

Angus Council

Policy on Appointments of Elected Members to Outside Bodies

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1. Purpose

- 1.1 This policy sets out the criteria for informing recommendations to the Council in respect of appointments or nominations of Elected Members to Outside Bodies. The Policy also sets out the responsibilities of Elected Members once appointed to an Outside Body.
- 1.2 In recommending appointments or nominations of Elected Members to Outside Bodies, the Council needs to ensure:
- roles and responsibilities are understood;
 - conflicting interests are effectively managed;
 - risks are appropriately assessed and managed; and
 - Elected Members' time is being effectively used.
- 1.3 The policy and questionnaire have been developed in light of the CIPFA (Chartered Institute of Public Finance and Accountancy) Principles of Good Governance, in particular the following:
- Behaving with Integrity
 - Ensuring Openness and Stakeholder engagement
 - Defining outcomes
 - Determining the interventions necessary
 - Managing risks and performance
- 1.4 The policy and questionnaire have also been considered in light of the findings and recommendations from:
- the Good Governance Institute report on Assurance Development Programme: Risk Management System and in particular to its recommendations on risk management systems and improving informal relationships between Arms Length External Organisations (ALEOs) and Council members and officers; and
 - Audit Scotland's guidance from its series on "How Councils Work".
- 1.5 The Council also has a duty to secure best value under section 1 of the Local Government (Scotland) Act 2003. As demands on the Council and Elected Members increase, it is essential that the Council keeps all of its activities under review to ensure that it is securing best value.

2. Definition of an Outside Body

- 2.1 An Outside Body can be either a corporate or an unincorporated body which is not part of the Council's own governance structure but whose work helps the Council to fulfil its own responsibilities and/or improving community life in Angus. It is a body whose functions make a substantial contribution to the achievement of the Council's overall aims and objectives, as set out in its approved policies, plans and strategies, and to the delivery of essential local services.

2.2 The term includes a diverse range of organisational purposes and structures and is in effect a “label of convenience” rather than an exact description. We have categorised Outside Bodies as follows:

2.2.1 Statutory

An organisation to which the Council is required by statute to make appointments and where not doing so would affect the Council’s ability to properly discharge its functions and obligations.

2.2.2 National/international

An organisation which directly or indirectly represents local government (or aspects of its work) at regional, national or international level and whose membership comprises representatives of some or all local authorities.

2.2.3 ALEO

- ALEOs are bodies through which councils seek to carry out some of their functions, other than on a straightforward contractual basis.
- They are often used by councils as an efficient and cost-effective way of delivering public services including services relating to leisure, arts, culture, employment, economic development and urban regeneration, waste management, property development and social care.
- ALEOs usually take the form of companies or trusts and some can register as charities (provided they have a wholly charitable purpose) or as limited liability partnerships.

2.2.4 Local

- A local organisation or group, falling within one or more ward boundaries, which seeks the Council’s assistance in meeting local needs.
- A voluntary/community organisation which receives funding from the Council and Elected Member representation will provide a valuable mechanism for the exchange of information and views.
- An organisation or discussion/liaison group where Council representation will in some other way provide clear ‘added value’ to either the Council or local communities in Angus.

2.2.5 Trusts

A trust is usually set up where assets (e.g. property, investments) are given by one person (the Donor) to another (the Trustees) with the intention that it should be applied for the benefit of a third party or the public (the Beneficiary). Once this occurs, the trustees own the asset, but can only apply it in accordance with the trust for the benefit of the beneficiaries.

A trust is not regulated by an external regulator (unless it is a charitable trust), but is subject to various legislation, e.g. Trusts (Scotland) Acts 1921 and 1961. If it is charitable, it will be subject to charity law and regulated by the Office of the Scottish Charity Regulator (OSCR).

- 2.3 Although this policy refers to the appointment of Elected Members to Outside Bodies, it should be clarified that for certain Outside Bodies, the Council will nominate an Elected Member, who will then in turn be appointed by the Outside Body. For example, the Council may nominate an Elected Member to be a Director on the board of a company. However, the decision on whether or not to appoint the Elected Member to the company may be the responsibility of the company's existing board members.

3. Criteria for Appointing Elected Members

- 3.1 Outside Bodies seeking appointments or nominations of Elected Members, with the exception of statutory appointments, will be asked to complete a questionnaire as set out in Appendix 1
- 3.2 Elected Member appointments or nominations to Outside Bodies will only be made if there are clear strategic or policy benefits from this arrangement for either the Council or local communities. As it is essential that Elected Members' focus is on the Council's key strategic objectives and also taking into account the amount of work that members will be required to undertake in their role as a ward councillor, an elected member will not be nominated to an Outside Body unless it is deemed to be essential.
- 3.3 The following criteria will be considered, on a case-by-case basis, before recommendation to council for appointments or nominations of Elected Members to Outside Bodies:
- a. the Outside Body has appropriate and transparent governance arrangements in place, dependent on its size and type;
 - b. the Outside Body has adequate liability insurance in place, appropriate to its size, purpose and type;
 - c. the Outside Body provides training on the Elected Members duties and obligations under the appointment; and
 - d. there are clear arrangements in place for Elected Members to exit from the Outside Body.
- 3.4 In addition to 3.3, if the Outside Body requests an Elected Member to act in a decision-making capacity it will provide the Council with their:
- a. most recent accounts prepared and audited in accordance with the requirements of the Companies Act 2006, or the Charities Accounts (Scotland) Regulations 2006; and
 - b. 1 year business plan and three-year summary business plan, if their annual budget exceeds £10,000 or details of the income and expenditure requirements for the forthcoming year if their budget is less than £10,000.

- 3.5 Appointments to Outside Bodies may not be recommended if:
- a. the Outside Body has significant outstanding disputes or liabilities which are likely to impact on its future viability or solvency;
 - b. the Outside Body has not met for more than 1 year without good reason;
 - c. the appointment of an Elected Member is not the best or only way of achieving the aims of the Outside Body; and
 - d. the anticipated time commitment of the Elected Member does not justify the strategic objective of the Council.
- 3.6 All applications for appointments or nominations of Elected Members will be considered on an individual case by case basis, taking into account the size and legal status of the Outside Body.
- 3.7 The Director of Legal and Democratic Services will, after review of completed questionnaires, and taking into account all of the information provided to him or her, recommend to Council whether Elected Members should be appointed or nominated to an Outside Body or not.
- 3.8 Elected Members should be aware that if they are appointed or nominated based on the recommendation of the Director of Legal and Democratic Services, the final decision on whether or not they accept the appointment or nomination is their own.
- 3.9 Members Services will maintain a register of Outside Bodies, which will be reviewed on a regular basis, on behalf of the Director of Legal and Democratic Services. Any new requests for appointments or nominations of Elected Members should be sent to Members Services. If any Outside Body should cease to exist or no longer require Elected Member support, notifications should also be sent to Members Services.

4. The capacity in which Elected Members serve on Outside Bodies

- 4.1 The capacity in which Elected Members serve on Outside Bodies will mainly depend on:
- what legal form each Outside Body takes, and in particular whether it is incorporated as a separate legal entity or not;
 - whether the appointment is to the main body or to a particular committee or sub-committee of the Outside Body; and
 - whether the Elected Member is acting as a voting or non-voting member.

- 4.2 Depending on the terms of the appointment, Elected Members may serve as either:
- a board, executive or management committee member (voting);
 - a committee or sub-committee member (voting);
 - an ordinary member (voting only at the AGM);
 - a company director (voting);
 - a charity trustee (voting);
 - an observer (non-voting); or
 - a member of a discussion or liaison forum (where voting may not apply).
- 4.3 An observer is a person who is not a member of the Outside Body but is invited to attend in order to give the body the benefit of the Council's views and to keep the Council informed of the body's actions.
- 4.4 The capacity in which the Elected Member serves, along with the Outside Body's duties and accountabilities under the law, as well as to any parent body or regulator, will determine the extent of the member's responsibilities and liabilities.

5. Elected Members' Responsibilities and Potential Liabilities

5.1 General Duties

In general, Elected Members who are appointed to Outside Bodies should:

- a. understand clearly the Outside Body's purposes and main objectives and their own role in the Outside Body;
- b. attend meetings regularly and take an active, informed and supportive role in the Outside Body's affairs;
- c. take care always to act in the best interests of the Outside Body and in accordance with its rules or governing document, while contributing their knowledge and experience as an Elected Member;
- d. satisfy themselves that the Outside Body has transparent governance arrangements, regular reports on its activities and sound financial management, with accounts regularly monitored; and that annual reports and accounts are submitted in a timely fashion;
- e. seek to protect the Outside Body's assets and manage its affairs prudently;
- f. be aware of the main risks the Outside Body faces (including funding risks) and the steps to be taken to deal with them;
- g. ensure it maintains its membership, so that the work of running the Outside Body and

- any financial obligations continue to be shared by a reasonable number of people;
- h. behave ethically in accordance with the Outside Body's own code of conduct, if they have one, and also the Councillors' Code of Conduct;
- i. not gain or seek to gain from their appointment any benefit or remuneration (beyond any travel, remuneration or other allowances formally approved by the Outside Body);
- j. ensure the Outside Body has appropriate health and safety and equal opportunities policies and adequate insurance arrangements;
- k. seek to safeguard the Council's interests on those bodies which are funded by or through the Council, to the extent that this does not conflict with their duties towards the Outside Body; and
- l. seek appropriate advice if they have concerns about the running of the Outside Body.

5.1.2 Elected Members shall cease being a member of the Outside Body when they cease to be an Elected Member. In the circumstances where an Outside Body's constitution provides otherwise, the Elected Member shall be asked to voluntarily resign their membership of the Outside Body when they cease to be an Elected Member.

5.1.3 The type of organisation to which the Council makes appointments to is diverse. The circumstances will vary widely from one Outside Body to another, but for convenience they have been divided below between corporate and non-corporate bodies.

5.2 Corporate Bodies

5.2.1 A corporate body has its own legal personality and is responsible for its own governance arrangements, finances and contractual responsibilities. The body itself will incur direct liability for its actions or inactions. Individual members who are acting within any mandate given to them by that body will usually be protected by limited liability if it becomes insolvent (except in the case of wrongful or fraudulent trading).

5.2.2 An Elected Member appointed to a corporate body must, when attending meetings of the body, act in that body's best interests, which may not necessarily be the same as the Council's best interests. Elected Members may of course bring to bear their own experience and knowledge as an Elected Member, and may have regard to the Council's interests but will have a duty to exercise independent judgement when making decisions. Elected Members should not claim to act or give the impression that they are acting under a Council instruction.

- 5.2.3 In the event of a clear conflict of interest, the Elected Member should consider whether it is:
- a. Interest that can be effectively managed e.g. it can be dealt with by declaring an interest and withdrawing from either the Outside Body's meeting or the Council's meeting, or
 - b. so frequent or significant that it prevents the Elected Member from effectively fulfilling their responsibilities towards the Outside Body, in which case resignation from the body should be considered.
- 5.2.4 **Corporate bodies include:**
- statutory or chartered corporations (including local authorities, non-departmental public bodies, NHS trusts, colleges and community, foundation or voluntary schools);
 - companies limited by shares;
 - companies limited by guarantee (not-for-profit, including incorporated charities where liability is normally limited to a nominal £1);
 - industrial and provident societies (not-for-profit, including most housing associations); and
 - and limited liability partnerships.

In many cases the body will have accountability requirements to a regulator such as Audit Scotland, another inspectorate or government department, or Companies House.

5.2.5 **Registered Companies**

An Elected Member appointed to a registered company may, depending on the approach taken by that Outside Body, be expected to become a company director rather than an observer. If appointed as a company director, the Elected Member will be acting on behalf of the body itself, not as a 'representative' of the local authority, even though the Council may have appointed them. Company directors must have their appointment filed with Companies House and must abide by the company's own Memorandum and Articles of Association. Under the Companies Act 2006 a company director has duties:

- a. to act within the company's powers;
- b. to promote the success of the company;
- c. to exercise independent judgement;
- d. to exercise reasonable care, skill and diligence;
- e. to avoid conflicts of interest;
- f. not to accept benefits from third parties; and
- g. to declare any interests in a proposed transaction or arrangement entered into by the company.

5.2.6 Statutory Bodies

In some cases an Elected Member will be acting as the Council's representative on a board, committee or body that is exercising specific statutory functions which are distinct from the Council's own functions and where Council membership is required by law. These would include, amongst others, the NHS Tayside Health Board, Tayside Valuation Joint Board and the Angus Integration Joint Board.

5.2.7 While each body will have its own purpose and constitutional arrangements, in general an appointed Elected Member can be expected to play their part in supporting the body's work, but taking particular account of the need to safeguard the Council's best interests and those of its communities. There may be some potential for conflicts of interest where there is a financial relationship such as a levy between the body and the Council.

5.3 Non-corporate Bodies

5.3.1 A non-corporate body has no separate legal personality¹ and is in effect a collection of individuals who will usually be acting together under a formal structure such as a constitution, rules or terms of reference that have been agreed between the members.

¹ Legal Personality: Independent existence under the law, especially in the context of a company being separate and distinct from its owners. One of the main advantages of the company structure is the limitation of liability that the separate legal personality gives to the members.

5.3.2 Advisory, Consultative or Liaison Bodies

In many cases Elected Members will be appointed to an advisory, consultative or liaison body of some kind. It could take the form of a joint committee, partnership arrangement or discussion forum between the local authority and one or more other public and/or private or third sector organisations². Again, the Elected Member appointed will be acting as the Council's representative and contributing to that body's purposes while taking account of the best interests of Angus and its residents.

² Third sector organisations is a term used to describe the range of organisations that are neither public sector nor private sector. It includes voluntary and community organisations (both registered charities and other organisations such as associations, self-help groups and community groups), social enterprises, and co-operatives. (www.nao.org.uk)

5.3.3 Examples would include local government forums and key partnerships. The potential for incurring liabilities or conflicts of interest as a result of membership is likely to be minimal.

5.3.4 In other cases the 'body' will be more of an informal discussion group, acting as a forum for the exchange of views and information and inter-agency consultation, often on quite local issues. Council appointments have previously been made to groups, forums, advisory groups and community partnerships or

working groups. With no decision-making powers, the scope for liabilities or conflicts of interest arising should again be minimal. The exception would be where, for example, such Outside Bodies made representations in respect of planning or licensing applications.

5.3.5 Registered Charities

A charity in Scotland is an organisation registered with the Office of the Scottish Charity Regulator (OSCR) having met the charity test. To meet the charity test, an organisation must have only charitable purposes and must provide public benefit in Scotland or elsewhere.

5.3.6 When appointed to a charity, Elected Members will be acting as 'Charity trustees'. Charity trustees are defined as people having the general control and management of the administration of a charity. Charity trustees can also sometimes be known as committee members, directors or board members. Charity trustees are not only responsible for their own actions, they are also responsible for the actions and decisions taken by the charity trustees when acting together.

5.3.7 Charities and charitable trusts can be conveniently subdivided into:

a. endowed grant-making trusts

Trustees' duties are:

- primarily to protect the trust's assets; and
- ensure the charity is well-managed in accordance with its stated purposes (including disbursement of its funds, for instance as small educational or welfare grants).

b. voluntary organisations and community associations

- These exist to provide some kind of local service;
- can present more risks particularly if they have charge of annual budgets and/or financial reserves, or contractual obligations towards staff, property or suppliers;
- for this reason most of those voluntary or community groups to which the Council has made appointments have already incorporated themselves as companies limited by guarantee, a form which presents less risk to individual members.

5.3.8 Where the Outside Body is a registered charity there will also be specific accountability requirements towards the Office of the Scottish Charity Regulator (OSCR) which require trustees to always act in accordance with the charity's stated purposes (set out in its charity registration and constitution or trust deed) and to submit an annual report and accounts.

5.3.9 Other Unincorporated Associations

An unincorporated association, having no separate legal existence, is no more than a group of individuals who agree to pursue a common purpose. Elected Members may be asked to make a financial contribution, for example in the form of a subscription, and to sign a membership agreement which can include an agreement to contribute to liabilities incurred by other members.

5.3.10 When a member acts on behalf of the unincorporated association, for example in buying equipment to be used by the association, he/she incurs a personal liability for the cost of that equipment and then seeks to recover that expenditure from the funds of the association or from the other members of the association. In particular cases, the association may be regarded in law as a partnership in which case each member may be personally liable for any debts incurred by any member of the association.

5.3.11 Due to this potential liability the Council will not ordinarily appoint voting members to unincorporated associations such as local community associations or sports clubs where there is a significant risk of personal liability.

5.4 Council's obligations to Elected Members

5.4.1 The Council will inform and advise Elected Members of their Roles and Responsibilities under different types of appointments, and will provide training so that Elected Members are aware of what is expected of them before they accept an appointment. Ongoing advice and training, where appropriate, will also be available to Elected Members.

5.4.2 It is ultimately the responsibility of the Elected Member to decide whether they should accept the nomination or appointment. Once appointed, the Elected Member is responsible for their role on the Outside Body.

6. Indemnity and Insurance Cover

6.1 The Council's Indemnity for Elected Members and officers provides cover in connection with any liability the Elected Member may incur by reason of any action, or failure to act, which has been authorised by the Council or which forms part of, or arises from, any duties or functions placed upon the Elected Member. This includes functions arising from the Elected Member's service on an Outside Body, where the Elected Member has been officially appointed by the Council and the Outside Body itself does not provide its own cover. Insurance cover is only provided, however, when either the Elected Member is sitting on the Outside Body purely to represent the Council, or the body on which the Elected Member sits is acting only in the interests of the Council.

- 6.2 This means that the Council's insurance-backed indemnity would extend to:
- membership of statutory bodies, where the Elected Member would be acting as the Council's representative (in situations where the body did not provide its own cover);
 - to membership of the many advisory, consultative or liaison bodies of which the Council is a member; and
 - to situations where the Council's representative was appointed purely as a non-voting observer on a company or other incorporated body.
- 6.3 Insurance cover will not be provided, however, where the Elected Member was appointed by the Council to serve as either a company director or a charity trustee, where their primary obligations would be to that body rather than to the Council. In this situation the Outside Body should be expected to provide its own indemnity, to avoid any potential liability falling back upon the Council.
- 6.4 For the avoidance of doubt, Angus Council's insurance will not cover Elected Members acting in a decision-making capacity on an Outside Body such as a company or trust, as the Elected Member will not be acting in the normal course of their duties. Decisions made for these types of Outside Body are made solely in the interests of that Outside Body and not the Council. Elected Members should ensure that the Outside Body has adequate insurance arrangements in place, or should arrange their own insurance cover.
- 6.5 As a matter of principle, Council nominations or appointments will not ordinarily be made, other than as non-voting observers, to companies or charities which have not provided their own insurance-backed indemnities to appointed Elected Members, nor to any unincorporated association where there is a significant risk of personal liability.
- 6.6 To avoid any potential liability, non-voting observers sitting on registered companies should take care not to exercise undue influence over the decision-making processes of those companies.
- 6.7 In no circumstances will the Council's indemnity/insurance cover Elected Members who are serving on an Outside Body in a personal capacity, i.e. at their own choice rather than by formal Council appointment.

7. Conflicts of Interests

- 7.1 As set out in Section 4 above, Elected Members appointed by the Council to an Outside Body will, when sitting on that body, often have duties to the Outside Body which take precedence over their duties to the Council. This will depend on the type of Outside Body on which they serve. In terms of paragraph 3.31 of the code, Elected members are responsible for identifying, and taking advice on any conflict of interest that may arise between the Outside Bodies and the Council. Elected Members will therefore wish to consider this at all times and when it appears that the Outside Body's interests may conflict with the Council's interests.
- 7.2 The Councillors' Code of Conduct provides specific guidance to Elected Members on when potential Conflicts of Interest may arise between their role on Outside Bodies and their role as a Council Member.
- 7.3 In terms of paragraph 5.6 of the Code, Elected Members are required to consider whether they have a connection to a particular matter under consideration and must declare that connection as an interest as early as possible in meetings. They must not remain in the meeting or participate in any way in those parts of the meeting relating to the declared interest.
- 7.4 It is a connection for the purpose of declaring interest when matters being considered by the council concerning the Outside body to which the Elected Member has been nominated or appointed is quasi-judicial or regulatory or where the matter involves a personal conflict by reason of the Elected Member's actions, connections or legal obligations
- 7.5 Under paragraph 5.5 of the Code, an interest requires to be declared where a member of the public with knowledge of the relevant facts would reasonably regard the Elected Member's connection to the particular matter involving the Outside Body as being so significant that it would be considered as being likely to influence the discussion or decision making.

- 7.6 Elected Members should be familiar with the relevant areas in the Councillors Code of Conduct, and the accompanying guidance from the Standards Commission. Officers within Legal and Democratic Services can offer advice on whether or not you have a declarable interest.
- 7.7 The Standards Commission also provide advice on the Councillors Code of Conduct and in particular, have provided an advice note in relation to ALEOs.

8. Amendments to the Policy

- 8.1 The Policy will be reviewed on an annual basis by the Director of Legal and Democratic Services.

APPENDIX 1

APPOINTMENT OF COUNCILLORS TO OUTSIDE ORGANISATIONS QUESTIONNAIRE

Please complete and return this form and provide any supporting information at your earliest convenience to DemocraticServices@angus.gov.uk

Angus Council is collecting this data in order to have a fair, open, and transparent system for nominating councillors to outside bodies so as to determine if any such nomination is appropriate and in what capacity the councillor will be acting.

Any information and data provided to Angus Council shall remain at all times the property of the Council and will be treated in the strictest of confidence, under the Data Protection Act 2018. All personal data acquired by the Council shall only be used for the purposes specified in this form and shall not be further processed or disclosed without your explicit consent.

The Council shall take all reasonable precautions to preserve the integrity and prevent any corruption or loss, damage or destruction of your data and information. This information and data will be retained by the Council, but neither contact nor financial details will be disclosed. Some information or data may be made publicly available in Council Reports.

Please note that should the Council agree to continue to nominate a councillor(s) to your organisation, it is a requirement that your organisation enter into an agreement with the Council detailing the terms of the nomination with reference to the answers detailed below.

Please answer all questions to the best of your ability.

If there are any questions that you are unsure of, please do not hesitate to ask for guidance by emailing DemocraticServices@angus.gov.uk.

Section 1

DETAILS OF ORGANISATION		
Name of organisation	Business Gateway Tayside - Board	
Address of organisation	c/o Dundee City Council, Dundee House, North Lyndsay Street, Dundee, DD1 1QE	
Telephone number of organisation	01382 434607	
Website of organisation	N/A	
Email contact for organisation	mandy.mckenzie@dundeecity.gov.uk	
Contact Person for organisation	Mandy McKenzie (Contract manager – Dundee City Council)	
Type of organisation (please tick appropriate box)	Trust	
	Company Limited by Guarantee	
	Club	
	Community Interest Company	
	Industrial & Provident Society	
	Scottish Charitable Incorporated Organisation (SCIO)	
	Other – please provide details	Consultative Board
Please submit your organisation's founding documents e.g. Constitution, Articles of Association, Trust Deed etc. along with this form. We cannot process the application until we have all relevant information.		
DETAILS OF PERSON COMPLETING FORM		
Name of person completing form	Mark Davidson	
Address of person completing form	Manager – Economic Development (Angus Council)	

Telephone number of person completing form	07840381164	
Email address of person completing form	davidsonma@angus.gov.uk	
Role of person completing form in the organisation	Economic Development lead in Angus Council and part of Business Gateway Officer Steering Group (Report no 88/22)	
REQUIREMENTS		
Please state how many councillors are requested	One	
Please state the proposed period of appointment	Three Years plus further three additional years.	
Please state the capacity in which a councillor is required by ticking the relevant box. Decision-Making (as a director, trustee or executive of the organisation that is as full member of organisation with voting and decision-making powers). Please complete sections 2 and 3 below if checking this box.	Observer (as a councillor with no voting rights or decision-making powers, simply advising on Council's position) Please complete section 2 below only if checking this box	x
	Decision-Making (as a director, trustee or executive of the organisation that is as full member of organisation with voting and decision-making powers). Please complete sections 2 and 3 below if checking this box.	

SECTION 2

To be completed by all new organisations. Please put a tick in one of the boxes either "Yes", "No" or "N/A" and provide any additional information in the requisite box which may assist the council with determining your application for representation. It may be that some of the questions are not relevant for your type of organisation.

	Accountability	Yes	No	N/A	Any additional information
1.	Please confirm the organisation's strategic aims and purposes under Any additional information	x			Refer to Report no 88/22 and further report to be brought on BG Services. Remit & Background will be part of first meeting delivered by Contract Manager.
2.	Are there clear arrangements for the councillor(s) to choose to exit from the organisation? Please give details under Any additional information column			x	Each authority should appoint an elected member to attend. This may typically be their Convener for Communities but it should be at the discretion of each council to determine appropriate representation. Elected members are free to stand down at any point. Angus Council can nominate a replacement member if so desired.
3.	Has the organisation adequate rules in place to govern the way its finances are handled?	x			Dundee City Council Financial Regulations.
4.	Has the organisation adequate liability insurance cover in place in respect of the undernoted heads of claim and will these be renewed annually?			x	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.)
(i)	directors/trustees/executives/officials indemnity			x	
(ii)	public liability insurance			x	
(iii)	employers			x	
(iv)	defamation (libel and slander)			x	
(v)	professional negligence/indemnity			x	
5.	Has the organisation any outstanding disputes or liabilities which are likely to impact on its future viability or solvency?			x	
6.	Has the organisation met within the last year?		x		

7.	Is the appointment a requirement in terms of a Trust Deed?			x	
8.	Where councillors are already appointed to the organisation, has there been councillor attendance at the meetings of the organisation within the last year? Please give details in the Any additional information column, i.e., type, number and date of meetings			x	
9.	Approximately how much of a time commitment on average per month is it expected that the councillor would require to make in relation to any appointment? Please provide details in the Any additional information column				Report 88/22 - Business Gateway Tayside Board and this should meet twice per year. The main focus for the Board should be to provide strategic oversight and scrutiny of the Service. Each authority should appoint an elected member to attend. This may typically be their Convener for Communities but it should be at the discretion of each council to determine appropriate representation. They should be accompanied and supported by the Head of Economic Development for each of the three councils or a nominated alternative. The Board should be chaired on a rotational basis by the elected members of the respective Councils and be facilitated by the Business Gateway Tayside Contract Manager. Tenure in the chair should be for a period of one year to cover two meetings of the Board. The proposed remit is set out in more detail in Appendix 1
10.	Is having an Angus councillor involved the best or only way of achieving the aims of the organisation?	x			46/23 (5h) - Support to business in Angus will be delivered through the Business Gateway contract and signposting to other business support agencies. Whilst we will continue to have relationships with businesses across Angus, and support and coordinate this within the context of strategic objectives and plans, we will no longer be providing direct support from council staff.
11.	Does the organisation provide training on the Councillor's duties and obligations under the appointment? Please provide details in the Any additional information column.				Report 88/22 – Appendix 1 The Contract Manager will provide an overview of duties at the first meeting.

12.	Please provide any further information which you feel may be relevant (Please limit response to one A4 page maximum)				
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SECTION 3

To be completed only by organisations requesting Councillor Nomination in a decision-making capacity (i.e. as trustee/director/member with full voting rights).

Please put a tick in one of the boxes either "Yes", "No" or "N/A" and provide any additional information in the requisite box which may assist the council with determining the application for nomination for representation. A summary of the accounting requirements of the Companies Act 2006 and the Charities Accounts (Scotland) Regulations 2006 is set out in Guide to Finance Details Requested.

A	Financial Requirements	Yes	No	N/A	Any Additional Information
A1	Is the organisation is a registered company? If so, a copy of their most recent accounts prepared and audited in accordance with the requirements of the Companies Act 2006 must be submitted to the council with this application OR				
A1	Is the organisation a small charity, other than a registered company? If so, a copy of their most recent accounts prepared and audited in accordance with the Charities Accounts (Scotland) Regulations 2006 must be submitted to the council with this application OR				

A1	<p>Is the organisation a charitable company which is a large company over the audit threshold set out in the Companies Act 2006 and requires to have an audit under that legislation as well as the Charities Accounts (Scotland) Regulations 2006? If so, the organisation must submit to the council with this application a copy of their most recent accounts prepared and audited in accordance with both the Charities Accounts (Scotland) Regulations 2006 and the Companies Act 2006,</p> <p>OR</p>				
A1	<p>Is the organisation neither a charity nor other incorporated body? If so, the criteria set out in the Charities Accounts (Scotland) Regulations 2006 will be used to determine the accounting information that requires to be submitted to the council subject to the exception that where the annual liability of the organisation is less than £3,000 per annum an independent examiner's report on the accounts is not required and a certified copy of the organisation's final accounts will suffice and will be submitted with this application.</p>				
B	<p>Financial Information Requirements depending on annual budget of organisation</p>				

B1	<p>For all organisations, there should be provided with this application, satisfactory evidence that:</p> <p>Where the annual budget of the organisation is greater than £100,000 per annum, there shall be provided to the council a detailed one year business plan and a summary three year business plan including financial information all of which shall be acceptable to the council OR</p>				
B1	<p>Where the annual budget of the organisation is less than £100,000 per annum, there shall be provided to the council details of expenditure requirements and income expected for the forthcoming year which shall be acceptable to the council</p>				