

Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	21 August 2018
Decision Maker (Officer):	Martyn Knappett Deputy Chief Executive
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	<p>Article 12 provides overall corporate management and operational responsibility, Community Leadership and Strategy to the Chief Executive.</p> <p>Part 3, Schedule 3 – Responsibility for Executive Functions – General Principles (paragraph 14 – Part 3.7). The Chief Executive has authority to exercise any function delegated to Officers. All delegations are subject to consultation where considered appropriate in the circumstances (paragraph 4.4 (4(ii) – Part 3.37).</p>
Identify which Portfolio Holder(s)/Committee Chairman consulted?	The Leader and Group Leaders
Ward Member(s) consulted?	No – decision is not related to a Ward
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	That Tendring District Council (TDC) becomes a member of the new Local Government Association (LGA) company which was incorporated on 1 April 2018.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	<p>The LGA has undertaken a detailed review of its structures and, in reaching the decision to become an unlimited company, has chosen a structure which most closely replicates its previous longstanding arrangements with public authorities.</p> <p>Whilst membership of the company will place certain obligations on the Council, those obligations are</p>

	<p>basically the same as under the previous arrangements and do not outweigh the benefits of the Council remaining within the LGA, which can be summarised as expert/experienced support to on operational, organisational development and political management matters as well as the Council being able to participate in a strong national voice for local government.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>The attached FAQs highlight the relevant considerations for the purposes of making this decision.</p> <p>The LGA is an unlimited liability company which means that, if the company were to be dissolved, the 415 public authority members would be responsible for any deficit (should one occur) proportionate to the levels of annual subscription paid. Conversely, member authorities would also be entitled to a share of any assets. Also, that member authorities are liable for net liabilities of the LGA for 5 years after they cease to be members. These aspects are intended to mirror the previous arrangements under which authorities signed up to the LGA as an unincorporated association.</p> <p>Clause 5 of the Articles of Association (attached) sets out the provisions for Representatives from the Councils to sit on the Company.</p> <p>Each Member Authority may appoint up to four persons, with each such person being a Member Authority Representative. A Member Authority Representative shall serve on/at the General Assembly.</p> <p>Each Member Authority Representative shall be a democratically elected local representative of that Member Authority. A Member Authority Representative serving on any of the Association's governance structures, or otherwise representing or undertaking business on behalf of the Association, is required to operate in accordance with the member code of conduct of the Member Authority which appointed them.</p> <p>The names of the Member Authority Representatives shall be submitted in writing to the LGA Chief Executive not less than five clear working days in advance of the Annual Meeting in each year.</p>


	Tendring Council should decide which Councillors it wishes to appoint to represent Tendring District Council at the LGA. It is suggested that those appointments are confirmed at the annual meeting of the Council.	
Details of any Alternative Options Considered and rejected (together with reasons):	The only alternative option is not to join the LGA company. In view of the benefits that the Council has and will receive from LGA membership, this option has been rejected.	
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision) If relevant, a note of the dispensation granted by the Monitoring Officer:	N/A	
Reason Decision, or supporting Report, is not published: <i>Tick one or more of the specific exemptions,</i> <u>and</u> <i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i>	X	Not applicable – Decision [and report] to be published
	If Report is not to be published – tick one of the following boxes:	
		The report supporting the Decision contains confidential information
		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:
		<ul style="list-style-type: none"> • Relates to an individual
		<ul style="list-style-type: none"> • Likely to reveal the identity of an individual
		<ul style="list-style-type: none"> • Relating to financial or business affairs of a person or organisation
		<ul style="list-style-type: none"> • Relates to a claim for legal professional privilege in legal proceedings
	<ul style="list-style-type: none"> • Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment 	
	<ul style="list-style-type: none"> • Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime 	

	<p>And is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons: N/A</p>
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Officers Signed: Martyn Knappett Title: Deputy Chief Executive

In consultation with the Group Leaders: Councillor Stock OBE, Councillor Newton, Councillor Talbot, Councillor I. Henderson, Councillor Stephenson and Councillor Bucke

Signed: Richard Barrett **Section 151 Officer (if required)**



Signed: **Monitoring Officer**

Dated: 21 August 2018