

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Culture, Recreation and Countryside
<b>Date:</b>	15 June 2017
<b>Title:</b>	Review of Outside Body appointments by the Executive Member for Culture, Recreation and Countryside
<b>Report From:</b>	Director of Culture, Communities and Business Services

**Contact name:** Nicola Horsey

**Tel:** 01962 845423

**Email:** nicola.horsey@hants.gov.uk

### 1. Executive Summary

1.1 During the last County Council administration, the Executive Member for Culture, Recreation and Countryside appointed 65 County Councillors as Council representatives to 46 different cultural and community organisations relevant to his portfolio. This report lists those Member appointments to external culture and community organisations and recommends changes to the current process to improve efficiency.

### 2. Background

2.1 In January 2015 the Culture and Communities Select Committee agreed the terms of reference for a review of grants, led by a cross party Task and Finish Group. The Group led a review of grant funding to cultural and community organisations and made a series of recommendations to the Select Committee and to the Executive Member for Culture, Recreation and Countryside.<sup>1</sup>

2.2 Most of the organisations which receive an annual revenue grant from the Executive Member for Culture, Recreation and Countryside have a County Councillor appointed to their Board of Trustees as a condition of the grant funding. In addition a wide range of other cultural and community organisations also have a County Councillor appointed to their Board of Trustees or Management/Advisory Groups. All of these appointments (65 in total) are made by the Executive Member for Culture, Recreation and Countryside through his Decision Days.

2.3 At its meeting on 11 May 2016, the Task and Finish Group considered the list of County Councillor appointments to cultural and community organisations and asked Officers to review the arrangements to improve efficiency.

---

<sup>1</sup> [2015-09-14 EMCR Review of Grant Funding to Cultural and Community Organisations](#)

### **3. Current Position**

- 3.1 Appendix 1 lists the 46 organisations that the Executive Member for Culture, Recreation and Countryside appointed Members to, the Members appointed in 2016-17 and the grant to each organisation, where applicable.
- 3.2 Appointments of Member representation to an outside culture and community organisation are made by the Executive Member at his Decision Days. There is an expectation that appointed Members should feed back to the Executive Member, and a formal process by which this is managed will be introduced for all outside body appointments.
- 3.3 The role held by appointed Members varies across organisations and includes both Trustee and Observer types for Boards of independent organisations and Committee Member for Management/Advisory Groups. These roles come with different responsibilities and accountabilities as set out in Appendix 2.
- 3.4 Currently the terms and conditions attached to a cultural, recreation and community grant require that only those organisations receiving a grant of £30,000 or more must appoint a County Councillor as an Observer to their Board.

### **4. Review of Member Representation on Outside Organisations**

- 4.1 The 46 culture and community organisations were written to in July 2016 to ask for information about the current arrangements with their nominated County Councillor/s. To simplify the process in the future, the outside organisations were also asked for their views on some draft criteria which, if agreed, would make it easier to determine whether or not the County Council should nominate a County Councillor onto an outside organisation.
- 4.2 At the same time all the County Councillors nominated to attend the outside organisations were asked for their views on the current arrangements and their thoughts on the draft criteria for future nominations.
- 4.3 The views gathered from the consultation informed the proposals which are set out in this report.

### **5. Feedback from the Consultation**

- 5.1 The main conclusion from the consultation was that both Members and the organisations which responded (six in total) valued participation by the County Council and wanted this to continue. However the consultation did identify some issues that need to be addressed. These are:-
  - A lack of consistency about Members' roles on Boards. Some are Trustees, others are Observers. There was also a lack of understanding

about whether the Members attended as a formal representative of the County Council or by invitation from the organisation.

- A lack of understanding about the differences between the Trustee or Observer roles.

- 5.2 The majority of respondents from the organisations expressed a preference for Members to attend their Boards as an Observer, rather than a Trustee. They also were in broad agreement of the proposed draft criteria to determine whether or not a County Council representative is required.
- 5.3 The consultation also highlighted the need to improve the appointment process for Members and the importance of being clear about why there was a need for the County Council to have a representative.
- 5.4 Feedback from the consultation as part of the review identified that some organisations were no longer in operation, had changed their name or where representation has discontinued by mutual agreement of the County Councillor and the external organisation. In some cases the County Council did not know that the current position had changed.
- 5.5 The Grants Task and Finish Group met on 2 November 2016 to consider the findings from the consultation and their feedback has informed this report.

## **6. Proposals**

### **Criteria for representation**

- 6.1 It is proposed to use a set of criteria to determine whether the County Council should be represented on the Board of an organisation or Management/Advisory Group in the culture and communities sphere. The proposed criteria for having a County Councillor on such an outside organisation is set out in Appendix 3 and can be summarised as:-
- There are statutory or legal requirements for County Council representation.
  - The organisation receives regular revenue funding of £30,000 or more per annum.
  - The organisation is of significant interest or value to the County Council.
  - The organisation has ownership or management relationships with the County Council.
- 6.2 Where external organisations do not meet any of the criteria set out above, it is recommended that formal County Council representation is not continued when all Outside Bodies are re-appointed following the County Council elections in May 2017. A Member could still choose to take up any invitation from such an organisation to join the board or committee (or remain a board/committee member) to represent the local community or because they have a special interest in the services delivered, but only in their own

personal capacity. In such cases the Member would not be representing the County Council and they would not be eligible for expenses paid under the County Council's Members' Allowances Scheme. Expenses may be paid by the organisation itself, according to their policy on the reimbursement of Board members and volunteers. Similarly Hampshire County Council's Member Indemnity Scheme would not apply as the Member would be acting in the own personal capacity. The Member Indemnity Scheme applies where a Member is either representing the Council or undertaking the role as part of their duties as a County Councillor.

- 6.3 Using the criteria set out in 6.1 above means that the Executive Member for Culture, Recreation and Countryside would continue to make appointments to 22 organisations after May 2017, and it would cease County Council representation on 24 organisations/advisory groups. These 24 organisations that will no longer have County Council representation are listed in Appendix 4. If these recommendations are approved, these organisations will receive written confirmation from Officers.

#### **Number and type of representation**

- 6.4 It is recommended that continued County Councillor representation on the Board of an external culture and communities organisation will normally be as a non voting Observer rather than as a voting Trustee. This is because a Trustee must first and foremost make decisions in the interest of the external organisation. County Councillors that are Trustees of an external organisation may encounter difficult conflicts of interest between their role as a member (which requires them to actively represent the County Council's views and interests) and their role as a Trustee of an external body. In exceptional circumstances, the appointment of a Trustee may be negotiated and agreed between the County Council and an organisation.
- 6.5 Advisory Groups, Panels and Joint Management Committees make an important contribution to the strategic decision making and review of public services for which all attendees are committee members with a decision making role. The role of Committee Member is more appropriate in these groups than Trustee or Observer. Changes to the County Council's representation on statutory bodies fall outside the remit of this report.
- 6.6 Appendix 5 sets out the list of 22 external culture and communities organisations that would continue to have County Council representation and confirmation of the role as Trustee, Observer or Committee Member. These roles are non voting observers or committee members for the reasons set out in Appendix 2 and section 6.4 of this report.
- 6.7 The review found differences in the number of County Councillors represented on individual organisations. In order to simplify this, it is recommended that, in the majority of cases, only one representative of Hampshire County Council is required unless there is a good reason why there needs to be more than one. The organisations that in the future will have one County Councillor representative are also listed in Appendix 5.

6.8 It is recommended that, in addition to the existing corporate induction for Members provided by Democratic and Member Services, with regards to culture and communities appointments, the following principles should be developed and implemented:

- Where practicable, newly appointed Members onto outside organisations should receive some handover briefing from their predecessor.
- Where appropriate, additional information will be provided by Officers within the relevant Service to supplement the core induction provided by Democratic and Member Services.
- Expectations and responsibilities of the Member, Council and Organisation will be clearly communicated to all parties.
- An effective and efficient process to collect annual feedback by the County Councillors appointed to outside bodies to be developed in consultation with the relevant Executive Member.
- This feedback will be reviewed alongside the criteria for representation to ensure there is value to the Council of continued Member involvement with each organisation.

6.9 The process of the relevant Executive Member with responsibility for culture and communities making appointments to Outside Bodies at their Decision Day will continue to be discharged in accordance with the County Council's Constitution.

## **7. Schedule for implementation of changes**

7.1 It is recommended that changes to current arrangements are implemented immediately, for the Executive Member to make appointments as part of the establishment of the new administration from May 2017. Where a Member is no longer appointed to represent the Council or Executive Member, they may still choose to take up an invitation from that organisation to join the board or committee in their own capacity. The new arrangements will be communicated to both County Councillors and external organisations, if approved, as part of the corporate governance framework arrangements.

## **8. Recommendations**

8.1 That the Executive Member for Culture, Recreation and Countryside approves the proposals set out in section 6 of this report, including the changes that are set out in Appendices 4 and 5, for appointments to the outside bodies delegated to the Executive Member in the County Council's Constitution, from June 2017.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	yes
<b>Maximising well-being:</b>	yes
<b>Enhancing our quality of place:</b>	yes

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

#### **Equalities Impact Assessment:**

There is no impact on equalities as a result of the recommendations in this report.

### **2. Impact on Crime and Disorder:**

There is no impact on crime and disorder.

### **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption? No impact.
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? No impact.

<b>Name of Outside Organisation - Culture and Communities Portfolio</b>	<b>Grant Funding 2017/18</b>	<b>Member Rep 2016/17</b>
Aldershot Military Museum	None	Councillors Choudhary, Rust
Ashford Hangers Consultative Group	None	Councillor Clarke
Anvil Trust (was Anvil Arts) Limited	£73,550	Councillor Chapman
Basingstoke Canal Management Committee	None	Councillors Bennison, Chapman, Gurden, Wall
Blackwater Valley Countryside Partnership	None	Councillors Collett, Glen
Blashford Lakes Consultative Forum	None	Councillor Heron
Bursledon & District Community Association	None	Vacant
Bursledon Windmill Management Committee	None	Councillors Grajewski, House, Kyrle
Deadwater Valley Trust Management Committee	None	Councillors Carew, Clarke
Eastleigh Museum Joint Management Committee	None	Councillors Grajewski, Kyrle, Lyon
Fordingbridge & District Community Association	None	Councillor Heron
Forest Arts Centre Management Advisory Committee	None	Councillor Rice
Forest Forge Theatre Company Ltd	£43,370	Councillor Rippon-Swaine
Fort Nelson Liaison Group	None	Councillor Hockley
Friends of the Royal Naval Museum & HMS Victory	None	Councillor Carter
Gilbert White's House, Oates Collection & Field Studies Centre	£32,975	Councillor Kemp-Gee
Gosport Museum Management Committee	None	Councillors G Burgess, Carter, Edgar
Hampshire Archives Trust	None	Councillor Gibson
Hampshire Buildings Preservation Trust Ltd	None	Mrs Felicity Hindson
Hampshire Countryside Access Forum	None	Councillor Humby
Hampshire Gardens Trust	None	Councillors Clarke, Joy, Mrs Felicity Hindson
Hampshire Museums & Galleries Trust (now the Wessex Heritage Trust)	None	Councillor Humby
Hampshire Playing Fields Association	£52,375	Councillor Stallard
Hanger Farm Arts Centre Consultative Committee	None	Councillor Harrison



<b>Name of Outside Organisation - Culture and Communities Portfolio</b>	<b>Grant Funding 2017/18</b>	<b>Member Rep 2016/17</b>
Leigh Park Community Association Management Committee (organisation has closed)	None	Councillors Fairhurst, Finch
Live Theatre Winchester Trust Ltd	£90,830	Councillor Stallard
Lymington Museum Trust	£30,000	Councillor England
Making Space, Leigh Park	£33,320	Councillor Bolton
Mary Rose Trust	None	Councillor Carter
New Forest Access Forum	None	Councillor Rippon-Swaine
New Forest Ninth Centenary Trust (was New Forest Centre)	None	Councillor Kendal
Nuffield Theatre Trust Limited	None	Councillor Carter
Phoenix Theatre and Arts Centre	£13,600	Councillor Carew
Proteus Theatre Company	£40,335	Councillor Gurden
Queen Elizabeth II Silver Jubilee Activities Centre	£10,230	Councillor Kyrle
Red House Joint Management Committee	None	Councillors England, Rice
Royal Marines Museum (merged with National Museum of the Royal Navy)	None	Councillor Edgar
Royal Navy Submarine Museum	None	Councillor Carter
Silchester Roman Town Joint Advisory Panel	None	Councillor Chapman
Spring Arts and Heritage Centre	£107,610	Councillor Bolton
Twyford Waterworks Trust	None	Councillors Humby, Wall
Westbury Manor Museum, aka Fareham Museum Joint Management Committee	None	Councillors Latham, Matthews
West End Arts Centre Management Advisory Committee	None	Councillors Choudhary, Rust
Whitchurch Silk Mill Trust	£19,265	Councillor Thacker
Winchester Excavations Committee	None	Councillor Stallard
Yateley Common Management Committee	None	Councillors Collett, Simpson

## Comparison of Trustee, Observer and Committee Member Roles

Representation roles can be broadly divided into Trustee or Observer. All properly appointed members of a charitable body are charity trustees in law, whatever they are called (trustees, directors, committee members, governors or something else).

<b>Functions</b>	<b>Trustee (voting) Roles</b>	<b>Observer (non-voting) Roles</b>
Appointment by the Board	Requirement under the articles of association	Optional. Number of Observers must be less than the number of Trustees.
Term of office	Every 3 to 4 years	Annually
Membership of the Organisation	Yes	No
Attendance and participation in Board meetings	Yes	Yes, can participate in debate, offer information, advice, or support if invited by the Chair of the Board.
Participation in votes or decisions	Yes	No
Conflict of Interests	May be requested to leave the meeting and must honour this request.	May be requested to leave the meeting and must honour this request.
Ability to represent the County Council	Any elected Members appointed as Trustees must first and foremost make decisions in the interest of the external organisation. Charity Trustees are not able to represent the County Council.	Elected members appointed as Observers to a Board can actively represent the County Council's views and interests.

### Note Liabilities of Trustees

- **Personal liability** - Trustees can be held liable to their charity for any financial loss they cause or help to cause.
- **Liability to Third parties** - Charities or their trustees can become liable to a third party who has a claim against the charity such as: breaches of an employee's terms; a member of the public being injured on the charity's premises; liability to any staff pension scheme.
- **Criminal Liability** - In some cases, the charity or its trustees can become liable for offences committed by the charity's staff.

### Role of Committee Member on Advisory Committees

Advisory Committees provide non-binding strategic advice, information or expertise and are usually more informal, and therefore more flexible, in nature than a Board of Trustees for example. To differentiate the role played by Members on such bodies from that of a Trustee or an Observer, we have used the term Committee Member in this paper. Committee Members can participate fully in meetings. Usual expectations around Conflict of Interests apply and Committee Members should also actively represent the County Council's views and interests and should report back to the Executive Member.

## Proposed Criteria for Representation

**Organisations/bodies must meet at least one of the following criteria for a Hampshire County Council representative to be appointed:**

- An organisation where there is a ***statutory or other legal requirement*** for County Council representation.

or

- An organisation in receipt of ***significant annual investment funding*** (£30,000 or more over a 12 month period, not including one-off capital funding) by the County Council.

or

- An organisation or consultative body that is considered to be of ***significant interest and/or value*** to the County Council and the community (including opportunities for networking, funding, information gathering, partnership working, sharing of best practice, public reputation, lobbying or other corporate interests) or that provides services to a significant number of residents, tourists and local businesses or has the potential to affect the lives of significant numbers.

or

- An organisation has ***ownership or a management relationship*** with the County Council. This may include the management of a building or land owned by the County Council. It could include an organisation that is fundamental to the operation of the County Council's services such as partnerships or joint ventures; Trusts; Local Authority Trading Companies; or a Management Committee.

Table of Outside Bodies and Consultative Groups that will no longer have Council Representation

Name of Outside Body or Consultative Group	2016/17 Council Representation	Notes
Aldershot Military Museum	Councillors Choudhary, Rust	
Blashford Lakes Consultative Forum	Councillor Heron	
Bursledon & District Community Association	Vacant	
Fordingbridge & District Community Association	Councillor Heron	
Forest Arts Centre Management Advisory Committee	Councillor Rice	Part of Hampshire Cultural Trust
Fort Nelson Liaison Group	Councillor Hockley	Fort owned by Council
Friends of the Royal Naval Museum & HMS Victory	Councillor Carter	
Hampshire Buildings Preservation Trust Ltd Board of Management	Mrs Felicity Hindson	
Hanger Farm Arts Centre Consultative Committee, Totton	Councillor Harrison	
Leigh Park Community Association Management Committee	Councillors Fairhurst, Finch	Organisation closed
Mary Rose Trust	Councillor Carter	
New Forest Access Forum	Councillor Rippon-Swaine	
New Forest Ninth Centenary Trust	Councillor Kendal	Previously the New Forest Centre
Nuffield Theatre Trust Board of Management	Councillor Carter	No longer grant funded by Council and in the City of Southampton
The Phoenix Theatre and Arts Centre, Bordon	Councillor Carew	Below grant threshold of £30,000
The Wessex Heritage Trust	Councillor Humby	Previously the Hampshire Museums & Galleries Trust

Name of Outside Body or Consultative Group	2016/17 Council Representation	Notes
Queen Elizabeth II Silver Jubilee Activities Centre	Councillor Kyrle & vacant position	Below grant threshold of £30,000
Royal Marines Museum Board of Trustees	Councillor Edgar	Organisation merged with National Museum of the Royal Navy Board and no longer meets
Royal Navy Submarine Museum	Councillor Carter	
Silchester Roman Town Joint Advisory Panel	Councillor Chapman	
Twyford Waterworks Trust	Councillors Humby, Wall	
West End Arts Centre Management Advisory Committee, Aldershot	Councillor Rust, Choudary	Part of Hampshire Cultural Trust
Whitchurch Silk Mill Trust	Councillor Thacker	Below grant threshold of £30,000
Winchester Excavations Committee	Councillor Stallard	

Table of Outside Bodies and Consultative Groups with recommended continued Council Representation

Name of Outside Body or Consultative Group	2016/17 Council Representation	Proposed role	Decision making role	Notes
<b>Outside Group or Body where there are no changes to the type of representation or the number of representatives</b>				
Ashford Hangers Consultative Group	Councillor Clarke	Committee Member	Yes	
Basingstoke Canal Joint Management Committee	Councillors Bennison, Chapman, Gurden, Wall	Committee Member	Yes	
Blackwater Valley Countryside Partnership	Councillor Collett CRC rep; <i>Councillor Glen is an ETE rep</i>	Committee Member	Yes	ETE representation is not covered by this review
Bursledon Windmill Joint Management Committee	Councillors Grajewski, House, Kyrle	Committee Member	Yes	
Eastleigh Museum Joint Management Committee	Councillors Grajewski, Kyrle, Lyon,	Committee Member	Yes	
Gosport Museum Joint Management Committee	Councillors G Burgess, Carter, Edgar	Committee Member	Yes	
Hampshire Countryside Access Forum	Councillor Heron	Committee Member	Yes	
Live Theatre Winchester Trust Ltd (Winchester Theatre Royal)	Councillor Stallard	Observer	No	Above grant threshold of £30,000
Proteus Theatre Company Board of Directors	Councillor Gurden	Observer	No	Above grant threshold of £30,000
Red House Museum Joint Management Committee	Councillors England, Rice	Committee Member	Yes	
Westbury Manor Museum, aka Fareham Museum Joint Management Committee	Councillors Latham, Matthews	Committee Member	Yes	
Yateley Common Management Committee	Councillors Collett, Simpson	Committee Member	Yes	
<b>Outside Groups or Body that will retain Council representation but where the number of representatives will reduce</b>				

Name of Outside Body or Consultative Group	2016/17 Council Representation	Proposed role	Decision making role	Notes
Deadwater Valley Trust Management Committee	Councillors Carew, Clarke	Committee Member	Yes	Number of HCC reps reduce from 2 to 1
Forest Forge Theatre Company Ltd Board of Directors	Councillor Rippon-Swaine & one vacant position	Observer	No	Above grant threshold of £30,000 Number of HCC reps to reduce from 2 to 1 One rep was trustee and one was observer
Hampshire Gardens Trust	Councillors Clarke, Joy, Mrs Felicity Hindson	Executive Committee Member	Yes	Number of HCC reps reduces from 3 to 1 The appointment should be a democratically elected Member
<b>Outside group or body that will retain Council representation and the same number of representatives but where the role will change to an Observer</b>				
Anvil Trust (was Anvil Arts) Limited	Councillor Chapman	Observer	No	Above grant threshold of £30,000
Gilbert White's House & Oates Collection & Field Studies Centre	Councillor Kemp-Gee	Observer	No	Above grant threshold of £30,000 Previously Council rep was Trustee
Hampshire Archives Trust	Councillor Gibson	Observer	No	Previously Council rep was Trustee
Lymington Museum Trust (aka St Barbe's Museum and Galleries)	Councillor England	Observer	No	Previously Council rep was Trustee
Hampshire Playing Fields Association	Councillor Stallard	Observer	Yes	Above grant threshold of £30,000
Making Space, The MOMC - Leigh Park Crafts Initiative Trust Limited	Councillor Bolton	Observer	No	Above grant threshold of £30,000. Previously Council rep was Trustee with voting rights as the Council owns the building. Building Lease is now managed separately to grant funding
Spring Arts and Heritage Centre	Councillor Bolton	Observer	No	Above grant threshold of £30,000