

Section 5 – Appointments to External Organisations

5.1 Introduction

5.1.1 The Council has partnership links with many external organisations, dealt with in the Constitution as follows:

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| (a) Partnerships | Council representatives participate in joint arrangements in which the Council is one partner. |
| (b) Appointments to external organisations | Council representatives are appointed to organisations wholly external to the Council. |
| (c) Commercial partnerships | Contractual relationships with a partner undertaking work for the Council. |

5.1.2 These links may be statutory or discretionary. For example, the (statutory) constitution of Internal Drainage Boards requires that some Board members be appointed by the Council. Discretionary external appointments may arise by invitation to the Council or by the Council's own initiative. The council will always assess the value of participation - will it benefit directly? If not, would participation still be beneficial to the community (whether financially or in other ways, due to council representation and endorsement)? The Council aims to maximise the benefit to be obtained from participation, both for the Council and the community.

5.2 Requirements and categories for appointing external representatives

5.2.1 In deciding whether or not the Council should make an appointment to an external organisation, one of the following criteria must be met:

- (a) Is the appointment a statutory requirement?
- (b) Is the proposed involvement consistent with the corporate strategy?
- (c) Does the proposed involvement add value to the Council's activities?

5.2.2 Each external organisation to which the Council makes an appointment, and partnership in which it participates, will be placed into one of the following categories:

- (a) ***Key partnerships*** - defined by the Council's partnership framework.
- ~~(a)~~(b) ***Council Owned Companies – Companies wholly or partly owned by the City Council.***
- ~~(b)~~(c) ***Strategic and executive*** - participation contributes to the Council's strategic functions, priorities and community leadership role and/or assists the Council in fulfilling its executive responsibilities.
- ~~(c)~~(d) ***Community engagement*** - Not necessary to fulfil strategic or executive function but still beneficial in terms of leading, engaging and supporting the community. District-wide role.
- ~~(d)~~(e) ***Local engagement*** - Community engagement focussed at ward level.

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5.3 Procedure for making external appointments

5.3.1 The determination of appointments to external organisations is legally a 'local choice' function which can be exercised by Council, a Committee, the Executive or a combination of these. To provide for ~~transport and speedy~~ ***transparent and collaborative*** appointments ***process*** at the beginning of each municipal year, the

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Council's external and partnership appointments will be determined by the Executive following the process below (which does not apply to officer participation).

- 5.3.2 All appointments are subject to annual change unless otherwise stated in the constitution of the external organisation. Each (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.
- 5.3.3 Where participation by a category of person is specified (such as 'all the ward members' or 'the relevant cabinet member'), then these appointments will be automatic by virtue of office. The relevant Cabinet Member(s) will be determined by the Leader, if not readily apparent.
- 5.3.4 Other external appointments will be made following this procedure:
- (a) As soon as possible after the local elections each year (or by early May in a year without elections), the ~~Solicitor to the Council~~ **Monitoring Officer** convenes discussion between the political groups operating on the Council. Where possible, they will agree informally the allocation of seats upon external organisations and partnerships taking into account the principles contained in this procedure. As a general rule, elected members will fill all formal appointments available, but it is recognised that non-Member involvement at local level can be a useful way of promoting community engagement provided that good links with, and feedback from, such representatives, are maintained.
 - (b) For all seats in the **key partnerships category** ~~(namely GPP and the six key partnerships)~~, the Executive seats required ~~by the partnership agreement~~ will be filled automatically by the relevant cabinet member. Where the relevant person is not readily identifiable, the Leader will determine which members are appointed to fill the required number of seats. The non-Executive seats required ~~by the partnership agreement~~ will be ~~totalled~~ across ~~these seven key partnerships~~ **the category** and then ~~allocated~~ proportionally to the Council's various political groups using this appointments procedure.
 - ~~(c) For all seats in the Council-owned companies category the Leader will identify the most appropriate representative from the Council, which should ordinarily be an officer appointment, however a member appointment will be made if necessary. The decision will be made in consultation with the Chief Executive, the S151 Officer and Monitoring Officer, whether this be a Member or an officer, to be appointed to the seats. For all seats in the Council-owned companies category the Leader will decide the most appropriate representative from the Council, which should ordinarily be an officer appointment, however a member appointment will be made if necessary. The Leader's decision will be made in consultation with the Chief Executive, the S151 Officer and the Monitoring Officer, whether this be a Member or an officer, to be appointed to the seats.~~
 - ~~(ed)~~ For all seats in the **strategic and executive category**, ~~the presumption will be that the Executive allocates seats will be allocated them~~ to the political ~~Administration~~ **administration** except where:
 - (i) the external organisation's constitution/partnership agreement states otherwise;
 - (ii) in the case of the Local Government Association, where wider representation is usual;
 - (iii) the ~~political~~ **Executive administration** decides otherwise.
 - ~~(de)~~ For seats in the **community engagement category**, excluding any allocated automatically by virtue of office, the total number of seats available across all

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organisations in the category will be calculated. Seats will then be allocated equitably amongst the Council's declared political groups, as far as is reasonably practicable reflecting the political balance of the Council. The final allocation does not have to be exactly proportional, provided that distribution is equitable.

- (ef) Seats in the **local engagement category**, excluding any allocated automatically by virtue of office, will be allocated having regard to the political composition of the ward(s) most closely affected. The expectation is that local candidates will be considered ahead of other nominees for representation.
- (gf) Where an appointment includes an option as to the **allocation of votes** (for example, at the Local Government Association assemblies), this appointments process will be used to determine vote allocation as well as named representation.
- (gh) all seat and vote allocations made automatically, or agreed informally through this process by the political groups, will be authorised and implemented by the ~~Solicitor to the Council~~ **Monitoring Officer and notified to Full Council**.
- (hi) any seat or vote allocation which is disputed must be reported by the ~~Solicitor to the Council~~ **Monitoring Officer** to the Leader of the Council for determination. Seat allocations will be deemed to be disputed if:
 - (i) either one or more political groups disagrees with the proposed allocation;
 - (ii) or no informal agreement is reached by the end of the second calendar week after the Annual Council Meeting (because it is essential to determine new appointments early in the municipal year, ahead of the annual conferences of the LGA and Eastern Regional Local Government Conference).
- (ij) When determining disputed seats and votes, the Leader should have regard to the principles at a) to e) above although they are not absolutely binding. Any decision made contrary to these principles will be accompanied by an explanation as to why. The Leader's decision may be delegated to the Deputy Leader or the Cabinet. All such appointments are published Executive decisions, available for scrutiny.

- 5.3.5 If an appointment vacancy arises during the municipal year, it will be filled following the process above. The ~~Solicitor to the Council~~ **Monitoring Officer** will start the informal process as soon as possible after the vacancy arises. The views of the political groups may be sought by telephone, in writing or via a meeting. In the community engagement category, the replacement representative will usually be a nominee of the same political group as was the outgoing representative.
- 5.3.6 When a new appointment opportunity arises, the Leader of the Council will determine whether or not this should be accepted. ~~His/her~~ **This** decision will have regard to the appointment criteria listed above. If approved, the Leader will also determine in which appointment category the appointment/participation should be listed, having regard to the descriptions above. This approval (~~or rejection~~) and categorisation will be a published Executive decision, available for scrutiny in the usual way.
- 5.3.7 The Leader may review the list of organisations to which appointments are made at any time, although the Council will not usually expect to change arrangements in-year unless there is a particularly strong reason for doing so. Any changes to participation will also be a published Executive decision.
- 5.3.8 All appointments will be listed in the Council's partnerships database.

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5.4 Support for appointments to external organisations

5.4.1 **Lead officer:** A lead officer will be identified in the Council's partnership database for all appointments in the **key partnerships, Council-owned companies, and strategic and executive** categories. This officer will work closely with the appointed Member(s) to provide briefings and support. In turn, representatives will brief the lead officer regularly about discussions at external meetings and any activities which the organisation is undertaking, particularly as they affect the Council.

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5.4.2 **City Councillors appointed by non-Council routes:** The Council will take advantage of any appointments of its Members to national and regional bodies within the **strategic and executive** category, by means other than direct Council appointment. This may be, for example, via regional appointments from a pool of Members to ensure politically balanced representation. These appointments will be recorded in the Council's partnership database, and a lead officer will be allocated to brief/support, and be briefed by, the representative.

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5.4.3 **Briefings:** For organisations and partnerships in the **community and local engagements categories**, a lead officer will not be allocated unless the Director and/or relevant Cabinet Member for the service area deem that this will be beneficial. However, the representative may still seek support and briefings from Council officers.

5.4.4 **Induction:** Partner/external organisations are expected to provide an induction into their affairs for newly appointed Council representatives. In the case of **key partnership and strategic and executive** appointments, it is the lead officer's responsibility to ensure that an induction is arranged.

5.5 Councillors' role in external and partnership appointments

5.5.1 Councillors fulfilling external and partnership appointments (and non-councillors fulfilling that role in the place of an elected member) are, in general, expected to see themselves as upholding the Council's interests. Their role includes:

- (a) representing and reporting the Council's interests and activities to the organisation;
- (b) feeding back to the relevant officers of the Council, and the Executive or committees;
- (c) where the Council makes a decision which affects the organisation/partnership, contributing information from the perspective of being a member on that body;
- (d) monitoring how resources given or lent to the organisation/partnership by the Council are used, especially by comparison with any conditions or Service Level Agreement involved, and notifying the Council of any problems identified;
- (e) using their position as an elected public representative to influence and ensure that other public or charity money is spent wisely;
- (f) helping the organisation/partnership to understand the Council's and Community Strategy priorities, and how the organisation/partnership can best contribute to or benefit from them;
- (g) lending support and endorsement to the organisation's activities, in the role of community leader and spokesperson;
- (h) submitting an annual report to the Council of their activities within the appointment.

5.5.2 A Council representative may, depending upon the organisation's legal status, be required to act in the best interests of that organisation - for example, trustees. This

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can cause tensions for the representative, but need not conflict. For example, the member must always declare their personal interest in any matter decided by the Council which affects 'their' organisation, if they are present and participate in the debate and decision. Further, acting in the best interests of the organisation does not override the need to ensure that public money allocated by the Council (or any other resources of the organisation) are used with probity, wisely and in compliance with any conditions attaching to those resources.

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- 5.5.3 Councillors appointed as Trustees are personally responsible to the Trust as a Trustee (quite distinct from their duties as elected members) and are liable for any mismanagement or breaches of Trust because they are required to act in good faith and for the benefit of the Trust at all times. There are strict requirements for Trustees to administer/manage the Trust property for the benefit of the Trust (and not for any other purposes) and in accordance with the express terms of the Trust document.
- 5.5.4 Every external appointee is required to complete a short report at the end of the municipal year, to be submitted to the ~~Solicitor to the Council~~ Monitoring Officer. This is to state the extent of their attendance and involvement during the year, what has been achieved and whether continuing representation is considered worthwhile in their opinion. This information will be made available to the political groups and Leader to inform their decisions about the next year's appointments. It will also be made available to other Members on request.
- 5.5.5 All external representatives are expected to attend that organisation's meetings regularly. If they become unable to maintain this level of involvement and support, they should inform the ~~Solicitor to the Council~~ Monitoring Officer so that an alternative representative can be identified as soon as possible.