

## **Outside Bodies Framework**

**January 2019**

### **1. Purpose of this Framework**

Nottingham City Council (NCC) nominates and appoints Councillors to sit on organisations that are separate legal entities from itself – known as Outside Bodies. This is beneficial to the Council and to the organisations involved as a mechanism for community leadership, partnership working, information sharing and support for the Council's and the organisations' priorities.

It is important that the criteria for what is considered by NCC to be an Outside Body and the nominations and appointments process are robust and transparent. This framework seeks to provide that clarity.

Guidance is available for Councillors appointed to Outside Bodies on their roles, responsibilities and liabilities in relation to their appointment to Outside Bodies. These differ depending on the type of appointment made.

### **2. What is an Outside Body?**

An Outside Body must:

- be a legally separate organisation to NCC;
- be required or wish to appoint a Councillor (or Officer) to their organisation;
- meet at least one of the criteria for Outside Bodies;
- have been approved for inclusion on the register of Outside Bodies.

A Committee of NCC or a Joint Committee between NCC and other organisations is not an Outside Body.

Maintenance of the Register of Outside Bodies and the NCC's administration of the appointments/ nominations process is managed by the Council's Constitutional Services Team.

### **3. Types of Outside Body**

Outside Bodies can include organisations such as:

- Companies
- Charities;
- Management Committees;
- Unincorporated Associations;
- Steering Groups, (non-Council) Committees and Partnership Boards.

Appointees/ nominees can take a range of roles on Outside Bodies including:

- Director;
- Trustee;

- Committee Member;
- Observer/ Advisor.

#### 4. **Assessment Criteria for Outside Bodies**

In order to be included on the Register of Outside Bodies, as well as being a legally separate organisation to NCC, 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 NCC at a strategic or ward/ area level;
- c) the relevant Portfolio Holder or Executive Board has agreed that there are exceptional circumstances for an appointment to be made.

#### 5. **Acceptance of Outside Bodies onto the Register of Outside Bodies**

##### In an Election Year

- a) Prior to each full Council election all Outside Bodies will be asked to confirm:
  - that they wish to continue to have a Council representative as part of their organisation;
  - that the information on their registration form is up to date;
  - how they consider that they continue to meet the Assessment Criteria.
- b) Constitutional Services will apply the Assessment Criteria (in consultation with the Director of Legal and Governance where necessary) and will provide a list of bodies recommended for inclusion and not recommended for inclusion on the Register to the relevant Portfolio Holder for agreement.
- c) Once agreed by the Portfolio Holder, Constitutional Services will inform all Bodies of the outcome of the assessment process.
- d) A report will be taken to Executive Board requesting formal approval of the final Outside Bodies Register, including any additions to and deletions from the Register. The register will be split into two sections, the first to be appointed to by Executive Board, the second to be appointed to by Area Committees. This report will also seek approval for the nominees/ appointees made to Outside Bodies (see section 6. below) where appropriate.

##### Mid-term Additions to/ Deletions from the Outside Bodies Register

- a) Where an organisation wishes to be added to the Register, Constitutional Services will ask the organisation to complete a registration form.
- b) Constitutional Services will apply the Assessment Criteria using the information provided in the registration form.
- c) Constitutional Services will seek approval from the relevant Portfolio Holder for including/ not including the body on the register and will keep a record of the decision.
- d) Constitutional Services will inform the body of the decision and will seek nominations from the Whip(s).
- e) Where a body is to be deleted from the Register, Constitutional Services will present reasons for the decision to the relevant Portfolio Holder who will make a decision on whether to delete the body. Where a decision is made to delete Constitutional Services will inform the Body and the Councillors affected and will keep a record of the decision.

In both scenarios above, if a body is not included on the Register of Outside Bodies this does not preclude a Councillor from sitting on the body. The body can approach individual or ward councillors directly but their involvement with the body would not be as a result of formal nomination/ appointment by the Council. The individual Councillor will decide whether they wish to sit on the body.

## 6. **The Nomination/ Appointment Process**

The Outside Body will have confirmed whether the City Council is making an appointment to its membership or whether it is submitting a nomination to be appointed by the Body itself.

Appointment/ nomination to Outside Bodies is a Local Choice Function and NCC has determined that it is an Executive Function. Appointments/ nominations are therefore approved by Executive Board, an Area Committee or, for in year changes, the Corporate Director of Strategy and Resources. Executive Board is responsible for the majority of approvals with Area Committees being responsible for nominations/ appointments to Outside Bodies that operate exclusively within their area.

### In an Election Year

- a) Prior to an election, once the proposed Outside Bodies Register has been approved by the Portfolio Holder (see step five), Constitutional Services will provide a copy of it to the Majority Group Whip and will provide details of any Outside Bodies with requirements for cross party membership from the City Council to the relevant Whips of other Groups. Constitutional Services will ask the Majority Group if they wish to offer any appointments to any other Groups in addition to those required.
- b) The Whips will make nominations and these will be included in the report to Executive Board for nomination/ appointment where Executive Board is responsible and for noting where Area Committees are responsible.
- c) Reports will be taken to each Area Committee in September to approve the nominations/ appointments they are responsible for.
- d) Constitutional Services will confirm all appointments/ nominations with the Bodies and Councillors concerned.

### In Year Changes

- a) Where an in-year vacancy arises, or where appointments are required to Bodies newly added to the Register, Constitutional Services will ask the relevant Whips for nominations.
- b) Constitutional Services will send the nominations to the Corporate Director for Resources for approval in accordance with the procedure on making in year changes.
- c) Constitutional Services will keep a record of the approval and will advise the Body and Councillor when the nomination is confirmed.