Nottinghamshire County Council

Report to Governance and Ethics Committee

1 May 2019

Agenda Item: 12

REPORT OF THE MONITORING OFFICER

REVIEW OF OUTSIDE BODIES

Purpose of the Report

1. To consider the outcomes of the review of outside bodies undertaken by the Governance and Ethics Committee cross party working group.

Information

Background

2. At its meeting of 13 June 2018, Governance and Ethics Committee established a cross party working group to undertake a review of the Council's register of outside bodies.

3. The review had originally been requested by Policy Committee, specifically with regard to consideration of the ongoing need for, and relevance of, the Council's involvement with the various bodies and also to monitor the attendance of the Council's representatives (primarily Councillors) at meetings of those bodies.

4. In establishing the working group, Governance & Ethics Committee agreed that the scope of the review should also include the process for making appointments to outside bodies.

5. The working group was made up of Councillors Andy Sissons (Chair), Keith Walker, Nicki Brooks and Rachel Madden. The group met on three occasions in order to undertake the review which was supported by Democratic Services.

Evidence Gathering

6. In order to assess the relevance of the Council's ongoing involvement in the various bodies, the working group requested that officers seek the views of both the organisations and the Council's representatives, using questionnaires. These responses were followed up with telephone conversations where further clarification was needed.

7. It should be noted that questionnaires were not sent to the majority of those organisations owned, partly owned or established by the Council (those organisations listed in **Appendix A**) on the basis that the need for continued representation was already known to be a legal requirement. It should also be noted that responses were not received from all outside bodies.

Categorisation of the various outside bodies

8. The Council's register of outside bodies is an ongoing list which has developed over time and includes a wide range of very different types of organisations. All Councillors attend a number of meetings of outside organisations, such as local community school governing bodies and this is seen as a crucial part of a Councillor's role as local elected member and community champion. However, the register of outside bodies is not intended to cover all such groups and should be primarily focussed upon those bodies where there is a statutory or other legal requirement for Council representation (such as where this is enshrined within an organisation's terms of reference, constitution, articles of association etc.) and / or where the focus of such groups is intrinsically linked with the strategic focus or day to day business of the Council.

9. In order to bring greater clarity to the existing list of outside bodies and to help recognise the different types of bodies and the Council representatives' roles within them, it is proposed to use the following three broad categories:-

- Category A – Organisations which have been established or are owned or partly owned by Nottinghamshire County Council – see **Appendix A**

- Category B – Local or national organisations that are linked to the strategic focus of the Council – see **Appendix B**

- Category C – Local community groups, charities and partnerships whose primary focus is on local community issues.– see **Appendix C**

10. It should be recognised that the categorisation of these groups is a judgement call to some extent and Members' views are welcome on these initial categorisations.

11. A fourth category of groups was also identified from the current list in relation to liaison committees regarding ongoing planning matters, such as the operation of quarries or other industrial plant sites – see **Appendix D**. These groups have been established as a requirement of planning conditions, can often be time-limited by their nature and are attended usually by planning officers and local County Councillors.

12. It should be noted that in responding to the questionnaire, Councillor representatives underlined the importance of these committees and their ongoing wish to be involved with them. It is proposed that these groups should continue to be supported and attended by the Council's Planning team and local elected Members as appropriate but should not be categorised as outside bodies and should therefore be removed from the register.

13. On a similar note, it is proposed that the Nottinghamshire and City of Nottingham Fire and Rescue Authority, the Parking & Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC) and Bus Lane Adjudication Service Joint Committee (BLASJC) should no longer be categorised as outside bodies but instead be dealt with as joint committees. Appointments will continue to be made through the usual committee appointments process at the Annual Council meeting (with any subsequent changes in membership actioned on an ongoing basis throughout the year where necessary).

Relevance of Council involvement

14. In the majority of responses, both the bodies and their Council representatives were in agreement that the Council should continue to be represented.

15. There were a few responses received whereby the bodies and the relevant Council representatives agreed that the Council's involvement was no longer required.

16. There were also several Councillor responses which queried the benefit of ongoing Council involvement in specific bodies, although the bodies themselves were keen to retain representation. In these cases, further work was undertaken to clarify whether Council representation was a statutory requirement and/or enshrined within the organisation's scheme / constitution / articles of association and the working group balanced these aspects within their consideration. During the review a further historical charity whose constitution requires a County Council trustee to be appointed was identified as not currently being on the list and it is therefore proposed to add the Clayworth Educational Foundation to the list of outside bodies.

17. Some bodies requested continued representation but were happy for the nominee to be an officer rather than a Councillor if necessary. However, the resource implications of making any such changes would need to be fully considered.

18. The following bodies are either no longer active or have responded to the survey to state that formal Council representation is not legally required and is no longer needed (although it is recognised that local elected Members may want to continue attending meetings of these bodies as part of their role as County Councillor):-

Body	**Comments**
Age Concern Chilwell	The existing Councillor representative feels that County Councillor representation is helpful but not crucial and confirms that District and Borough Councillors are attending.
Age Concern Eastwood and District	The existing Councillor representative, who is also a Borough Councillor, feels that County Councillor representation in its own right is helpful. Council representation on some branches of this organisation and not others is largely due to historical reasons which has resulted in an inconsistent approach across the County. The Council's Communities Team feels that working relationships with both of these organisations, as with other branches of Age Concern, can be actively maintained through County Council officers. The local County Councillors would still be able to attend meetings of the body if they thought this would be helpful to the organisation and themselves in undertaking their local elected Member role.
Cotgrave Strategic Board	This Board is now defunct and therefore needs to be removed from the register.
Community Safety	As part of the review it has been clarified that elected Members at a

Partnerships (CSPs) – Bassetlaw, Newark & Sherwood / Mansfield & Ashfield / South Notts	County level are not formally represented on the District / Borough area CSPs, unlike District and Borough Councillors. In a two tier authority such as Nottinghamshire, the County Council may appoint representatives to the county level group (that is, the Safer Nottinghamshire Board), which is chaired by the County Council's Chief Executive. Historically, some County Councillors have received invitations to attend CSP meetings but these have been ad hoc arrangements made by the host Borough / District Council. County Council officers attend each of the District / Borough area CSP meetings to enable the County Council to fulfil its statutory requirements and such attendance will continue. In light of this clarification, it is proposed that the CSPs be removed from the register of outside bodies and the Safer Nottinghamshire Board be added to the register in their place. It is also proposed that the existing County Council representation be retained, with the Chief Executive continuing to Chair the Board and the elected member with lead responsibility for community safety (Councillor Handley currently) continuing to be invited to attend. For information, the Board's operating arrangements, including membership, was last reviewed in August 2016 and is due to be reviewed in 2019 as part of the development of a new Partnership Agreement.
Family Care	This body is now defunct and therefore needs to be removed from the register.
NET Partnership Board	This Board is no longer active. If the Board is re-established in the future then the County Council will be contacted to make fresh appointments as appropriate.
Rushcliffe Borough Council - Cotgrave Local Growth Board	This Board is now defunct and therefore needs to be removed from the register.

19. The following bodies do not legally require Council representation and the existing Councillor appointees have recommended that the Council no longer be formally represented:-

Body	**Comments**
Bassetlaw Public and Third Sector Partnership	This is essentially an officer partnership group, attended by representatives from the Police, Health and relevant community and voluntary organisations., with no Councillor representation currently. The County Council will continue to be represented by relevant officers at the Partnership's meetings but it is proposed that the organisation no longer needs to be included in the register of outside bodies.
Campaign to Protect Rural England Nottinghamshire	It is proposed that the Council will continue to link in to this national organisation as appropriate, through relevant officers being included in mailing lists etc. rather than attending meetings.
Hucknall Partnership Group	The Councillor representative on this body is newly appointed and has limited experience of the group. The previous Councillor

	representative underlines that he already had regular contact with the people involved in the Partnership through his role as the local elected Member and therefore does not believe that this needs to be an ongoing formal appointment. The organisation is keen to retain links with the Council to assist in sharing information and receiving advice and support. The local County Councillor would still be able to attend meetings of the body if they thought this would be helpful to the organisation and themselves in undertaking their local elected Member role.
Local Government Information Unit (LGIU)	The LGIU is the largest independent local authority membership organisation in the country. As a member, the County Council is entitled to send representatives to an annual Member Assembly. However, we are not aware that the Council has attended such meetings in the past and there are no plans to send Members to future meetings. Therefore it is proposed that the Council should continue to subscribe to be a member of the LGIU without appointing formal representatives for the sake of this annual meeting.
Mid Nottinghamshire Alliance Leadership Board Mid Nottinghamshire Alliance Operational Oversight Group	Remove from the outside bodies register - as part of the evidence-gathering for this review, it has been clarified that Policy Committee agreed on 13 July 2016 that the Councillor appointments to this Board and the Operational Oversight Group be replaced with officer appointments (the Corporate Director for ASCHPP and the Service Director for Mid-Nottinghamshire respectively). The Council will continue to input into both groups (although it is understood that the Operational Oversight Group has not been active of late) with officers continuing to attend and briefing elected Members as appropriate. In light of this it is proposed that both bodies be removed from the outside bodies register.

20. With regard to Samworth Church Academy, the existing Council representative is appointed as a Governor, just as many other County Councillors are also appointed as Governors at local Academies. It is proposed that this body be removed from the outside bodies register to ensure a consistent approach is being taken. The Academy are aware of this proposal and have raised no concerns.

21. It is therefore recommended that the Council now end its formal representation on the bodies listed at paragraph 18 and 19 and that these bodies be removed from the register (N.B. any bodies recommended for removal from the register are highlighted in bold font in **Appendix B and C**).

Information on the work of outside bodies

22. As part of the review, further thought was given as to how information can be fed back to the Council about the work of each of the outside bodies. It is felt that the best means of doing this would be for information to be brought to the most appropriate Council Committee for the outside body in question. The lists attached at **Appendix A - C** specify the most relevant Committee. Again there is a degree of judgement involved and Members' views are welcome

on these initial judgements. There will also be ongoing scope for some flexibility depending on the issues in question.

23. In light of the fact that Committee agendas are already very full, it is proposed that such reporting should be by specific request of the Committee, with such requests made largely on a 'by exception' basis, for example where concerns have been expressed or where there is a particular issue which is relevant to a Committee's current focus. Such requests for information can be raised by Members through work programme discussions. The relevant outside body's Council representative would be expected to provide the information when requested with sufficient notice, working in conjunction with the outside body as appropriate.

24. If a committee has concerns about a specific outside body and the Council's ongoing involvement, these concerns will be referred to Policy Committee as appropriate.

Attendance of Council representatives at meetings of outside bodies

25. The questionnaire responses from the bodies themselves highlighted no concerns about specific appointed representatives not attending meetings. The responses from Councillors highlighted that some bodies are not holding regular meetings or sharing dates of meetings, either at all or with sufficient notice to enable attendance. Contact details for representatives will be reiterated to the relevant bodies to encourage the sharing of meeting dates well in advance.

26. It is proposed that if concerns were ever to be raised about a Councillor consistently failing to attend meetings for which sufficient notice had been received, then those concerns should be discussed with the relevant Group Business Manager/s so that discussions can be held with the relevant Councillor and consideration given to changing the Council's representative if felt necessary. If the Council's representative in question is an officer then such concerns will also be shared with the relevant Line Manager.

27. The number of Councillor appointments for specific bodies (Lambs Charity, Scape Group Limited and SACRE) was queried by Councillors within their questionnaire responses. Scape Group Limited has subsequently confirmed that the Council is required to appoint one Director (Cllr Adair currently) and can also appoint one alternate Director to deputise (currently Councillor Richard Butler). Further clarification will be sought as to whether the number of Councillor appointments to the Lambs Charity and SACRE can be reduced but this may not be possible if the numbers are requirements of the bodies' constitutions.

Process for adding or removing outside bodies to the register

28. The decision to add or remove outside bodies from the register is currently a decision of Policy Committee. This results in frequent individual reports to Policy Committee and a streamlined process would therefore be preferable.

29. As an alternative approach, it is proposed that a six monthly update report be brought to Policy Committee to confirm the latest version of the outside bodies list and to seek approval or endorsement of any changes that have occurred in the reporting period.

30. It is also proposed that a delegation be made to the Team Manager, Democratic Services, in consultation with the Monitoring Officer, to categorise any new outside bodies and to add

Category B bodies to the register. The delegation is limited to Category B bodies on the basis that it is recognised that the addition of Category A bodies to the outside bodies list will normally form part of any reports establishing such bodies. It is also recognised that the inclusion of Category C bodies, due to their nature, will not normally require an urgent decision and can therefore be included within the regular six monthly update.

31. The removal of any category of outside body will continue to be a decision for Policy Committee and will also be included within the six monthly report, again on the basis that the removal of an outside body will not normally require immediate action.

Process for making appointments to outside bodies

32. The existing process for making appointments to agreed Outside Bodies is for the Ruling Group's Group Business Manager to arrange these, in consultation with the Group Business Manager of the relevant opposition group/s where appropriate.

33. It is recognised that this process has proven to be effective and efficient. It is therefore proposed that this approach should continue in the future for all categories of outside bodies and that this arrangement be formalised as part of this review.

Other Options Considered

34. In drawing its conclusions, the working group considered different options.

Reason/s for Recommendation/s

35. Policy Committee requested the Governance and Ethics Committee to review the Outside Bodies process.

Statutory and Policy Implications

36. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

37. There are no direct financial implications arising from this report.

RECOMMENDATION/S

That Governance & Ethics Committee endorses the following recommendations of the working group for approval by Policy Committee:-

a) That the approach to divide the various types of organisations within the Outside Bodies register to three categories be agreed, with Members' views welcomed on the initial categorisation of each of the bodies.

b) That the various Planning Liaison Committees continue to be attended by the relevant Councillors and Planning officers and continue to be supported by the Planning team but that such committees be removed from the Outside Bodies list together with the outside bodies listed at paragraphs 18 and 19 and denoted in bold font in Appendix B and C.

c) That the Safer Nottinghamshire Board and the Clayworth Educational Foundation be added to the register of outside bodies and the relevant formal appointments be made by the Ruling Group's Group Business Manager.

d) That the proposed approach for sharing information about outside bodies with relevant committees be agreed, with Members' views welcomed on which are the most relevant committees for each body and that each committee be informed of the relevant outside bodies and their representatives which come within their remit, to enable information to be requested from the Council's representatives on specific bodies as and when required.

e) That any concerns raised about a lack of attendance by Councillor representatives at meetings of any outside body in the register be raised with the Ruling Group's Group Business Manager and the Group Business Manager of the relevant Councillor as appropriate.

f) That further clarification be sought as to whether the number of Councillor appointments can be reduced on the Lambs Charity and SACRE.

g) That the proposed process for adding or removing outside bodies to the register, as detailed in paragraphs 28-31, be agreed and authority be delegated to the Team Manager, Democratic Services, in consultation with the Monitoring Officer, to categorise any new outside bodies and to add Category B bodies to the register.

h) That appointments to any outside bodies included in the register continue to be made by the Ruling Group's Group Business Manager, in consultation with the Group Business Manager of the relevant opposition group/s where appropriate.

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Constitutional Comments (SLB – 16/4/19)

38. Governance and Ethics Committee is the appropriate body to consider the content of this report.

Financial Comments (RWK – 16/04/2019)

39. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Responses to Questionnaires to Outside Bodies and Council representatives

Electoral Division(s) and Member(s) Affected

- All