

RECORD OF MAYOR'S URGENT ACTION

Title of Report: Appointment to Outside Bodies

Reason for urgency or

Relevant paragraph for authority under scheme of delegation

Part 3 Section E, Section 1 - Scheme of delegation section 5, indicates that where action needs to be taken on an urgent matter between meetings of the Cabinet, or any Committee or Sub Committee of the Cabinet or Council this can be taken forward by the Leader for Executive functions and in the case of non Executive functions, the director can take the decision in consultation with the Chair of the Committee.

Decision of the Chief Executive

Signature



Date

11/10/20

Concurrence of the Mayor – Chair of full Council

Shera Peacock

Once signed by the Chief Officer this cover sheet together with the substantive report must be forwarded to Democratic Services- Level 5, River Park House - for processing.

Report for: Chief Executive

Title: Appointment to Outside Bodies

Report

Authorised by: Bernie Ryan, Assistant Director – Corporate Governance and Monitoring Officer

Lead Officer: Ayshe Simsek, Acting Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

**Report for Key/ Non-Key
Non Key Decision:**

1 Describe the issue under consideration

- 1.1 At Annual Council on 23 May 2019, appointments were made to Outside Bodies. The Cabinet Member for Neighbourhoods was appointed to the North London Waste Authority. The Cabinet Member for Finance and Strategic Regeneration was further appointed in June 2019 to the North London Waste Authority, replacing the Cabinet Member for Climate change and Sustainability, in light of the potential financial implications that needed to be considered in NLWA's forthcoming major procurements,
- 1.2 The Cabinet Member for Neighbourhoods was not able to attend meetings of the North London Waste Authority in June and October 2019 and provided apologies and was not advised by the NLWA of any issues with non- attendance and further attended a meeting on the 2nd of December 2019. The Cabinet Member for Finance and Strategic Regeneration attended the 21 June – NLWA AGM, 25 July - Audit Committee, 29th Oct - Programme Committee and 13th Jan - Programme Committee. The Programme Committee meeting in September was replaced with an informal briefing session for NLWA members. Cllr Chandwani attended this as deputy to Cllr Adje.
- 1.3 Further to a recent consideration of the North London Waste Authority's Standing Orders and the position of members who have not attended meetings within a six month period, it is currently legally unclear whether the six month clock on attendance should start from the first meeting date the North London Waste Authority [21 June 2019] or the date of appointment [23rd of May]. Pending further legal review and amendment of NLWA standing orders, the date of appointment by full Council as start date of membership is considered as a viable interpretation by the North London Waste Authority. This would mean that the Cabinet Member for Neighbourhood's membership would have

expired in November, despite attending the meeting on the 2nd December.

- 1.4 In light of this current situation and until amendments to North London Waste Standing orders are taken forward, it is important to not risk the NLWA's decision making position and to err on the side of caution in dealing with any issue which could be used to suggest that decisions were not properly taken. It is proposed for the Council to re- appoint the Cabinet Member for Neighbourhoods to the North London Waste Authority, in time for their next meeting on the 13th of February 2020.
- 1.5 Given that the next meeting of the Full Council is on the 24th of February and after the North London Waste Authority meeting date, it is proposed that this decision is taken forward as an urgent decision between meetings of the Full Council by the Chief Executive, in consultation with the Mayor. This is in accordance with Part 3 Section E, Section 1 - Scheme of delegation section 5, of the Constitution indicates that where action needs to be taken on an urgent matter between meetings of the Cabinet, or any Committee or Sub Committee of the Cabinet or Council this can be taken forward by the Leader for Executive functions and in the case of non -Executive functions, the director can take the decision in consultation with the Chair of the Committee.

2 Cabinet Member Introduction

N/A

3 Recommendations

- 3.1 It is recommended that:
 - The Cabinet Member for Neighbourhoods be re-appointed to the North London Waste Authority until the next annual full Council in May 2020.

4 Reason for Decision

- 4.1 Appointments to Outside Bodies are reserved to Full Council, and making an appointment before the next meeting on 24th of February 2020 would allow the Cabinet Member for Neighbourhoods to participate in meetings of this outside body taking place on the 13th February 2020.
- 4.2 In 2020, the North London Waste Authority will be taking major decisions in relation to the North London Heat and Power Project. It is therefore important to not allow legal uncertainties to risk NLWA's position and err on the side of caution in dealing with any issue which could be used to suggest that decisions were not properly taken.

5 Alternative Options Considered

- 5.1 If this re-appointment is not made between meetings, there would be uncertainty on the voting rights of the Cabinet Member for Neighbourhoods for decisions being taken on the 13th of February 2020 meeting.

6 Background information

- 6.1 Part 2 of the Constitution, paragraph 4.02 (p) indicates that Full council will appoint representatives to outside bodies unless the appointment is a cabinet function or has been delegated by the Council.
- 6.2 Section 10.08 of Part 2 of the Constitution advises that the Council has nomination rights to a large number of different external bodies, referred to as 'organisations'. The practice of making nominations to organisations is a benefit to the Council and the links created contribute to the social well-being of the borough.
- 6.3 These organisations can be categorised as follows:
- A. Association bodies, such as the Local Government Association or Association of London Government joint committees and panels.
 - B. Community or voluntary bodies which cover a very wide spectrum of organisations serving the community, or community groups, in various ways.
 - C. Partnership bodies which will usually involve the Council working with other agencies on local issues or projects.
 - D. Statutory bodies, where the Borough of Haringey needs to be represented by law.
 - E. Trusts and Foundations which generally have more specific and prescribed objectives.
- 6.4 As set out in section 10.08(b) the nominations to all outside bodies are made and confirmed at each Annual General Meeting. Where there is an association or partnership body exercising executive functions, then nominations of the Cabinet Member will be made by the leader of the council, or the Cabinet with the Leader's agreement and recorded in the list approved at the AGM.
- 6.5 The constitution continues to advise that future nominations to voluntary or community bodies will generally be in a non – voting, "observer" capacity only, in order to avoid the greater potential for conflicts of interest. Nominated members will not participate in management or decision – making within the organisation. Their role will be to assist in the exchange of information and views between the organisation and the council.

6.6 The North London Waste Authority is a statutory body.

7 Statutory Officers' comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities

7.1 Finance

N/A

7.2 Legal

The legal and constitutional implications are set out in the body of the report.

7.3 Equalities

N/A

9 Use of appendices

10 Local Government (Access to Information) Act 1985

N/A