Bodies

Appendix 2 – Key Strategic Partnerships and Community Partnerships

Appendix 3 – Community Partnerships

Appendix 4 – Outside Bodies to be removed from appointments

Appendix 5 - Guidance for Councillors on Membership of Outside Bodies

Appendix 6 - Outside Bodies Procedure Rules