

# REPORT TO COUNCIL

REPORT OF:                   LEGAL SERVICES MANAGER (MONITORING OFFICER)

REPORT NO:                 LEG006

DATE:                        6<sup>TH</sup> SEPTEMBER 2007

<b>TITLE:</b>	<b><u>APPOINTMENTS AS REPRESENTATIVES ON OUTSIDE BODIES</u></b>
<b>FORWARD PLAN ITEM:</b>	N/A
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	N/A
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	<b>COUNCILLOR PAUL CARPENTER – PORTFOLIO HOLDER FOR CORPORATE GOVERNANCE AND HOUSING</b>	
<b>CORPORATE PRIORITY:</b>	N/A	
<b>CRIME AND DISORDER IMPLICATIONS:</b>	N/A	
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	This report is available via the Local Democracy link on the Council's website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>INITIAL EQUALITY IMPACT ASSESSMENT</b>	<b>Carried out and appended to report?</b>  <b>Not Applicable</b>	<b>Full impact assessment required?</b>  <b>No</b>
<b>BACKGROUND PAPERS:</b>	Reports to Constitution Committee LEG005	

## **1. INTRODUCTION**

- 1.1 Historically and at its annual general meeting on the 17<sup>th</sup> May 2007, Council has agreed to the appointment of representatives to outside bodies who are not members of the Council.
- 1.2 At its meeting on the 16<sup>th</sup> July 2007, the Constitution Committee considered report number LEG005 relating to the appointment of representatives of the Council on outside bodies. The Constitution Committee recommended to Council that appointments should only be allowed from existing members of the Council. Members must now consider whether to accept the recommendation of the Constitution Committee.
- 1.3 The purpose of this report is to advise members further on appointments of non-member representatives.

## **2. RECOMMENDATIONS**

- 2.1 It is recommended Council consider the further advice of the monitoring officer if considering the appointment of non-member representatives as follows:
  - The terms of appointment of all outside bodies must be checked prior to appointment to ensure the outside body is able to accept non-council representatives.
  - The Council must be prepared to consider all nominations received from all non-members to ensure fair treatment of any person who wishes to be considered for nomination. Strict criteria for putting forward nominations will have to be established and followed.
  - Non-member representatives will not be subject to the Members' Code of Conduct. This code is enforced by the Standards Board for England and does not apply to non-members. The reputation of the Council is at risk if the Council is unable to enforce its policies, procedures and codes of conduct on such representatives.
  - Provision will have to be made in the Constitution to require regular reports from non-member representatives. No such provision currently exists

## **3. CONCLUSION**

Whilst it is possible for Council to refuse to accept the recommendation of the Constitution Committee, the monitoring officer's advice must be considered and implemented if non-member representatives are to be considered for appointment to represent the Council on outside bodies.

**4. S.151 OFFICER COMMENTS**

There are no financial implications in this report and the s. 151 officer has no comments to make

**5. CONTACT OFFICER**

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