

4. RULES OF PROCEDURE –APPOINTMENTS TO EXTERNAL BODIES

Scarborough Borough Council Protocol for the appointment of Members to External Bodies

A commitment to community participation and community service is considered key to the Borough of Scarborough's future. Part of that commitment can be fulfilled by selecting elected members who will provide high calibre direction as board members upon external bodies.

The appointment of elected members to serve on External Bodies is considered important in order to:

- (i) represent the Council's interest;
- (ii) represent the interests of the community; and
- (iii) bring specific skills and expertise that contribute to good governance;

This protocol provides a framework aimed at ensuring that the most suitable candidates are selected and appointed to external bodies. It provides a guide for Council Members involved in the process to ensure consistency, integrity, and fairness in administering the process and provides information about how the Council's process works for those who are interested in applying.

Certain positions on external bodies however, form part of the portfolio of members of the Executive unless the Leader determines otherwise. Those positions are as follows:

- (a) any appointment to Local Government Yorkshire and Humber
- (b) any appointment to Local Government York and North Yorkshire
- (c) any appointment to a Local Strategic Partnership (either in North Yorkshire or along the Yorkshire Coast)
- (d) any partnership body with delegated responsibility for committing monies within Council budgets including, but not limited to, Executive Joint Committees
- (e) an appointee exercising the role of "corporate member" of another body, for example the British Ports Association.

In relation to such positions the Leader of the Council is responsible for determining whether the responsibility will form part of the portfolio of an elected member or whether the decision upon appointment should be determined by Full Council.

Where an external position is the responsibility of Council, Council may determine the specific skills and experience desired for each external appointment. In so doing the objective is that the appointee complements the existing perspectives, interests, or skills of those on the External Body to which the appointment is made. The appointee is expected to add a perspective beyond the existing organisational view. Subject to the overriding principle that skills and knowledge requirements for the positions should not

be more specialized than necessary the following guidelines should be considered in establishing such qualifications:

- (a) the requisite competencies to perform the duties required;
- (b) Any areas of specialization, experience, or community service of value to the External Body;

Term of Appointment:

A set term will be established for each External Body. In general, that term is four years, coincident with the term of the Council that appoints the members. However, Council, (save in relation to an appointment that forms part of the portfolio of an Executive Member) retains the right to replace any appointed member at any time and for any reason. The form of notification appointing members to external bodies shall state the name of the appointee, the board, the term of appointment and the fact that they are appointed at the pleasure of Council.

Limit on length of service:

The value of experience and the need for continuity is acknowledged, accordingly incumbents who are eligible and willing to seek reappointment, may apply for a second four year term. However, to ensure a healthy turnover of board members, effort should be made to achieve a balance between new members and those with experience, the limit on length of service for any member is therefore 2 consecutive terms on the same board, subject to the exceptions below:

Exceptions:

- (a) Any appointment which forms part of the portfolio of an Executive Member, shall not be restricted by the maximum term
- (b) Where an appointment is made to fill a vacancy subsequent to Annual council, the balance of the term shall not count toward the maximum length of service on the external body
- (c) A Member continuing to serve past the end of their term, until a successor is appointed
- (d) Where insufficient applications have been received for an appointment.

Vacancies:

A vacancy on an external body is created when a member resigns or vacates the position for any reason, and is effective on the earliest of:

- (1) the date of resignation;
- (2) the date the member ceases to be qualified;
- (3) the date the member is removed from the position by Council (or the Leader where the appointment forms part of the portfolio of an Executive member of Council); or
- (4) the date of death or other incapacitation.

Upon any vacancy occurring, other than in relation to an external appointment associated with an Executive position, the appointment is referred to the Council for proposal of a replacement.

Timing of appointments

The appointments process will begin as soon as possible after the municipal election to allow Council to consider potential applicants as soon as possible in the new term.

Portability of skills

Applicants may apply for more than one external appointment. With the permission of the applicant, the applicants skill set shall be recorded in a register. Where skills and competencies are similar for different external bodies, applicants who apply for one position may be identified by the Democratic Services Manager for consideration on another body with similar requirements.

Conflicts of Interest:

Applicants should consider whether they have a real or perceived conflict of interest in relation to the external body, including any direct or indirect pecuniary interest. Within the application process, applicants must identify and disclose any actual or potential conflicts of interest they may have.

Process for Consideration of Applications:

Applicants may submit a completed application electronically and include a short summary of supporting information (no more than 100 words) that will be made public. Incumbents who are eligible and willing to seek reappointment to an external body must reapply in the same manner as other applicants. Applicants applying for more than one external appointment must submit a separate application for each external body. The Applications are submitted to Council for consideration.

Council should aim to ensure:

- (1) the successful applicant/s have the range of skills specified for the appointment;
- (2) there is a balance of representation between experienced and new members;
- (3) regard is had to the need for geographic representation; and
- (4) regard is had to the need for representation of the diversity and demographics of the community including age, gender, sexual orientation, race and disability.

Following the Council appointment the Democratic Services Manager or other designated person shall include:

- (a) in a letter to the external body, a request that:
 - (i) such body advise the Council in the event that a member fails to attend two consecutive meetings of the body without permission of the external body
 - (ii) provide the Borough's appointee with information regarding that body's Directors and Officers Liability Insurance,
- (b) in a letter to the appointee, a suggestion that they may wish to follow-up with the external body to get information about indemnity insurance coverage for members of the board.

Attendance at meetings of the External Body

Members of external bodies who are absent from two (2) consecutive regularly scheduled meetings of the body, without permission of the external body, are to be contacted by the Democratic Services Manager to confirm their continuing commitment to the external body. When any board member is absent for three (3) consecutive regularly scheduled meetings of the board, without permission of the external body, the Democratic Services Manager shall provide written notice of the absence to the Leader to consider appropriate action.