

Agenda Item No: 7

Report To: Selection and Constitutional Review Committee



Date of Meeting: 25th May 2023

Report Title: Appointment of Members of, or Liaison Members to, Outside Bodies

Report Author: Danny Sheppard
Job Title: Member Services Manager

Summary: Details of Outside Bodies/Organisations to which the Council makes appointments, either as members of those bodies, or (in almost all cases) as Liaison Members to those bodies, are detailed in the attached Appendices.

All appointments (whether continuing or new) shall be made in line with the decision of the last Full Council meeting as explained in the report.

As this is the start of a new Four Year Council term, the Committee is asked to go through each of the appointments individually and make suggested nominations as indicated, for the Annual Meeting of the Council to consider.

Recommendations: I. That the Council is minded to appoint:-

- (i) the members and Replacement members as stated) of the organisations listed in Appendix A to this report, and
- (ii) the Liaison Members to work with the organisations listed in Appendix B to this report, in both cases subject to the prior receipt, to the satisfaction of the Solicitor to the Council & Monitoring Officer, of written confirmation from the organisation of the relevant matters as described in Paragraph 3 of this report.

II. That the Council delegate the making of the formal appointments as above to the Solicitor to the Council and Monitoring Officer and Member Services Manager, subject to receipt of the confirmation described above to his satisfaction.

III. That the Council delegate to the Solicitor to the Council and Monitoring Officer and Member Services Manager the powers to:-

- (i) formally confirm in writing to the

outside bodies and outgoing appointees the cessation of previous appointments which are being considered for replacement by new appointments;

- (ii) should the required confirmations not be received from the organisations after reasonable efforts have been exhausted, terminate previous appointments which are being considered for renewal as recommended in this report..**

Policy Overview:

The appointment of Liaison Members to work with outside bodies assists with Members' community engagement role, and helps to ensure that the Council is well connected with the wider community, while not affecting the ability of those Members to carry out their full roles as elected Members of the Council.

In a limited number of cases, the Council has determined it to be beneficial and appropriate to appoint a Member (or another person, such as an Officer) specifically to act as a Trustee or Director of an outside body, for example in order to strengthen the governance of that body, to provide an appropriate balance and breadth of background and experience to the board of management of that body, and/or to fulfil the expectations of specific charitable foundations of many years' standing.

Financial Implications:

None for the Council directly. The Recommendations are intended to avoid financial implications arising for Appointees and the Council.

Legal Implications:
*Text agreed by
Principal Solicitor –
Strategic
Development on
17/5/23*

Appointments should be made by the Full Council, on the advice of this Committee, on a 'minded to' basis in accordance with Paragraphs 2 and 3 of the report and Minute No C/401/4/23. The formal appointments should be delegated to the Solicitor to the Council and Monitoring Officer and Member Services Manager to make, subject to the receipt of relevant confirmation, so will not take effect until this has been received. New appointees do not commence, and should not act as if commencing, their appointed roles until formally appointed in writing by the Solicitor to the Council and Monitoring Officer and Member Services Manager.

At the same time as seeking the relevant confirmation from outside bodies, for clarity the Solicitor to the Council and Monitoring Officer and Member Services Manager will formally confirm in writing to the outside bodies and outgoing appointees the cessation of previous appointments which are

not being considered for extension (for example, where previous appointees are no longer Councillors), after which the previous appointees should immediately cease their roles.

**Background
Papers:**

None

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Appointment of Members of, or Liaison Members to, Outside Bodies

Introduction and Background

1. Details of Outside Bodies/Organisations to which the Council makes appointments, either as Liaison Members or as members of the outside bodies, are detailed in the attached Appendices. Attendance details for 2022/23 are included where provided by the organisation in the form “x/y”, where x is the number of meetings attended by the appointee and y is the number of relevant meetings held by the body. This is less relevant to Liaison Members, as they are not expected to attend all meetings (see paragraph 6 below).

Proposal

2. Full Council on 27th April 2023 considered issues surrounding the appointment of members of, and Liaison Members to, outside bodies. Council agreed, and all appointees are reminded, that all appointments (whether continuing or new) to outside bodies shall be expressly made as Liaison Members only and on the express basis that appointees are not authorised to act as Directors, Trustees, Board or Management Committee members (unless the appointment expressly states to the contrary and the capacity in which the appointee is authorised to act - this applies to Appendix A only).
3. As requested by Full Council, Officers shall make the above position clear in writing to each relevant outside body and require written confirmation from the body as appropriate that (a) the appointment as a Liaison Member has been made on this basis and that it will not permit the appointee to act in the unauthorised capacities, or (b) for those organisations in Appendix A, the body evidences to the Council that it has appropriate insurance in place to protect the appointee against the risk of any personal liability. This position was agreed by Full Council on 27th April 2023 – Minute No. C/401/4/23 refers.
4. ‘Outside Bodies’ for the purpose of this report refers to outside organisations, being charitable, voluntary, or public-sector/ public-interest in nature, who have either (a) requested or require a Member of the Council to be appointed to act as a bridge between themselves and the Council (known as a Liaison Member), or (b) a specific requirement for a member of their board or other governing body to be appointed by the Council, pursuant to their Constitution. The Selection and Constitutional Review Committee normally has the power to appoint to such organisations as listed in Appendices A and B to this report (or to make recommendations on appointments to Full Council in an election year, as now). For the purposes of this report, “outside bodies” does NOT include Council-owned (or jointly-owned) trading Companies where the Companies are established pursuant to the Executive functions of the Council. In these cases the power to appoint representative Members to their

Boards lies with the Executive, through the Trading and Enterprise Board acting as a Committee of the Cabinet.

5. The appointments within this report fall in to two categories. Those at Appendix A are appointments as Trustees/Directors/Members of a Governing Body of a charity, where the charities have expressly stated that this is required and have specifically stated the capacity in which the appointee is to act and the Council has agreed to this. In these cases the charity will be written to requiring written evidence that it has appropriate insurance in place to protect the appointee against the risk of any personal liability. In these cases, it is accepted that under charity law, the appointed member's duty is to act as a member of that body and to that extent it is recognised that from time to time that role may come in to conflict with their role in Ashford Borough Council. In these cases, appointees are expected to make the appropriate Declarations of Interest at Council/Committee/Task Group etc. meetings and internal Council discussions, and recuse themselves from Council business/discussions on those occasions. Appointees should of course also comply with the codes of conduct/principles of governance that apply to their roles in the body to which they are appointed, and ensure that they do not come into possession of confidential information about the Council's business if their duties to the outside body would or might require it to be disclosed to that body. Appointees should seek early advice from the Solicitor to the Council or Legal Services if they are in any doubt on these matters or any circumstances that may arise.

6. The appointments at Appendix B are as Liaison Members to work with (but not as part of) the organisations concerned. As Liaison Members, Councillors will attend Board, Committee or other Meetings with the permission of the Board or Committee etc., and may offer views, assistance or practical help to the organisation, but are not permitted to vote on any decisions and must not be registered at the offices of the organisation, the Charity Commission or Companies House as a Director or Trustee or similar. Liaison Members are able to bring their invaluable experience and contacts, both within the Council and within the community, to the benefit of the organisation, and act as a bridge between the organisation and the Council, but are not hampered by possible conflicts of interest. Liaison Members are not expected to be party to any confidential discussions or information, nor to be involved in legal, financial or trustee matters within the organisations. A Liaison Member's first duty is still to Ashford Borough Council and is expected to be in a position to take a full part at Committee, Cabinet or other Council meetings/discussions. Therefore, Liaison Members should remove themselves from any discussions at Outside Body meetings that would or could put themselves or their Council position in conflict. Liaison Members should also take care not to be 'perceived' publicly as a Trustee/Director/Member of a Governing Body by the way they conduct themselves or take part in any meetings. Appointment as a Liaison Member should still be declared at relevant Council Meetings, but if the above requirements are followed this would just be by way of a 'Voluntary Announcement' rather than a DPI or OSI which would prevent participation in debates and voting. Again, appointees should seek early advice from the Solicitor to the Council or Legal Services if they are in any doubt on these matters.

7. In both cases above, the recommendations to appoint will be on the basis that the Council is “minded to appoint” the persons listed, and, in the case of Appendix A, to the positions listed, subject to the written confirmation from the organisation of the appropriate position described in Paragraph 3 above. The making of formal appointments is delegated to the Solicitor to the Council and Monitoring Officer and Member Services Manager subject to receipt of that confirmation. New appointees cannot commence their appointed roles until formally appointed in writing by the Solicitor to the Council and Monitoring Officer and Member Services Manager.
8. For clarity for all concerned, the Solicitor to the Council and Monitoring Officer and Member Services Manager will formally confirm in writing to the outside bodies and outgoing appointees the cessation of previous appointments, after which the previous appointees should immediately cease their roles. Should the required confirmation (i.e. as to insurance cover for Appendix A appointees, and as to the role for Liaison Member appointees) not be received from an organisation to which an existing appointment is being renewed, then after all reasonable efforts have been exhausted, the Solicitor to the Council and Member Services Manager shall have the discretion to terminate the appointment. This is in order to protect all concerned against ongoing uncertainty and possible financial and other risks.
9. Appendix C sets out other appointments, made by others, that have been in place during 2022/23, purely for information.
10. As this is the start of a new Four Year Council term, the Committee is asked to go through each of the suggested appointments at Appendices A and B individually and make nominations as indicated for Full Council to consider.

Consultation Planned or Undertaken

11. Consultation with Outside Bodies is not required. The basis on which appointments are being considered/made will be made clear to them in future correspondence.

Other Options Considered

12. In cases of doubt, there is always an option of not making an appointment at this time. This will be considered at the meeting if necessary.

Contact and Email

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Appendix A

Trustee/Director/Management Committee Appointments

The following appointments are made to the named roles in the following organisations:

Name of Organisation and authorised role	Existing Appointee	Attendance at Meetings 2022/23	Suggested Appointee for 2023/24
Ashford Almshouses and Parochial Charities - Trustee	Cllr B Heyes Cllr Krause Cllr L Suddards Revd. Richard Bellamy	1/2 2/2 1/2 ?	_____ _____ _____ _____
Kennington Parochial Charities - Trustee	Cllr Buchanan Cllr Iliffe	1/2 0/2	<i>It is believed by Kennington Community Council that appointments are now to be made by Kennington Community Council under the Charities' Constitution. This is subject to legal confirmation. In the event that this is not confirmed, and the appointment responsibility remains with the Council, then Delegated Authority to the Solicitor to the Council to appoint – Cllr _____ and Cllr _____.</i>
Chilmington Management Organisation – Director and Trustee	Cllr Shorter <i>(Delegated Authority to the Solicitor to the Council to appoint a replacement if required – Cllr</i>		<i>Cllr _____ (with Delegated Authority to the Solicitor to the Council to appoint as a replacement if required – Cllr</i>

	<i>Blanford</i>).		____). Mr Ben Lockwood
St Mary's Arts Trust – Director and Trustee	Cllr Smith	2/6 (*Due to ill health)	_____ _____ (Under the Trust's Constitution, the Council may nominate two Directors/Trustees, at least one of whom should be a Councillor, and both of whom should be "active in the arts in the region".)

Appendix B Liaison Member Appointments

The following Liaison Member appointments are made to work with the following outside bodies.

(NB: the role of Liaison Member is as described in para. 6 of the report.)

Name of Organisation	Existing Representative	Attendance at Meetings 2022/23	Suggested Liaison Member for 2023/24
Action with Communities in Rural Kent	Cllr Burgess	0/0	NONE - Organisation being wound up.
Ashford Community Safety Partnership	Portfolio Holder for Safety and Wellbeing	3/3	Portfolio Holder for Safety and Wellbeing
Ashford Health and Wellbeing Partnership	Portfolio Holder for Safety and Wellbeing	3/3	Portfolio Holder for Safety and Wellbeing
Ashford Mediation Service	Cllr Krause		_____
Ashford Museum Committee	Cllr Smith		_____
Ashford Street Pastors Management Committee	Cllr Hayward	4/4	_____
Ashford Volunteer Centre	Cllr Feacey		_____
Ashford Youth Trust	Cllr Anckorn Cllr Pauley	0/0 0/0	NONE - Organisation no longer active.
Citizens' Advice Bureau Ashford Branch Management Committee	Cllr Clokie Cllr Mulholland	0/4 * (ill health) 3/4	_____ _____
Dungeness Power Station Site Stakeholder Group	Cllr Burgess		_____
Headcorn Aerodrome Consultative Committee	Member for Weald North Ward	0/2	Member for Weald North Ward
High Weald (AONB) Joint Advisory Group	Cllr Pickering	0/2	_____
Home-Start, Ashford: Management Committee	Cllr Webb	2/4	_____
Kent Downs (AONB) Joint Advisory Committee	Cllr Blanford		_____
Kent & Medway Police &	Cllr Feacey	3/4	_____

Crime Panel			
Kent Downs and Marshes Leader Project	Cllr Burgess	0/0	NONE - Organisation no longer active.
Kent Flood Risk Management Committee	Cllr Blanford		_____
Kent Invicta Chamber – Ashford Economic Development Group	Cllr Clokie		_____
Marshlink Steering Group	Cllr Burgess		_____
River Stour Internal Drainage Board	Cllr Burgess Cllr Buchanan Cllr Ovenden Cllr Smith Cllr Sparks	6/8 0/4 1/4 2/8 2/4	_____ _____ _____ _____ _____
Romney Marsh Partnership	Cllr Burgess		NONE – Appointment no longer required.
Romney Marshes Area Internal Drainage Board	Cllr Burgess	2/3	_____
Sandyacres Trust	Cllr Krause	2/2	_____
South East Local Enterprise Partnership	Leader of the Council		Leader of the Council
SWAN Site Management Committee	Cllr Smith		_____
Tenterden Folk Day Trust	Cllr Link	2/4	_____
Tenterden Town Council – Tourism & Business Committee	Portfolio Holder for Economic Development		NONE – Member Appointment no longer required. Attended by Officer.
Willesborough Windmill Trust	Cllr Wright		_____
Wye Rural Museum Trust	Cllr Howard		_____

Appendix C

Appointments made by others, for Information

The following appointments have been in place during 2022/23 and are set out purely for information.

OUTSIDE BODY	Appointee
NHS Kent and Medway Integrated Care Board	Cllr Bartlett (Representative for East Kent Districts)

MEMBER CHAMPIONS

TOPIC	APPOINTEE
Armed Forces Military Covenant & Civic and Ceremonial Liaison	Cllr Feacey
Safeguarding	Cllr Feacey
Twinning	Cllr Forest

LEAD MEMBERS

TOPIC	APPOINTEE
KCC and Highways Liaison	Cllr Barrett