

# Individual Executive Member Decision

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## Nominations for Representation to Outside Bodies

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**Committee considering report:** Individual Executive Member Decision

**Date ID to be signed:** 24 June 2019

**Portfolio Member:** Councillor Lynne Doherty

**Forward Plan Ref:** ID3684

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### 1. Purpose of the Report

1.1 To appoint representatives to a range of Outside Bodies.

### 2. Recommendation(s)

2.1 The Leader is asked to consider the nominees put forward by the Conservative, Liberal Democrat and Green Party Groups to represent the Council on a range of Outside Bodies and to appoint the requisite number of Members to each of those bodies in accordance with the requirements of those organisations.

### 3. Implications

3.1 **Financial:** West Berkshire Council Members are not paid to attend Outside Body meetings but any costs associated with meeting attendance will be met from within existing Members Allowances budget, where the Outside Body does not pay these costs

3.2 **Policy:** Appointments will be made in accordance with Part 13 Appendix J (Protocol for Council Representation on Outside Bodies) of the Council's Constitution

3.3 **Personnel:** None

3.4 **Legal:** None

3.5 **Risk Management:** None

3.6 **Property:** None

3.7 **Other:** None

### 4. Consultation Responses

#### Members:

**Leader of Council:** Councillor Lynne Doherty has been emailed a list of the outside bodies and any information received from them.

**Overview & Scrutiny** Councillor Alan law to be consulted through the Conservative

## Nominations for Representation to Outside Bodies

**Management** Group

**Commission Chairman:**

**Ward Members:** Not applicable

**Opposition** Councillor Lee Dillon and Carlyne Culver have been emailed  
**Spokesperson:** a list of the outside bodies and any information received from them

**Local Stakeholders:** All outside bodies have been written to see if they still require representation from the Council. Where they have not responded it is assumed that representation is no longer required.

**Officers Consulted:** Tess Ethelston and Olivia Lewis

**Trade Union:** Not applicable

### 5. Other options considered

5.1 Not to appoint representatives.

### 6. Introduction/Background

6.1 The Council is required to appoint representatives to the Outside Bodies listed in Appendix C. In order to standardise the timetable for appointments the Council makes to Outside Bodies the majority of appointments are made for four years to coincide with the electoral cycle. The Leader of the Council will, however, have the opportunity to review any of these appointments during the term of office should it be deemed necessary.

6.2 The appointments are being made in accordance with Appendix J (Protocol for Council Representation on Outside Bodies) of Part 13 (Codes and Protocols) of the Constitution. (see Appendix D)

6.3 To assist Members all organisations have been asked to provide information relating to the group's constitution, governance arrangements, financial etc. Where it has been provided this information is available from Legal and Strategic Support should Members wish to view it. Due to the size of these documents we are not able to reproduce these documents for all Members.

6.4 Before accepting the appointment Members should establish:

- the time commitment required by the role and whether or not they have the time and capacity to take on the responsibility;
- what the nature of the organisation is as this will affect their role and help with identifying the potential risks involved;
- in what capacity they are being asked to serve on the Outside Body;
- what the body has been set up to do;
- the governance arrangements of the organisation; and
- the financial position of the organisation.

6.5 The Council representatives are also advised to:

- consider if there is likely to be any significant conflict of interest between their role in the outside organisation and their Council role before accepting the office;
- clarify the insurance arrangements and if no insurance exists this must be weighed up in the decision to accept the appointment;
- ask about any specific legal responsibilities attached to the membership of the organisation;
- read the constitution of the organisation and be aware of its powers, duties and objectives;
- attend meetings regularly and present apologies in good time when they are unable to attend;
- satisfy themselves that they receive regular reports on the activities of the organisation and its financial position;
- satisfy themselves that the organisation has adequate Health and Safety and Equalities Policies;
- obtain a copy of the annual report and accounts to ensure that funds are spent on agreed objectives where the organisation is funded by or through the Council; and
- seek advice from the appropriate Council Officers in the event of any doubt or concerns about the running of the organisation.

6.6 Members are asked to submit an annual report to the Head of Legal and Strategic Support on the activity of the Outside Body using the prescribed form (see Appendix E). Members will be asked to report back by the 01<sup>st</sup> May each year, i.e. the first report will be required by the 01 May 2020. The reports will then be circulated to all Members. Where there is more than one Member appointed to an outside body a joint submission should be made.

6.7 There are a number of organisations to which the Council appoints Members where more regular feedback from Members would be appropriate. In these circumstances Members or Officers attending the meeting should provide a brief summary for circulation to all Members. These summaries should be sent to the Democratic and Electoral Services Manager.

6.8 Relationships between the Council, Outside Bodies and the Council's representative can be complex. In any case of dispute or difficulty, Members should seek advice from the Secretary or Clerk to the Outside Body, who can then take advice from professional advisors where necessary.

6.9 If Members are concerned about the position they find themselves in as a Councillor on an Outside Body, they should contact the Monitoring Officer for further advice.

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### Background Papers:

Information provided by the Outside Bodies – Where information has been provided the organisation is shown as green on the list of bodies.

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**Subject to Call-In:**

Yes:  No:

Delays in implementation could compromise the Council's position



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**Wards affected:**

All

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**Strategic Aims and Priorities Supported:**

The proposals will help achieve the following Council Strategy aim:

- BEC – Better educated communities**
- P&S – Protect and support those who need it**
- MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priority:

- MEC1 – Become an even more effective Council**

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by \*(add text)

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**Officer details:**

Name: Moira Fraser  
Job Title: Democratic and electoral Services Manager  
Tel No: 01635 519045  
E-mail Address: moira.fraser@westberks.gov.uk

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## 7. Appendices

- 7.1 Appendix A – Data Protection Impact Assessment
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – List of Outside Bodies
- 7.4 Appendix D – Appendix J (Protocol for Council Representation on Outside Bodies) of Part 13 (Codes and Protocols) of the Constitution.
- 7.5 Appendix E – Prescribed Form

## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Resources
Service:	Legal and Strategic Support
Team:	Democratic and Electoral Services
Lead Officer:	Moira Fraser
Title of Project/System:	Appointment of Representatives to Outside Bodies
Date of Assessment:	14 June 2019

**Do you need to do a Data Protection Impact Assessment (DPIA)?**

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be processing data on a large scale?</b></p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will any decisions be automated?</b></p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.**

## Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To appoint Council Representatives to a range of Outside Bodies
<b>Summary of relevant legislation:</b>	N/a
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Moira Fraser
<b>Date of assessment:</b>	14 June 2019

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is it changing	No
Service	No		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To appoint representatives to a range of Outside Bodies
<b>Objectives:</b>	To ensure that the Council is represented
<b>Outcomes:</b>	To ensure that the Council is represented
<b>Benefits:</b>	The Council works with its communities to further mutually agreeable aims

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b> (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age		
Disability		
Gender		



**Nominations for Representation to Outside Bodies**

Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments relating to the item: None</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>Yes</b>
<b>Please provide an explanation for your answer:</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>Yes</b>
<b>Please provide an explanation for your answer:</b>	

**If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.**

**If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).**

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	N/a
<b>Timescale for Stage Two assessment:</b>	N/a

**Name: Moira Fraser**

**Date: 14 June 2019**

**Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.**