

Mid Kent Services (MKS) Board Appointment- options

Final Decision-Maker	Policy and Resources
Lead Head of Service/Lead Director	Stephen McGinnes, Mid Kent Services Director
Lead Officer and Report Author	William Tait, Mid Kent Services Support Officer
Classification	Public
Wards affected	All

Executive Summary

This report is concerned with the recommendation from the Mid Kent Services (MKS) board to expand the board by one additional member from each of the partnership authorities. It further considers which mechanism Maidstone Borough Council will use to select the additional member for this board.

This report makes the following recommendations to this Committee:

1. The recommendation of the MKS Board to expand the board by one additional member drawn from each of the partnership authorities is agreed.
2. The additional member on the MKS Board will be selected by the Leader of the Council.

Timetable

Meeting	Date
Policy and Resources	22/11/2017

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1. INTRODUCTION AND BACKGROUND

- 1.1 At the MKS Board meeting on 22 September 2017 the Board made the recommendation to expand the MKS Board by one member per partnership authority.
- 1.2 The driving force behind this decision was concern over the continuity of political leadership and broadening the talent pool of the board within the partnership. The MKS board were particularly concerned with mitigating the effects of changes in the leadership of a partner authority. The potential of increased member engagement with MKS through the additional member was also considered as an advantage to increasing the membership.
- 1.3 The MKS Board identified that a positive, open and trust based relationship was key to the effective political leadership of MKS. As such it made sense to widen the inclusion of political leadership on the MKS Board from purely the Council Leaders to include an additional member from each authority.
- 1.4 It was felt by doubling the number of elected members from 3 to 6 not only would it reduce the vulnerability regarding continuity of leadership but it would bring into the MKS Board a greater pool of talent from which to draw ideas about the future of MKS. Another point made during this discussion was the growth in the number of shared services under the MKS since the original terms of governance set out the size of the Board and that this also contributed to justifying the increase in the size of the Board.
- 1.5 No specific mechanism of selecting the additional member was stipulated in the recommendation from the MKS Board.
- 1.6 Swale Borough Council and Tunbridge Wells Borough Council have proposed to select their additional member using the Leader's choice as the mechanism.

2. AVAILABLE OPTIONS

- 2.1 '**Do nothing**'. The do nothing option would reject the recommendation of the MKS Board to increase the membership of the Board. The clearest disadvantage of this option and the reason it is not preferred is it does nothing to address the risk presented by a potential lack of continuity in the political leadership.
- 2.2 '**Deputy Leader**'. This option would fill the additional position on the MKS Board with whoever holds the position of Deputy Leader at any given time. The advantage of this is it would include another senior member of the Council directly within MKS.

- 2.3 **'Vice-Chairman of Policy and Resources'**. This option would be to fill the additional position on the MKS board with whoever holds the position of Vice-Chairman of the Policy and Resources Committee at any given time. The potential advantage of this option is that Shared Services fall within the remit of the Policy and Resources Committee, so it would be appropriate for the Vice-Chairman of the Committee to fulfil this role.
- 2.4 **'Leader's Choice'**. This option would involve the additional position being filled by a member as selected by the Council Leader. This is the option chosen by the other two MKS partner authorities and is therefore treated as the default preferred option.
- 2.5 **'Committee Decision'**. This option would be to select the additional member by majority decision of the Policy and Resources Committee. This reflects the role of the Policy and Resources Committee in overseeing shared services and gives greater flexibility than the option of having the Committee's Vice-Chairman as the nominee.
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3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

Leader's choice

- 3.1 The Leader will select a member to serve on the MKS Board. They will be expected to attend the twice annual meetings of the Board, be engaged with governance of MKS services throughout the year and be an influencer in encouraging other members to engage more deeply with MKS.
- 3.2 This option harmonises governance arrangements across the partnership as Swale Borough Council and Tunbridge Wells Borough Council have proposed to select their additional member using this mechanism.
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4. RISK

- 4.1 The risk relating to the additional appointment is limited by the fact the MKS Board is not a decision making body. It only makes recommendations which are referred back to the relevant committee at Maidstone Borough Council for approval. This is therefore within the council's risk appetite as these decisions would undergo their own risk assessment on a case by case basis.
- 4.2 The risk of 'doing nothing' is that it does not deal with the lack of continuity of political leadership. The potential effects of this in the future could be a breakdown in the positive, open and trust based relation between the partnership authorities. This relationship has been previously identified as important to the effective political leadership of MKS. This could then indirectly impact on the Council's ability to achieve its corporate priorities. A secondary potential risk is that independent of Maidstone Borough Council's decision Tunbridge Wells Borough Council and Swale Borough Council could elect additional members to the MKS Board which would dilute Maidstone's influence and voting share over recommendations from the Board.

4.3 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at paragraph 4.1-4.2. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 After consultation with the Leader of Swale Borough Council the report going before Swale Borough council cabinet in December will recommend that Leader's choice is the mechanism used to select the new appointment to the MKS Board.

5.2 After consultation with the Leader of Tunbridge Wells Borough Council the report going before the Tunbridge Wells Borough Council Cabinet in January will recommend that Leader's choice is the mechanism used to select the new appointment to the MKS Board.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 After the decision, conditional on decisions at other authorities, if the recommendations are accepted the terms of reference for the MKS Board will be amended to include the following: 'and one additional elected member drawn from each of the partnership authorities selected by the respective Leaders.'

6.2 A named member would be selected by the leader before the next MKS Board meeting in March 2018 and this choice would be communicated to members through the members' newsletter.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The recommendations will not by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 3.	William Tait, Mid-Kent Services Support Officer
Risk Management	The risk is within the council's risk appetite. Please see section 4 for further details.	William Tait, Mid-Kent Services Support Officer
Financial	The recommendations in this	Section 151

	report have no direct financial implications.	Officer & Finance Team
Staffing	No implications.	William Tait, Mid-Kent Services Support Officer
Legal	The Local Government Act 1972, S111 provides that a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. The recommendations proposed are in accordance with the power.	Patricia Narebor, Head of Legal Partnership.
Privacy and Data Protection	Accepting the recommendations will marginally increase the volume of data held by the Council. We will hold that data in line with current policies and procedures.	Patricia Narebor, Head of Legal Partnership.
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities and Corporate Policy Officer
Crime and Disorder	No implications.	William Tait, Mid-Kent Services Support Officer
Procurement	No implications.	William Tait, Mid-Kent Services Support Officer

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Terms of Reference of the Mid Kent Services (MKS) Board
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9. BACKGROUND PAPERS

There are no background papers.