

Report to Overview and Scrutiny Committee

Date of meeting: 8 November 2007



Report of: Constitution and Members' Services Standing Scrutiny Panel

Subject: Review of Protocol on Outside Organisations

Officer contact for further information: I Willett (01992 564243)

Democratic Services Assistant: Z Folley (01992 564532)

Recommendation:

That a report be submitted to the Council recommending the revisions to the protocol on partnerships and other external organisations set out in Appendix 1 to this report be approved as part of the Constitution.

Report:

1. The Council's protocol on partnerships and other external organisations is set out on pages U69 to U81 of the Constitution binder. The purpose of the protocol is to regulate the relations between the Council and its external partnerships and other outside bodies.

2. Key features of the protocol are:

- (a) execution of agreements with external bodies to establish the role of Council representatives;
- (b) clarification of constitutions and trust deeds and other rules under which those organisations operate;
- (c) institution of reports on an annual basis by Council representatives;
- (d) advice to Council representatives who may be required to assume responsibilities, which could conflict with their role as councillors;
- (e) advice to councillors to prevent policy commitments being given inadvertently to such bodies;
- (f) facilitate the use of the protocol to review outside organisations from the point of view of relevance to the Council; and
- (g) clarification of liability insurance.

3. The protocol was adopted by the Council on 13 December 2005 and has thus been in operation for nearly two years. In view of this we were asked to review the document how the protocol has operated and whether it should be amended. Our main findings about the protocol are as follows:

- (a) the annual survey of members and organisations has been useful in keeping Council records up-to-date;

- (b) annual reporting by members has improved;
- (c) agreements with outside bodies have been concluded in a number of cases;
- (d) Councillors have shown greater awareness of possible conflicts of interest and in some cases arrangements for representation have been modified as a result;
- (e) provision is now made for each councillor to present oral reports on outside bodies at Council meetings and this has been utilised on occasion; and
- (f) the position on insurance/liability cover for members who serve on outside bodies has been clarified.

4. We have found however that the mechanism for reviewing and discussing outside bodies has not been fully established and the amount of administration required to operate the protocol is considerable.

5. We have therefore tried to address some of these issues in revisions to the protocol. In the Appendix to this report track changes are shown in the protocol and these are itemised below:

Paragraph 3.5

6. A new provision is included to require that councillors taking up these appointments for the first time are provided with a copy of the protocol and any past annual reports on the organisation concerned so that they are fully briefed about their role.

Paragraph 5.1

7. This is a new section of the protocol, which deals with representatives who are not Councillors. This occurs in only a minority of cases but the new paragraph requires them to comply with the protocol as if they were Councillors. Clearly non-councillors do not have the same facilities for reporting back as an elected member. To cover this, any reports or matters, which they wish to raise, are to be directed to the appropriate Head of Service or the relevant Portfolio Holder.

Paragraph 6.4 (New)

8. This new paragraph deals with the position of trust and similar bodies and specifies that, in situations where a Council representative accepts trustee status as part of their appointment as a Council representative, this may well create a legal duty to work for the objectives of the trust rather than of the Council. The new paragraph goes on to advise such councillors to be mindful of any conflicts of interest, and to take advice in accordance with the Council's Code of Conduct.

Paragraph 10.3

9. The last sentence is new and covers a point we raised about how the Council representation on outside organisations is to be reviewed in future. Our feeling was that the annual reports which come back from elected members and from outside organisations should be supplied to each political group to assist the Council in determining those organisations where continued representation is important and those where this is no longer necessary. The Leaders of political groups will also be able to review the attendance records of their members.

Paragraph 10.4

10. This new paragraph re-emphasises the contents of new paragraph 5.1.

Paragraph 11.2 (New)

11. This new paragraph deals with the position of officers who may be representing the Council on outside bodies and requires them to make appropriate declarations of interest under the Officer Code of Conduct.

Section 12 (New)

12. We felt that, with recent changes in the Code of Conduct, a link needed to be created in this protocol with the rules in the new Code of Conduct about declarations of interest. Thus, a new section 12 re-states the rules on personal interests.

Paragraph 12.2

13. This paragraph explains the position regarding prejudicial interests, which are restricted to those cases where the financial position of any organisation or the granting of consents, approvals, licences or registrations are involved. Where the prejudicial interest arises members need to be careful in their role as Councillors to declare and leave meetings. Particular cases in point might be grant aid applications, planning applications by outside organisations or licensing issues.

Conclusion

14. We consider that the protocol has been useful in clarifying the role of councillors on outside bodies and we think with two years' experience the amendments we are proposing reflect experience gained. If the Committee are agreeable to our proposals, they should recommend the revised protocol to the Council for adoption as part of the Constitution.

15. The Appendix to this report shows the revised protocol with track changes.