

FALKIRK COUNCIL

Subject: SCRUTINY PANEL – APPOINTMENT OF ELECTED MEMBERS TO OUTSIDE ORGANISATIONS
Meeting: SCRUTINY COMMITTEE
Date: 31 OCTOBER 2014
Author: CHIEF GOVERNANCE OFFICER

1. PURPOSE

- 1.1 The purpose of this report is to present the scrutiny panel's recommendations in regard to elected member participation on outside organisations. A report in substantially the same form was presented to the last meeting of the committee but was continued to the present meeting. Following consultation with the Chair of the panel, a minor adjustment has been made to the recommendation and the information in Appendix 2 has been presented in a different order.

2. BACKGROUND

- 2.1 The scrutiny panel comprised Provost Reid, Councillor Black and Councillor McLuckie. Two places reserved for members of the opposition were not taken up. The remit of the panel was to scrutinise "the appointment of elected members to outside organisations and the process for reporting to Council". This report presents the panel's recommendations in regard to the appointment of elected members on outside organisations.
- 2.2 The panel's review does not cover those appointments to boards or significant statutory bodies as set out in the report on appointments to Council on 18 May 2012. These are:-
- Central Scotland Valuation Joint Board (CSVJB)
 - Cornton Vale Under 21s Visiting Committee
 - Falkirk Community Trust Board
 - Forth Valley NHS Board
 - Fife and Forth Valley Community Justice Authority
 - SESTRAN
 - Central and West Lothian Area Support Team
 - Scotland Excel
- 2.3 In addition to appointing elected members to internal bodies such as committees and to statutory bodies (such as Fife and Forth Valley Community Justice Authority), Council also appoints elected members to various outside bodies. These include national bodies such as COSLA or local organisations such as the Braveheart Project. The panel's review focussed on the appointment of members to these organisations.

- 2.4 The appointment of members to outside organisations follows a request by an organisation for a representative of the Council to be appointed to its board/or management committee. There is no obligation to appoint members to these organisations although Council has previously sought to appoint where possible. Currently Council appoints to 36 organisations.
- 2.5 Depending on the nature of the workload and the expected involvement of the elected member on the body, appointments, particularly in cases where a member is appointed to a number of outside bodies, can have an impact on an individual member's workload which is disproportionate to the benefit to the Council of the appointment. It should be noted that although often Council chooses to appoint elected members to an organisation it can be the case that an officer could be appointed. Officer appointments are made by the relevant service.

3. REVIEW

- 3.1 The panel has met on three occasions – 24 February, 12 June and 18 August 2014. At its first meeting the panel considered the terms of its review and was provided with an information pack which set out the list of current appointments to outside bodies by both organisation and by elected member. This allowed the panel to consider the number of organisations to which appointments are made and also to look at the impact on members' workloads.
- 3.2 The panel agreed to look first at the appointment process with a view to determining whether a rationale could be applied to Council's decision making in regard to external appointments and thereafter consider the reporting mechanism.
- 3.3 For the first stage it agreed to focus on;-
- (i) the nature of the organisations to which members are appointed;
 - (ii) the role of the elected member on the body;
 - (iii) the value of the appointment to the Council;
 - (iv) the value of the appointment to the organisation;
 - (v) potential conflicts of interest; and
 - (vi) the impact of the appointment on members' workload.
- 3.4 The panel agreed, as part of an information gathering exercise to allow it to better consider the areas set out in para 3.3 above, to issue three surveys. These were;
- 1) **to all elected members.** The panel was keen to determine the extent to which elected members were involved with other bodies as a consequence of their position as an elected member but where this was not by formal appointment of the Council and the impact of such appointments on their workload (appendix 2);
- 2) **to the external organisations** – the purpose of this survey was to determine the rationale for requesting the appointment of an elected member to their board/committee, the role of the elected member and the value in having an elected member on the board/committee. The panel also sought information on potential areas of conflict which may arise from having an elected member on a board/committee (appendix 3); and

3) **to those elected members appointed to outside bodies.** The panel surveyed those elected members appointed to outside bodies to determine their perspective on their role and the value it brings to both the Council and the organisation (appendix 4).

3.5 Of the three questionnaires - 9 of the 32 elected members responded to survey 1; 11 of 26 bodies responded to survey 2; and 27 (from a possible 53) responses were received in regard to survey 3.

3.6 While there was a range of feedback a number of broad themes emerged:-

- members' roles can range from directors or trustees to board/committee members. Some organisations perceive a value in having a representative of the Council on the board/committee. This can be because the members provide a direct link to Council and can act as a conduit for two way communication between the bodies. However, interestingly, responses suggested other motivations – elected members may be sought in order to represent the Council's position on matters or as representatives of the community and as such organisations value their status of 'spokesperson' for a geographical area (particularly where the organisation is local). Another reason for seeking a member on the board/committee can be that members bring particular skills/experience/insight in a particular subject which may be of value to the organisation (and as such the appointment is of value to the organisation but not necessarily to the Council);
- members' considered that their role was to - 'impart information'; 'allow the organisations to access information/funding'; 'promote the Council'; 'act as a link'; 'reflect the aspirations of the community'; 'highlight the work of the Council to the organisation'; and 'act as a point of contact';
- the constitutions of a number of outside bodies specifically require that its board/committee includes a representative of Falkirk Council. A number of organisations responded that this was an historic requirement and that it would not be an impediment should the Council no longer appoint to their board etc. A number of organisations also noted that the representative need not be an elected member. In one case the appointment of members was a statutory requirement;
- members' workload can be such that they do not regularly attend meetings of outside bodies and so the value to the organisation in an appointment is diminished;
- some members felt that their appointments benefitted their personal development and enabled them to learn new skills.

4. THE SCRUTINY PANEL'S CONCLUSIONS

4.1 The panel met on 12 June 2014 to consider the feedback from the surveys and information pack which had been circulated at its first meeting. It concluded that a number of general principles could apply to the appointment of elected members to outside organisations. These are :-

- (1) The organisations can be broadly categorised as:-
 - a) National or regional bodies where representation is at a strategic level and the relationship benefits the Council at a strategic and/or political level such as COSLA;
 - b) organisations which are fully or partially funded by Falkirk Council such as the Falkirk Environment Trust (FET) and which fall within the Following the Public Pound framework; and
 - c) organisations which are not funded by the Council and which operate at the community or local level - such as Falkirk Temperance Trust.
 - (2) where there is a strategic benefit to the Council in appointing to a national or regional body (such as COSLA), it would be appropriate to consider making such an appointment. However, each request should be considered on a case by case basis;
 - (3) for those organisations which fall within the Following the Public Pound regime, a monitoring officer is appointed to the organisation by the Council and given this there is no value to the Council in appointing an elected member. Such an approach would avoid generating conflicts of interest and enable elected members to fully participate in the scrutiny of such organisations;
 - (4) where the organisation does not operate at a strategic level and is not funded/part-funded by the Council, it should consider each request on a case by case basis to ensure that an appointment would benefit the Council. However if the organisation is aware of an elected member with a particular interest in its work there would be nothing to prevent the organisation making a direct approach to the elected member. In such a case he/she would not be a representative of the Council.
- 4.2 With these general principles in mind, the panel reviewed the list of current appointments. Appendix 5 sets out those organisations to which the Council currently appoints members, with column D showing the panel's recommendations in regard to the current appointments.
- 4.3 Any decision to appoint, or remove a member, to an outside organisation is, in terms of the Scheme of Delegation, a matter for Council. It was the panel's view that Council is invited to consider its recommendations in regard to current appointments.
- 4.4 The panel considered that the principles set out in para 4.1 above should be applied to future requests for representation on outside bodies and recommends that Council adopts the principles as the basis of its approach to future appointments. For current appointments the panel considered that, where Council agrees that an appointment is no longer appropriate, officers notify the organisations in question and work with them to ensure that the transition is managed and does not adversely impact on the organisation – for example if the decision impacts on the terms of the organisation's constitution or if the decision left the organisation unable to function.

- 4.5 The panel also discussed the process by which Council makes its appointments to organisations and considered that the information provided to Council should include the following – the role of the organisation, the role of the elected member on the body, their responsibilities, likely time commitment and general background to the organisation including any relevant financial background. This, members felt, would better allow Council to align members' positions within the Council, skills and experience to the external appointments and in particular to align portfolio holder roles with appointments to relevant strategic national and regional organisations (e.g. COSLA). Future reports to Council in regard to appointments to outside organisations will include this information.
- 4.6 On a final point members considered that where appointments are made training should be available – by the organisation and/or by the Council to ensure that the elected members are fully able to undertake the role of Council representative.

5. FURTHER WORK

- 5.1 The panel's remit included reviewing the process for reporting back on members' participation on outside organisations. It was clear from the feedback from the surveys that both the elected members and the organisations themselves see elected members' participation as a formal contact between the Council and the organisation. In reality there is little feedback to Council and elected members contribution to the organisations is largely unknown. Currently there is no formal process although an informal mechanism by which a volume of minutes is prepared and provided is in place.
- 5.2 The panel recognised that where an appointment is made to an outside body, there should be a mechanism in place to allow members to feedback relevant information to Council. It agreed to consider options in this regard and to report to the next meeting of the committee

6. RECOMMENDATIONS

- 6.1 The panel agreed, at its meeting on 18 August 2014, to recommend the following principles in regard to the appointment of elected members of outside organisations:-
- (i) where there is a strategic benefit to the Council in appointing to a national or regional body (such as COSLA), it would be appropriate to consider making such an appointment. However, each request should be considered on a case by case basis;
 - (ii) for those organisations which fall within the Following the Public Pound regime Council does not appoint an elected member to the organisation; and
 - (iii) where the organisation does not operate at a strategic level and is not funded/part-funded by the Council, Council should consider each request on a case by case basis to ensure that an appointment would benefit the Council.

6.2 The panel also agreed to recommend that:-

- (i) based on these principles, Committee considers the recommendations in respect of current appointments, set out in appendix 5 of the report; and
- (ii) when appointments are made training should be available – by the organisation and/or by the Council to ensure that the elected members are fully able to undertake the role of Council representative.

The scrutiny committee is invited to consider the panel's conclusions and recommendations and to make recommendations to the Executive accordingly.

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Chief Governance Officer
Date: 22 October 2014
Contact Officer: Brian Pirie
Telephone: 01324 506110

LIST OF BACKGROUND PAPERS

Notes of scrutiny panel meetings

Appendix 1

Name of Organisation/Body	Member(s) Appointed	Date of Appointment
Age Concern (Falkirk)	Depute Provost John Patrick	18 May 2012
All of Scotland Group 2014	No Appointment	
Association for Public Service Excellence	Councillor Gerry Goldie	18 May 2012
Bid Management Group	Councillor Dennis Goldie, Councillor Linda Gow (sub)	18 May 2012
Braveheart Project	Councillor Charles MacDonald (resigned 25 September 2013), Councillor Allyson Black (appointed 25 September 2013)	25 September 2013
Central Scotland Regional Equality Council	Councillor Alan Nimmo	18 May 2012
Citizens Advice Bureau (Denny & Dunipace)	Councillor Jim Blackwood, Councillor John McNally	18 May 2012
Citizens Advice Bureau (Grangemouth & Bo'ness)	Councillor Allyson Black, Councillor Adrian Mahoney	18 May 2012
Cosla (Convention of Local Authorities)	Depute Provost John Patrick, Councillor David Alexander, Councillor Linda Gow, Councillor Craig Martin	18 May 2012
Cosla Community Wellbeing and Safety Executive Group	Councillor Gerry Goldie, Councillor Allyson Black (Sub)	26 Sept 2012
Cosla Community Well-being Executive Group	Councillor Linda Gow, Councillor Allyson Black (sub)	26 Sept 2012
Cosla Culture and Sport Executive Group	Councillor Adrian Mahoney (Culture), Councillor Dr Craig R Martin (Sport)	5 December 2012
Cosla Development, Economy & Sustainability Executive Committee	Councillor Dennis Goldie, Councillor Adrian Mahoney (sub)	26 Sept 2012
Cosla Education Children and Young People Executive Group	Councillor Alan Nimmo, Provost Pat Reid (sub)	26 Sept 2012
Cosla Resources and Capacity Executive Group	Depute Provost John Patrick, Councillor Jim Blackwood (sub)	26 Sept 2012
Cosla Strategic Human Resources Management Executive Group	Councillor Dr Craig R Martin, Councillor Charles MacDonald (Sub)	26 Sept 2012
Council for Voluntary Sector Management Committee (CVS)	Councillor Rosie Murray	18 May 2012
East of Scotland European Consortium	Councillor Martin Oliver	25 September 2013
Falkirk & District Arts and Civic Council	Provost Pat Reid, Councillor John McLuckie, Baillie Joan Paterson	18 May 2012
Falkirk & District Community Safety Panel	Councillor Craig R Martin (resigned 26 February 2013) Councillor Jim Blackwood (appointed 26 June 2013)	18 May 2012

Falkirk & District Town Centre Management Ltd (now Falkirk Towns Ltd)	Councillor Allyson Black	18 May 2012
Falkirk District Twinning Association	Provost Pat Reid, Depute Provost John Patrick, Councillor Dennis Goldie and Councillor Linda Gow	18 May 2012
Falkirk Environment Trust (FET)	Councillor John McLuckie	18 May 2012
Falkirk Football Community Foundation	Councillor Craig Martin	18 May 2012
Falkirk Sports Council	Councillor Jim Blackwood	18 May 2012
Falkirk Temperance Trust	Provost Pat Reid, Councillor Dr Craig R Martin	18 May 2012
Forth Valley Area Tourism Partnership	Councillor Adrian Mahoney	18 May 2012
Forth Valley NHS Falkirk Community Health Partnership	Councillor Allyson Black, Councillor Linda Gow	20 June 2012
Highland Reserve Forces and Cadets Association	Councillor Allyson Black	20 June 2012
Museums Galleries Scotland	Councillor Adrian Mahoney	18 May 2012
National Association of Councillors	No Nominations	
Order of Malta Dial-a-Journey Ltd and Shopmobility Ltd	Councillor Colin Chalmers	20 June 2012
Paragon Housing Association Ltd	Baillie Joan Paterson	18 May 2012
Scottish Accident Prevention Council	No nominations made	
Scottish Councils Committee on Radioactive Substances	Councillor Dr Craig R Martin	18 May 2012
Scottish Enterprise East Region Advisory Board	Councillor Craig Martin	18 May 2012
Scottish Local Government Forum Against Poverty	Baillie Joan Paterson	18 May 2012
Scottish Parliament Cross Party Group on Supporting Veterans in Scotland	Depute Provost John Patrick	18 May 2012
Scottish Railway Preservation Society	Councillor Sandy Turner	18 May 2012
Scottish Schools Education Research Centre (SSERC)	Councillor Alan Nimmo	18 May 2012
Stirlingshire Educational Trust	Provost Pat Reid, Depute Provost John Patrick, Baillie Joan Paterson, Councillor Steven Carleschi, Councillor Colin Chalmers, Councillor Thomas Coleman and Councillor Alan Nimmo	18 May 2012
University of Stirling Conference	Provost Pat Reid	18 May 2012
Workers Educational Association	Councillor Dennis Goldie	18 May 2012

Good afternoon,

As you will be aware the scrutiny committee recently established a scrutiny panel to review the appointment of elected members to outside organisations. The panel, which comprises of Provost Pat Reid, and Councillors Allyson Black and John McLuckie, will also look at the process whereby members report back to the Council on their involvement.

The panel is in the process of gathering background information and has requested that 3 surveys are carried out – (1) with those members **appointed by the Council** to external organisations, (2) with the external organisations themselves, and (3) with all elected members. The purpose of the third survey is to ascertain the extent of elected member involvement in other outside bodies, where their involvement is a consequence of their position as an elected member but is not through a formal Council appointment. For clarification – this does not include organisations such as parent councils or community councils but rather covers bodies on which members are invited to join because of their position as an elected member.

In particular, the panel would like to determine the extent of such appointments and the impact these have on members' time and workload.

This email is for all elected members - the survey in regard to formal appointments will be issued separately (if you have not been appointed by Council to an outside organisation you will not receive a survey form)

The questions below are in regard to membership of outside bodies which are **not** by Council appointment, but are as a consequence of your role as an elected member. This will provide useful background context for the panel in terms of the extent to which members, through their roles, are requested to sit on outside bodies, and also the impact of these in terms of time commitment.

I would be grateful if you could complete the short questionnaire below. It would assist if you could respond by **Friday 14 March**.

Please feel free to contact me if you require further information on this request by the scrutiny panel.

Brian

- 1) **Which organisations are you a member of as a consequence of your role as an elected member? (If none, please state)**
- 2) **For each organisation (if applicable) what is your role?**
- 3) **For each organisation (if applicable) what is your time commitment?**
- 4) **For each organisation (if applicable) what is the impact on your workload?**

Please give your views on the value, as you see it, of your membership of such outside bodies both to the organisation itself and to you as an elected member.

Good afternoon,

Falkirk Council recently established a Scrutiny Panel to review the appointment of Elected Members to outside organisations. The panel, which comprises of Provost Pat Reid, and Councillors Allyson Black and John McLuckie, will also look at the process whereby members report back to the Council on their involvement.

The panel is in the process of gathering background information and would like to hear from Elected Members and from the organisations themselves. To that end I have been asked to conduct a survey of all external organisations to which Falkirk Council currently appoints elected representatives. It may be that after considering the responses the panel would wish to speak directly to some of the organisations. I should point out that the panel has no decision making powers, but will make recommendations to the Scrutiny Committee.

The panel is interested in learning more about the rationale for Falkirk Council members being appointed to external organisations. – for example; is it a requirement of your constitution, or do you feel there is value in having an Elected Member on your board/committee, is there an alternative method in which Falkirk Council could be represented etc.

I have prepared a short series of questions, below,. which I would be grateful if you could complete and return to me by 14 March.

I appreciate that there are a great many demands on your time, but it would greatly assist the work of the panel if you were able to provide the information below.

- 1) What is the role of Falkirk Council's appointed representative to your organisation? e.g board member, director etc**

- 2) Why do you require a Falkirk Council representative – e.g. is this an historic appointment, is it a requirement of your constitution ? If it is a requirement of your constitution, what would the impact be if Falkirk Council no longer made an Elected Member appointment**

- 3) Do you feel that having an Elected Member on your board/committee has added value to your organisation?
YES/NO – please state why**

- 4) Are you aware of any conflicts of interest which arise from having an Elected Member appointed to your organisation?**

- 5) Could an alternative arrangement be made; for example an officer appointed as a representative, or an Elected Member attending as an observer only?**

**SCRUTINY PANEL
REVIEW OF EXTERNAL ORGANISATIONS
SURVEY**

Name of Organisation:

Council Appointed Representative:

1. What is your role on the organisation (e.g. Director, Committee Member etc.)?

2. What is the value to the organisation in having an elected member as the Council's representative?

3. What is the value to the Council in having an elected member as the Council's representative?

4. What, if any, is the benefit to you of your appointment?

Other: If you have any comments you wish to make about your role or the benefits in Council appointing an elected member to this body, please write below.

Please complete and return to Andrew Cassells, Democratic Services, Municipal
Buildings by 4 April 2014