

<b>22 May 2024</b>		<b>ITEM: 11</b>
<b>Annual Council</b>		
<b>Appointments to Outside Bodies, Statutory and Other Panels</b>		
<b>Wards and communities affected:</b> None	<b>Key Decision:</b> Non-key	
<b>Report of:</b> Dr Dave Smith, Chief Executive and Managing Director Commissioner		
<b>Accountable Assistant Director:</b> Not Applicable		
<b>Accountable Director:</b> Daniel Fenwick, Executive Corporate Director, Corporate Services/Monitoring Officer		
<b>This report is public</b>		
<b>Version:</b> Final Version		

## Executive Summary

This report requests the Council to consider the nominations made by Group Leaders to Outside Bodies, Statutory and Other Panels for those appointments that are to be made by Full Council.

### Commissioner Comment:

None

### 1. Recommendation(s)

**1.1 That the nominations to Outside Bodies, Statutory and Other Panels be approved (to be tabled when nominations are received).**

### 2. Introduction and Background

2.1 Both the Full Council and the Cabinet have powers to appoint Members, officers and others to serve on Outside Bodies in a variety of capacities.

### 3. Issues, Options and Analysis of Options

3.1 Nominations have been sought from Group Leaders for the appointments to Outside Bodies, Statutory and Other Panels that are required to be made by the Council.

3.2 Those nominations will be tabled when nominations have been received from Group Leaders.

Version Control (delete as appropriate)

**Version 1** - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

3.3 For certain outside bodies, statutory and other panels, it is considered to be a requirement that those Members appointed should be DBS checked before they take up their role. This position is considered to be best practice and will specifically apply to the following:

- Fostering and Adoption Panel

### **Voting on appointments**

3.4 The Constitution contains a procedure to be followed if there are more people nominated for any position(s) than there are position(s) to be filled (Chapter 2, part 2, Rule 20.9) and this will be applied in the event of any places on Outside Bodies, Statutory and Other Panels being contested.

3.5 If there is not a clear majority of votes in favour of the required number of people, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

3.6 Where there is an equality of votes for a person to continue in the appointment process, a vote shall be taken between those candidates having an equality of votes to determine which candidate shall continue in the appointment process.

### **Changes to appointments made**

3.7 Any changes to the appointments made will require the approval of the appointing body, be this Full Council or Cabinet.

### **Reports from Members appointed to Outside Bodies**

3.8 There is an expectation that Members appointed to represent the Council on Outside Bodies will report back to the Council at least annually.

## **4. Reasons for Recommendation**

4.1 The Council should ensure that it continues to nominate representatives to sit on Outside Bodies, Statutory and other Panels so that its interests can be properly represented, together with those of the wider community.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

5.1 In the course of seeking nominations, consultation has been undertaken with the Leaders of each of the political groups represented on the Council.

## **6. Impact on corporate policies, priorities, performance and community impact**

6.1 It is important for the Council to nominate to such bodies in order to ensure that it continues to represent the interests of both the Authority and the wider community.

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## 7. Implications

### 7.1 Financial

Implications verified by: **Rob Chimani**  
**Accountant**  
**4 April 2024**

There are no financial implications arising from this report.

### 7.2 Legal

Implications verified by: **Gina Clarke**  
**Corporate Lawyer & Deputy Monitoring Officer**  
**12 April 2024**

The Council is able to receive nominations for and appoint representatives to outside bodies unless the appointment is an executive function or has been delegated by Council.

In some circumstances, the Council can indemnify Members where they attend outside bodies with the approval of the Council.

The Council will not (and is not able to) indemnify any of its appointees to an outside body where the individual is not exercising a function of the Council and is: (a) a voting Member of a management Committee (b) a trustee (c) a company director. Any Member appointed to such a body should always satisfy themselves that the body carries the necessary liability insurance cover and that they will be appropriately indemnified in respect of claims.

Members appointed to outside bodies as representatives of the Council are required to act in accordance with the Rules, Constitution and framework set by the outside body, as well as consider whether the Council's Code of Conduct or other protocol applies when the business of that outside body comes before the Council. Where there is a clear conflict of interest between the obligations to the Council and the obligations to the body, advice should be taken from the Council's Monitoring Officer.

A Guide to the Law for Councillors duties who are appointed to outside bodies is available in the Council's Constitution, Appendix A Chapter 12 Part 2.

Members appointed to outside bodies by the Council are required to include details of the appointment in their Member's Register of Interests.

Important that Members are correctly appointed, through the relevant Council meeting as this ensures that they can be indemnified in certain circumstances.

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### 7.3 Diversity and Equality

Implications verified by: **Becky Lee**

**Team Manager - Community Development and Equalities  
Adults, Housing and Health Directorate**

**28 March 2024**

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision-making process of the Council. Therefore, attention is drawn to the importance of ensuring that appointments to Outside Bodies, Statutory and Other Panels are underpinned by appropriate training on the statutory equality framework.

### 7.4 Risks

There are no direct risks associated with this report. Failing to appoint appropriately to outside bodies and panels detracts from the Council's community governance role within Thurrock and risks poor governance if positions are not appointed to.

### 7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None.

### 8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None.

### 9. Appendices to the report

- Appendix 1 – The nominations of political groups to Outside Bodies, Statutory and Other Panels will be circulated at the meeting.

### Report Author:

Matthew Boulter

Head of Democratic, Scrutiny and Member Services

Legal Services

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