

## Executive Board – 21 November 2023

<b>Subject:</b>	Appointments to Outside Bodies
<b>Corporate Director(s)/Director(s):</b>	Malcolm Townroe, Director of Legal and Governance
<b>Portfolio Holder(s):</b>	Councillor David Mellen, Leader of the Council
<b>Report author and contact details:</b>	Jane Garrard, Senior Governance Officer <a href="mailto:jane.garrard@nottinghamcity.gov.uk">jane.garrard@nottinghamcity.gov.uk</a>
<b>Other colleagues who have provided input:</b>	Nancy Barnard, Head of Governance
<b>Subject to call-in:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Key Decision:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Criteria for Key Decision:</b>	
(a) <input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision	
<b>and/or</b>	
(b)    Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Type of expenditure:</b> <input type="checkbox"/> Revenue <input type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date:	
<b>Total value of the decision:</b> Nil	
<b>Wards affected:</b> All	
<b>Date of consultation with Portfolio Holder(s):</b> 13 July 2023	
<b>Relevant Council Plan Key Outcome:</b>	
Green, Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Living Well in our Communities	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>	
<p>Outside Bodies are separate legal entities that the Council appoints and nominates individuals to sit on for the benefit of the Council and the organisations involved, as a mechanism for community leadership, partnership working, information sharing and support for the Council's and the organisations' priorities.</p> <p>Executive Board is responsible for approving the Register of Outside Bodies to which the Council makes appointments, and also for approving the appointments and/or nominations to those bodies.</p>	
<b>Does this report contain any information that is exempt from publication?</b>	
None	
<b>Recommendation(s):</b>	
<p><b>1 To transfer the following companies out of the Register of Outside Bodies to a separate register of companies in which the Council has a financial interest held by the Shareholder Unit, for decision regarding future governance approach, including appointment of company directors:</b></p> <p style="margin-left: 20px;">a) 12 London Road Energy Supplies Ltd</p>	

- b) Blueprint
- c) City of Nottingham Historic Buildings Ltd
- d) Creative Quarter Nottingham Ltd
- e) D2N2
- f) Foresight Group LLP
- g) Futures Advice, Skills and Employment Ltd
- h) Greater Nottingham Rapid Transit Ltd
- i) Marketing Nottingham and Nottinghamshire
- j) Meadows Ozone Energy Services Ltd
- k) Nottingham City Transport Ltd
- l) Nottingham Ice Centre Ltd
- m) Nottingham City Homes Ltd
- n) Nottingham Revenues and Benefits Ltd
- o) Scape Group

**2 To add the following bodies to the Register of Outside Bodies:**

- a) Nottingham City of Literature
- b) East Midlands Strategic Migration Partnership
- c) FCC Eastcroft Electricity from Waste Community Liaison Group

**3 To remove the following bodies from the Register of Outside Bodies:**

- a) Base 51
- b) First Enterprise
- c) Green's Windmill Trust
- d) Groundwork Greater Nottingham
- e) High Sheriff's Community Safety Forum
- f) Local Government Association City Regions Board
- g) National Justice Museum Board
- h) Pupil Place Planning and Admissions Group
- i) Renewal Trust
- j) Nottingham College
- k) Joint Planning Advisory Board
- l) Nottingham's Children's Partnership Board
- m) Nottingham Community Safety Partnership
- n) One Nottingham
- o) Standing Advisory Council for Religious Education (SACRE)
- p) Queens Walk Community Association Management Committee
- q) Bakersfield Community Association Management Committee
- r) Bestwood Park Community Association
- s) Bridges Community Trust
- t) Bulwell Hall Healthy Living Centre
- u) Clifton Community Association Management Committee
- v) Crabtree Farm Community Association Management Committee
- w) Forest Fields Advice Centre
- x) Greenway Centre Management Committee
- y) Highbank Community Association Management Committee
- z) Indian Community Centre Management Committee
- aa) Leen Valley Community Association
- bb) Lenton Centre
- cc) Park Gate Community Centre
- dd) Shelia Russell Community Association Management Committee
- ee) Silverdale Community Association Management Committee
- ff) Snapewood Community Association Management Committee
- gg) Vale Community Association Management Committee
- hh) Nottingham and Nottinghamshire Integrated Care Board

**4 To approve the appointments/ nominations to Outside Bodies as set out in Appendix A.**

**5 To delegate the nomination of councillors to be appointed as members of the Standing Advisory Council on Religious Education (SACRE) to the Corporate Director of People, in accordance with the wishes of the majority group.**

**1. Reasons for recommendations**

1.1 To ensure that the bodies to which the Council makes appointments/ nominations remain relevant to its business, and that appointments/ nominations to those bodies are updated to reflect changes in Council membership and roles following local elections.

**2. Background (including outcomes of consultation)**

2.1 Outside Bodies are separate legal entities that the Council nominates and appoints individuals to sit on for the benefit of the Council and the organisations involved, as a mechanism for community leadership, partnership working, information sharing and support for the Council's and the organisations' priorities.

2.2 Executive Board is responsible for approving the Register of Outside Bodies to which the Council makes appointments/ nominations, and also for approving the appointments/ nominations to those bodies.

2.3 In order to be included on the Register of Outside Bodies, as well as being a legally separate organisation to the Council, an organisation must have demonstrated that it meets one or more of the following criteria:

- a) there is a statutory or legal requirement that the Council appoints to the body;
- b) there is a clear link between the aims of the body and the priorities of the Council at a strategic level;
- c) the relevant Portfolio Holder or Executive Board consider that there are exceptional circumstances for an appointment to be made.

2.4 A review of the Register of Outside Bodies has been carried out to ensure that bodies to which the Council makes appointments remain relevant and that records are up-to-date. Bodies have been contacted to check that they are still meeting and that the involvement of a Council representative is still of mutual benefit. As a result of this process, a number of changes to the Register are recommended.

2.5 In line with recent changes to company governance, separate and additional requirements are in place in relation to appointments to the role of director of a company board in which the Council has a financial interest. So, while they meet the definition of Outside Bodies, it is appropriate for such appointments to be managed separately. Therefore, it is proposed that going forward appointments to the role of director of a company board in which the Council has a financial interest are managed by the Council's Shareholder Unit; and that companies meeting this criteria previously included on the Register of Outside Bodies are transferred out for a separate decision about the future governance approach, including appointment of company directors. This will be managed by the Council's Shareholder Unit with decisions taken in line with processes outlined in the Companies Governance Handbook. Companies proposed to be transferred out from the Register of Outside Bodies are:

- 12 London Road Energy Supplies Ltd
- Blueprint
- City of Nottingham Historic Buildings Ltd
- Creative Quarter Nottingham Ltd
- D2N2
- Foresight Group LLP
- Futures Advice, Skills and Employment Ltd
- Greater Nottingham Rapid Transit Ltd
- Marketing Nottingham and Nottinghamshire
- Meadows Ozone Energy Services Ltd
- Nottingham City Transport Ltd
- Nottingham Ice Centre Ltd
- Nottingham City Homes Ltd
- Nottingham Revenues and Benefits Ltd
- Scape Group

2.6 It is proposed to add three bodies to the Register of Outside Bodies: Nottingham City of Literature; East Midlands Strategic Migration Partnership; and FCC Eastcroft Electricity from Waste Community Liaison Group. Nottingham City of Literature is a company with charitable status and, reflecting the Council's funding relationship with it, its Articles of Association provide for it to have a 'local authority director'. Its work contributes to ambitions for a Child Friendly Nottingham through work to engage young people in reading and writing, using words and supporting literacy improvement. The East Midlands Strategic Migration Partnership is funded by the Home Office and hosted by East Midlands Councils and provides a regional advisory, development and consultation function for member organisations from the statutory, voluntary, community and private sectors for the co-ordination and provision of advice, support and services for migrants. The FCC Eastcroft Electricity from Waste Community Liaison Group is a committee enabling feedback to be given on operations at the energy from waste facility including performance and efficiency in providing heat energy to the Council owned heat station and turbine.

2.7 The review has found that a number of bodies previously included on the Register either no longer exist or no longer require a formal appointment by the Council. Where a body still exists but no longer requires a formal appointment, this does not preclude councillors from continuing to be involved with that organisation. It will be for the organisation and individual councillor to decide if, and how it is appropriate for them to be involved rather than as a formal appointment/ nomination by the Council. Therefore, at the request of the body concerned or in the absence of an indication that they wish to continue having a formally appointed representative, it is proposed to remove the following bodies from the Register of Outside Bodies:

- Base 51
- First Enterprise
- Green's Windmill Trust
- Groundwork Greater Nottingham
- High Sheriff's Community Safety Forum
- Local Government Association City Regions Board
- National Justice Museum Board
- Pupil Place Planning and Admissions Group
- Renewal Trust
- Nottingham College

2.8 The review has highlighted that a number of organisations previously included on the Register no longer meet the criteria for being categorised as an Outside Body (as set out in paragraph 2.3).

2.9 It is proposed to remove the following bodies from the Register of Outside Bodies because they are not considered to be separate legal entities and therefore do not fall within the definition of an Outside Body:

- Joint Planning Advisory Board
- Nottingham's Children's Partnership Board
- Nottingham Community Safety Partnership
- One Nottingham
- Standing Advisory Council for Religious Education (SACRE)

The importance of links with these bodies is recognised and involvement of councillors will continue but, as they are not separate legal entities, it is not appropriate for appointments to be made under the Outside Bodies Framework. Where the body has not requested involvement of a specific individual, for example the relevant Portfolio Holder, discussions will take place to identify appropriate councillor involvement. It is proposed that nomination of councillors to be appointed as members of the SACRE is delegated to the Corporate Director of People, in accordance with the wishes of the majority group.

2.10 There are a number of other organisations that, while a separate legal entity, are no longer deemed to meet the other criteria for being considered as an Outside Body. Many of these are local community-based organisations managing community centres and/ or community associations. While they do not meet the criteria for being dealt with an Outside Body, the importance of links with these organisations is recognised and it is recommended that a different approach to engagement would be more appropriate. It is proposed that the Council no longer makes formal appointments to these organisations and instead relevant councillors engage with them on a bespoke basis as agreed between the organisation and councillor, as councillors already do with other similar local community-based organisations. Depending on the local circumstances this could range from being a member of a management committee to providing support by attending ad hoc events. Therefore, for this reason, it is proposed to remove the following organisations from the Register of Outside Bodies:

- Queens Walk Community Association Management Committee
- Bakersfield Community Association Management Committee
- Bestwood Park Community Association
- Bridges Community Trust
- Bulwell Hall Healthy Living Centre
- Clifton Community Association Management Committee
- Crabtree Farm Community Association Management Committee
- Forest Fields Advice Centre
- Greenway Centre Management Committee
- Highbank Community Association Management Committee
- Indian Community Centre Management Committee
- Leen Valley Community Association
- Lenton Centre
- Park Gate Community Centre
- Shelia Russell Community Association Management Committee
- Silverdale Community Association Management Committee
- Snapewood Community Association Management Committee
- Vale Community Association Management Committee

- 2.11 Nottingham and Nottinghamshire Integrated Care Board (ICB) has indicated that it wishes the appointment of a Board member, currently the Council's Corporate Director for People, to continue. However, its Constitution states that such Board members are appointed to bring the perspective of their sector and are not delegates for their organisation. In this case the role is to bring the perspective of adult social care across Nottingham and Nottinghamshire to the work of the ICB. As such it is not appropriate for the nomination to be made solely by Nottingham City Council. Therefore, it is proposed to remove Nottingham and Nottinghamshire Integrated Care Board from the Register of Outside Bodies appointed to by Executive Board, and the appointment will be made through an alternative route that better reflects its purpose and remit.
- 2.12 The draft Register of Outside Bodies, including proposed appointments/ nominations is set out at Appendix A. This draft Register reflects the proposed changes detailed above. Executive Board is asked to approve these appointments/ nominations.
- 2.13 Appointments/ nominations to these Outside Bodies are made for a four year period, in line with the Council term. Mid-term changes to the Register can be approved by the relevant Portfolio Holder and changes to appointments/ nominations can be approved by the Director of Legal and Governance, in accordance with the wishes of the political group.
- 2.14 Where there are vacancies on the attached Register, appointments to these Outside Bodies will be made in due course through the mid-term changes process outlined in paragraph 2.13.

### **3. Other options considered in making recommendations**

- 3.1 Not to make appointments/ nominations to Outside Bodies. This option was rejected as it would deny the City Council a voice on a number of key local, regional and national organisations.

### **4. Consideration of Risk**

- 4.1 Guidance is provided to councillors appointed to Outside Bodies to help them understand their responsibilities, duties and obligations and how to handle conflicts of interest if they arise.
- 4.2 The transfer of responsibility for managing appointments to directors of company boards to the Shareholder Unit will support better management of risks associated with companies in which the Council has a financial interest.

### **5. Best Value Considerations, including consideration of Make or Buy where appropriate**

- 5.1 The review of the Register of Outside Bodies and the arising recommendations contained within this report seek to ensure that the Council only makes appointments/ nominations where there is a statutory need to do so or there is a clear strategic link between the work of the Body and delivery of the Council's priorities.

### **6. Finance colleague comments (including implications and value for money/VAT)**

The recommendations in this report carry no significant financial implications for the Medium-Term Financial Plan (MTFP) or for value for money. Revenue budget provisions exist within Councillor Services to cover eligible costs of travel and subsistence associated with attendance at meetings and conferences. Any costs arising from attendance at meetings of Outside Bodies will need to be contained within these provisions and be subject to eligibility criteria for reimbursement of such costs.

Alfred Ansong, Interim Strategic Finance Business Partner 1 November 2023

## **7. Legal colleague comments**

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 identify appointments to outside bodies as a Local Choice Function and, as outlined in the Council's Constitution, this Council has determined that this responsibility is an Executive matter. It is therefore appropriate for Executive Board to agree both the bodies to which the Council makes formal appointments and the individuals appointed.

There are proposals in the report to cease appointments to some bodies. Where these are charitable trusts advice would need to be obtained from the Charity Commission as to the implications of any such decision before cessation of appointments could be confirmed.

Councillors appointed to outside bodies are reminded that they should not accept payments from these organisations for performing their appointed role with them as this will disqualify them from continuing to hold office as a city councillor. This disqualification derives from section 80 of the Local Government Act 1972.

Beth Brown, Head of Legal, 22/08/2023

## **8. Other relevant comments**

8.1 None

## **9. Crime and Disorder Implications (If Applicable)**

9.1 Making appointments to Outside Bodies has potential to support the Council in achieving its strategic priorities relating to crime and disorder.

## **10. Social value considerations (If Applicable)**

10.1 Making appointments to Outside Bodies has potential to support the Council in achieving greater social value in its commissioning and support other bodies in securing wider social, economic and environmental benefits.

## **11. Regard to the NHS Constitution (If Applicable)**

11.1 Making appointments to Outside Bodies has potential to enhance the Council's ability to take account of the Constitution and support other relevant bodies in ensuring that they take it into account in decision making.

## **12. Equality Impact Assessment (EIA)**

12.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the proposals do not relate to a new or changing policy or service.

**13. Data Protection Impact Assessment (DPIA)**

13.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because the proposals do not have any have data implications.

**14. Carbon Impact Assessment (CIA)**

14.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because the proposals do not have any significant carbon impact. Making appointments to Outside Bodies has potential to enhance the Council's ability to encourage other bodies to consider carbon impact on decision making.

**15. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

15.1 None

**16. Published documents referred to in this report**

16.1 Nottingham City Council Outside Bodies Framework