

# **Report to the Constitution and Member Services Scrutiny Standing Panel**



**Date of meeting:** 26 March 2013

**Report of:** Assistant to the Chief Executive



**Subject:** Protocol on Partnerships and External Organisations

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## **Recommendations:**

- (1) To consider the draft changes to the Protocol on Partnerships and External Organisations as set out in the Appendix to this report;
- (2) To receive an oral report on the comments of the Council's Insurers (Zurich Municipal) on the contents of section 7 and Appendix 1 of the Protocol; and
- (3) To consider the arrangements that the Panel wish to recommend for inclusion in the Protocol concerning reporting arrangements for outside organisations.

## **Report**

### **1. Introduction**

1.1 Appendix 1 to this report shows the Protocol which is currently published in the Council's Constitution which gives advice to Councillors and officers who serve as the Authority's representatives on outside organisations.

1.2 The Protocol covers a number of areas including appointment procedures, reports by representatives, agreements with external organisations regarding the proper role of elected and officer representatives, insurance and conflicts of interest. This Protocol was first devised in 2005 and subsequently amended following review by the Scrutiny Panel in 2007.

1.3 The review of this Protocol should be seen as going hand-in-hand with the review of the list of outside organisations which is submitted elsewhere on this agenda.

### **2. Review of the Protocol**

2.1 Appendix 1 shows the present wording of the Protocol and changes proposed in bold type/underlined. Those changes which are of a minor clerical nature, will not be referred to in the following commentary:

**(a) Paragraphs 3.1 and 3.3**

The wording of these paragraphs has been changed so as to reflect the fact that some appointments to outside organisations are made by the Council and those relating to executive functions by the Leader

**(b) Paragraph 3.2**

It is proposed to delete this section, if the Council agrees to delete from the Constitution the protocol regarding allocation of seats which is referred to in this paragraph. This is a matter which the Panel considered at the previous meeting when it was decided to make the Appointments Panel, which deals with these matters, a permanent feature of the Constitution.

**(c) Paragraph 9.3(c)**

Additional wording has been added to this paragraph in order to reflect the Code of Conduct adopted by the Council and now in operation. Previous references to prejudicial and personal interests have been deleted as these terms derive from the former national code.

The current position is that if an interest is not a disclosable pecuniary interest (i.e., relating to the personal circumstances of a member or his/her spouse etc) then the interest is a non pecuniary one. The Council's Code states that non pecuniary interests should be declared but do not debar a member who is a representative of the Council on an external body from taking part in a discussion except where regulatory decisions (e.g., planning, licensing etc) are sought by that organisation. This is because circumstances of this kind can create conflicts of interest.

**(d) Paragraph 12**

This section has been updated to take account of changes in the Code of Conduct, along similar lines to paragraph 9.3(c)

**3. Other Matters**

3.1 Section 7 of the Protocol and Appendix 1 deal with insurance and indemnities. In summary, a member has liability cover from the Authority for actions undertaken lawfully and in accordance with the Council's statutory duties. However, if a member acts outside the Council's requirements, or in contravention of any statute, there is no such cover for the member concerned. As it is now some time since the contents of the Protocol relating to insurance matters has been reviewed, comments have been sought from Zurich Municipal. An oral report will be made on the outcome.

3.2 Section 10 of the Protocol refers to reporting arrangements. This is a matter which has already been discussed by the Panel when dealing with the review of the list of outside organisations. Hopefully, that list will be finalised at tonight's meeting but members are asked to consider what arrangements should be included in the Protocol regarding reporting.

3.3 Key factors that could be taken into account are as follows:

(a) Council meetings now have a standing item on the agenda to allow members of the Council to ask for reports at the succeeding meeting on any outside organisation;

(b) The Panel has taken the view that not all organisations necessarily need a full report on a regular basis or an annual report. They have signalled a more selective approach to the organisations where reports are to be requested. In the schedule attached to the review of outside bodies, references are made to the kind of reporting arrangements which members may favour.

(c) Appendix 2 to the Protocol sets out a form of agreement that external organisations are required to complete when they accept a Council representative. Likewise there is a pro forma for reporting by Councillor representatives to enable these to be submitted to the Council for information purposes. This has sometimes also been linked to the question of the attendance records for the Council's representatives.

These two processes have not been a great success. The creation of an agreement with outside organisations has caused some of the smaller organisations concern in terms of what they are being asked to do. Although many and varied attempts have been made over the years to obtain reports from all representatives, this has generally not been achieved and has been pursued less energetically in recent years than previously.

#### **4. Next Steps**

4.1 This Protocol forms part of the Constitution and may not be changed without the approval of the Overview and Scrutiny Committee and the Council. Members may like to consider what further consultation on the changes might be appropriate and it is suggested that their review of outside organisation lists should be coupled to a report on this Protocol. In terms of the list of organisations involved, members of the Panel may wish to consider whether any further consultation is required.

4.2 In compiling the schedule of organisations and the responses, many representatives have been given the opportunity of commenting on their organisations and most have now responded.