

FALKIRK COUNCIL

Subject: APPOINTMENT OF MEMBERS TO EXTERNAL BODIES
Meeting: FALKIRK COUNCIL
Date: 18 May 2012
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

1.1 This report:-

- (a) provides information on external bodies who have requested elected member representation. Appendix 1 to the report outlines the nature of the organisations and the level of representation requested, it also provides information on the likely time commitment which will be expected from members appointed to each organisation;
- (b) provides details of the COSLA Convention, where elected member representation is sought, and of the Leaders Group and
- (c) outlines the requirement for Members to provide information on their external body representation in the Register of Interests.

2. EXTERNAL BODIES

2.1 External bodies are organisations or agencies who have a link to the Council, whether it be via funding, locality or being linked to services provided by the Council. In 2007 the Council made appointments to 48 organisations who had sought representation. A review of these appointments was carried out in 2011, and as a result of this the number of organisations requesting representation has reduced to 37.

2.2 The external bodies included in the Appendix comprise:-

- External public agencies concerned with public services
- Outside organisations partly funded by Falkirk Council; and
- Voluntary organisations

2.3 Appendix 1 provides information about each organisation including whether the representation has voting rights, the purpose of the organisation, the function expected of the elected member and information with regard to frequency of meetings. Information is also provided on whether it is a requirement of the organisations constitution to have an elected member representative.

2.4 Members appointed to organisations with particular status (e.g. companies) must ensure that they adhere to all the requirements and obligations of the particular organisation, especially the body is a company and/or a registered charity. Again, the Appendix indicates the status of each organisation. Further advice will be provided for members appointed to such external bodies.

- 2.5 The Appendix also provides information on those organisations which receive funding from the Council and which are subject to monitoring under the Following the Public Pound arrangements. On occasion, this has given rise to conflicts between a Member's role as a member of the governing body of the external organisation and their role as Member receiving monitoring information about that organisation. It is important to bear in mind that the organisations included in the appendix are those which the council has appointed members to in the past and which have asked for such an appointment. There is no obligation on the Council to appoint a Member to every body which makes such a request. There are other ways for the Council to maintain links with external bodies or for individual Members with a particular interest in the work of the body to become involved.

3. CONVENTION OF SCOTTISH LOCAL AUTHORITIES (COSLA)

- 3.1 The Council is a member of the Convention of Scottish Local Authorities (COSLA) which is the national voice for local government in Scotland. The main decision making body is the Leaders' Group. Policy and direction is set by the COSLA Convention.
- 3.2 The Council Leader will represent the Council on the Leaders' Group and, in the event that he or she is unable to attend, will nominate a substitute.
- 3.3 The COSLA Convention has 133 places for representatives of Councils. Falkirk Council is allocated 4 places. Councils are asked by COSLA to bear in mind the political balance of parties when appointing to the Convention. When applied to a body of 4, the proportionate figures are:

Labour	1.75
SNP	1.63
Con	0.25
Ind	0.25
n/a Ind	0.13

- 3.4 In terms of its constitution the COSLA Convention is required to elect its principal office bearers within 9 weeks of the local government election date. These are its President and Vice-President. The President is normally a member of the group or coalition which forms the majority in COSLA. The Vice-President conversely is not member of such a group or coalition. COSLA will meet on 29 June and has set a deadline for nominations of 8 June. As the makeup of Convention is not known, and is unlikely to be known until around the time of the Convention meeting on 29 June Councils are asked to provide 'any and all' nominations for President and Vice President at the present time in the understanding that they can be withdrawn prior to 29 June.

4. THE HELIX TRUST

- 4.1 The Helix Trust is a Company and a Registered Charity which has been formed to oversee the transformation of under-used land between Falkirk and Grangemouth into a thriving urban greenspace covering 300 hectares. The project is being driven by a partnership between Falkirk Council, British Waterways (Scotland) and the Central Scotland Forest Trust. Funding and land has been committed by the Big Lottery Fund (as part of its living landmarks project), Falkirk Council and British Waterways (Scotland). The organisation aims to provide local communities with improved surroundings and a better quality of life using a combination of cultural heritage, iconic structures, engineering expertise and sustainable environmental features. Currently, 2

elected members are appointed as Directors of the Helix Trust being Councillor Gow and Councillor Craig R Martin. Members are invited to consider these appointments. In the event that members determine to terminate either or both of these appointments and to appoint replacement Directors, it is recommended that members agree to delegate to the Chief Executive the notification of any changes to the Helix Trust. It is advised that the Council is entitled to nominate 3 Directors to the Board with the Director of Development Services being the third Council Director.

5 FORTH VALLEY NHS BOARD

- 5.1 Forth Valley NHS Board is constituted under Scottish Statutory Instrument 2001 no 302 The Health Board (Membership and Procedure) (Scotland) Regulations 2001. The role of Forth Valley NHS Board is to-
- ensure the continuing improvement in the health of the population of Forth Valley and to develop effective, integrated services to meet the needs of individuals;
 - Provide assurance that resources are utilised effectively and efficiently and are targeted at areas of the greatest need.
- 5.2 The Board comprises a Chairperson, Non-Executive Directors and Executive Directors. There is provision for one elected member from each of the 3 Councils (Falkirk, Stirling and Clackmannanshire) to sit on the Board as a director. The post carries remuneration of £8008 per annum. The Board meets 6 times a year and in addition members are expected to attend 11 Board seminars.
- 5.3 The appointment will be for a four year period subject to the approval of the Scottish Ministers. Appointments may be terminated by giving notice, by the Scottish Ministers, failure to attend meetings or if a member becomes disqualified.
- 5.4 The appointee will also Chair the Falkirk Community Health Partnership Sub-Committee, which meets 4 times a year, and will also sit on the Falkirk Community Health Partnership Board. Again this Board meets four times each year.
- 5.4 Council is invited to appoint a member to the NHS Board.

6. VETERANS CHAMPION

- 6.1 The Scottish Parliament Cross Party Group on Supporting Veterans asked all Councils, in June 2009, inviting them to nominate a local Councillor to act as a local Veterans Champion.
- 6.2 The role of the Veterans Champion as envisaged by the Cross Party Working Group was not defined beyond acting as a link with veterans, veterans' charities, Scottish Parliament, Government and the Cross Party Group itself to create a more robust system of support for veterans.
- 6.3 In February 2012 Council agreed to award £50,000 to support veterans in the area and asked officers to discuss with the various ex-servicemen's organisations to ensure that the funding is spent in the best interests of the veterans. The report will be submitted to Council June 2012..
- 6.4 It is proposed that Council considers the appointment of a Veterans Champion at this meeting to ensure a continuation in the link between the Council and the veterans community. However it is suggested that the lack of a clear role definition may undermine the position and that clarity in this area would strengthen further the links with the veteran community. It is therefore proposed that officers be asked to develop an appropriate role description for the post of Veterans Champion and that this is presented with the proposals for the allocation of the funding for veterans support to ensure that the Council's commitment to veterans is clear and defined.

7. REGISTRATION AND DECLARATION OF INTERESTS

- 7.1 Sections 4 and 5 of the Code of Conduct for Councillors, which was updated in 2010, relate to the Registration and Declaration of Interests.
- 7.2 Section 5 of the Code sets out in detail rules on declaring interests at Council and Committee meetings and members should be familiar with these. However there is specific guidance for members appointed to certain external bodies – Joint Boards or Committees and boards or management committees of limited liability companies, public bodies, societies and other organisations. It remains a matter for members to decide if their appointment to an external body provides a possible conflict with discussion and decision making at Council and its Committees and declare any interests accordingly.
- 7.3 However the Code also sets out where dispensations and exclusions from the requirement to declare an interest and withdraw from a meeting may apply. In relation to appointment to outside bodies, para 5.18(2)(i) sets out specific exclusions relating to interests which a councillor may have arising from such an appointment. The Code sets out the definition of these bodies and provides that a member may take part in any discussion and vote on any matter relating to the body in question as long as he or she has registered and declares an interest at all meetings where matters relating to the body are discussed. This exclusion applies to Council appointments to public bodies and to a company established wholly or mainly for the purpose of providing services to the councillor's local authority. This is significant in relation to the Falkirk Community Trust

and to the Helix Trust. It should be noted, however, that the exclusion does not apply where the matter is of a quasi-judicial or regulatory nature.

8. MINUTES OF MEETINGS

- 8.1 If members appointed to external bodies are able to provide the minutes of meetings to the Chief Governance Officer, they will be made available to all members of the Council.

9. RECOMMENDATIONS

9.1 It is recommended that Council:-

- (a) considers the nomination and appointment of elected Members to the organisations as detailed in Appendix 1;
- (b) considers the nomination and appointment of elected Members to the COSLA Convention , and
- (c) notes the requirements upon Members to record any appointments to outside bodies in their Register of Interests in accordance with the terms of the Councillors' Code of Conduct.

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Chief Governance Officer

Date: 12 May 2012

Contact Officer: Brian Pirie, ext 6110

LIST OF BACKGROUND PAPERS

1. Information supplied by external organisations.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506110 and ask for Brian Pirie.