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| Meeting: | Cabinet |
| Meeting date: | 27 July |
| Title of report: | Review of appointments to outside organisations |
| Report by: | Cabinet member economy and corporate services |

Classification

Open

Key decision

This is not a key decision.

Wards affected

Countywide

Purpose

To agree a policy for appointments to outside bodies.

Recommendation(s)

THAT:

- (a) **the draft policy for appointments to outside bodies at appendix 1 be approved; and**
- (b) **having regard to that policy and the outcome of the recent consultation the council no longer make appointments to the following outside bodies:**
- The Courtyard Board Ltd
 - Jarvis Educational Charity
 - Kington Tourist Group
 - Leominster Area Regeneration Company (LARC) Development Trust
 - Leominster Museum Committee
 - Leominster Udenominational Educational Charity
 - Ross Charity Trustees
 - Shopmobility Hereford
 - Shopmobility Leominster
 - Three Choirs Festival
 - Coppett Hill Trust
 - Encore
 - Herefordshire vision links
 - Welcome to our future, and
 - West Midlands Reserve Forces and Cadets Association

Alternative options

- 1 The alternative option is to maintain current practices. This is not felt to be satisfactory. Membership of an outside body brings into play different considerations to those which relate to council membership. As members of outside bodies, elected members will have different duties, obligations and liabilities depending upon the type of organisation involved. Members' roles on these outside bodies may appear to conflict, sometimes with each other, and sometimes with their position as a Herefordshire Council councillor. This can be eased by giving clear guidance, which the draft protocol provides. Representation also has a small cost implication to the authority for member's attendance and officer time on those outside bodies that fall outside of the county.

Reasons for recommendations

- 2 To provide a transparent framework for deciding which bodies the council will make appointments to, and clarity about the roles and responsibilities of those individuals appointed by the council to any outside body.

Key considerations

- 3 The council may nominate individuals, as representatives of the council, to serve on external organisations referred to as outside bodies. Some appointments are required by statute, some are directly linked to the discharging of executive responsibilities, and other appointments are by invitation from a particular organisation.
- 4 Historically the council made appointments to almost 150 bodies. Over time the number of appointments has reduced. The reasons for these appointments vary to a considerable extent. They range from appointments which enable the council's voice to be heard at a national or local level to appointments which are made for largely historical reasons (with questionable benefit to the council). On a number of occasions, members are approached by an organisation in their capacity as local representatives rather than because the involvement of the council is being sought. There is no existing policy to guide the assessment of new requests for appointees and there has been no review of existing outside bodies to assess the appropriateness of continued council representation on outside bodies.
- 5 It is recommended that a policy be adopted to guide future identification of bodies to which the council will make appointments. The proposed policy is attached at appendix 1.
- 6 A review of appointments has been carried. This sought the views of council appointees and of each outside body about the relevance and added value of continued council representation. In addition, officers sought to review how closely those outside bodies aligned with the draft policy criteria (noted in 5 above). The general findings of the review are summarised as follows:
 - Almost all organisations valued the link with the council and almost all council representatives considered the link with the organisation to which they were appointed to be valuable.
 - The majority of appointments that remain are now required by statute.
 - There were very few areas where continued representation was questioned either by the organisation or representatives.
 - Feedback arrangements are ad hoc. Representatives feed back when they

consider it necessary, generally via an officer. However, a council officer is not clearly identified as a contact point for each outside body.

- The notification to organisations and appointees of appointments to ensure a smooth transition should be improved and appointees should be consulted on whether they wish to accept an appointment.
- Consideration should be given to handover arrangements when a representative's term of office comes to an end.
- Some training on taking up an appointment would be helpful in some cases.
- There was a general lack of understanding, by members and officers, about the criteria attached to making appointments to outside bodies.

7 Appendix 2 presents the list of outside bodies which members are currently appointed to. Cabinet members are advised that this list is not fully complete. There may be additional outside bodies that the council appoints either a ward member or an officer to. The democratic services team will undertake a further review to ensure that a complete list of outside bodies is established. If cabinet agree to the draft policy on council representation on the bodies (Appendix 1) – democratic services would apply those policy criteria to any additional outside bodies identified as part of this secondary review.

8 Taking into account feedback provided during the recent review and applying the criteria in the draft policy (which is subject to cabinet approval) it is proposed that appointments are no longer made to the following bodies:

| Body | Justification |
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| <p>The Courtyard Board Ltd <i>To oversee the management of the Courtyard, Hereford.</i></p> | <p>Does not accord with the criteria. Representatives of the council are observers to the board only; HC funding now withdrawn. No need for formal appointment to the body, Councillors can continue as observers on the board through invitation from the Courtyard. To note – Council representatives were split in their opinion – one questioned the value of continued attendance due to observer status. The other believed that as an important local partner, particularly in the bid for city of culture, it is essential to maintain membership. The response from the Courtyard was that the relationship with the Council was valued and that well-informed representatives on the body enhance the relationship.</p> |
| <p>Jarvis Educational Charity <i>The Charity is established to promote education in the Parishes of Staunton-on-Wye, Bredwardine & Letton.</i></p> | <p>Does not accord with the criteria. Local organisation. No response to previous requests for information. No need for formal appointment to the body, the Council representative can continue at the invitation of the group. To note – Response from current representative on body, requested a further enquiry at a later date to allow greater time to assess the benefit to the Council and benefit to the organisation of outside body appointment.</p> |
| <p>Kington Tourist Group <i>To promote tourism in Kington and manage the tourist information centre.</i></p> | <p>Does not accord with the criteria. Local organisation, local member content that it forms part of his local role. No need for formal appointment to the body, the Council representative can continue at the invitation of the group. To note - Local ward member is actively involved. Considers himself to serve as</p> |

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| | local ward member and that representation can be conducted in that capacity |
| <p>Leominster Area Regeneration Company (LARC) <i>Charity involved in the preservation of buildings or sites of historical or architectural importance, in particular the building known as Grange Court.</i></p> | Does not accord with the criteria. Local member role, Grange Court has been renovated and is now operating commercial lettings. No need for formal appointment to the body, the Council representative can continue at the invitation of the Trust. |
| <p>Leominster Museum Committee <i>Responsible for the improvement, repair and equipping of Leominster museum.</i></p> | Does not accord with the criteria. Local member role, the Council representative is very supportive of the body and membership can continue at the invitation of the museum. No need for formal appointment to the body. To note – the current representative considers representation is important: ‘the museum contributes hugely to the local economy, adding to the attractions on offer for residents and for visitors, and HC aspires to a strong local economy.’ |
| <p>Leominster Udenominational Educational Charity <i>Charity supporting bids from local feeder schools to the Minster College for resources to benefit the entire student body.</i></p> | Does not accord with the criteria. Local member role, disbursing a small amount of money to feeder schools for Minster College. No need for formal appointment to the body, Council representatives can continue by invitation of the charity. |
| <p>Ross Charity Trustees <i>Charity providing accommodation for the disadvantaged of Ross. Involved in the sale of unused land to provide capital to purchase property to lease at low rent.</i></p> | Does not accord with the criteria. Local member role, some confusion on the part of the charity who the representative is, no mandatory requirement on the part of the charity for an HC representative; the charity’s constitution refers to South Herefordshire District Council. No need for formal appointment to the body, the Council representatives can continue at the invitation of the charity. To note – the current representative was content with the proposals that the charity invite a ward member to serve. |
| <p>Shopmobility Hereford <i>A registered charity based in Hereford providing mobility aids to visitors with mobility issues.</i></p> | Does not accord with the criteria. Local member role, no funding from HC. No need for formal appointment to the body, the Council representatives can continue at the invitation of the charity. |
| <p>Shopmobility Leominster <i>A registered charity based in Leominster providing mobility aids to visitors with mobility issues.</i></p> | Does not accord with the criteria. Local member role, no funding from HC. No need for formal appointment to the body, the Council representatives can continue at the invitation of the charity. To note – the current representative states that ‘shopmobility provides a huge service to the town, its residents and visitors. As HC has the interests of the community at its heart, Shopmobility is of considerable importance to HC.’ |
| <p>Three Choirs Festival <i>A limited company which manages and arranges a choral festival on a rotational basis in the cathedrals of Gloucester, Hereford and Worcester.</i></p> | Reason for removal: Local member role, limited role for the HC representative on the body. Associate board member role would be more appropriate, at the invitation of the body. To note – the current representative suggested that a lot of the discussion was irrelevant and an associate board member would be appropriate, in essence, to be invited only when there is an item on the agenda that would require input. |

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| <p>Coppett Hill Trust <i>The Coppett Hill Common Trust owns and manages Coppett Hill Common, it is a limited company founded in 1985.</i></p> | <p>Does not accord with the criteria. Local in scope, more appropriate for inclusion within the role of the local ward member. Councillors can continue at the invitation of the Trust. To note – the Council's current representative advocates that representation should be maintained as this is the largest local nature reserve in the county. It is located at the extreme south of the county where the council is seen as largely absent.</p> |
| <p>Encore (Herefordshire Music Education Hub) <i>Social Enterprise (Community Interest Company)</i></p> | <p>There is no requirement for a Councillor appointment but it is an expectation that there is representation on the hub board (Councillor or Officer) as a lot of the work of the hub board is funded by the Department for Education. It is compulsory (DfE & Arts Council England) to have Music Education Hub Board as part of funding. Every LA area should have one and the majority of these have LA representation.</p> |
| <p>Herefordshire Vision Links (Herefordshire Association for the Blind) <i>Charity</i></p> | <p>This is, essentially, a contractual arrangement managed by officers.</p> |
| <p>Welcome to Our Future <i>Charity and Limited Company</i></p> | <p>Member involvement is not a requirement and there is no benefit directly to the Council. Beneficiaries are community groups when grants are made with between £100-£150k per annum being accessed for Herefordshire organisations. Impetus, through the loans to SME's scheme has existing officer support to assist SMEs through the application process. Given dual hatted role of current member, removal potentially allows influence to remain.</p> |
| <p>West Midland Reserve Forces & Cadets Association</p> | <p>The military covenant is addressed though Herefordshire Councils involvement with the civilian military task force. Arguably, this may be a controversial decision to take, given the county's strong military links. The Association is concerned with the morale and welfare of the TA and Cadet forces and in particular the personal administrative problems which face them as Members of a civilian community who serve part time in the armed forces in peace. The Association is well placed to identify these problems and to represent them to the MOD and to other authorities as necessary. Supports work in respect of the military covenant.</p> |

- 9 Guidance for those appointed has also been drafted (at appendix 3) to ensure that appointees understand the extent of their role and that effective communication is maintained with the council.

Community impact

- 10 The adoption of a clear policy for appointments and guidance for those appointed ensures the council is open and transparent in its decision-making in accordance with the adopted code of corporate governance.

Equality duty

- 11 The Equality Duty 2010 has 3 aims (general duty)

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and those that who do not.
- 12 The Public Sector Equality Duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying “due regard” in our decision making in the design of policies and in the delivery of services.
- 13 As this is a decision in regards to appointments to outside organisation we do not believe that it will have an impact on our Equality duty

Financial implications

- 14 There is some financial implication linked to this decision. No allowances are paid by Herefordshire Council to individuals appointed to outside bodies. The council will not pay travel or subsistence expenses for individuals appointed to outside bodies where they are entitled to claim such expenses from the body to which they have been appointed.
- 15 Where an individual is appointed to an outside body and is not entitled to claim travel or subsistence expenses from that body, Herefordshire Council will pay expenses for travel to and subsistence at meetings of that body which are held outside the county and where the appointment is part of a cabinet member responsibility or officer duty in accordance with the member scheme of allowances or officer terms and conditions. Legal implications
- 16 The council is only required to make an appointment to an outside body where required by law. Such bodies are identified in appendix 2. All other appointments are discretionary and can be decided based upon the reasonable considerations in the policy.
- 17 Any appointment or revocation is delegated to the chief executive in accordance with the constitution in the functions section 3.2.15(b).

Risk management

- 18 Non-representation on certain bodies may mean having no voice in the way the organisation is run which may reputationally have an adverse effect on the council should there be any criticism.
- 19 Maintaining membership of these bodies will mean the requirement for attendance at meetings of members, drawing their time resources away from other work.

Consultees

- 20 A survey was undertaken of organisations where it was considered the council might be able to exercise some discretion as to whether to make an appointment and over the number of appointments. Members appointed to those organisations were also asked to complete a survey. The survey did not include appointments to school governing bodies; appointments in connection with executive functions; and appointments to joint committees.

- 21 Political group views were sought from group leaders. The Independents' view was that representation should be retained on the Courtyard due to the city of culture bid, and Halo due to previous council funding. The Green group expressed concern that the council appeared to be withdrawing from community groups and the Liberal democrats expressed similar concerns about potential loss of formal links with some key countywide organisations. 'It's Our County' emphasised the benefits involvement of members in outside bodies could have in developing positive relationships with the council and the benefits brought to outside bodies by individual members with particularly relevant skills.
- 22 The policy provides for individual members to take on community roles in their own right, thus ensuring that links between the council and the community can be maintained at an appropriate level and that outside bodies may benefit from the involvement of members with particularly relevant skills or interests. The council maintains relationships with key countywide bodies, such as HALO and the Courtyard, or initiatives such as the City of Culture bid through a range of other mechanisms including formal and informal partnerships, legal agreements or service delivery contracts and the proposed policy seeks to identify where additional engagement through the appointment of an individual to the outside body, would be beneficial to achievement of the councils priorities.
- 23 Political group leaders also expressed concern that some outside bodies' governing documents required them to include a council representative on their boards and not making an appointment may leave such organisations in difficulty. It is suggested that if the recommendations are accepted and a group with a constitutional requirement for a councillor representative is no longer on the list of approved outside bodies, the organisation is provided with advice on amending its governing documents as necessary.

Appendices

Appendix 1 - Draft: Policy on council representation on outside bodies

Appendix 2 - List of appointments to outside organisations

Appendix 3 - Guidance for council representatives on outside bodies

Background papers

- None identified.