

AGENDA ITEM NO. 5

OVERVIEW AND SCRUTINY

Date	2 SEPTEMBER 2013
Title	OUTSIDE BODIES REVIEW REPORT

1. PURPOSE/SUMMARY

The Overview and Scrutiny Panel to consider the review findings and resulting recommendations.

2. KEY ISSUES

Elected Members currently represent the District Council on 73 outside bodies. The current outside bodies requiring District Council representation are varied and diverse in their focus, ranging from Internal Drainage Boards to Community Groups. The number of outside body appointments was last reviewed in 2011.

The current approach for assessing whether outside bodies require elected member representation is informal with no specific criteria against which to assess requests. As a result the list of outside bodies has grown significantly over recent years. This has resulted in a number of elected members representing numerous groups, which ultimately may be problematic to sustain. To date the expectations of the nominated representatives in terms of time required to support the outside organisation and any feedback requirements have not been explicit which have resulted in a potential lack of transparency.

As a result, the Overview and Scrutiny Committee were keen to undertake a review of Outside Body arrangements in order to ensure greater transparency, particularly in relation to; the representative appointment process, ensuring a clear and tangible link between those outside bodies requiring representation and corporate priorities and/ or funding provided by the District Council. Finally the review team were also keen to facilitate effective and transparent communication flows between the District Council nominated representatives and the outside organisations.

3. RECOMMENDATION(S)

Consider and agree the Outside Body Review recommendations put forward by the review group.

Wards Affected	All
Forward Plan Reference No. (if applicable)	
Portfolio Holder(s)	
Report Originator	Councillor Mrs Jan French – Overview and Scrutiny Vice Chairman, Councillor Mrs Virginia Bucknor, Councillor David Hodgson
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Background Paper(s)	Outside Bodies Review Scoping Report

1. INTRODUCTION

In addition to attending Council Meetings and other constituency work, Councillors are required to sit as representatives of the Council on other organisations and agencies. These organisations and agencies are known as outside bodies. The Council appoints Elected Members to represent it on a range of Outside Bodies, both at a national and local level. Such appointments ensure that the Council's interests and therefore citizens of Fenland are represented within key agencies.

The Council recognises the value and contribution outside organisations make to the wider community. Members also welcome the opportunity for the Council to be represented on outside organisations which operate within Fenland.

An "outside body" is an organisation that has a separate governance structure to that of the Council.

2. CURRENT POSITION

The list of Outside Bodies currently requiring elected member representation contains 70+ organisations, which are varied and diverse in their nature, ranging from Internal Drainage boards, Community groups and National Associations. (The list of current outside organisations is contained within Appendix 1)

The current approach for assessing whether outside bodies require elected member representation is informal, with no specific criteria against which to assess or prioritise requests or appointments. As a result the list of outside bodies has grown significantly over recent years. There are currently no specific links between outside organisations and the established corporate priorities, or an assessment linked to funding received by external groups.

A review of the number of Outside Bodies requiring representation was last undertaken in 2011, the aim of the previous review was limited to considering whether or not the list of outside bodies were currently operational, whilst also understanding the number of representatives required to support each of the outside organisations. The review resulted in a small reduction of the number of outside bodies requiring representation.

In terms of the Council's scheme of administration, appointments to Outside Body organisations are agreed through an informal process. Limited information is shared with members prior to the appointment offer, to help inform their decision making regarding whether they wish to represent the Council within the outside organisation, or if they have sufficient time to devote to the appointment. At the time of appointment the duration of the representation is not specific although an informal review is undertaken annually to establish if members are happy to continue in their respective role(s).

The Member Services and Governance Team maintain a list of all appointments in addition to collating information about the role and objectives of each of the Outside Bodies. The Member Services and Governance team are responsible for the content of the Fenland District Council website in relation to Members and as such they record against each individual member which organisations they represent, this is updated as and when required.

At present the Council appoints to 73 Outside body organisations.

Feedback is an excellent vehicle to communicate the Council's involvement in outside bodies to the wider community. It is important for the Council to receive feedback on issues affecting outside organisations where Members are nominated to represent the Council. The current reporting framework has not been prescribed to members and therefore this tends to be informal dialogue. Concerns have been raised by members of the Overview and Scrutiny Committee that the current informal arrangements may not be sufficiently robust or transparent.

3. KEY ISSUES

Outside Body appointments currently fall into four categories

- Statutory outside bodies
- Organisations to which the District Council contributes funding
- Organisations which have a clear link to key objectives outlined in the Corporate Plan
- Organisations which have enjoyed longstanding elected Member representation

It is vital that member representation on outside bodies provides value to the District Council as well as the outside organisation. As such the review team have corresponded with all the current outside organisations to establish whether or not the group remains active, the role of the organisation, the number of elected representatives required, the role of the representative, in addition to establishing the level of commitment required i.e. the number of meetings held per annum. This information also helped the review team to determine the links between corporate priorities and outside bodies requiring representation. The consultation exercise with outside body organisations was largely successful with 47 of the current 73 organisations responding

In addition to communicating directly with the Outside Organisations the review team have also consulted with all elected members to confirm which outside bodies they represent, if any and the number of meetings they are required to attend in relation to each outside body. The team have also requested feedback in relation to the nomination process in addition to requesting information in relation to the feedback mechanism they currently utilise and also asked if they would like to see any improvements in relation to the information flows between the organisations. Members' who currently represent the district Council on outside bodies in addition to those who currently do not, responded to the consultation exercise, although members of the review team were disappointed in relation to the number of members who responded to the request for information in relation to the outside bodies review. Despite the limited volume of feedback, the comments received were extremely informative in relation to gaining an understanding of members' views regarding future potential improvements to the nomination and particularly the feedback process.

From the information received from the consultation exercise the review team have made a number of recommendations in order to achieve the key objectives of the review, which were to: determine the overall representative requirement on outside bodies; establish and reflect best practice in terms of the outside body nomination

and review process; ensure members are informed of the commitment requirement prior to accepting any role within an outside organisation and finally to reflect best practice in relation to reporting mechanisms from representatives on outside bodies, ensuring transparency, timeliness, impact on decision making and accuracy of information.

4.0 RESEARCH RESULTS

In order to ensure the resulting recommendations arising from the Overview and Scrutiny Review were informed and had considered approaches adopted by our near neighbouring authorities, the review team undertook a research exercise which sought the views of our near neighbours in relation to the approaches they have adopted in relation to managing the outside bodies nomination, review and feedback process. This information has helped to consolidate the views of the review team and involved liaison with Cambridge City Council, East Cambridgeshire District Council, Huntingdonshire District Council and South Cambridgeshire District Council.

In summary all of the Councils, outlined above, formalised the outside body nomination process via their respective Cabinet meetings, thus ensuring transparency and accountability. Ordinarily the nomination was for the term of office of the nominated representative, however in all cases, views were sought from each elected member on an annual basis as to the value of the outside body for the respective district/ city council, the level of commitment required and also fundamentally whether or not they were happy to continue in their role on the appointed outside organisation. This approach ensures members have the opportunity to express their views as to the value of the outside organisation but also enables members to confirm on an annual basis if they have the time to continue to devote to the role.

If the annual consultation with members identifies that the outside body no longer represents value to the district/ city council then a recommendation is made to Cabinet suggesting the organisation is removed from the list and therefore no longer requires representation from the district/ city council. This approach ensures the list of outside organisations is subject to ongoing review and is manageable in terms of the representation requirements.

Whilst there was a general consensus of opinion in relation to the nomination and annual review process, the issue of feedback resulted in a significant diversity of approach. Some of the local authorities asked, required a formal feedback mechanism, which had varying levels of success. One of our neighbouring authorities require members, nominated to outside bodies, to complete a brief template, outlining the number of meetings attended and the key issues/ actions arising. This information is then feedback to the corresponding committee, which ensures that the information received back into the district council is relevant and timely, others endorse an informal approach, others request written feedback which when received is published on the associated members' intranet site, although all would agree the informal approach has resulted in a varying level of success.

In addition to liaising with our near neighbours in order to establish their approach to outside bodies, the review team have also liaised with other district councils, county council, London boroughs and unitary authorities in order to appreciate the national picture in relation to this issue. Similarly to our near neighbours, all authorities who took part in the research, formalised the nomination process via their respected Cabinet meetings, all sought member feedback regarding their role in an annual

basis. Every authority asked, reviewed the list of outside bodies on an annual basis to ensure a direct link with the aims and objectives of the organisation, thus ensuring a direct relevance whilst also ensuring the burden on members in respect of outside body commitments was not too onerous. In terms of feedback mechanisms the national picture is as diverse as our near neighbours with no definitive best approach identified.

5.0 REVIEW RECOMMENDATIONS

The review team have identified several areas in relation to outside body organisations which they are keen to make recommendations in relation to, all of which will contribute to the original aims and objectives of the review.

The areas identified as benefitting from recommendations are as follows;

- A specific criteria against which to assess the requests for representation on outside bodies
- The nomination and review process
- The feedback mechanism

Firstly the review team considered the issue of devising a specific criteria against which to assess requests from outside bodies for representation from the District Council. As outlined above the current list of outside organisations is currently in excess of 70+ bodies, as a result the District Council has not been able to fulfil all of these requests in recent years and several organisations have no representation in spite of their requests for support, other organisations have some representation but not the level of representation required.

As such the team recommend that all outside bodies should fall into one of the following criteria in order to receive representation from the District Council in the future

- Statutory outside bodies
- Organisations to which the District Council contributes funding - To ensure that public money is used properly and achieves value for money
- Organisations which have a clear link to key objectives outlined in the Corporate Plan

The review team have considered the number of required representatives to effectively represent the district Council on each of the outside bodies. One suggestion was that unless otherwise stated, organisations which fulfil the recommended criteria should have one lead nominated representative and one substitute. This option would help to reduce the demands on elected members, reduce the potential for duplication i.e. multiple elected members potentially privy to the same information, ensure ownership whilst also enabling the District council to fulfil its responsibilities to outside organisations.

All members of the review team were largely in support of this option however accept that this may represent a potential risk, particularly in relation to the Internal drainage boards. The member representation on Internal Drainage Boards and Middle level Commissioners is directly linked to the amount of levy paid by the District Council. The key role of any member nominated to represent the District council on an

outside body is to influence the organisation and help to secure the best outcomes for Fenland and the District council. Limiting the number of elected representatives on the internal Drainage boards could limit the District council's ability to positively influence these organisations, which is particularly relevant to the internal Drainage boards and Middle level Commissioners as they are all precepting authorities.

As a result of this potential risk, a second option in relation to the level of member representation on each outside organisation was considered. This would involve Cabinet endorsing the level of member representation on a case by case basis as the point of nomination, therefore ensuring representation is kept under review whilst also ensuring the Council is able to effect the maximum influence and positive outcomes for Fenland and the District Council alike.

As a result of the proposed introduction of a criteria against which to assess outside bodies there are a number of organisations currently in receipt of representation from the District Council, which the review team recommend should be removed from the list from the new municipal year.

Those recommended for deletion are as follows:

- Wisbech Indoor Bowls Club
- Fenland Arts Association
- March Twinning Association
- Wisbech Arles Twinning Club
- March Transport group
- Whittlesey Transport Group
- Estover Playing Field Association
- Housing and Sustainable Communities Panel
- March Regeneration Partnership
- Nobel and Grounds Charities

Secondly the review team recommend that the nomination process to outside body organisations should be more transparent than the current informal arrangements. In addition the team agree that appointments representing the District Council should be currently elected members. As such the team agree that all outside body appointments should be a Cabinet Function and confirmed at the first annual Cabinet meeting every year. This will ensure all appointments are within the public domain. In addition the Member Services and Governance Team will continue to refresh the information in relation to outside body organisations on an annual basis including the role of the elected representative and the level of required commitment. This will ensure members are informed about the role prior to accepting the nomination. The role will be allocated for the members' term of office but will be reviewed annually. The views of all outside body representatives will be sought annually to establish the ongoing value of the organisation to the Council in addition to establishing if the elected member is happy to continue. This approach ensures members are engaged in the review process.

The review team also recommend that all remaining outside body representation is reviewed for the new municipal year, starting May 2014.

Finally research into the potential options for effectively reporting back activities from Outside Bodies illustrated that the majority of authorities contacted in relation to this matter, adopted a varying and diverse approach to this issue, however all were keen to achieve a feedback mechanism which facilitated effective information flows.

Any proposed feedback mechanism would have to take account of the Elected Members duty of confidentiality to the Outside Body as outlined in the Councillor Code of Conduct.

In view of the strategic wide importance of appointments to Outside Bodies, regular reporting back, of work undertaken by representatives appointed to these organisations, is encouraged. Having considered all the potential options members of the review team feel that a formal feedback mechanism is the preferred approach as the current informal approach limits transparency. All members agree however that the mechanism although formal should not be too onerous as this approach may not be successfully implemented.

As a result members agree that outside body representatives should complete a brief annual summary (a potential summary template is included in Appendix 2) or alternatively forward onto the Member Services and Governance Team the minutes of the meetings attended, in order that the information can be collated and then fed back to Members of the Overview and Scrutiny Committee in relation to the relevant corporate update. This would ensure the information shared was timely but also directly related to a topic being considered by the panel. The update in relation to outside body issues/ actions would be circulated as an information item, however should members of the Overview and Scrutiny Committee have any questions, the representative could then be invited along to a forth coming information session to take place immediately prior to an Overview and Scrutiny Committee meeting. This approach would facilitate effective communication flows, ensure all representatives are engaged and accountable, facilitate greater levels of transparency than are currently achieved, whilst also ensuring the process is not over burdensome.

6.0 CONCLUSION

Members of the Overview and Scrutiny Committee are asked to consider the recommendations made by the Review Team in relation to adopting a consistent criteria against which to assess requests for outside body representation. This should be implemented in the new municipal year. Members of the panel are also asked to agree the recommended revised approach to the outside body nomination and review process and finally to agree the recommendation in relation to the feedback mechanism from and to outside organisations.

The Overview and Scrutiny Committee are also asked to make a recommendation to Cabinet regarding the preferred option. This will enable the recommended changes to be implemented in April 2014.

APPENDIX 1 OUTSIDE BODY ORGANISATIONS

Please see separate attachment

APPENDIX 2 POTENTIAL OUTSIDE BODIES FEEDBACK FORM

COUNCILLOR:
Meeting Commitment: (e.g. 3 per annum)
Meetings attended: (Date (s))
Details of any topics relevant to Fenland District Council
Matters to be taken forward by Councillor e.g. to be raised at group meeting level or at Scrutiny Committee, cabinet or Council)

Once completed, please return to Member.services@fenland.gov.uk