

## Democracy Committee

8 September 2016

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

### Report of the Head of Finance and Resources – Outside Body Review Continuation

<b>Final Decision-Maker</b>	Democracy Committee
<b>Lead Head of Service</b>	Angela Woodhouse, Head of Policy and Performance
<b>Lead Officer and Report Author</b>	Tessa Ware, Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	

#### **This report makes the following recommendations to this Committee:**

1. That the Committee recommends to Council that Maidstone Borough Council (MBC) continues to support those outside bodies on which it has a representation as a result of legislation, a previous agreement (eg named on a charity's trust) and Kent wide protocol, or stated in the Constitution.
2. That the Committee considers whether MBC ceases formal involvement in the remaining outside bodies on which representation is voluntary as set out in paragraph 2.4.6 and report to Council on this decision.
3. That the Committee recommends to Council that the remaining outside bodies should be linked to the relevant Service Committee.
4. That the Committee recommends to Council that, if recommendation 3 is approved, appointments to outside bodies should be made by the relevant Service Committee.
5. That the Committee recommends to Council that the amended terms of reference of the relevant Service Committees contain a requirement for the outside bodies to report to the Service Committee on a regular basis, eg quarterly.

#### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy Committee	8 September 2016
Council	21 <sup>st</sup> September 2016

# Report of the Head of Finance and Resources – Outside Body Review Continuation

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report was requested by the Democracy Committee at their meeting on 28 January 2016 as it was considered further information was needed before a decision was made regarding the future of the Council's support of outside bodies.
- 1.2 This report provides details of surveys of the outside bodies, nominated Members to outside bodies and the Chairmen and Vice Chairmen of the four Service Committees. The report also presents possible options for the way forward regarding the support provided to outside bodies.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 At the Democracy Committee meeting of 28 January 2016 the Committee resolved that the review of Outside Bodies be continued and a report to come to the Committee which:
- Reports of further attempts to gather information from Outside Bodies who have not responded to the survey.
  - Provides further information on the status of each Outside Body in relation to Maidstone Borough Council's (MBC) as to which ones are supported:
    - § By law or statute – where to withdraw support would require following a lengthy legal process
    - § Through policy decisions
    - § Voluntary – where neither of the two points above apply
  - Establishes which Outside Bodies link with the Council's priorities and Service Committees of the Council
  - Considers the creation of formal communication processes between the Council, Member representatives of Outside Bodies and the Outside Body.
  - Considers the withdrawal of Member involvement where links are tentative or unproductive for both parties.

### 2.2 Outside Bodies who have not responded to the review survey

- 2.2.1 All outside bodies who had not responded to the review survey in time for the meeting on 28 January 2016 were followed up. Those who have still not responded are:

- Kent County Council Youth Advisory Group
- Kent County Council Youth and Community Charity
- Maidstone Cycling Forum
- Relate West and Mid Kent
- South Eastern Rail Passenger Group
- Maidstone Sea Cadets

2.2.2 A full list of responses received is attached as **Appendix A**.

2.2.3 A full list of outside bodies is attached as **Appendix B**. Of that list the following were not surveyed for the reason below:

- A Charity or Charities supported by MBC and serviced by Democratic Services:
  - Relief in Need Charity;
  - Bently Wing;
  - Brenchley Charity.
- Outside body supported by MBC and serviced by Democratic Services:
  - Headcorn Aerodrome Consultative Committee;
  - Mid Kent Downs Steering Group.
- Outside body partnership with other local authority/ies
  - Kent County Council Overview and Scrutiny Committee;
  - Kent and Medway Crime Panel;
  - Kent Partnership;
  - Local Government Association General Assembly;
  - South East Employers;
  - West Kent Health and Wellbeing Board.

## 2.3 Survey of Nominated Members

2.3.1 Outside bodies have been surveyed to find out views on MBC involvement. Members nominated to outside bodies were also asked about their work with outside bodies to establish how useful they found it.

2.3.2 The questions asked and the responses relating to 17 outside bodies are attached in the table at **Appendix C**.

2.3.3 The responses show that Councillors' work with these 17 outside bodies ranges from one meeting every six months to weekly meetings. Hours spent per month ranges from 1 to 60.

2.3.4 15 responses were positive about the work with the outside bodies concerned.

2.3.5 Two responses were negative relating to; Kent County Council's Youth Advisory Group, where the nominee was nominated in September 2014 and has never been invited to attend a meeting;

and, One Maidstone, where the nominee has been invited to meetings which were subsequently cancelled.

- 2.3.6 Expenses claimed by members of outside bodies (for example travel) amounted to a total of £306.90 for the municipal year 2015 to 2016.

## **2.4 Status of outside bodies**

- 2.4.1 Column 3 of Appendix B shows how an outside body is supported by MBC.

- 2.4.2 Appointments to the following outside bodies are automatic appointments under the Trust's deeds, other obligations or MBC's Constitution:

- Bentliff Wing Trust – the Mayor;
- Brenchley Charity – Chairman and Vice Chairman of Heritage, Culture and Leisure Committee (HCL);
- Kent County Council (KCC) Health Overview and Scrutiny Committee – Chairman of Communities, Housing and Environment Committee (CHE);
- Kent and Medway Crime Panel – Chairman of Policy and Resources Committee (P&R);
- Kent Partnership – Chairman of P&R;
- Local Government Association General Assembly – Chairman of P&R
- Maidstone Area Arts Partnership – the Mayor as Honorary President (plus 3 other Councillors through the current nomination process);
- West Kent Health and Wellbeing Board – Chairman of P&R.

- 2.4.3 The following outside bodies are mentioned in the Constitution under the Terms of Reference for Committees. Particular committees have responsibility for being involved in particular outside bodies – eg. the Chairman of CHE is required to work with groups such as the Older Person's forum and the voluntary sector including organisations such as the Citizens Advice Bureau, Voluntary Action Maidstone, Maidstone Mediation and other important community organisations. However, MBC does not make automatic appointments to these bodies. Other outside bodies specifically referred to in committees' terms of reference included:

- Citizen's Advice Bureau – CHE;
- Maidstone Area Arts Partnership – CHE;
- Maidstone Mediation – CHE;
- One Maidstone – HCL;
- Quality Bus Partnership – Strategic Planning, Sustainability and Transport Committee (SPST);
- South East Rail Passenger Group (SPST).

- 2.4.4 The following outside bodies are ones where the Ward Member, or other member, is automatically appointed:

- Action with Communities in Rural Kent – Councillors Round and Prendergast;
- Allington Millennium Green Trust – Councillor Daley;
- Headcorn Aerodrome Consultative Committee – (Headcorn Ward) Councillor Round;
- Howard de Walden Centre – (East and North Ward Members) Councillor Cox;
- Kent Downs AONB Joint Advisory Committee – Chairman of the Mid Kent Downs Steering Group.

2.4.5 There are some particular agreements which define MBC's involvement in outside bodies: for example, charities where representatives of MBC are named as trustees in the original trust document; part ownership of land, eg. Hayle Park; participation in some external partnerships – eg. Health and Wellbeing, Crime and Disorder etc, is required by legislation and is also part of Kent wide protocols.

2.4.6 Based on the information above support for the remaining outside bodies listed below would appear to be on a voluntary basis:

- KCC Youth Advisory Group
- Kent Playing Fields Association
- Kent Downs AONB Advisory Committee
- Maidstone Cycling Forum
- Maidstone Street Pastors
- Maidstone YMCA
- Medway Valley Line Steering Group
- PATROLAJC
- Relate West and Mid Kent
- Vinters Valley Park Trust
- KCC Youth and Community Charity

## **2.5 Outside Body links with the Council's priorities and Service Committees of the Council**

2.5.1 The Council's priorities are:

- Keeping Maidstone Borough an attractive place for all;
- Securing a successful economy for Maidstone Borough.

2.5.2 Underpinning the two priorities are eight action areas:

- Providing a clean and safe environment;
- Encouraging good health and wellbeing;
- Respecting the character of our Borough;
- Ensuring there are good leisure and cultural attractions;
- Enhancing the appeal of the town centre for everyone;
- Securing improvement to the transport infrastructure of our Borough;
- Promoting a range of employment opportunities and skills required across the Borough;

- Planning for sufficient homes to meet our Borough's needs.
- 2.5.3 Column 4 of the table in Appendix B shows suggested links between each Outside Body and the Council's priorities.
- 2.5.4 Column 5 of the table at Appendix B shows suggested links between each Outside Body and one of the Service Committees. These links have been made based on each committee's Terms of Reference, which are attached as **Appendix D** and the information provided at 2.4.

## **2.6 Aligning outside bodies with Service Committees**

- 2.6.1 The Chairmen and Vice Chairmen of the Service Committees were asked for their opinion of the alignment of outside bodies with the Council's priorities and their Committee. It may be considered that further discussion is needed regarding this matter. However, of the responses received, there is an indication that there is an appetite for this.
- 2.6.2 Regarding the responsibility for the decision on nominations to outside bodies, responses indicate a preference that, if the outside bodies were aligned with the Service Committees, Service Committees should be responsible for agreeing nominations to outside bodies.
- 2.6.3 The Chairmen and Vice Chairmen of the Service Committees who responded indicated that the nominees to the outside bodies should provide regular updates to the particular Committee.

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## **3 AVAILABLE OPTIONS**

- 3.1 Members could decide to do nothing and leave the outside bodies as they are. However, the number of vacancies currently on outside bodies (11 vacancies and a further 6 due for renewal in September 2016) could be an indication of a decline in Members' appetite for involvement with outside bodies.
- 3.2 Members could decide to end involvement with all outside bodies who have not responded to the survey (2.2.1 above) and retain those that have. However, it is known that Maidstone Cycling Forum and South Eastern Rail Passenger Group became outside bodies as a result of a thorough Overview and Scrutiny review during 2014. These two organisations hold regular meetings where nominated Councillor members attend. Maidstone Sea Cadets rent a council property for a peppercorn rent and it may be considered that a link with the Council is important.
- 3.3 Members could decide to invite the remaining outside bodies who have not responded to the survey (KCC Youth Advisory Group; KCC Youth and Community Charity; Relate West and Mid Kent) to attend the next Committee meeting to respond to the survey questions in person. This would, however, further delay the Committee's decision on the future of

outside bodies and if they did not respond to the survey there is no guarantee they would respond to an invitation.

- 3.4 Members could decide to end involvement with all outside bodies with the exception of those mentioned in the Constitution, as the Constitution was adopted by Council in May 2016. While this may have a negative impact on the council's reputation and relationships with other organisations, Councillors would still be able to support outside bodies as part of their general work in the community without the formal link to Maidstone Borough Council.
- 3.5 Members could decide to end involvement with outside bodies with no obvious link to the MBC priorities. This would enable Members to focus on specific areas relating to the council's strategic priorities.
- 3.6 If Members decided on either 3.1, 3.2, 3.3 or 3.4 above they could decide to link the remaining outside bodies with a Service Committee. However, this would have the following implications:
  - The links to outside bodies shown in Appendix B, column 5, are suggestions. The Committee may wish to go through these to ensure the links are appropriate;
  - A decision on which Committee is responsible for nominating Members to outside bodies would need to be made. Should this responsibility remain with the Democracy Committee or should it move to the linked Service Committee? If the latter, then the Terms of Reference for these committees would need to be amended.
  - A decision on whether to introduce a formal communication process between the outside body, the nominated member and the Service Committee would need to be made.

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## **4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred options are as set out in 1 to 6 of the Recommendations. These steps are suggested in order to satisfy the wishes of the majority of the Service Committees who responded. The Chairmen and Vice Chairmen think that linking the appropriate outside bodies to the relevant service committee makes sense. In addition, an end to involvement in those outside bodies on which representation is voluntary (see 2.4.6), or on those outside bodies which, despite numerous attempts, have not responded to the survey, will reduce the number of outside bodies. This in turn will make MBC's involvement simpler and will enable councillors to have a more proactive involvement in relevant outside bodies.

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## **5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 All outside bodies have been consulted and the results of the responses received are summarised in Appendix A.

- 5.2 All Members associated with outside bodies were surveyed and the responses received are summarised in Appendix C.
- 5.3 All Chairmen and Vice Chairmen were asked their opinion on the linking of outside bodies to the Service Committees and the implications of this. Their responses are summarised in section 2.6 of this report.

## 6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If this Committee agrees any or all of the Recommendations, officers will prepare a report for Council and will inform all the Chairmen and Vice Chairmen of the Service Committees, all councillors and the relevant outside bodies.

## 7 CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The impact of each outside body on corporate priorities is set out in Appendix B	Director of Finance and Business Improvement
<b>Risk Management</b>	The major risk from any decision arising from this report is reputational. Any decision to cease support for any outside body will be subject to further consideration by Council before a final decision is made.	Director of Finance and Business Improvement
<b>Financial</b>	Expenses are claimed in relation to membership of outside bodies as set out in paragraph 2.3.6. Generally, Member participation in outside bodies helps to ensure that Council funding is directed towards meeting its key priorities.	Director of Finance and Business Improvement
<b>Staffing</b>	The main staffing impact of any decisions arising from this report relate to the Democratic Services Officers who support the administration of the relevant body	[Head of Service]
<b>Legal</b>	The legal implications are set out in the report and	Team Leader Corporate

	appendices, specifically with regards to those outside bodies where there is a legal basis for the appointment.	Governance
<b>Equality Impact Needs Assessment</b>	No detrimental impact on the protected characteristics of individuals identified.	Equalities and Corporate Policy Officer

**8 REPORT APPENDICES**

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

- Appendix A: Outside Body responses to survey questions
  - Appendix B: Outside Bodies as at 3 August 2016
  - Appendix C: Outside Body nominees survey responses July 2016
  - Appendix D: Service Committee Terms of Reference
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