

Report to the Council

Report of: Overview & Scrutiny Committee

Chairman: Councillor Mrs D M Collins

Date: 13 December 2005

1. EXTERNAL ORGANISATIONS AND PARTNERSHIPS – DRAFT PROTOCOL

Recommendations:

(1) That the draft Protocol on the Council's relations with Partnerships and External Organisations (attached Annex) covering member and officer liabilities, indemnities, reporting back to the Council, annual reports and training be approved; and

(2) That, subject to the adoption of (1) above, a report be submitted to the Council at its next meeting recommending adoption of the Protocol and publication in the Council's Constitution.

Report:

1. The Annex to this report sets out a new Protocol designed to regulate the Council's links with partnerships and external organisations with which the Authority is involved. This Protocol derives from an Internal Audit Study and subsequent decisions of the Cabinet regarding the Epping Forest Business Centre and the Business Excellence Awards held in 2002. The detailed wording has been developed by the Constitutional Affairs Standing Scrutiny Panel and follows consultation with members and Heads of Service.
2. The Protocol is the first consolidated document to set out the Council's policy in the following areas:
 - (a) Involvement with External Partnerships and Organisations**
3. This section includes advice about how members and officers of the Council should be appointed.
 - (b) Insurance and Indemnities**
4. This section includes a clear statement which reflects cover and indemnities which the Council's Insurer (Zurich) is prepared to provide to members of the Council who are serving on outside bodies. This covers situations where the member is appointed by the Authority and where the member serves on such bodies independently of the Council.
5. The Protocol makes clear that members are covered in respect of those functions undertaken legitimately by appointment from the Council but in respect of bodies in which the Council is not involved in their appointment, no cover exists. In these cases, members must satisfy themselves that cover and indemnities exist.

(c) External Organisations and Partnerships - Policy

6. The Protocol makes clear that the Council's presumption must in future be against members taking on Trustee/Director or similar positions on behalf of the Council.

(d) Written Agreements

7. The Protocol provides that written agreements will be sought with every outside organisation on which the Council is involved or represented. This will set out the duties and responsibilities of the Council and of the organisation concerned.

(e) Reporting Arrangements

8. This Protocol requires members and officers to report back on their involvement in outside organisations so that the Authority is kept properly informed. This will be in the form of exception reports where there are matters of urgency affecting the Council or in the form of annual reports at the end of the Council year.

(f) Appendices

9. The three Appendices to the draft Protocol show the statement of indemnities referred to above, the form of agreement with outside bodies and partnerships and a format for annual reports.
10. On the question of annual reports, the Council has made several attempts over the years to secure regular reports from members of the Council who serve on outside organisations. The need for these reports was emphasised by the Council's experiences with the Epping Forest Business Centre and we hope that the Council will find ways of ensuring that all members report in the manner envisaged by the Protocol.
11. We recommend as set out at the commencement of this report.