

Crawley Borough Council

Minutes of Review of Outside Bodies and Organisations Scrutiny Panel

Wednesday, 28 March 2018 at 6.00 pm

Councillors Present:

C A Cheshire (Chair)

M L Ayling, R G Burgess and R S Fiveash

Officers Present:

Heather Girling Democratic Services Officer

Anthony Masson Senior Planning Officer

Ian Warren Senior Planning Officer

Apologies for Absence:

Councillor A Pendlington

Chris Pedlow Democratic Services Manager

1. Disclosures of Interest & Whipping Declarations

No disclosures or whipping of interests were made.

2. Minutes

The notes of the meeting of the Review of Outside Bodies and Organisations Scrutiny Panel Committee held on [22 February 2018](#) were approved as a correct record and signed by the Chair.

3. Witness Sessions

The Panel had invited Link Officers to attend the meeting to help inform their investigation. Anthony Masson and Ian Warren from the Council's Planning Department provided information on the role, the support services provided together with the work carried out with the appointed Member(s) throughout the appointment to the Outside Organisations and the Organisations themselves.

Both officers work was planning based, and for the purposes of the scrutiny panel was in connection with the Conservation Area Committees where there was a historic or architectural interest or if there were comments required on a planning application. The majority of the committees were independent but worked with the council. Attendance by councillors tended to be by Ward members. With regards to the role and responsibilities, it was made clear that the officers do not attend every meeting

and only do so if there is a specific issue or item of concern. However if/when a new Conservation Area Committee is established greater attendance may be required at the outset purely to assist in the arrangements and to provide guidance. It was confirmed that the officers act as advisors as the Councillors tend to have the local knowledge and provide the conduit between the council and the Committee.

Panel Members were of the view that the officers' roles should be advisory and the councillors nominated to outside organisations should be the conduit (link member) and assist the organisation with providing links to other services within the council should other queries arise.

The Scrutiny Panel welcomed the update and the Chair thanked the Officers for their contribution and attendance at the meeting.

Craig Downs (Funding and Commissioning Officer – CBC), whilst not able to attend the Panel meeting had provided a briefing note on the above, together with information relating to the grants process. It was acknowledged that the role of the Link Officer was advisory and assisted in enabling communications between the council and outside organisations or voluntary/community sector.

Panel Members identified that it was paramount for the nominated councillors to be the link between the organisation and the council. A discussion took place as to whether the term 'Link Member' would be preferred. However it was noted that depending on the capacity served on an outside organisation, an individual councillor will represent that organisation. As a result it was determined that the term 'Nominated Member' should remain. Furthermore, it was discussed whether the term 'Link Officer' was still valid, given that the role is advisory and the councillor should be dealing with the majority of enquires, thus further supporting the evidence provided at the witness session. The term 'Link Officer' is a well-known and used term and whilst the responsibilities may have altered it would be reasonable to continue its use.

4. Information and Evidence

Panel Members discussed the recent consultation exercise undertaken with Councillors, Link Officers and Outside Organisations, together with the analysis of the results.

It was evidenced that many responses linked the nomination of outside organisations to the receipt of community grants. It was highlighted that this was a misnomer. The nomination of Councillors to Outside Organisations should not be undertaken based on the provision of, or the scrutiny of, the council awarding a Community Grant.

The provision of Community Grants is specifically administered by the Funding and Commissioning Officer within Community Development and applies stringent terms and conditions. Organisations awarded funding are required to sign a standard funding agreement, which includes certain undertakings - which includes providing regular detailed monitoring reports on the use of any funding within a specified period. The Grants Process is audited through the council's Internal Audit. This is included in the Internal Audit Plan, submitted to the Audit Committee.

Referring to the consultation analysis, it was clear that there were inconsistencies with regards to the survey responses.

At the time of writing, 7 responses had been received from outside organisations. This response was low and other local authorities had been stringent in their

approach to reviewing appointments to outside organisations. In some cases, it had been recommended that where a response was not received an appointment was no longer made by the Council. It was noted that responses were also still outstanding for councillors. Consequently the Panel discussed an option where if a response was not received from both the organisation and related nominated councillors to propose that an appointment is no longer made. It was however felt that this may be too strict an approach.

The majority of those responses received from the outside organisations were positive in terms of the current relationship and how well this had worked over the last 12 months.

At the time of writing, 11 responses had been received from Link Officers, one of whom also responded to say that they did not know which organisations they were a Link Officer for.

Whilst 81% (9) of the respondents receive agendas for the meetings, only 27% (3) regularly attend the meetings. This supports the information provided at the witness sessions by the Planning Officers that officers only attended where there was a specific need.

With reference to the responses from councillors, 36 surveys remain unreturned. It was noted that based on the 20 responses received, only 55% correctly identified their Link Officer.

There was a mixed response in terms of 'adding value' to the council. 75% (15) of councillor responses had positive comments regarding the process. It should be noted that 2 respondents included inaccurate reference to the Community Grants process.

More alarmingly, following the analysis that had been completed it was clear that councillors were unaware or unsure of the capacity in which they serve on the various outside organisations. When comparing and contrasting the results from the organisations along with those from councillors nominated for that organisation it was apparent that the majority of councillors were not clear, or misunderstood the role.

Out of the 7 responses received from the outside organisations, 4 councillors answered that they did not know in which capacity they served, whilst only 3 councillors correctly identified the capacity. This potentially has implications with regards to voting rights and liabilities. Where an organisation stated that the nominated councillor would serve as an observer, 1 councillor correctly identified this to be their role, however another response incorrectly identified that they would be a committee member. This could prove problematic if the councillor believes they serve in a decision-making capacity.

Interesting, when comparing the responses to the individual councillor's Register of Interest forms on the website, these had the correct organisations documented and yet survey responses were still inaccurate. One organisation stated that the nominated councillor would be a trustee; the councillor's survey response stated that they did not know in what capacity they would serve and yet in their Register of Interest form documented the organisation as a 'Trustee Board'.

Panel Members also discussed responses to specific organisations. Ward Councillors tended to be nominated to Conservation Area Committees. Some survey responses had indicated that the committees provided a way of being aware of activities within the ward. As documented via the witness sessions, the purpose of

the Conservation Area Committees was planning based and dealt with historic and architectural interests or if there are comments required on a planning application. Panel Members agreed unanimously that Conservation Area Committees should be removed as outside bodies and the nominations to attend should be updated as 'Ward Councillor(s)'.

Furthermore, the Panel discussed those groups where it was felt there may be no need for an official council nomination. The councillor would not serve on the body as a representative of the council but through a natural interest in local activity and the group would be removed from the official outside bodies list. A 'Friends Group', by default was resident led or by voluntary group. The largest park in the town has councillor attendance but not in a nominated councillor capacity and councillors can still become a 'Friend' through other ways. There was strong support to remove 'Friends Groups' from the outside bodies list as there should be no need for formal councillor representation. A councillor can continue to liaise and provide guidance as part of their consistency duties or attend independently.

As a result of the evidence collated, Panel Member highlighted the requirement for councillors to be better informed regarding the outside organisation to which they are appointed. Additional information relevant to the outside organisations would assist councillors in completing the nominations at group meetings. A detailed information sheet could be compiled by Democratic Services as part of the nomination process. It was also agreed that the updated Legal Implications document would prove beneficial.

As a result of the discussions it was recognised that improvements could be made to the current process.

RESOLVED

That an information sheet be prepared relevant to the outside organisations to assist councillors in agreeing nominations at group meetings.

That it be highlighted that the nomination of councillors to outside organisations is not predicated on their receipt of a Council grant or the need for scrutiny of its use, due to the stringent monitoring already in operation.

That the Legal Implications document be updated.

That Conservation Area Committees could be removed from the official list of outside bodies as the nominations to attend should be 'Ward Councillor(s)'.

That 'Friends Groups' could be removed from the official list of outside bodies list as the Panel agreed that there is no need for formal councillor representation.

5. General Updates and Further Meetings

The Panel considered whether criteria should be applied for the determination of outside bodies to which an appointment is to be made. Other authorities had applied criteria such as:

- The proposed appointment was a statutory requirement.
- The proposed appointment would contribute to the aims and objectives of the council's priorities.
- The proposed appointment would add value to the council's activities.

Panel Members discussed the above in connection with the survey results as to whether the nominations to outside organisations 'added value' to the council. Whilst the response rate was low (36 surveys unreturned), 75% were positive towards the nomination adding value. It was agreed that applying criteria was not pertinent at this time.

A future meeting of the Panel would take place after the Council AGM and 12 June 2018 was provisionally allocated.

6. Preparation of Report

The Panel discussed the preparation of the report. It was agreed that a draft report would be compiled incorporating the proposals as discussed and agreed. The report would be circulated in advance of the proposed meeting to enable comments to be incorporated into the final version for a meeting of the Overview and Scrutiny Commission in June.

Closure of Meeting

With the business of the Review of Outside Bodies and Organisations Scrutiny Panel concluded, the Chair declared the meeting closed at 8.05pm.

C A Cheshire
Chair