

ANGUS COUNCIL

ANGUS COUNCIL – 16 MAY 2017

REPRESENTATION ON PARTNERSHIPS, TRUSTS AND OTHER BODIES

REPORT BY SHEONA C HUNTER, HEAD OF LEGAL AND DEMOCRATIC SERVICES

**ABSTRACT**

The purpose of this report is to advise the Council of the appointments which fall to be made to various Partnerships and Other Bodies.

**1. RECOMMENDATIONS**

The Council is asked to:

- (i) appoint members to the bodies listed in Appendix 1 of this Report; and
- (ii) note the officer representation on certain bodies listed in Appendix 1; and
- (iii) agree that the Head of Legal and Democratic Services will undertake a review of the Outside Bodies listed in Appendix 2 and brings a report back to Council with the findings.

**2. BACKGROUND INFORMATION**

Standing Order 6(2)(v) provides that the first meeting of the Council after the periodic ordinary election of Councillors should appoint members to represent the Council on the various bodies on which the Council is entitled to be represented.

Attached as Appendix 1 is a categorised list of bodies and a summary of the purpose of each body has been included to assist members. In addition, where the scope for appointment is limited in some way, or there are special factors, an explanatory note has been included in italics. Details of officer representation, has also been included, where applicable.

Attached as Appendix 2 is a list of various other outside bodies which the Council has in the past appointed members to. However, it is now felt that a review of these bodies is carried out to assess the benefits of Council representation. It is therefore proposed that the Head of Legal and Democratic Services undertake a review of these bodies and reports back to Council with a more defined list of bodies.

**3. IMPLICATIONS OF BEING APPOINTED TO OUTSIDE BODIES**

It should be noted that persons appointed to outside bodies take a certain individual responsibility in doing so. Report No 150/17 considered previously at item 10(a) on the agenda details the liabilities of persons sitting on outside bodies. The key points to note are:

- persons appointed to a body with decision-making powers (such as directors on the board of a company) have their primary duty to the interests of that body and not to the Council, irrespective of being appointed as the holder of an office – e.g. a councillor; and
- decision-makers have a duty of care to act within basic standards of probity and accountability in terms of having sufficient information before them upon which to base their decisions, having collective decisions properly minuted and having regular financial reports made to them to ensure the continued financial solvency of the body (bearing in mind that, particularly for a limited company, allowing it to trade whilst insolvent can attract personal liability by the directors for the company's debts).

Reference is also made to paragraphs 5.18 Guidance from the Standards Commission for Scotland and the dispensation granted to Councillors who have been appointed to an outside body. This dispensation is not a blanket dispensation, and only applies where the body is only of the following:-

- (a) devolved public body as defined in schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; and
- (d) a body being a company:-
  - (i) established wholly or mainly for the purpose of providing services to the councillor's local authority; and
  - (ii) which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority,

so as to enable the councillor to take part in the consideration and discussion of, and to vote upon, any matter relating to the body in question.

Members should refer to this guidance in making any declarations of interest in relation to their appointment to an outside body.

#### **4. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

**REPORT AUTHOR:** Donald Macaskill, Democratic Services Manager

**EMAIL DETAILS:** LEGDEM@angus.gov.uk

List of Appendices:

Appendix 1 – Representations on Partnerships and Other Bodies

Appendix 2 – List of Outside Bodies to be Reviewed

<b>Community Planning Partnerships</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Angus Community Planning Partnership Board	1(Leader of the Council)	A partnership made up of key public service delivery agencies. The ACPP has set up a number of thematic partnerships to improve the quality of life of people in Angus. The council's Chief Executive is also a member of the ACPP Board.
<b>Trusts</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Angus Council Charitable Trust	NOTE: All Councillors are trustees	A Charitable Trust established in 2014 which consolidated, with the exception of Strangs Mortification, the 140 non-education Trusts administered by the Council.
Angus Community Care Charitable Trust Ltd (as Directors)	3 Directors/Trustees	A company limited by guarantee with charitable status established to develop accommodation, community health and social care services in Angus to meet identified needs for care in the community.
Angus Educational Trust	8 Trustees	Responsible for the management of a number of educational endowments.
<b>COSLA Appointments</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
COSLA – Convention	4	The ruling body which has overall control over COSLA's policy and direction.
- SJC for Local Government Employees	1	The negotiating body for pay and conditions of local government employees.
- Community Well Being & Safety Executive Group	1	A themed policy group of COSLA
- Education, Children & Young People Executive Group	1	A themed policy group of COSLA
- Health & Well Being Executive Group	1	A themed policy group of COSLA
- Sports Arts & Culture Working Group	1	A themed policy group of COSLA
- Community Justice Sub Group	1	A themed policy group of COSLA
Regeneration & Sustainable Development Executive Group	1	A themed policy group of COSLA
- Resources & Capacity Executive Group	1	A themed policy group of COSLA
- Strategic Human Resources Executive Group	1	A themed policy group of COSLA
<b>National Organisations</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Northern Roads Collaboration Joint Committee	2	To work collaboratively with Aberdeen City Council, Aberdeenshire Council, The Moray Council, Argyle & Bute Council, The Orkney Islands Council and the Western Isles Council for the joint discharge of road and road related functions, including ports and harbours.

<b>National Organisations</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Scotland Excel	1 (+ 1 substitute)	Established in 2008 to work collaboratively with members and suppliers to raise procurement standards.
Veterans' Champion	1	To improve support for ex service personnel.
<b>Local Organisations</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Angus Alive	4 Directors/Trustees	A company limited by guarantee with charitable status for the promotion and delivery of culture, sport and leisure for the County of Angus. The Board of trustees is comprised of five independent directors and four council directors who are Angus Council elected members..
Angus Care and Repair Ltd	3 Directors/Trustees	A company limited by guarantee with charitable status to promote the welfare of older people and people with a disability in Angus by enabling, advising and supporting them to have their homes adapted, repaired or upgraded.
Arbroath Golf Links Limited	2 Directors (Wards 6 and 7 members only)	The management of the golf course at Elliot Links, Arbroath. The Council has the right to appoint a Council officer to act as an adviser and to attend meetings of the directors as an observer. The officer is Mark Armstrong, Strategic Director-Resources.
CGLMC Limited (Carnoustie Golf Links Charitable Body)	3 Directors/Trustees (Leader of the Council or Convener of Communities Committee, 1 non administration member representing Ward 5 and the Chief Executive (or nominee))	The management of Carnoustie Golf Links and to promote the advancement of citizenship or community development, the advancement of the arts, heritage, culture or science, the advancement of public participation in sport, the provision of recreational activities, with the object of improving the conditions of life of the persons for whom the facilities or activities are primarily intended. The Chief Executive's nominee is Alan McKeown, Strategic Director- Communities.
East of Scotland European Consortium	1	To represent and promote the shared interests of member authorities with regard to European policy development and implementation.
Local Pension Board	1 + 1 sub	The role of the Pension Board is to assist the Tayside Pension Fund in complying with all of the legislative requirements and making sure that the scheme is being efficiently & effectively governed and managed.

<b>Local Organisations (continued)</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Monifieth Golf Links Ltd	4 directors ( 2 members from Ward 4 and two officers)	A company limited by guarantee responsible for the management of Monifieth Golf Links. The two officers are Merlyn Dunn, Senior Marketing Officer, Economic Development and Mark Armstrong, Strategic Director – Resources.
Montrose Basin Local Nature Reserve Management Committee	2 + 2 substitutes	To manage the various lands comprising the Montrose Basin Local Nature Reserve.
Montrose Golf Links Ltd	4 directors (2 members from Ward 8 and two officers)	A company limited by guarantee for the management of Montrose Golf Links The two officers are Jane Taylor, Sector Officer – Golf, Chief Executive's Unit and Walter Scott, Interim Service Manager (Roads), Communities Directorate
Strangs Mortification	4 Trustees (All Ward 3 members)	Strangs Mortification is a Charity that provides assistance to people who are in need and live in Forfar.

**FOR INFORMATION:**

<b>Ward 1</b>	<b>Kirriemuir and Dean</b>
<b>Ward 2</b>	<b>Brechin and Edzell</b>
<b>Ward 3</b>	<b>Forfar and District</b>
<b>Ward 4</b>	<b>Monifieth and Sidlaw</b>
<b>Ward 5</b>	<b>Carnoustie and District</b>
<b>Ward 6</b>	<b>Arbroath West, Letham and Friockheim</b>
<b>Ward 7</b>	<b>Arbroath East and Lunan</b>
<b>Ward 8</b>	<b>Montrose and District</b>

<b>Trusts</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Doctor Andrew Kerr's Trust	4 Trustees	Trust established to assist those who were employed as nurses in Forfar and who have retired on account of age or ill-health.
Glen Esk Trust	1 Director/Trustee (from Ward 2)	A company limited by guarantee with charitable status, with the broad aim of developing the community in Glen Esk.
MARS Training Ship Fund	1 Trustee (Children and Learning Committee member only)	An educational endowment for the award of bursaries to assist those who are preparing for a seafaring career.
Patrick Allan –Fraser of Hospitalfield Trust	2 Trustees	To promote young artists and run Hospitalfield for the purposes of education.
Sharp Fund	1 (Ward 4 member only)	Trust established to assist the sick and infirm
<b>National Organisations</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Association of Public Service Excellence (APSE)	1	Promotes continuous improvement in the delivery of quality cost effective and efficient public services.
Highland Territorial Auxiliary & Volunteer Reserve Association	1	The recruitment and wellbeing of volunteers and liaison with the civilian community.
Highlands Employer Liaison Committee – Tayside Area Sub-Committee	1	To foster and encourage support from employers who employ reservists.
Scottish Amateur Music Association	1	To assist in the formulation of policy for the promotion of musical activity.
Scottish Councils Committee on Radioactive Substances	1	To give independent factual advice to Scottish local governments on radiation and radioactivity matters. SCCORS is currently representative of 29 Scottish Councils.
Scottish Council on Deafness	1	To promote the welfare of people who are affected by deafness.

<b>National Organisations (continued)</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Scottish Liaison Group on Radioactive Waste Management	1	To aid the identification of a Scottish local authority viewpoint on radioactive waste management issues and to act as an interface with the Scottish Government, Scottish Parliament and regulatory bodies.
Scottish Local Government Forum Against Poverty	2	To raise awareness of poverty and planning initiatives and strategies to alleviate poverty.
Scottish National Federation for the Welfare of the Blind	1	To promote the wellbeing and protect the interests of blind and partially sighted persons.
<b>Local Organisations</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Angus Access Panel	1	The relief of stress and suffering of disabled persons in the Angus area through suitable access provision being made available for all classes of disabled persons.
Angus Citizen's Advice Bureau - Management Committee	3	To promote any charitable purpose for the benefit of the community in Angus by the advancement of education, the protection of health and the relief of poverty, sickness and distress.
Angus Housing Association	1	Providing, constructing, improving or managing and encouraging the provision of housing for those in need.
Angus Scout Association	1	Supports scouting in the locality.
Angus Sports Council Executive Committee	2	To promote interest and participation in sport.
Arbroath SEAFEST	1	A company limited by guarantee with charitable status to organise and run the Arbroath SEAFEST festival and associated activities.
Business Gateway	1	Provides advice and assistance to people who are starting or growing their business.
Dalhousie Day Care Centre	1 (Ward 2 member only)	To promote the welfare of the aged.

<b>Local Organisations (continued)</b>	<b>Representatives Required</b>	<b>Explanatory Note</b>
Dovetail Enterprises	1	To provide facilities for work, support and education for men and women with visual impairment and for disabled ex-service personnel.
Dundee Rep Theatre Board	1	To support the provision and maintenance of theatres in Dundee and elsewhere and to assist in the training of students in music, drama and painting.
Forfar Day Care Centre	1	The centre provides day care for older adults.
Forfarshire Society for the Blind	4	To provide guidance advice and assistance to blind and partially sighted persons.
Ian Mackintosh Memorial (formerly Montrose Air Station)	1	To support the work of Montrose Air Station Museum.
Marriage Counselling (Tayside)	1	To promote, develop and coordinate a counselling service for those in marriage or other intimate personal relationships.
Montrose Port Authority (Selection Panel)	1 (Leader of the Council)	The Port Authority is responsible for the development of the offshore supply base. The Panel is responsible for the selection of Board members
North East Scotland Agriculture Advisory Group	up to 4	Aberdeenshire Council leads a major cross- sectoral forum that lobbies on behalf of the sector as well as providing support and advice both to the agricultural sector and the wider rural economy of the North East.
Tayside Association for the Deaf	1	This is a charitable organisation which provides a wide range of services to deaf people Tayside wide, including interpreting services, social work services, sign language training, lip reading classes and deaf awareness courses.
William Lamb Studio Advisory Committee	4 (Ward 8 members only)	Administration of the William Lamb Studio, Montrose



**FOR INFORMATION:**

<b>Ward 1</b>	<b>Kirriemuir and Dean</b>
<b>Ward 2</b>	<b>Brechin and Edzell</b>
<b>Ward 3</b>	<b>Forfar and District</b>
<b>Ward 4</b>	<b>Monifieth and Sidlaw</b>
<b>Ward 5</b>	<b>Carnoustie and District</b>
<b>Ward 6</b>	<b>Arbroath West , Letham and Friockheim</b>
<b>Ward 7</b>	<b>Arbroath East and Lunan</b>
<b>Ward 8</b>	<b>Montrose and District</b>