

REPORT TO ABERDEENSHIRE COUNCIL – 17 MARCH 2021

NOMINATIONS TO OUTSIDE BODIES

1 Reason for Report / Summary

- 1.1 The Council is requested to consider the nomination of Elected Members to represent the Council on two outside bodies.

2 Recommendations

The Council is recommended to:

- 2.1 Agree that the Council be represented on the outside bodies listed in Appendix 1; and**
- 2.2 Delegate authority to Formartine Area Committee and Garioch Area Committee to nominate Members to the outside bodies in Appendix 1.**

3 Purpose and Decision Making Route

- 3.1 All requests for nominations to outside bodies are managed through the Confident Governance process. This provides a robust, cohesive and consistent way to nominate to outside bodies. All outside bodies provide their constitutional documents, accounts and complete an application form and these are examined by officers. Elected Members who are nominated to an outside body will receive copies of these documents.
- 3.2 Full Council agreed on 18 May 2017 that there should be Council representation on outside bodies. At its meeting on 27 June 2019, the Council determined that any new organisation seeking to appoint an Elected Member to represent the Council must seek approval from Full Council.

4 Discussion

- 4.1 Two outside bodies have requested representation from the Council.
1. The Formartine Partnership Rural SCIO has requested an Elected Member to sit on their Board in an observer capacity.
 2. The Uryside SCIO has requested an Elected Member to sit on their Board in an observer capacity.
- 4.2 So that both Elected Members and outside bodies are clear as to the role and responsibilities of an Elected Member once nominated to an outside body, standard Nomination Terms will be provided both for nominations which are in a decision-making role and for those in an observer role.
- 4.3 The required Confident Governance checks on the bodies referred to at 4.1 above have been carried out by the Head of Legal and People to ensure that

they comply with the Nomination Terms. When appointed, it is the responsibility of the Elected Member to check ongoing compliance throughout their involvement with the outside body.

- 4.4 **Appendix 1** details the outside bodies where it is proposed that Elected Member representatives be nominated. The type of role, the number of Elected Members and the Area Committee to receive the required delegated powers from Full Council are set out in the table.
- 4.5 Elected Members have received training on their responsibilities to outside bodies including their duties as charitable trustees and directors. This was delivered at Area Committee level as part of induction training. Where an Elected Member takes on a role as an **observer**, the Elected Member does not become a member of the outside body and simply observes proceedings or provides advice on what the Council’s position is on a particular issue. They will not make decisions on behalf of the organisation or carry liability for those decisions. Both outside bodies have requested that an Elected Member be appointed to the respective organisations to represent the Council in an observational capacity.
- 4.6 Elected Members should be aware that when taking on an observational role, they must be careful to limit their remit accordingly and not inadvertently influence policy or management decisions of the outside body. In these circumstances they may be mistakenly treated as decision-makers for the organisation and thereby take on liability for the decisions made.

5 Council Priorities, Implications and Risk

- 5.1 This report supports the delivery of the key principle of having the right people, in the right place, at the right time in the new Strategic Priorities for Aberdeenshire Council.
- 5.2 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

| Subject | Yes | No | N/A |
|--|-----|----|-----|
| Financial | | X | |
| Staffing | | X | |
| Equalities | | X | |
| Fairer Scotland Duty | | X | |
| Town Centre First | | X | |
| Sustainability | | X | |
| Children and Young People’s Rights and Wellbeing | | X | |

- 5.3 An equality impact assessment is not required because the appointment of Elected Members to the outside bodies does not have a differential impact on any of the protected characteristics.
- 5.4 There are no staffing or financial implications arising directly as a result of this report. Any remaining staff resources being applied to the Confident Governance project, in particular from within Legal and People, are met from existing budgets.
- 5.5 The following Risks have been identified as relevant to this matter on a Corporate Level:
- ACORP005 Working with other organisations. The Confident Governance process helps mitigation of possible risks due to the Council being represented on outside bodies. ([Corporate Risk Register](#)).

There are no risks identified as relevant to this matter on a Strategic Level. ([Directorate Risk Registers](#)).

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 The Council is able to consider and take a decision on this item in terms of Section A.9.2 of the List of Committee Powers in Part 2A of the Scheme of Governance, as Full Council has the power to approve Council membership of any external body.

Ritchie Johnson Director of Business Services

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Date 2 February 2021

List of Appendices – Appendix 1 – details of appointments to be made and the Area Committees recommended to make the determination.

APPENDIX 1

| OUTSIDE BODY | CAPACITY | NUMBER REQUESTED | Committee which requires delegation |
|-----------------------------------|-----------------|-------------------------|--|
| Formartine Partnership Rural SCIO | Observer | 1 | Formartine Area Committee |
| Uryside SCIO | Observer | 1 | Garioch Area Committee |