

North Tyneside Council

Report to Cabinet

Date: 14 May 2012

ITEM 6 (c)

Title: Appointments to
Outside Bodies Exercising
Executive Functions 2012/13

Portfolio(s): Elected Mayor

Cabinet Member(s): Mrs L Arkley

Report from Directorate: Chief Executive's Office

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Wards affected: All Wards

PART 1

1.1 Purpose:

The Cabinet is requested to consider the appointment of representatives to serve on outside bodies which have executive decision making powers for the 2012/13 Municipal Year as set out in Appendix A to this report.

1.2 Recommendation(s):

It is recommended that the Mayor be authorised to determine:

(1) the appointment of representatives to serve on those executive outside bodies set out in Appendix A to this report for the 2012/13 Municipal Year;

(2) any changes to the appointment of representatives to serve on those executive bodies which might arise during 2012/13; and

(3) the appointment of representatives to serve on any new executive outside bodies that may arise during the 2012/13 Municipal Year.

1.3 Forward Plan:

This report appears on the Forward Plan for the period 1 May to 31 August 2012.

1.4 Council Plan and Policy Framework

The Council's membership of the various executive outside bodies will assist the Council in meeting each of the Council Plan priorities.

1.5 Information:

- 1.5.1 Appendix A to this report sets out those outside bodies which have executive functions and require appointments to be made by Cabinet for the 2012/13 Municipal Year.
- 1.5.2 If a joint committee exercises executive functions only, the persons appointed must be Cabinet members, unless the joint committee is discharging a function in relation to five or more local authorities, in which case non-Cabinet members can be appointed.
- 1.5.3 Political balance requirements do not apply to the appointment of members of joint committees exercising executive functions only.
- 1.5.4 Failure to ensure that Cabinet members are appointed to appropriate committees/bodies would place the Council in breach of the appropriate Regulations.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

The Cabinet may choose to appoint representatives to those bodies set out in Appendix A.

Option 2

The Cabinet may choose not to appoint representatives to some or any of those bodies set out in Appendix A

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reason:

To ensure that the Council is properly represented on external bodies that exercise executive functions.

1.8 Appendices:

Appendix A – list of executive bodies to which appointments are requested to be made for the 2012/13 municipal year.

Appendix B – guidance note on personal liability of Members serving on outside bodies

1.9 Contact officers:

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Gary Petitjean, Legal, Governance and Commercial Services – Tel. 643 5317
Janice Gillespie, Finance and Resources – Tel. 643 5701

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) Outside Bodies list
- (2) Local Authorities (Arrangements for the Discharge of Functions) (England) (Amendment) Regulations 2001
- (3) North Tyneside Council's Constitution

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The proposal does not have direct financial implications. However, the completeness of this list is important in recognising the extent of indemnity cover required and ensuring the recognition of all potential liabilities the Council is committed to.

2.2 Legal

The Cabinet has the power to make appointments to outside bodies which exercise executive functions (Article 6 of the Council's Constitution).

The appointment of a Member to an outside body may create liabilities for the Member (personally) and the Council (corporately). It is important that Members in the discharge of their responsibilities on outside bodies act in good faith and within the powers and responsibilities of the outside body. Members will normally be indemnified under the Council's adopted scheme of indemnification for any liabilities that flow from their appointment to an outside body. To ensure that Members benefit from the scheme of indemnity, Members should seek prompt advice from officers should they consider that they have any conflict of interest in discharging their duties on an outside body or if they are concerned that the body may be acting in a potentially unlawful way. A guidance note in relation to personal liability of members serving on outside bodies is attached to this report for Members' information.

2.3 Consultation/community engagement

Consultation has taken place with the Elected Mayor.

2.4 Human rights

There are no direct human rights implications arising from this report.

2.5 Equalities and diversity

The Council makes appointments to outside bodies which work within the requirements of equality legislation and, where applicable, the public sector equality duty.

2.6 Risk management

Any risks associated with appointing Council representatives to serve on outside bodies are set out in the guidance note attached to this report.

2.7 Crime and disorder

The Council makes appointments to outside bodies which seek to reduce crime and disorder.

2.8 Environment and sustainability

The Council makes appointments to outside bodies which seek to enhance and protect the local and national environment

PART 3 - SIGN OFF

- Mayor/Cabinet Member(s)

- Chief Finance Officer

- Monitoring Officer

- Strategic Manager for
Policy and Partnerships