

	<h2>General Functions Committee</h2> <h3>21 March 2016</h3>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Appointment to an Outside Body</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Head of Governance</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>None</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Sarah Koniarski, Governance Officer  <a href="mailto:sarah.koniarski@barnet.gov.uk">sarah.koniarski@barnet.gov.uk</a>                  020 8359 7574</p>

<h2>Summary</h2>
<p>The General Functions Committee is asked to appoint a representative in respect of a vacancy on an outside body, namely the Inglis Consortium LLP.</p>

<h2>Recommendations</h2>
<ol style="list-style-type: none"> <li>1. In respect of the vacancy on the Inglis Consortium LLP, that the General Functions Committee:             <ol style="list-style-type: none"> <li>a. Appoints the Strategic Director of Strategy and Communications to the vacancy on the Inglis Consortium LLP;</li> <li>b. Authorises Barnet Council to provide to the officer appointed, when acting as its representative on the Inglis Consortium LLP, an indemnity in respect of any claims against the respective officer, arising as a result of carrying out their duties subject to the provisions of <a href="#">the Local Authorities (indemnities for Members and Officers) Order 2004</a></li> <li>c. Notes that the Council has professional indemnity insurance cover.</li> </ol> </li> <li>2. Requests that a report be presented to a future General Functions Committee meeting concerning a policy on indemnities for council representatives on outside bodies.</li> </ol>

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Committee has a responsibility to appoint to vacancies in respect of local authority representatives on outside bodies. This assists each outside body to be fully constituted and operate in an efficient and effective manner.
- 1.2 It is requested that the Strategic Director of Strategy and Communications be appointed to fill a vacancy Inglis Consortium LLP which arose when one of the previous representatives recently left the Council.
- 1.3 It is suggested that a review of the council's position on indemnities for council representatives on outside bodies would be timely.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The General Functions Committee is responsible for appointing candidates to vacancies on outside bodies.
- 2.2 Particular to the vacancy on the Inglis Consortium LLP (hereafter referred to in this report as the LLP) on the 29 November 2010, Council Cabinet approved the Council entering into a limited liability partnership and commercial co-operation agreement with private sector landowners concerning the joint disposals of lands. Pursuant to this, on the 30 March 2011, the General Functions Committee appointed two chief officers to act on behalf of Barnet Council in its capacity as a cooperate member of the LLP; namely the Deputy Chief Executive and the Director for Planning, Housing and Regeneration.
- 2.3 Representatives on the LLP are appointed to act until they leave their substantive chief officer post at Barnet Council. Accordingly, any vacancies arising have been appointed to by the General Functions Committee.
- 2.4 The Chief Operating Officer (who has the statutory financial section 151 responsibility) was appointed to the LLP on 29 January 2013 and continues to represent the Council. It is suggested that the Strategic Director of Strategy and Communications be appointed to the remaining vacancy.

### **Cases in which an indemnity and/or insurance may be provided**

- 2.5 Under the Local Authorities (Indemnities for Members and Officers) Orders 2004 a local authority has the power to grant an indemnity to an officer to cover any act or omission by the officer which is authorised by the Council, or forms part of, or arises from any powers conferred or duties placed, as a consequence of a function being exercised by the officer at the request of, or with the approval of, or for the purposes of the Council.
- 2.6 Under the Regulations, the Council can, in place of, or in addition to, providing an indemnity themselves, provide an indemnity by securing insurance. The Council's Head of Insurance has confirmed that the Council's insurance policy covers individuals who are acting as the Council's representative on an outside body.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Leaving the position on the LLP vacant is not recommended. As a corporate member of the LLP, the Council is entitled to appoint individuals to act on its behalf. Ensuring that two representatives are appointed (being the maximum) assists each outside body to be fully constituted and operate in an efficient and effective manner.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 The Head of Governance in the Assurance Group of the local authority will notify the outside body of the appointment made. The Committee's work programme will be amended to include a report on a policy on indemnities for council representatives on outside bodies.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

- 5.1.1 To ensure that the council has robust governance arrangements that enable the delivery of its objectives as set out in the Corporate Plan, its decision making structures will be kept under review to provide effective opportunities for resident participation and engagement.

- 5.1.2 Through the timely execution of its functions, the Committee can assist outside bodies to fulfil their duties and contribute to the corporate priorities to make sure Barnet is a place:

- of opportunity, where people can further their quality of life
- where people are helped to help themselves, recognising that prevention is better than cure
- where responsibility is shared, fairly
- where services are delivered efficiently to get value for money for the taxpayer.

##### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 There is no additional salary or insurance requirement as a result of the appointment.

##### **5.3 Social Value**

- 5.3.1 The Public Services (Social Value) Act 2013 is not directly applicable in the context of this report.

##### **5.4 Legal and Constitutional References**

- 5.4.1 The provisions of [The Local Authorities \(indemnities for Members and Officers\) Order 2004](#) are explained in the body of the report. Responsibility for appointing local authority representatives to outside bodies is attributed to the General Functions Committee in accordance with Annex A to Responsibility for Functions.

##### **5.5 Risk Management**

- 5.5.1 None in the context of this report.

##### **5.6 Equalities and Diversity**

The Committee is advised that the 2010 Equality Act outlines the provisions of

the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups.

5.6.1 All sectors of the community are eligible for appointment to the vacancies. It is expected that all political parties will promote equalities and diversity when considering candidates for the vacancies.

5.6.2 In delivering this Corporate Plan, the Council's priorities and the actions it takes to deliver them will reflect our Strategic Equalities Objective which is that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.

## 5.7 Consultation and Engagement

5.7.1 Not applicable.

## 5.8 Insight

5.8.1 Insight data has not been used to inform the decision required.

## 6. BACKGROUND PAPERS

6.1 Cabinet Resources Committee, 25 March 2008 (Decision item 17) considered a report regarding the Mill Hill East Area Action Plan and the resultant possible Landowners Agreement and authorised officers to commence preliminary discussions with other landowners and to report further upon the options.

6.2 The Director of Planning, Housing and Regeneration approved by delegated powers (DPR 568) on 9 June 2008 the appointment of CB Richard Ellis to examine the Council's options for the disposal of Mill Hill depot and adjacent lands and to consider the financial consequences of each option.

6.3 Cabinet Resources Committee, 8 August 2008 (Decision item 6) – approved the **acceptance** of a **tender** offer for part of the former Friern Barnet sewage works site, also agreed to part of the land being developed for a new Council depot to replace that at Mill Hill.

6.4 Cabinet Resources Committee, 19 January 2009 (Decision item 7) – approved the principle of the relocation of the Mill Hill depot to Pinkham Way site.

6.5 Cabinet Resources Committee, 19 January 2009 (Decision item 9) – approved the principle of exploring the potential options for a land owners agreement for the Mill Hill East AAP area and depot site subject to a viable business plan, apportionment of costs and receipts being finalised and a development programme.

6.6 Cabinet, 20 January 2009 (Decision item 7) recommended approval of the Mill Hill East Area Action Plan for Council 3 March 2009 (Decision Item 157) which adopted the AAP.

- 6.7 Cabinet (special meeting), 11 August 2009 (Decision item 5) – approved the sale of the Council’s land holdings at the former Friern Barnet Sewage Works, Pinkham Way to the North London Waste Authority, subject to reservation of 4.5 acres for the Council to retain and construct a new depot facility. 2.8 Cabinet Resources Committee, 2 November 2009 (Decision item 8) – approved the Council entering into a formal joint venture and land owners agreement subject to finalisation of a business plan and legal terms.
- 6.8 Cabinet, 29 November 2010 (Decision item 14) – approved the Council entering into a Limited Liability Partnership and Co-operation Agreement, instead of a landowners agreement, subject to a number of conditions.  
<http://barnet.moderngov.co.uk/CeListDocuments.aspx?CommitteeId=120&MeetingId=315&DF=29%2f11%2f2010&Ver=2>
- 6.9 General Functions Committee, 30 March 2011(Decision item 7), approved the appointment of two Chief Officers of the Council to the LLP to act on behalf of the Council in its capacity as a cooperate member of the LLP. In this regard the Deputy Chief Executive and the Director for Planning Housing & Regeneration.  
<http://barnet.moderngov.co.uk/CeListDocuments.aspx?CommitteeId=174&MeetingId=1077&DF=30%2f03%2f2011&Ver=2>
- 6.10 General Functions Committee, 15 September 2011(Decision item 9), approved the appointment of the Interim Director for Environment, Planning and Regeneration as the second representative to the LLP.  
<http://barnet.moderngov.co.uk/CeListDocuments.aspx?CommitteeId=174&MeetingId=1079&DF=15%2f09%2f2011&Ver=2>
- 6.11 Delegated Powers Report (1271), 30 March 2011 signed by the Deputy Leader confirmed release of a number of pre-conditions attached to the approval granted by Cabinet on Nov 29 2010, enabling the Council to proceed with the formation of the LLP and pursue the grant of planning permission for the Mill Hill East development to enable the outstanding pre-conditions to be met.
- 6.12 General Functions Committee. 29 January 2013 (Decision item 10) approved the appointment of the Chief Operating Officer.  
Report and Decision Item 10, Vacancy on Outside Body:  
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=174&MId=6660&Ver=4>