

North Tyneside Council

Report to Elected Mayor

Date: 24 May 2022

Title: Appointments to Outside Bodies Exercising Executive Functions 2022-23

Portfolio(s): Elected Mayor	Cabinet Member(s): N Redfearn
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Report from Service Area: Law and Governance

Responsible Officer: Jacqueline Laughton (Tel: 0191 643 5724)
Assistant Chief Executive

Wards affected: All Wards

PART 1

1.1 Executive Summary:

The Elected Mayor is requested to consider the appointment of representatives to serve on outside bodies which have executive decision-making powers for the 2022-23 Municipal Year as set out in Appendix A to this report.

1.2 Recommendation(s):

It is recommended that Elected Mayor determine: -

- (1) the appointment of representatives to serve on the executive outside bodies set out in Appendix A to this report for the 2022-23 Municipal Year;
- (2) any changes to the appointment of representatives to serve on those executive bodies which might arise during 2022-23; and
- (3) the appointment of representatives to serve on any new executive outside bodies that may arise during the 2022-23 Municipal Year.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 14 April 2022.

1.4 Council Plan and Policy Framework

The Authority's membership of the various executive outside bodies will assist the Authority in meeting each of the 'Our North Tyneside Plan' priorities.

1.5 Information:

- 1.5.1 Full Council at its Annual Meeting held on 19 May 2022 appointed representatives to outside bodies that do not exercise executive functions for the 2022-23 Municipal Year.
- 1.5.2 Appendix A to this report sets out those outside bodies which exercise executive functions and require appointments to be made by the Elected Mayor for the 2022-23 Municipal Year. If a joint committee exercises executive functions only, the persons appointed must be Cabinet members, unless the joint committee is discharging a function in relation to five or more local authorities, in which case non-Cabinet members can be appointed.
- 1.5.3 Political balance requirements do not apply to the appointment of members of joint committees exercising executive functions only. Failure to ensure that Cabinet members are appointed to statutory committees/bodies would place the Authority in breach of the relevant legislation.

1.6 Decision options:

The following decision options are available for consideration by the Elected Mayor: -

Option 1

The Elected Mayor may choose to appoint representatives to those bodies set out in Appendix A.

Option 2

The Elected Mayor may choose not to appoint representatives to some or any of those bodies set out in Appendix A

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reason:

To ensure that the Authority is properly represented on external bodies that exercise executive functions, including the statutory outside bodies.

1.8 Appendices:

Appendix A – List of outside bodies exercising executive functions to which appointments are requested to be made for the 2022-23 Municipal Year.

1.9 Contact officers:

Lindsay Tomlinson, Senior Manager, Democratic & Electoral Services - (0191) 643 4357
John Barton, Principal Lawyer - (0191) 643 5354

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) List of Outside Bodies exercising Executive functions (attached)
- (2) Local Authorities (Arrangements for the Discharge of Functions) (England) (Amendment) Regulations 2012
<https://www.legislation.gov.uk/ukxi/2012/1019/contents/made>
- (3) North Tyneside Council Constitution
- (4) Guidance note on personal liability of Members serving on outside bodies

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The proposal does not have direct financial implications. However, the completeness of this list is important in recognising the extent of indemnity cover required and ensuring recognition of all potential liabilities for the Authority.

2.2 Legal

The Elected Mayor has the power to make appointments to outside bodies which exercise executive functions by virtue of Part 3.4 of the Authority's Constitution – 'Responsibility for Executive Functions and the Elected Mayor's Delegation Scheme. Included in Part 3.4 is a list of delegations given to individual Cabinet Members and the Elected Mayor. Included in the list is the delegation given to the Elected Mayor to appointment representatives to outside executive bodies which states the Elected Mayor can: -

"approve the appointment of representatives to serve on those outside bodies that exercise executive functions."

The appointment of a Member to an outside body may create liabilities for the Member (personally) and the Authority (corporately). It is important that Members in the discharge of their responsibilities on outside bodies act in good faith and within the powers and responsibilities of the outside body.

Members will normally be indemnified under the Authority's adopted scheme of indemnification for any liabilities that flow from their appointment to an outside body. To ensure that Members benefit from the scheme of indemnity, Members should seek prompt advice from officers should they consider that they have any conflict of interest in discharging their duties on an outside body or if they are concerned that the body may be acting in a potentially unlawful way. A link to a guidance note in relation to personal liability of members serving on outside bodies can be found under section 1.10 of this report (Background Information).

2.3 Consultation/community engagement

Consultation has taken place with the outside bodies as appropriate to determine their requirements in terms of appointments by the Authority.

2.4 Human rights

There are no direct human rights implications arising from this report.

2.5 Equalities and diversity

The Authority makes appointments to outside bodies which work within the requirements of equality legislation and, where applicable, the public sector equality duty.

2.6 Risk management

Any risks associated with appointing Authority representatives to serve on outside bodies are set out in the guidance note referred to in section 1.10 of this report.

2.7 Crime and disorder

Some of the appointments are to outside bodies which seek to reduce crime and disorder.

2.8 Environment and sustainability

The Authority makes appointments to outside bodies which seek to enhance and protect the local and national environment.

PART 3 - SIGN OFF

- Chief Executive x
- Director(s) of Service x
- Mayor/Cabinet Member(s) x
- Chief Finance Officer x
- Monitoring Officer x
- Assistant Chief Executive x