
Subject:	APPOINTMENT OF MEMBER REPRESENTATIVES TO OUTSIDE BODIES 2020/21
Meeting and Date:	Cabinet – 7 September 2020
Report of:	Louise May, Head of Governance
Portfolio Holder:	Councillor Trevor Bartlett, Leader of the Council
Decision Type:	Non-Key
Classification:	Unrestricted

Purpose of the report: For Cabinet to determine the appointments to outside bodies for 2020/21.

- Recommendation:**
1. That Cabinet determines the appointments to outside bodies detailed at Appendix A (subject to 2. below).
 2. That Cabinet determines whether to continue to appoint representatives to those bodies detailed at paragraph 2.2 which do not provide insurance cover for Members against public and personal liability.
 3. That Cabinet requests the Leader of the Council to nominate an alternative Member to substitute at meetings on an ad hoc basis when the appointed Member is not available (and where the constitution of the body allows this).
 4. That Cabinet approves the appointment of the Chief Executive to the Kent Forum.
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1. Summary

- 1.1 The Cabinet is responsible for appointing Members at the start of each Council year to serve on a range of outside bodies. Appointments this year have been delayed due to the COVID-19 pandemic.
- 1.2 The appointments to be made by Cabinet for 2020/21 are shown at Appendix A. These reflect the changes to appointments agreed by Cabinet on 7 October 2019 (CAB 70) following the review of outside bodies carried out by Democratic Services at the request of the Leader of the Council at that time, Councillor Keith Morris. For clarity, the changes that were agreed are set out at paragraph 2.3.
- 1.3 Cabinet's attention is drawn to the fact that three of the outside bodies to which appointments are due to be made do not currently have insurance cover in place to indemnify our Members against public and personal liability.

2. Introduction and Background

- 2.1 Members who serve on outside bodies solely to represent the Council's views, or for observational purposes, are covered by the Council's insurance policies. However, Zurich Municipal, the Council's insurance provider for personal and public liability, has confirmed that it will not insure Members who are expected to make decisions on behalf of the body to which they have been appointed. There are three bodies that

require Members to make decisions on their behalf but which do not currently have the appropriate insurance cover in place, as detailed in the table at 2.2.

- 2.2 It is unlikely that these bodies would be willing and/or able to arrange insurance cover for our Members. That said, most, if not all, of the decisions being taken by Members will be relatively innocuous, and the risk is therefore likely to be low. Nevertheless, it is possible that a member of the public could initiate legal proceedings against an outside body in relation to a decision in which one of our Members (or representative) has been involved. Members serving on these bodies have been (or will be) warned of the implications and advised not to participate in a decision if they have concerns.

Outside Body	Current Appointee 2019/20	Strategic or Community Classification
Industrial Communities Alliance	Councillor S Manion	Strategic
Sandwich & Pegwell Bay Management Committee	Councillor S Chandler	Community
Tourism South East	Councillor M J Holloway	Strategic

- 2.3 A review of outside bodies appointments was undertaken in September 2019 at the request of the then Leader of the Council. This followed a reduction in Member numbers from 45 to 32 at the local elections in May 2019. As a result of the review, the following changes were agreed which are reflected in the appointments outlined at Appendix A:

Outside Body	Change Agreed	Current Appointees
Age Concern Deal (Liaison Committee)	Appointment withdrawn	N/A
Dover Bronze Age Boat Trust	Appointment withdrawn	N/A
Dover District Volunteering Centre	Appointment withdrawn	N/A
Dover, Deal & District Citizens' Advice Bureau	Reduced to one appointment only with effect from May 2020	Cllr M J Holloway Cllr C A Vinson
Mary Hougham Almshouses	Reduced to one nomination only with effect from May 2020	Adrian Friend (exp. May 2021) Cllr J Rose (exp. June 2023) Cllr P Jull (exp. December 2021)

Mary Hougham Almshouses

- 2.4 There are currently three trustees of the Mary Hougham Almshouses charity who are nominated by the Council. In line with changes agreed by Cabinet in October, Cabinet is required to decide which of its nominees should continue as a trustee. The two trustees who are not chosen can be co-opted on to the Board to continue

their service. The clerk to Mary Hougham Almshouses has indicated that Members with a knowledge of the planning process and Section 106 regulations would be of most value to the charity.

Municipal Charities of Dover

- 2.5 The Council appoints five nominative trustees to the Municipal Charities of Dover which is responsible for managing and letting almshouse accommodation. No changes were made by Cabinet in October to the number of appointments made to this charity. The trustees are currently Mrs Pauline Beresford, Mrs Sue Nicholas, Mrs Ann Napier, Mrs Ann Jenner and Mr Roger Walkden. Councillor Walkden's and Mrs Jenner's terms of office expired in May and June 2020 respectively. In addition, the charity has advised that Mrs Ann Napier was unable to take up her appointment, and she will therefore need to be replaced. Nominative trustees do not have to be elected Members but they should ideally reside or work in Dover or the parishes of Langdon, Alkham, Hougham Without, Temple Ewell, River, Shepherdswell with Coldred, Capel-le-Ferne or Whitfield.
- 2.6 The charity has requested that Councillor Walkden and Mrs Jenner be nominated to serve a further term of four years. Cabinet is requested to appoint a replacement for Mrs Ann Napier who will be someone nominated by the Labour Group.
3. **Identification of Options**
 - 3.1 Option One – To appoint representatives to all the bodies outlined in Appendix A of the report (including those without appropriate insurance cover).
 - 3.2 Option Two – To appoint representatives to only some of the bodies outlined in Appendix A of the report (possibly to include withdrawing representation from all or some of those bodies without appropriate insurance cover).
4. **Evaluation of Options**
 - 4.1 The benefits of having Members on those bodies without insurance outweigh any risks, which are considered to be low. Furthermore, appointments to external organisations classified as strategic help to promote linkages between the Council and other organisations for the purpose of furthering the Council's objectives. The community appointments made by Cabinet are considered to be part of the community role of Members, but also support various targets within the Corporate Plan relating to issues such as health, leisure and communities. For these reasons, Option One is the recommended option.
5. **Resource Implications**
 - 5.1 Members appointed will be entitled to claim the appropriate levels of travel and subsistence allowance in relation to performing these duties. This expenditure will be funded from existing Member budgets. Members serving as charity trustees are not permitted to claim expenses from the Council since there is a legal principle that charity trustees should not benefit from their participation in the affairs of the charity. Members in this position are expected to claim expenses from the charity concerned.
6. **Corporate Implications**
 - 6.1 Comment from the Section 151 Officer: "Accountancy has been consulted and has no further comments to make." (JS)

6.2 Comment from the Head of Governance: The Head of Governance has been involved in the preparation of this report and has no further comments to make.

6.3 Comment from the Equalities Officer: “This report does not specifically highlight any equality implications, however, in discharging their duties, Members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>”.

7. **Appendices**

Appendix A – Schedule of Member Appointments for 2020/21

8. **Background Papers**

Democratic Services’ Outside Bodies Appointments Files

Contact Officer: Kate Batty-Smith, Democratic Services Officer (ext. 42303)

Appendix A

Outside Bodies

Schedule of Member Appointments for 2020/21

Organisation Name	Expiry Date	Number to Appoint	Term	Current Appointee(s) (2019/20)	Proposed Appointee(s) 2020/21
Action with Communities in Rural Kent	May 2021	2	1 Year	D Beaney M Rose	
Aylesham & District Workshop Trust	May 2021	1	1 Year	P Walker	
Deal Fairtrade Steering Group	May 2021	1	1 Year	T Bartlett	
Deal & Sandwich Coastal Community Team	May 2021	2	1 Year	M J Holloway	M J Holloway <i>Labour nomination</i>
Dover Coastal Community Team	May 2021	2	1 Year	N Collor R S Walkden	
Dover, Deal & District Citizens Advice Bureau	May 2021	1	1 Year	M J Holloway C Vinson	
Dover Fairtrade Steering Group	May 2021	1	1 Year	D Hannent	
East Kent Spatial Development Co.	May 2021	1	1 Year	T Bartlett	
Industrial Communities Alliance	May 2021	1	1 Year	S Manion	
JAC Kent Downs AONB Partnership	May 2021	1	1 Year	N Kenton	
Kent County Playing Fields Association	May 2021	1	1 Year	T Bond	
Kent Forum	May 2021	1 + Officer	1 Year	T Bartlett	T Bartlett
Local Enterprise Partnership Board & Executive	May 2021	1	1 Year	T Bartlett	T Bartlett
Local Government Association – General Assembly	May 2021	1	1 Year	T Bartlett	T Bartlett
Manston Skills and Education Board	May 2021	1	1 Year	M J Holloway	M J Holloway
Mary Hougham Almshouses	*Subject to confirmation	1	*Subject to confirmation	Cllr P Jull Cllr J Rose Adrian Friend	
Municipal Charities of Dover	Sept 2024	3	4 Years	Cllr R Walkden Mrs Ann Jenner Mrs Ann Napier	Cllr R Walkden Mrs Ann Jenner <i>Labour</i>

					<i>nomination</i>
Police & Crime Panel for Kent	May 2021	1	1 Year	M J Holloway	
River Dour Partnership	May 2021	1	1 Year	N Collor	
River Stour (Kent) Internal Drainage Board	May 2021	2	1 Year	M Conolly P Jull	
Sandwich & Pegwell Bay National Nature Reserve Management Committee	May 2021	1	1 Year	S Chandler	
South East England Councils (SEEC)	May 2021	1	1 Year	T Bartlett (sub: M J Holloway)	T Bartlett (sub: M J Holloway)
Tourism South East	May 2021	1	1 Year	M J Holloway	

**The person chosen as the Council's nominated trustee will serve until their existing term of office expires*