

**ANGUS COUNCIL**

**11 MAY 2023**

**BUSINESS GATEWAY TAYSIDE –  
APPOINTMENT OF ELECTED MEMBER TO BUSINESS GATEWAY BOARD**

**REPORT BY ALISON SMITH,  
DIRECTOR OF VIBRANT COMMUNITIES & SUSTAINABLE GROWTH**

**ABSTRACT**

This report seeks to nominate an elected member to be appointed to the Business Gateway Tayside Board.

**1. RECOMMENDATIONS**

It is recommended that the Council:

- (i) Makes an appointment to the Business Gateway Tayside Board as per Report No 88/22 as an **Observer** in accordance with the policy on Appointments of Elected Members to Outside Bodies.

**2. ALIGNMENT TO THE COUNCIL PLAN**

- 2.1 This report contributes to the following priorities contained within the Angus Council Plan 2023 – 2028:

**Caring for the Economy:**

- We will support businesses to grow and invest in Angus through our employment land and commercial property.
- We will be more commercial in our approach to contracts and support growth of business locally whenever possible through a \*community wealth building approach.

**3. BACKGROUND**

- 3.1 At the statutory meeting of Angus Council on 26 May 2022, the Council considered Report No 131/22 which proposed a policy framework for appointments to Outside Bodies. At the meeting of Angus Council on 8 September a further update was provided (Report No 306/22 refers) and a copy of the policy is attached as **Appendix 1** to this report.

Elected members will be appointed to outside bodies on one of two basis. The first being an advisory role, otherwise known as an **Observer**. This is where the elected member will not become a member of the outside body and will simply observe proceedings or provide advice on the Council's position on a particular matter. It is important that when taking on an observational role, elected members are conscious of limiting their remit accordingly, and not inadvertently influencing policy or management decisions. Otherwise, they may be treated as decision-makers for the organisation, and subsequently take on liability for the decisions made.

The second is a role as a **Decision-maker**. Here, the elected member will become a member of the organisation, (which is separate from their role as councillor). They will therefore take on obligations relating to the role, be able to make decisions on behalf of the organisation and will be responsible for carrying the liability for these decisions. Elected members should be aware of this and consider these implications when taking on such roles.

A questionnaire, in terms of the new policy for appointments to Outside Bodies was completed by the Manager Economic Development in conjunction with the Dundee City Council lead officer. The detail requested in terms of the questionnaire was different depending on whether the nomination was as an Observer or as a Decision-maker. With a Decision-maker role the questionnaire had additional questions relating to accountability and financial requirements

because of the responsibility which an elected member would be required to take on with this role.

3.2 Business Gateway Tayside Board have requested that Angus Council nominate 1 Representative, in an **Observer** capacity. Please see below relevant questions asked of Business Gateway Tayside Board and their responses:-

1. Does the Outside Body have appropriate and transparent governance arrangements in place, dependent on its size and type?

*Dundee City Council have responsibility for the Contract Management, and it is proposed that the chair and Clerking this Group will be on a rotational basis annually with each local authority being the chair. It is proposed that Perth & Kinross Council will take the chair in 2023 as agreed within the signed MOU. The Contract manager will give an overview of the Remit and Roles of elected members at the first initial meeting.*

2. Does the Outside Body have adequate liability insurance in place, appropriate to its size, purpose and type?

*This is not applicable. Accordingly, the meetings are covered by standard council insurance. (This aspect is less of a concern when the nomination it is simply as an Observer as it carries no responsibility for decisions.)*

3. Does the Outside Body provide training on the Elected Members duties and obligations under the appointment?

*The Contract Manager will provide an overview of duties at the first meeting to elected members and also further information is contained within Report [88/22](#) Appendix 1.*

4. Are there are clear arrangements in place for Elected Members to exit from the Outside Body?

*Elected members are free to stand down at any point. Angus Council can nominate a replacement member if so desired.*

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

4.1 There are no financial implications arising directly from this report.

#### **5. CONSULTATION**

The Director of Finance and Legal and Democratic Services have been consulted in the preparation of this report.

#### **6. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment has been carried out and is contained within Appendix 2

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

Report No 88/22 – Business Gateway Tayside: Performance and Governance Update – 8<sup>th</sup> March 2022

Report No 131/22 – Council Appointments to Outside Bodies – 26<sup>th</sup> May 2022

Report No 120/23 – Business Gateway Contract Update – 2<sup>nd</sup> May 2023

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List of Appendices:

Appendix 1 – Outside Bodies Policy

Appendix 2 – EIA Screening