

APPOINTMENTS TO OUTSIDE BODIES AND COMMITTEES

1 SUMMARY

- 1.1 This report invites Members to appoint to remaining vacancies on Outside Bodies and an Overview and Scrutiny Committee, consider appointing to the Southend Hospital NHS Foundation Trust and to endorse the role of the Leader of the Council or his nominee in attending the County Council's South Essex Area Forum and the Rochford Local Strategic Partnership.

2 OUTSIDE BODIES

Vacancies from Annual Council

- 2.1 Following the meeting of Annual Council, some appointee/substitute vacancies remain on Outside Bodies. Group Leaders have been asked to provide the names of any nominees their group may have. Details of the vacancies have also been provided to non-group Members.
- 2.2 In appointing to Outside Bodies, there is no legal requirement to take account of the pro rata rules. Should the rules have been applied to all this years seats, the allocation of places would be as follows:-

Conservative	37
Liberal Democrat	5
Hawkwell Residents	1
Independent	1
Labour	1

- 2.3 Following appointments made at Annual Council, the current position is as follows:

Conservative	37
Liberal Democrat	0
Hawkwell Residents	1
Independent	0
Labour	1

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- 2.4 As part of the revised arrangements for Outside Bodies, Council has agreed that appointees be asked to report back on the work of bodies to which they are appointed via the Members' Bulletin twice per year.
- 2.5 The schedule at Appendix 1 sets out the bodies for which there are vacancies, together with the names of nominees received at the time of report preparation. Set out at Appendix 2 is information on the timing, frequency and location of meetings for each of the bodies concerned.

Southend Hospital NHS Foundation Trust - Board of Governors

- 2.6 A request has been received from Southend Hospital NHS Trust for this authority to nominate a representative to sit on the Board of Governors of the new NHS Foundation Trust.
- 2.7 The Trust anticipates establishing foundation status in October/November 2004, subject to maintaining three star status and the approval of the Department of Health and an independent regulator. The Trust has indicated that Governors do not necessarily need to be elected members of a local authority - for instance, they could be a relevant officer. The role is to provide the perspective of the wider community and be a knowledgeable source for Governors to develop better understanding of the environment in which the NHS Foundation Trust operates. It is understood that Board meetings would be held at Southend Hospital and are likely to be every 3-4 months, although in the early days there may be one or more additional briefing sessions for new Governors. No decision has yet been taken on whether the meetings would be during the daytime or evening. The Board will be a large body comprising 65 members and it will deal with strategic, rather than operational, matters.
- 2.8 During the last review of Outside Body Membership the Council was cognisant of identifying linkage between the purpose of an Outside Body and the Council's own corporate objectives.
- 2.9 Council policy relating to Outside Bodies includes:-
- Officer appointment to specific seats.
 - When ever possible, appointments to be for the membership of an appropriate Policy Committee or Overview and Scrutiny Committee.
 - All appointees to have a substitute and to receive initial briefings on the work of the body by an appropriate officer or a body representative.

Officer Comment

- 2.10 The Southend Hospital NHS Trust has indicated that Rochford District Council is one of its valued partners and that any representative the Council nominates to sit on the Board will play a crucial role in the success of the NHS

Foundation Trust. It is important that Governors maintain a dialogue with the community that they represent.

- 2.11 The provision of hospital based and outreach services, and their development and improvement, are of concern to local residents. For this reason the Council may consider it appropriate to nominate a Member, and substitute Member, to sit on the Board of Governors. Involvement could be seen to link with the aims of working towards a safer and more caring community and improving the quality of life for people within the District.

3 VACANCY ON FINANCE AND PROCEDURES OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 At the Annual Council meeting, Members agreed the constitution and membership of committees taking account of the Council's statutory duty to ensure that the appointments to Committees reflects the proportion of the total number of seats on the Council held by each political group, unless otherwise agreed (the pro-rata rule). The duty is set out in the Local Government and Housing Act 1989 which identifies the following criteria that must be followed when appointing Members to Committees:-
- (1) That not all the seats are held by members of the same group.
 - (2) That if a group has a majority of the membership of the Council then that group has the majority of the seats.
 - (3) That, subject to principles (1) and (2) above, the total number of seats each political group has on all ordinary committees is in proportion to that group's share of the total Council elected membership.
 - (4) That, subject to principles (1), (2) and (3) above, each political group has the same proportion of seats as it holds on the Council as a whole.
- 3.2 The only exceptions to these criteria are any committees that the Council agrees may be constituted in some other manner.
- 3.3 The agreed allocation of seats is set out at Appendix 3. Current committee memberships are set out at Appendix 4. Following Annual Council, one seat remains on the Finance and Procedures Overview and Scrutiny Committee which, on the basis of pro-rata criteria, is available to Councillor J R F Mason. However, Councillor Mason already has a seat on the Policy and Finance Committee and, in accordance with previously issued guidance (set out at page 7 of the Members' Useful Information Guide 2004/05), it is usual practice that, if a Member is appointed to a Policy Committee, that same Member is not appointed to the corresponding Overview and Scrutiny Committee.

Options

3.4 A number of options are available with regard to the vacancy: -

- Leave the seat vacant.
- Adjust the constitution of committees so that a Member of one of the groups, or one of the other non-group Members, can vacate a seat on another committee (for that seat to be available to Councillor Mason) and take the vacant seat on the Finance and Procedures Overview and Scrutiny Committee.
- Adjust the constitution of committees so that the number of seats on another committee is increased by one (that can be filled by Councillor Mason) and the number of seats on the Finance and Procedures Overview and Scrutiny Committee is reduced by one.
- Suspend the pro-rata arrangement and appoint to the vacancy.

3.5 It is also possible that the Council could consider a change to usual practice with regard to a Member on a Policy Committee serving on the corresponding Overview and Scrutiny Committee. Based on a recommendation from the Standards Board for England, a Member would have a personal and prejudicial interest when they are a Member of a Committee who's decision is being scrutinised by an Overview and Scrutiny Committee. On this basis, should a Member be appointed to a Policy Committee and the corresponding Overview and Scrutiny Committee, it would be recommended that they are not involved when the Overview and Scrutiny Committee is "calling in" or "scrutinising" an executive decision already made by the Policy Committee. They could, however, be involved in the other work of the Overview and Scrutiny Committee.

4 ESSEX COUNTY COUNCIL SOUTH ESSEX AREA FORUM/ROCHFORD LOCAL STRATEGIC PARTNERSHIP

4.1 Traditionally, the Leader of the Council (or his nominee) attends meetings of both the County Council's South Essex Area Forum and the Rochford Local Strategic Partnership. It would be appropriate for Council to endorse this aspect of the Leader's activity.

5 LEGAL IMPLICATIONS

5.1 Detailed guidance relating to the responsibilities and liabilities of appointees when representing the authority on an Outside Body was appended to the report on outside bodies submitted to Annual Council.

6 RESOURCE IMPLICATIONS

- 6.1 Members who attend outside body meetings are entitled to claim travel and subsistence allowances. These claims should only be made when there has been no support from the outside body concerned towards travel and subsistence.

7 RECOMMENDATION

- 7.1 It is proposed that Council **RESOLVES:-**

- (1) To appoint representatives/substitutes to the Outside Bodies set out at Appendix 1 of this report for the remainder of the municipal year 2004/05.
- (2) To determine whether to appoint to the Southend Hospital NHS Foundation Trust Board of Governors and, if so, nominate an appointee and substitute.
- (3) To conclude the way forward with regard to the current vacancy on the Finance and Procedures Overview and Scrutiny Committee by one of the following:-
 - Leaving the seat vacant.
 - Allowing a Member of one of the Groups, or a non-group Member, to vacate a seat for Cllr Mason and take the vacancy on Finance and Procedures.
 - Increasing the number of seats on another committee by one (to be filled by Cllr Mason) and reducing the number of seats on the Finance and Procedures Overview and Scrutiny Committee by one.
 - Suspending the pro-rata arrangement and appointing to the vacancy.
 - Changing usual practice with regard to a Member on a Policy Committee serving on the corresponding Overview and Scrutiny Committee.
- (4) To endorse the attendance of the Leader of the Council (or his nominee) as the Council's representative at meetings of the County Council's South Essex Area Forum and at meetings of the Rochford Local Strategic Partnership. (HAMS)

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Background Papers:

None

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