

Report to the Constitution and Members Services Standing Scrutiny Panel



Report reference:

Date of meeting: 7 January 2013

Report of: Assistant to the Chief Executive

Subject: Protocol on Partnerships and Other External Organisations

Responsible Officer: Ian Willett (01992 564243)

Democratic Services Officer: Mark Jenkins (01992 564607)

Recommendations:

- (1) To review the Protocol on Partnerships and Other External Organisations and to determine those aspects which should be considered in detail; and
- (2) To indicate any further data required.

Report

1. Introduction

1.1 At the Panel meeting on 20 February 2012 (Minute 49), members asked for a scoping report on the Council's links with outside organisations. Members asked for consultation arrangements to be part of the review and that it should be completed during the current Council year.

2. Introduction

2.1 A copy of the Constitution's current protocol is attached. This document was first agreed in 2005 and revised in 2007 and 2011.

2.2 The protocol gives guidance on the following:

- (a) appointment procedures in respect of Councillors and officers serving on such bodies;
- (b) policy matters;
- (c) insurance and indemnities;

- (d) compilation of written agreements to regularise links between the Council and organisations;
- (e) Directorships (including trustees of charities);
- (g) code of conduct issues;
- (h) joint working.

2.3 The protocol is not statutory in nature and derives from problems which were experienced with a business organisation with which the Council had links prior to 2007 when the protocol was first compiled.

3. Possible Areas for Review

3.1 The protocol is well intentioned and seeks to put the relationship between the Council and external organisations on a business-like basis and to ensure the Councillors are aware of their roles and possible risks. Whether this initiative has been successful is a moot point as is explained in section 4 of the report.

3.2 For the purposes of this review, possible topics which could be examined are as follows:

- (a) the effect of the new Code of Conduct;
- (b) the effectiveness of reporting arrangements;
- (c) conflicts of interest involving charities and similar bodies;
- (d) executing and keeping up to date the agreements with outside bodies; and
- (e) the number of outside organisations on which the Council wishes to be represented.

3.3 The Panel may have additional items of their own.

3.4 The most recent review resulted in a new requirement that (a) reports from Councillors serving on outside bodies should submit written reports in time for publication with Council agenda; and (b) addition to Council agendas of a standing item allowing Councillors to seek reports on specific outside bodies at the following meeting.

4. Overview

4.1 On the last occasion the Panel expressed dissatisfaction about the submission of reports on the activities of external bodies. Other than this, no specific points were raised. Over recent years, some reports have either been requested by the Council or volunteered by representatives (eg Grange Trust and Stansted Airport). The numbers have not been large.

4.2 The question of trustee status has continued to cause concerns. It is clear that accepting trustee status can create conflicts of interest for District Councillors and potential risks. When accepting such positions, Councillors must act in the interests of the Trust but this might create conflicts with their role as Councillors. This dilemma has not been resolved. Attempts have been made to negotiate with some trusts to secure a lower level than full trustee status for Council representatives. This has been unsuccessful not least because Trusts might be limited in its ability to act if its membership did not have full trustee status in compliance with its Trust Deed.

4.3 On annual reports from organisations by members and the organisations concerned, these have proved very difficult to obtain. 100% coverage has never been achieved. Likewise, the annual agreement has proved a cumbersome procedure and, has been viewed with concern by some organisations.

4.4 Over the years, the Council has reduced the number of outside bodies on which it is represented. After time, however, there is a tendency for the numbers to increase once more.

5. Internal Audit

5.1 In the past, the Council's Internal Audit service has provided input to this issue. However, a review is not at present included in its work plan for the current year.

6. Action Required

6.1 To advise officers to the scope of the proposed review, the Panel is asked to think about how it sees the future management of these links. An indication of further information required would also assist.