

From: Tristan Godfrey, Senior Governance Manager
To: Selection and Member Services Committee – 29 June 2023
Subject: Outside Bodies: Review
Status: Unrestricted

1. Introduction

- a. As elected representatives, Members are formally appointed to formal Committees and Sub-Committees of the Council, Cabinet Committees, other Authorities, Joint Committees, Partnership Bodies, and Outside Bodies.
- b. This Committee has a different role in relation to each of these. It has oversight of the Committee structure as a whole; and it can make recommendations as and when necessary, on political proportionality as it applies to other Authorities, Joint Committees, and Partnership Bodies, usually when there has been some change to the structure of these.
- c. It is only to Outside Bodies that this Committee has the power of appointment. This does not include appointments to Outside Bodies made by the Leader of the Council where Executive functions are concerned.

2. Outside Body Review

- a. The current list of Outside Bodies has developed over time. The requests for appointment have come from different places and for different reasons. In some cases, there may have originally been direct support offered by the relevant directorate. In a small number of cases, it is possible for the Committee to appoint individuals who are not Members.
- b. As time has passed and the context in which each Outside Body appointment is made has changed, it is an appropriate time to review the list prior to the next election.
- c. As part of the review, we will contact the Outside Bodies and make sure we have the correct basic information – name and purpose of organisation, contact details. We will ask for information to enable each Outside Body to be clearly categorised according to the following key questions:
 - a. The basis for the appointment:
 - i. The nomination is a requirement of statute and/or the Trust Deed of a registered charity.
 - ii. The body requests such a nomination but there is no requirement upon the Council to do so.
 - b. The nature of the role to be undertaken:
 - i. The appointee is to represent the views of the authority and to speak on its behalf.

- ii. The appointee is to represent the best interests of the Outside Body to which they have been appointed.
- d. The results of the review will be brought back to this Committee. Where there is no mandatory requirement to make an appointment, the Committee will be asked to make a decision on whether to keep making the appointment in the future.

3. Outside Body Protocol

- a. It is increasingly the practice at other authorities to agree an Outside Bodies Protocol (which may go by different names). This sets out the approach taken by the authority to Council appointments. Alongside the review, a Protocol for KCC appointments will be drafted for consideration by this Committee. It will provide clarity in terms of the following:
 - i. Making a distinction between appointments required by statute (or other formal direction) and those where the Council has discretion.
 - ii. Where the Council has discretion, what criteria will be considered before adding to the list of Outside Bodies and/or making an appointment.
 - iii. The different purposes for which an appointment is made.
 - iv. The narrow circumstances in which it is possible to appoint an individual who is not an elected Member at the time of appointment.
 - v. The need to be clear on the responsibilities the role entails, along with any potential legal and financial obligations.
 - vi. The process for regular review of the list of Outside Bodies.
- b. As indicated above, there is a legal and reputational risk to the Council where appointments are made without a clear understanding of the potential obligations, as well as potential risk to the person appointed. The Protocol will aim to minimise this risk.

4. Appointments to Other Authorities, Joint Committees, or Partnership Bodies

- a. For clarification, the term Outside Bodies does not include the other Authorities, Joint Committees, or Partnership Bodies to which the Council makes appointments after each election. These are as follows:
 - i. Kent and Medway Fire and Rescue Authority.
 - ii. Standing Advisory Committee on Religious Education.
 - iii. Kent and Essex Inshore Fisheries and Conservation Authority.
 - iv. Kent and Medway NHS Joint Overview and Scrutiny Committee.
 - v. Pension Board.
 - vi. Adoption Panels.
- b. This has been set out for the avoidance of doubt as to whether or not these come under the remit of this Committee. The list of Outside Bodies on the kent.gov.uk website will be restructured to make this distinction clearer.

5. Recommendation

The Selection and Member Services Committee is asked to:

- a. Comment on the proposal to review the list of Outside Bodies appointments made by this Committee.
- b. Request that the outcome of this review, and a draft protocol, be presented to this Committee at the conclusion of the review.

6. Background Documents

None.

7. Report Author and Relevant Director

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