



Keeping an eye on
Maidstone

**CORPORATE SERVICES OVERVIEW AND SCRUTINY
COMMITTEE**

OUTSIDE BODIES REVIEW

MUNICIPAL YEAR 2007-08

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1 Introduction

- 1.1 On the 22 May 2007, the Corporate Services Overview and Scrutiny Committee agreed to review the Council's Appointments to outside bodies originally considered by the Strategic Leadership Overview and Scrutiny Committee as part of the Partnerships Review in the Municipal Year 2006-07. The Strategic Leadership Committee postponed the review to 2007-08 when it was taken on by the Corporate Services Overview and Scrutiny Committee, which agreed that this was an important area for review.
- 1.2 The Council appoints Members to a large number of outside bodies, and the Corporate Services Overview and Scrutiny Committee identified that it was important to establish if these added value to the Council. The Committee resolved to create a Working Group to review appointments to outside bodies in the same manner as the Partnerships Review of 2006-07.
- 1.3 The Working Group considered the appropriateness and effectiveness of Member appointments made to outside bodies. During the course of the review, several potential problems with the existing methods of appointing Councillors to outside bodies, together with an apparent lack of information available to inform Councillors, were found. The Working Group made a number of recommendations to enhance the process and make the outside bodies appointments effective and valuable. A number of outside bodies were also deemed unnecessary appointments.

2 Terms of Reference

2.1 The Committee agreed that, by conducting this review, it would aim to meet the following objectives and desired outcomes:

- Assess the value of the Council's appointments to outside bodies, both to the Council and the outside bodies;
- Rationalisation of appointments to outside bodies;
- Identifying the responsibilities of Members as representatives on outside bodies;
- Develop a criteria to assess appointments to outside bodies; and
- Develop a monitoring mechanism for outside body representation.

2.2 The Working Group did not consider the financial contributions to outside bodies from the Council to ensure there was no duplication of work between the Committee's review of outside bodies and the Best Value Review of Grants.

2.3 The Working Group comprised of the following members;

Councillor Mrs Hinder
Councillor Mrs Marshall
Councillor Moriarty
Councillor Parr

2.4 Support was provided by the Overview and Scrutiny Officer, Mrs Esther Bell.

3 Methodology

- 3.1 The Corporate Services Overview and Scrutiny Committee set up a small task and finish group to carry out the review.
- 3.2 Surveys were sent to the outside bodies and the appropriate Councillors to evaluate the value of their appointment to both the Council and the outside bodies. This had initially been undertaken as part of the Partnerships Review in the 2006-07 municipal year and the Working Group resolved to repeat this as part of its review. This was to address the issue that some members and some organisations had not returned the initial surveys and also to account for changes in membership for 2007-08.
- 3.3 The survey to the outside bodies covered the following areas:
- Aims of organisation;
 - Expected role of the Councillor in the organisation;
 - Attendance at meetings;
 - Value of Councillors' contribution;
 - Value and benefit to the organisation of having a nominated representative; and
 - Financial contribution.
- 3.4 The survey to Councillors covered the following areas:
- Attendance at meetings;
 - The representation's contribution to Council's priorities in the Strategic Plan;
 - Value to Council and Councillor;
 - Value to outside bodies; and
 - Reporting mechanisms.
- 3.5 The Working Group employed a variety of research methods. Key to this research was reviewing the survey responses and compiling a list of each organisation's aims and objectives. Identifying best practice, interviews with a number of Councillors and requests for further information were also undertaken.

- 'Pleasure in helping residents of our Borough find suitable homes'.

The Working Group believed that the inconsistent involvement and enthusiasm reflected the demands of the role Councillors were given, but considered that it may also be as a result of the Councillors personal interests and expertise. The Working Group therefore considered that appointments should be non-partisan and be based on a Councillor's expertise and interest in order to ensure that the best person for the job was appointed and that the appointment was useful and appropriate to both the Councillor and the outside body. This view was also echoed by a number of witnesses.

Recommendation B

Appointments to outside bodies be non-partisan and based on a Councillor's expertise and/or interest.

- 4.1.6 Consultation with Councillors appointed to those outside bodies commanding more than one Councillor appointment had highlighted that historically, if four appointments to an outside body were available, appointments had included a representative from each group. However, concern had been raised by a number of Councillors that this convention had been challenged in recent years, for example in the Town Centre Management appointments. The Leader commented that;

"It was always my understanding, and I believe the understanding of most Councillors, that we sent one Councillor from each group to the Town Centre Management Advisory Group. Then at the Annual Council meeting year before last, it became apparent this was not the case, when there was an attempt to play politics with the 4 appointments and get them all allocated to one Group. It is my view that it would be a great shame if this was to become a political football and my preference has always been that there should be four nominees, one from each group."

This view was also echoed by Councillor Mrs Marshall. The Working Group believed that although appointments should be non-partisan, when four appointments were required on an outside body a representative from each Group should be achieved in order to avoid undesirable political manoeuvrings.

Recommendation C

The Constitution be amended to reflect when four outside body appointments are required, a representative from each Group be appointed.

4.2 Responsibilities

- 4.2.1 Members serve outside bodies in a wide range of capacities, for example as advisers, committee members, observers, trustees, voting members,

substitute members and/or as representatives of Maidstone Borough Council. Newark & Sherwood District Council, Waverly Borough Council and Bath & North East Somerset Council have formulated job roles to be completed by the outside body in order that the expectations of the outside body are known. Newark and Sherwood District Council suggested that the forms completed by the outside body were compiled and distributed to Group Leaders prior to annual Council in order that appropriate nominees could be identified.

4.2.2 A number of Councillors noted that they had not received any information regarding the outside body when they were appointed and believed that the benefit of their appointment had taken time to come to fruition whilst they attempted to understand the outside bodies objectives and the role that was expected of them⁵. The Working Group considered the use of an annual generic training session on outside bodies for Councillors, to inform them of each organisations aims and what was expected of them. However, the Working Group considered that a training session would be lengthy and considered that making the summary of each organisation's aims (attached at Appendix B) available online to Councillors would suffice. This would provide information on each outside body and assist in identifying appropriate nominees for outside body appointments.

4.2.3 The Working Group suggested that outside bodies should be required to complete a 'job specification' form for each appointment they invited the Council to make and that these should be circulated to Group Leaders prior to appointments, as well as the representative when appointed. An example 'job specification' form is attached at Appendix C. The following information is included;

- The organisation's mission and objectives;
- Expected key roles and responsibilities of appointed Member;
- What the outside body hoped to achieve through the relationship;
- Time commitment; and
- Skills and experience required from the Council's representatives.

In order that this information is kept up to date, it is proposed that the organisation be asked to check the information held at the time of writing to them regarding appointments.

⁵ The Overview and Scrutiny Officer had discussed this matter with a number of Councillors in telephone conversations.

Recommendation D

The Summary of each outside bodies Organisation's Aim attached at Appendix B be kept up to date and made available to Councillors online.

Recommendation E

Outside bodies should be required to complete the 'job specification' form attached at Appendix C for each appointment they invite the Council to make, and that this information should be compiled, updated and distributed to Group Leaders prior to appointments in order that the appropriate nominees can be identified.

4.3 Monitoring

- 4.3.1 Maidstone Borough Council does not currently monitor the outside bodies appointments. The Working Group considered Councillors' survey responses and noted that Members tended to act independently. Responses ranged from a total lack of reporting back to the Council on the outcomes of their association with the outside body, to they 'would do if required' or 'as and when appropriate'. However, it was noted that these were only informal relationships with appropriate Officers, Cabinet Members or to their political party Leader.
- 4.3.2 Bath & North East Somerset Council commented that some outside bodies viewed 'that a lack of a structured reporting mechanism could be seen as a weakness in the system'⁶ and also reported that four of the local authorities they contacted 'were currently in the process of investigating more formal mechanisms which could be rigorously enforced, to ensure effective information flows were established'. Both Dover and Newark & Sherwood District Councils reviewed appointments to outside bodies and suggested that both an annual review of outside bodies be conducted by sending forms to Councillors and that an Officer be identified for each outside body to act as a contact point for the Councillor.
- 4.3.3 The Working Group considered that a formal monitoring mechanism should be put in place to ensure the benefits of the appointment were received. Members considered the reports of other Local Authorities and agreed that a contact officer should be nominated for Maidstone Borough Council's outside bodies. The role of the Officer would be to receive

⁶ http://www.bathnes.gov.uk/committee_papers/Council/CO070118/12O&Sreview.htm

relevant information from the appointed Councillor and it was not intended that the Officer would attend the meetings.

- 4.3.4 The Working Group also agreed that without some form of reporting mechanism it would be difficult for an appraisal to be conducted of the basis to continue involvement with an outside body and therefore the appropriate Members should be asked to complete an annual review form, attached at Appendix D. Members concluded that the completed forms should be reviewed to ensure that outside body appointments continued to be appropriate. The Working Group considered that regular outside body Reviews were required in light of outside bodies appointments ending, for example there had been some uncertainty about the exact date the Channel Tunnel Rail Link High Level Forum had ceased.
- 4.3.5 The Working Group noted that the Cultural Panel's funding had significantly decreased and requested that the requirement to continue making four appointments in light of this be reviewed at a further outside bodies Review. The decrease to the number of appointments to the Cultural Panel was not recommended in this review due to the need to assess the impact of the decrease in funding and also because Maidstone Borough Council aimed to create Maidstone as a centre of culture.
- 4.3.6 The Working Group also considered that the annual review form could serve as a useful tool to exchange any useful information or any outstanding issues faced by the outside body to Councillors representing an outside body for the first time following their predecessor. The Working Group therefore believed that the annual review form should be circulated to the appropriate Councillor when appointed, together with the 'job specification' form as referred to in recommendation E to inform Councillors and assist in smooth transitions.

Recommendation F

A Copy of the completed 'job specification' form and annual review forms be supplied to each Councillor when appointed.

Recommendation G

A contact Officer be designated for outside bodies, to improve internal communications should matters arise at meetings of an outside body which require further consideration.

Recommendation H

The appointments by Council to outside bodies be reviewed each year.

5. Rationalisation and Value

5.1 The Working Group recognised that Maidstone Borough Council currently considered making an appointment to a new outside body if there was a demonstrable link with the Council's corporate objectives. Members therefore believed that a review was required to ensure that the existing appointments to outside bodies continued to be of value to the Council. Members considered the survey responses and summary of outside bodies' aims and used a flow chart considering the following key questions;

- a) Is there a statutory requirement for the Council to make this appointment?
- b) Is this an appointment to a strategic body? i.e. an organisation that has a significant impact on the achievement of any of the Council's policy objectives.
- c) Is the outside body a Charity which requires the appointment to be made by the Council?
- d) Does the Council provide funding to this body and if a Member appointment essential to oversee the funding?
- e) Is there a clear link to Strategic Priorities?
- f) Do Members regularly attend this Body and is it of benefit to the Council?
- g) Is the appointment of benefit to the outside body and do they have a positive view?

Following the initial consideration of the above questions to each outside body based on the information collected, the Working Group requested further information from representatives on the outside bodies that they believed required a reduction in appointments. The Working Group's recommendations to retain, reduce or remove appointments are shown at Appendix E.

5.2 The Working Group recognised that a number of charities are required by the Charity Commission as part of their constitutions to have Council nominations. Howard De Walden Club Charity also highlighted this to the working group in their survey response;

"The Council is required by the Charity Commission (under the Deed executed by the latter which is our Constitution) to nominate two trustees...If the Council were to come to believe that it should not continue to nominate two trustees, its correct course would be

to petition the Charity Commission to be released from its obligation."

The Democratic Services Manager and the Head of Legal Services confirmed that Maidstone Borough Council is able to refuse to continue nominating to those outside bodies which are charities, but that Maidstone Borough Council would need to contact the Charity Commission to notify them of this, and also to advise the charities so that they are able to change their constitution to reflect this.

5.3 Positive survey responses to the value to the Council of having a representative on an outside bodies included;

- Allows Council to stay informed about the organisation;
- Informs the Council of activities in the Borough;
- Demonstrates support for outside bodies; and
- Understands the concerns of the outside bodies.

Positive survey responses to the value to the outside body of having a Council representative included;

- Support and partnership;
- Adds balance to decisions;
- Able to provide personal knowledge of the Borough;
- Achieves a greater recognition; and
- Provides knowledge and representation of views of the Local Authority.

5.4 The Working Group believed that Councillor responses with regard to the value of the appointment were instrumental in determining whether the appointment should continue. The representatives on Kent County Council Youth and Community Maidstone Management Committee, Maidstone Mind and Maidstone Victim Support Management Committee all responded that their representation did not contribute to the Council's priorities as identified in the Strategic Plan and that there were no benefits to them personally or to the Council in their appointment. The Working Group therefore believed Maidstone Borough Council should cease to appoint to these outside bodies.

Recommendation I

The following outside body appointments be terminated;

- **Kent County Council Youth and Community Management Committee;**

- **Maidstone Mind; and**
- **Maidstone Victim Support Management Committee.**

5.5 Reigate and Banstead Borough Council had conducted a similar review into appointments to outside bodies⁷ and reported that there was a level of inconsistency in the outside bodies that it appointed to. The working group believed that this was not a recurring problem with the outside bodies that Maidstone Borough Council appointed to, however highlighted that the appointment to Maidstone Sea Cadets appeared to show inconsistency as appointments were not made to similar outside bodies such as the RAF, Scouts and Army Cadets.⁸ Members therefore believed that in order to avoid inconsistency in the outside bodies that Maidstone Borough Council appoints to, this appointment should be discontinued. The Working Group was informed that the existing member appointed to Maidstone Sea Cadets had resigned and that a replacement had not been sought. Members recognised that a number of un-appointed Councillors also sat on this body through personal interest. The Working Group considered that the involvement through personal interest should be recommended to the outside body when notifying them of the intention to terminate the appointment.

Recommendation J

That the appointment to the Maidstone Sea Cadets be terminated to avoid inconsistency.

5.6 A level of inconsistency was also noted by the Working Group in the localised area outside bodies that Maidstone Borough Council appointed to, as not all localised groups received an outside body appointment. The Working Group considered the termination of the following appointments and requested interviews with representatives on the following outside bodies;

- Allington Millennium Green Trust
- Boughton Mount Trust
- Collis Millennium Green Trust
- Headcorn Aerodrome Consultative Committee
- Hermitage Quarry Liaison Group
- Howard De Walden Youth Club Management Committee

⁷ http://www.reigate-banstead.gov.uk/Images/Appointments%20to%20Outside%20Bodies%20Recommendations%201%20Jul%2004_tcm5-9249.pdf

⁸ Outside bodies Working Group meeting on 18/02/08

The termination of the appointments to similar localised group had also been considered by other Local Authorities. The Working Group questioned the representatives on these outside bodies⁹ and all representatives reported a positive relationship and considered that the representation be maintained. The Working Group considered the option to implement in the constitution that the Ward Councillor for each of these outside bodies automatically be selected. However, Members noted that this may lead to the most appropriate Member not being selected in terms of expertise. The Working Group therefore queried with the representatives whether they would wish to continue acting as a representative on the outside body if the appointment ended. The representatives confirmed that they would wish to continue their representation provided that the outside body approached them as the most appropriate person. It was also noted that Boughton Mount Trust had responded that they believed the Councillor was sitting on their Board in a personal capacity rather than as an appointment. The Working Group therefore concluded that the appointments to the localised groups cease as the new appointments emerge and that the outside bodies be notified and recommended to contact the most appropriate Councillors independently prior to the new appointments being required.

Recommendation K

The following localised area outside body appointments be terminated:

- **Allington Millennium Green Trust**
- **Boughton Mount Trust**
- **Collis Millennium Green Trust**
- **Headcorn Aerodrome Consultative Committee**
- **Hermitage Quarry Liaison Group**
- **Howard De Walden Youth Club Management Committee**

5.7 It was noted that a number of outside bodies received more than one appointment. The usefulness and appropriateness of more than one appointment was considered. The Group requested further information from representatives on the outside bodies with the numerous appointments that had been queried. Responses from representatives on Relate West and Mid Kent and YMCA Sports Management confirmed that it would be appropriate to reduce the number of appointments to one. With regard to YMCA Sports Management, Councillor Yates confirmed,

⁹ Representatives on the Collis Millennium Green Trust were unable to attend and a phone interview was conducted with the representative for Hermitage Quarry Liaison Group.

'I believe that one Councillor on the Board should suffice to ensure a continuous link with Maidstone Borough Council'.

The Working Group believed that unless the representative had responded that they felt the number of appointments to that outside body was appropriate, they should be reduced. Councillor Robertson had confirmed that he felt that the number of representatives for the Central Railway Consortium was necessary and appropriate. However, the Working Group felt that due to the signs that this outside body was becoming dormant, it was unnecessary to continue with both appointments.

Recommendation L

The numbers of appointments to the following outside bodies are reduced to one;

- **Central Railway Consortium;**
- **Relate West and Mid Kent; and**
- **YMCA Sports Management Committee.**