

Steering Groups, Joint Committees and Partnership Bodies

Duties

1. If a Councillor who is nominated or appointed as a committee member or as an observer to a partnership body (e.g. the LGA), s/he will not be exposed to the same liability as a Director or Trustee. Ideally, the duties and obligations of the Member or Officer concerned will be set out in the agreement or other documents regulating the committee or partnership.
2. Despite the fact that Officers from the Legal & Democratic Services' Team will be providing an overview of the body, it would still be sensible if the Councillor's role is still unclear to establish formally at the outset as to whether s/he is acting as a delegate/representative of the Council to promote its interest, or if s/he has an independent role to fulfil on behalf of the committee or partnership. If it is an independent role, s/he will have to uphold the Committee's or partnership's interests, even when the same may be in conflict with the policies and best interests of the Council whilst s/he is serving on the Committee or partnership **but not** whilst serving as a Councillor of the Council.
3. If the committee or partnership is seeking charitable status it will need to establish itself as a trust or incorporate to become a company limited by guarantee. Any Councillor becoming a Trustee or a Director will need to consider his/her duties as set out elsewhere in this guidance.

Indemnities, Immunities and Insurance

4. Councillors appointed to a committee or partnership body can rely on the limited immunity provided under Section 265 Public Health Act 1875 unless they are there in an independent role. Officers will advise you whether the body has taken out any relevant insurance that covers you as a member in the carrying out of your responsibilities as such. However where insurance is not provided you should raise this with Legal & Democratic Services for further guidance and advice.