

ANGUS COUNCIL

2 NOVEMBER 2023

**BUSINESS GATEWAY TAYSIDE –
CHANGE OF ROLE OF ELECTED MEMBER TO BUSINESS GATEWAY BOARD**

**REPORT BY ALISON SMITH,
DIRECTOR OF VIBRANT COMMUNITIES & SUSTAINABLE GROWTH**

ABSTRACT

This report seeks to change the appointment of Councillor McDonald on the Business Gateway Tayside Board from an Observer to a Decision Maker following attendance at the Business Gateway Tayside Board meeting in June 2023.

1. RECOMMENDATION

It is recommended that the Council:

- (i) Changes the appointment of Councillor McDonald to the Business Gateway Tayside Board to a **Decision Maker** following the previous appointment as an **Observer** in Report No [134/23](#), in accordance with the policy on Appointments of Elected Members to Outside Bodies.

2. ALIGNMENT TO THE COUNCIL PLAN

- 2.1 This report contributes to the following priorities contained within the Angus Council Plan 2023 – 2028:

Caring for the Economy:

- We will support businesses to grow and invest in Angus through our employment land and commercial property.
- We will be more commercial in our approach to contracts and support growth of business locally whenever possible through a *community wealth building approach.

3. BACKGROUND

- 3.1 At the statutory meeting of Angus Council on 26 May 2022, the Council considered Report No [131/22](#) which proposed a policy framework for appointments to Outside Bodies. At the meeting of Angus Council on 8 September 2022 a further update was provided (Report No [306/22](#) refers).

Elected members will be appointed to outside bodies on one of two basis. The first being an advisory role, otherwise known as an **Observer**. This is where the elected member will not become a member of the outside body and will simply observe proceedings or provide advice on the Council's position on a particular matter. It is important that when taking on an observational role, elected members are conscious of limiting their remit accordingly, and not inadvertently influencing policy or management decisions. Otherwise, they may be treated as decision-makers for the organisation, and subsequently take on liability for the decisions made.

The second is a role as a **Decision-maker**. Here, the elected member will become a member of the organisation, (which is separate from their role as councillor). They will therefore take on obligations relating to the role, be able to make decisions on behalf of the organisation and will be responsible for carrying the liability for these decisions. Elected members should be aware of this and consider these implications when taking on such roles.

A questionnaire, in terms of the new policy for appointments to Outside Bodies was completed by the Manager Economic Development. The detail requested in terms of the questionnaire was different depending on whether the nomination was as an Observer or as a Decision-

maker. With a Decision-maker role the questionnaire had additional questions relating to accountability and financial requirements because of the responsibility which an elected member would be required to take on with this role. A copy of the completed questionnaire is attached as **Appendix 1** to this report.

- 3.2 The Council on 11 May 2023, resolved to appoint Councillor McDonald to the Business Gateway Tayside Board as an **Observer** in accordance with the policy on Appointments of Elected Members to Outside Bodies (Report No [134/23](#) refers)
- 3.3 Following this appointment, the first Business Gateway Tayside Board meeting was held on the 14 June 2023. Councillor MacDonald was in attendance accompanied by the Manager – Economic Development along with Elected Members from Dundee City Council and Perth and Kinross Council and the Managers of Economic Development from each respective council.
- 3.4 Dundee City Council act as the lead authority for the Business Gateway Tayside contract as per Report no 120/23 and the project officer for the contract led the Elected Members through the roles and responsibilities and purpose of the Board.
- 3.5 Following this meeting Councillor McDonald in discussion with the Manager, Economic Development highlighted that there will be potential for decisions to be made at future Board meetings and that the appointment of **Observer** should be updated to **Decision Maker**.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising directly from this report.

5. CONSULTATION

The Director of Finance and Legal, Governance and Change have been consulted in the preparation of this report.

6. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment has been carried out and is contained within Appendix 1

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

Report No [88/22](#) – Business Gateway Tayside: Performance and Governance Update – 8th March 2022

Report No [131/22](#) – Council Appointments to Outside Bodies – 26th May 2022

Report No [120/23](#) – Business Gateway Contract Update – 2nd May 2023

Report No [134/23](#) – Business Gateway Tayside – Appointment of Elected Member to Business Gateway Board – 11th May 2023

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List of Appendices:

Appendix 1 – Appointment of Councillors to Outside Organisations Questionnaire

Appendix 2 – EIA Screening

APPENDIX 1

APPOINTMENT OF COUNCILLORS TO OUTSIDE ORGANISATIONS QUESTIONNAIRE

Please complete and return this form and provide any supporting information at your earliest convenience to DemocraticServices@angus.gov.uk

Angus Council is collecting this data in order to have a fair, open, and transparent system for nominating councillors to outside bodies so as to determine if any such nomination is appropriate and in what capacity the councillor will be acting.

Any information and data provided to Angus Council shall remain at all times the property of the Council and will be treated in the strictest of confidence, under the Data Protection Act 2018. All personal data acquired by the Council shall only be used for the purposes specified in this form and shall not be further processed or disclosed without your explicit consent.

The Council shall take all reasonable precautions to preserve the integrity and prevent any corruption or loss, damage or destruction of your data and information. This information and data will be retained by the Council, but neither contact nor financial details will be disclosed. Some information or data may be made publicly available in Council Reports.

Please note that should the Council agree to continue to nominate a councillor(s) to your organisation, it is a requirement that your organisation enter into an agreement with the Council detailing the terms of the nomination with reference to the answers detailed below.

Please answer all questions to the best of your ability.

If there are any questions that you are unsure of, please do not hesitate to ask for guidance by emailing DemocraticServices@angus.gov.uk.

Section 1

DETAILS OF ORGANISATION		
Name of organisation	Business Gateway Tayside - Board	
Address of organisation	c/o Dundee City Council, Dundee House, North Lyndsay Street, Dundee, DD1 1QE	
Telephone number of organisation	01382 434607	
Website of organisation	N/A	
Email contact for organisation	mandy.mckenzie@dundeecity.gov.uk	
Contact Person for organisation	Mandy McKenzie (Contract manager – Dundee City Council)	
Type of organisation (please tick appropriate box)	Trust	
	Company Limited by Guarantee	
	Club	
	Community Interest Company	
	Industrial & Provident Society	
	Scottish Charitable Incorporated Organisation (SCIO)	
	Other – please provide details	Consultative Board
Please submit your organisation's founding documents e.g. Constitution, Articles of Association, Trust Deed etc. along with this form. We cannot process the application until we have all relevant information.		
DETAILS OF PERSON COMPLETING FORM		
Name of person completing form	Mark Davidson	
Address of person completing form	Manager – Economic Development (Angus Council)	

Telephone number of person completing form	07840381164
Email address of person completing form	davidsonma@angus.gov.uk
Role of person completing form in the organisation	Economic Development lead in Angus Council and part of Business Gateway Officer Steering Group (Report no 88/22)

REQUIREMENTS

Please state how many councillors are requested	One	
Please state the proposed period of appointment	Three Years plus further three additional years.	
<p>Please state the capacity in which a councillor is required by ticking the relevant box.</p> <p>Decision-Making (as a director, trustee or executive of the organisation that is as full member of organisation with voting and decision-making powers). Please complete sections 2 and 3 below if checking this box.</p>	<p>Observer (as a councillor with no voting rights or decision-making powers, simply advising on Council's position) Please complete section 2 below only if checking this box</p>	
	<p>Decision-Making (as a director, trustee or executive of the organisation that is as full member of organisation with voting and decision-making powers). Please complete sections 2 and 3 below if checking this box.</p>	x

SECTION 2

To be completed by all new organisations. Please put a tick in one of the boxes either “Yes”, “No” or “N/A” and provide any additional information in the requisite box which may assist the council with determining your application for representation. It may be that some of the questions are not relevant for your type of organisation.

	Accountability	Yes	No	N/A	Any additional information
1.	Please confirm the organisation’s strategic aims and purposes under Any additional information	x			Refer to Report no 88/22 and further report to be brought on BG Services. Updated following report 134/23 Remit & Background delivered by Contract Manager.
2.	Are there clear arrangements for the councillor(s) to choose to exit from the organisation? Please give details under Any additional information column			x	Each authority should appoint an elected member to attend. This may typically be their Convener for the Committee with responsibility for Economic Development but it should be at the discretion of each council to determine appropriate representation. Elected members are free to stand down at any point. Angus Council can nominate a replacement member if so desired.
3.	Has the organisation adequate rules in place to govern the way its finances are handled?	x			Dundee City Council Financial Regulations.
4.	Has the organisation adequate liability insurance cover in place in respect of the undernoted heads of claim and will these be renewed annually?			x	Accordingly, the meetings are covered by standard council insurance. (This aspect is less of a concern when the nomination it is simply as an Observer as it carries no responsibility for decisions.)
(i)	directors/trustees/executives/officials indemnity			x	
(ii)	public liability insurance			x	
(iii)	employers			x	
(iv)	defamation (libel and slander)			x	
(v)	professional negligence/indemnity			x	
5.	Has the organisation any outstanding disputes or liabilities which are likely to impact on its future viability or solvency?			x	
6.	Has the organisation met within the last year?	x			First Board meeting held 14 th June 2023

7.	Is the appointment a requirement in terms of a Trust Deed?			x	
8.	Where councillors are already appointed to the organisation, has there been councillor attendance at the meetings of the organisation within the last year? Please give details in the Any additional information column, i.e., type, number and date of meetings		x		Councillor McDonald attended first board meeting on 14 th June 2023 accompanied by the Manager of Economic Development.
9.	Approximately how much of a time commitment on average per month is it expected that the councillor would require to make in relation to any appointment? Please provide details in the Any additional information column				Report 88/22 - Business Gateway Tayside Board and this should meet twice per year. The main focus for the Board should be to provide strategic oversight and scrutiny of the Service. Each authority should appoint an elected member to attend. This may typically be their Convener for the Committee with responsibility for Economic Development but it should be at the discretion of each council to determine appropriate representation. They should be accompanied and supported by the Head of Economic Development for each of the three councils or a nominated alternative. The Board should be chaired on a rotational basis by the elected members of the respective Councils and be facilitated by the Business Gateway Tayside Contract Manager. Tenure in the chair should be for a period of one year to cover two meetings of the Board.
10.	Is having an Angus councillor involved the best or only way of achieving the aims of the organisation?	x			46/23 (5h) - Support to business in Angus will be delivered through the Business Gateway contract and signposting to other business support agencies. Whilst we will continue to have relationships with businesses across Angus, and support and coordinate this within the context of strategic objectives and plans, we will no longer be providing direct support from council staff.
11.	Does the organisation provide training on the Councillor's duties and obligations under the appointment? Please provide details in the Any additional information column.				Report 88/22 – Appendix 1 The Contract Manager will provide an overview of duties at the first meeting. This was carried out on the 14 th June 2023.

12.	Please provide any further information which you feel may be relevant (Please limit response to one A4 page maximum)			Following the first board meeting on the 14th June 2023, Councillor McDonald in discussion with the Manager, Economic Development highlighted that there will be potential for decisions to be made at future Board meetings and that the appointment of Observer should be updated to Decision Maker
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SECTION 3

To be completed only by organisations requesting Councillor Nomination in a decision-making capacity (i.e. as trustee/director/member with full voting rights).

Please put a tick in one of the boxes either “Yes”, “No” or “N/A” and provide any additional information in the requisite box which may assist the council with determining the application for nomination for representation. A summary of the accounting requirements of the Companies Act 2006 and the Charities Accounts (Scotland) Regulations 2006 is set out in Guide to Finance Details Requested.

A	Financial Requirements	Yes	No	N/A	Any Additional Information
A1	Is the organisation is a registered company? If so, a copy of their most recent accounts prepared and audited in accordance with the requirements of the Companies Act 2006 must be submitted to the council with this application OR			x	
A1	Is the organisation a small charity, other than a registered company? If so, a copy of their most recent accounts prepared and audited in accordance with the Charities Accounts (Scotland) Regulations 2006 must be submitted to the council with this application OR			x	

A1	<p>Is the organisation a charitable company which is a large company over the audit threshold set out in the Companies Act 2006 and requires to have an audit under that legislation as well as the Charities Accounts (Scotland) Regulations 2006?</p> <p>If so, the organisation must submit to the council with this application a copy of their most recent accounts prepared and audited in accordance with both the Charities Accounts (Scotland) Regulations 2006 and the Companies Act 2006,</p> <p>OR</p>			x	
A1	<p>Is the organisation neither a charity nor other incorporated body? If so, the criteria set out in the Charities Accounts (Scotland) Regulations 2006 will be used to determine the accounting information that requires to be submitted to the council subject to the exception that where the annual liability of the organisation is less than £3,000 per annum an independent examiner's report on the accounts is not required and a certified copy of the organisation's final accounts will suffice and will be submitted with this application.</p>			x	
B	<p>Financial Information Requirements depending on annual budget of organisation</p>				

B1	<p>For all organisations, there should be provided with this application, satisfactory evidence that:</p> <p>Where the annual budget of the organisation is greater than £100,000 per annum, there shall be provided to the council a detailed one year business plan and a summary three year business plan including financial information all of which shall be acceptable to the council OR</p>			x	<p>Contract Administration and Financial Management is completed by Dundee City Council and reported to each of the member Local Authorities at the Board meetings.</p>
B1	<p>Where the annual budget of the organisation is less than £100,000 per annum, there shall be provided to the council details of expenditure requirements and income expected for the forthcoming year which shall be acceptable to the council</p>				