

COUNCIL
9 September 2025

REVIEW OF OUTSIDE BODIES

Report by Director of Law & Governance & Monitoring Officer

RECOMMENDATION

The Council is **RECOMMENDED** to:

- a) agree that appointments to Category B non-strategic Outside Bodies, useful to the Council's work, as they relate to Council functions, be made by the Audit and Governance Committee;
- b) agree that appointments to Category C Outside Bodies that request Council representation or are of primary value to local councillors/the local community, as they relate to Council functions, be delegated to the Monitoring Officer;
- c) approve the Constitutional Amendments in Annex 1 to reflect these changes;
- d) approve the definition of a Strategic Outside Bodies in paragraph 14 of this report;
- e) note the Guidance for Members who are appointed to Outside Bodies adopted by the Audit & Governance Committee on 16 July 2025 (attached at Annex 2);
- f) endorse the list of 'Strategic' Category A Outside Bodies in Annex 3;
- g) confirm the appointments to Category B Outside Bodies in Annex 4;
- h) note the list of Category C Outside Bodies in Annex 5.

Executive Summary

1. The procedures and guidance around Council appointments to Outside Bodies have not been reviewed since 2013. This report summarises the procedures and proposes amendments to the way in which representatives are currently appointed to Category B (Non-strategic) and Category C (Local) Outside Bodies.

2. A comprehensive guidance document, approved by the Audit & Governance Committee, is also provided for noting. The guidance ensures that the Council's representatives are clear on their roles and responsibilities.

Background Information

3. Appointments to Outside Bodies are addressed in Paragraph 19 of Schedule 2 to the Local Authorities (Functions and Responsibilities) Regulations (England) 2000. Schedule 2 lists "functions which may be (but need not be) the responsibility of an authority's executive".

Paragraph 19

"The appointment of any individual—

(a) to any office other than an office in which he is employed by the authority;

(b) to any body other than—

(i) the authority;

(ii) a joint committee of two or more authorities; or

(c) to any committee or sub-committee of such a body,

and the revocation of any such appointment."

4. In September 2005 this Council's then Democracy & Organisation Committee, which had responsibility for Outside Bodies at that time, agreed that bodies should be divided into three categories with different processes for appointments in each category as follows:

| Category | Appointed by | Basis of Membership |
|--|--|------------------------------|
| A – Outside Bodies listed by the Cabinet (and endorsed by the Council) as "Strategic". | The Cabinet | As determined by the Cabinet |
| | | |
| B – Non-strategic Outside Bodies useful to the Council's work. | Democracy & Organisation Committee following nominations by political groups | Best person for the role |
| | | |
| C - Other Outside Bodies that request Council representation or are of primary value to local councillors/the local community. | Chief Executive in the case of local member(s) or group nominations; otherwise Democracy & Organisation Committee. | To reflect local membership |

5. When the Democracy & Organisation Committee was decommissioned in 2013, its responsibilities for appointments were passed to the Remuneration Committee.
6. This report asks Council to approve the transfer of the Remuneration Committee's responsibilities for appointments to the Audit & Governance Committee. The Remuneration Committee was consulted on this change at its meeting on 9 July 2025 and supported the change. The Audit & Governance Committee agreed to accept this responsibility at its meeting on 16 July 2025.

Category A Appointments

7. The practice has been for Cabinet to review the appointments to Category A Outside Bodies at its first meeting following each Annual Council meeting. In preparation for that, Democratic Services officers contact each body on the list to confirm that it is still active and requires Council representation.
8. In many cases the representative is recommended to be the relevant Cabinet Member and that information is included in the list of Category A bodies sent to the Leader of the Council in advance of the Cabinet decision on appointments. This may not match a current portfolio title. For example, it might specify the "Cabinet Member with responsibility for Environment." In the current Cabinet that is the Cabinet Member for Place, Environment and Climate Action. In the previous Cabinet it was the Cabinet Member for Climate Change, Environment and Future Generations.
9. In some cases, where more than one representative is required and they do not need to be Cabinet Members, the political group leaders are invited to recommend members of their group for appointment.
10. The Leader presents a report to Cabinet with the recommended appointments in an Annex and the final decision to make the appointments for the term of one council year rests with Cabinet to approve or amend the list.
11. If vacancies arise during the year or there are in year changes to any Cabinet responsibilities which need to be reflected in appointments, these can be approved at the next Cabinet meeting.
12. Occasionally a new body needs to be added to the list, for example, this was the case with the Integrated Care Partnership, following the establishment of the Buckinghamshire, Oxfordshire, Berkshire West Integrated Care Board (BOB-ICB).
13. As the designation by Cabinet of an Outside Body as 'Strategic' must be endorsed by Council, the latest full list of Category A bodies is provided in Annex 3 for Council's consideration.
14. The Council does not currently have a definition of 'strategic' in this context. The following definition is proposed to be adopted by Cabinet when considering whether to designate an outside body as 'strategic':

Strategic Outside Body:

- a) An outside body whose functions make a substantial contribution to
 - the achievement of the County Council's overall responsibilities and priorities, as set out in its approved policies, plans and strategies, and
 - the delivery of essential local services;
- or
- b) An organisation which directly or indirectly represents local government (or aspects of its work) at a local, regional or national level, and whose membership comprises representatives of some or all local authorities;

Category B Appointments

- 15. The practice has been for the Remuneration Committee to review the appointments to Category B Outside Bodies at its first meeting following each election. In preparation for that, Democratic Services officers contact each body on the list to confirm that it is still active and requires Council representation.
- 16. Following this exercise, the practice has been to circulate the list to the political group leaders for suggestions with any vacancies highlighted. In a few cases, it might be specified on the list that the representative should be the relevant Cabinet Member. However, the Remuneration Committee has taken the final decision on appointments for the four-year term of the Council.

Category C Appointments

- 17. Appointments to local Category C bodies are made on a case-by-case basis. An organisation requests a representative from the Council or the Council is notified of a vacancy on a body already on the list.
- 18. If the organisation's remit only covers one division, Democratic Services officers will contact the Local Member notifying them of the vacancy and requesting recommendations. The representative does not have to be the Local Member but can be a local person with relevant experience in the organisation's sector that the Local Member is content to nominate.
- 19. If the organisation's remit covers more than one division, Democratic Services officers will contact all the relevant Members across the relevant divisions and ask them to agree on a nominee.
- 20. Democratic Services officers have checked and refreshed the list of Category C bodies presented in Annex 5 to this report.
- 21. While the procedure specifies that nominations should be approved by the Chief Executive, in practice this has been delegated to the Monitoring Officer. If Local Members are unable to agree on a nominee, the decision used to be referred to the Remuneration Committee and it is now referred to the Audit & Governance Committee.

22. Category C appointments are indefinite unless
- (a) stated to be otherwise in the appointment; or
 - (b) the representative must be a councillor and they have ceased to be a councillor.

Appointments made by Council

23. For the purposes of clarification, the following appointments are made by Council
- a) council committees,
 - b) joint committees with other councils, for example, the Thames Valley Police and Crime Panel;
 - c) Joint consultative committees such as the Oxfordshire County Council and Employees Joint Consultative Committee;
 - d) the Independent Remuneration Panel; and
 - e) Independent Persons.

Appointments to a), b) and c) are made on each review of political balance due to any change in membership numbers of political groups and in all cases when vacancies occur.

Practices followed by other councils

24. Democratic Services officers have researched and collated information on how other councils categorise and appoint members to Outside Bodies (see table overleaf).

| Local Authority | Categorisation of Outside Bodies | Appointing Body |
|--|---|---|
| Devon County Council | 1. National Bodies 2. Regional Bodies 3. Countywide Bodies 4. Local Bodies | <ul style="list-style-type: none"> • Full Council every four years at the Annual General Meeting (AGM). • The Chief Executive has authority (subdelegated to an officer) to approve changes outside of this cycle. • Political Whips and Secretaries have responsibility for appointing members to outside bodies. |
| Gloucestershire and Kent County Council | 1. Executive Outside Bodies 2. Non-Executive Outside Bodies | 1. The Cabinet, or the Leader of the Council directly 2. In Gloucestershire, Full Council, or sometimes the Chief Executive; in Kent, the Selection & Member Services Committee, who may delegate to officers (as reported on at each meeting). |
| Lancashire County Council | 1. Strategic or Statutory Outside Bodies 2. Local Outside Bodies in a in a single division 3. General Outside Bodies – voluntary or community organisations | In the majority of cases, the Cabinet after an election, but a small number of appointments are made by Full Council at the AGM. In-year changes are delegated to the Monitoring Officer. |
| Nottinghamshire County Council | a) Outside Bodies established or owned (wholly or partly) by the County Council b) Local or national outside bodies linked to the strategic focus of the Council c) Local community groups | For all categories, the Cabinet Member for Business Management, who is also the Ruling Group's Business Manager. |
| Suffolk County Council | a) Outside bodies that are of statutory or strategic importance or cover the whole county or wider b) Outside bodies that cover an area greater than a single division c) Local Outside Bodies in a single division | a) The Leader and Group Leaders; the principle of political proportionality is applied if/when appointments are contested. b) Councillors in relevant divisions; if oversubscribed, a ballot is held among all the councillors. c) The appointment is offered to the local councillor only. |
| Surrey County Council | Strategic Outside Bodies (national or countywide remit) and Local Outside Bodies | The Chief Executive, in line with wishes of political groups; the Planning & Regulatory Committee if appointments are contested. |
| West Sussex County Council | 1. Precepting Outside Bodies 2. Other Strategic or Local Outside Bodies 3. Non-Executive Outside Bodies | 1. The Cabinet 2. Individual Cabinet members, in lieu of former area committees 3. The Governance Committee |

New Proposal for Appointments

25. The Remuneration Committee, for the most part, deals with Human Resources issues. This report recommends that the responsibility for Category B appointments (non-strategic bodies), and Category C (local bodies) where necessary, would more appropriately sit with the Audit & Governance Committee.
26. Both committees have been consulted on this recommendation. The Remuneration Committee supported the change at its meeting on 9 July 2025. The Audit & Governance Committee agreed to recommend the change to Council at its meeting on 16 July 2025.
27. As already noted, Category C appointments have been delegated to the Monitoring Officer by the Chief Executive. Given the Monitoring Officer's responsibilities, this report proposes that it would be more appropriate for Category C Outside Body appointments to be delegated directly to the Monitoring Officer to reflect what happens in practice through the Scheme of Delegation.
28. If the recommendations of this report are adopted, appointments will be made as follows:

| Category | Appointed by | Basis of Membership |
|---|--|------------------------------|
| A – Outside Bodies listed by the Cabinet (and endorsed by the Council) as “Strategic”. | The Cabinet | As determined by the Cabinet |
| B – Non-strategic Outside Bodies useful to the Council’s work. | Audit and Governance Committee, following nominations by political groups | Best person for the role |
| C - Other Local Outside Bodies which request Council representation or are of primary value to local councillors / the local community. | Monitoring Officer in the case of local member(s); otherwise Audit and Governance Committee. | To reflect local membership |

Guidelines for Members of Outside Bodies

29. There is currently very little guidance for those representing the Council on Outside Bodies.
30. The guidance for members of Outside Bodies as adopted by the Audit & Governance Committee at its meeting on 16 July 2025 is attached at Annex 2.

31. The guidance also states that councillors who participate in external bodies may be indemnified in relation to liabilities they incur in that capacity, though this is subject to certain limitations (see pages 10 and 11 of the guidance in Annex 2).

32. There are no new or additional financial implications.

Legal Implications

- Comments check by: Jay Akbar, Head of Legal and Governance Services

Annex:

Annex 5 – List of Category C Outside Bodies for 2025.

Contact Officer:

September 2025