

Outside Organisations Sub-Committee

Agenda

Date:	Wednesday, 23rd November, 2011
Time:	10.30 am
Venue:	Committee Room 3 - Municipal Buildings, Earle Street, Crewe CW1 2BJ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the Sub-Committee on any matter relevant to its work. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 4)

To approve as a correct record the minutes of the meeting held on 27 June 2011.

For requests for further information

Contact: Cherry Foreman

Tel: 01270 686463

E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies

5. **Terms of Reference of the Sub-Committee** (Pages 5 - 14)

To consider revisions to the Terms of Reference of the Sub-Committee.

6. **Survey Letter to Councillors** (Pages 15 - 16)

At the last meeting of the Sub-Committee it was agreed that as part of the review process Councillors appointed to organisations would be asked their views on the organisation.

It was requested that a draft letter be prepared for approval by the Sub-Committee; a copy of which is attached and incorporates the questions that were suggested.

7. **Sub-Committee Work Programme**

In order to assist the work of the Sub-Committee it is suggested that a work programme is considered at the end of each of its meetings. A draft will be circulated (to follow) showing a breakdown of the review to be carried out. In addition, and in order to facilitate the progress of the review, the Sub-Committee are asked to consider setting a series of meeting dates that can be timetabled into members and officers diaries.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Outside Organisations Sub-Committee** held on Monday, 27th June, 2011 in the Municipal Executive Suite - Municipal Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor S Jones Chairman

Councillors G Baxendale, R Cartlidge, S Jones, D Marren and B Moran

OFFICER IN ATTENDANCE

Carol Jones Democratic Services Officer

16 ELECTION OF CHAIRMAN

RESOLVED: That Councillor Shirley Jones be elected Chairman to serve for the remainder of the Municipal Year.

17 DECLARATIONS OF INTEREST

Councillor D Marren declared a personal interest in agenda item 7 (2) – on the basis that he was a member of the National Executive of the Federation of Burial and Cremation Authorities. He also declared a personal interest in the minutes of the meeting held on 20 April 2011 on the basis that he was a member of the Crewe and Nantwich Twinning Association (CANTA).

Councillor B Moran declared a personal interest in agenda item 7 (1) on the basis that he was a member of the Sandbach Town Plan Steering Group.

No other declarations of interest were made.

18 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public in attendance and the Sub-Committee proceeded to its next item of business.

19 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on 20 April 2011 be approved as a correct record.

20 ROLE OF THE SUB-COMMITTEE

The Sub-Committee considered the information report of the Democratic Services and Registration Manager which outlined the role of the Outside Organisations Sub-Committee. The terms of reference had been devised by the Sub-Committee which had, in turn, been adopted by the Constitution Committee.

Members commented that the terms of reference required revision; in particular items (c) and (d) made reference to “overseeing” appointments and some Members were unclear about the definition of the word in this context.

RESOLVED: That the Terms of Reference for the Sub-Committee be re-drafted and submitted to the next meeting.

21 NEW REQUESTS FOR REPRESENTATION

The Sub-Committee considered a report giving details of two new requests for representation. The report also provided a list of appointments made by the Constitution Committee and Cabineet in June 2011.

21.1 Sandbach Town Plan Steering Group

At the previous meeting, a request for representation on Sandbach Town Plan Steering Group was considered but deferred for further enquiries. No further information was currently available.

Councillor Barry Moran, who was a founder Member of the Steering Group reported on its activities.

The Sub-Committee agreed that it was appropriate for this organisation to be added to the Category 2 list of approved outside bodies.

21.2 National Executive of the Federation of Burial and Cremation Authorities

Councillor David Marren, who was a Member of the National Executive of the Federation of Burial and Cremation Authorities had suggested that the Sub-Committee may wish to consider adding this organisation to the list of approved outside bodies. A copy of its constitution was also submitted.

As this was an organisation which was able to influence policy at a national level, it was considered by Members to be a nomination which should be made by Cabinet. It was noted that any nomination from this Authority would be submitted to the National Executive which would, in turn, vote on the nomination.

21.3 Appointments – 2011-2015

During consideration of the schedule of appointments made in June 2011, discussion focused on the number of outside bodies to which the Council appointed and the effectiveness of representation.

A thorough review of representation on outside bodies was required. It was acknowledged that as there were 72 organisations on the Category 2 list, it would be less unwieldy to tackle these in six phases, dealing with 12 organisations at a time.

The programme for the review was suggested as follows:

- Survey letter to Councillors to be drafted for approval by the Sub-Committee at a meeting to be held in July 2011. Members did not consider it appropriate to send out a form. The letter would seek to establish –
 - How often the outside body met.
 - How often did Members attend meetings?
 - Did the member consider representation to be worthwhile?
 - Was the contribution of a Cheshire East Member of benefit to the outside body?
- Following approval of the proposed letter, it would be sent to those Members who had been appointed to the first 12 outside bodies (listed alphabetically below) requesting responses by a specified date to enable information to be prepared for a meeting of the Sub-Committee which would be held in October 2011.
 - Alexandra Soccer & Community Association (3-99)
 - Almshouse Charity of Sir Edmund Wright, Crewe and Others (2-89)
 - Alsager Education foundation (2-43)
 - Alsager Leisure Centre Advisory User Panel (3-100)
 - Alsager Partnership (2-44)
 - Association for Public Service Excellence (2-139)
 - Astbury Mere Trust (4-101)
 - Audlem Education Foundation (2-46)
 - BAE Systems Woodford Local Consultative Committee (3-102)
 - Bent Farm Sand Quarry Liaison Committee (2-47)
 - Bollin Valley Steering Committee (2-48)
 - Crewe and Nantwich Gymnastics and Community Activities Association (3-103)
- A survey form had already been sent to the outside organisations as part of the appointments notification process, with a request that they return it “in due course”. It may be necessary to follow this up in the next few months.
- At its July meeting, the Sub-Committee would examine (a) the constitutions of each of the organisations listed; (b) the responses from councillors; and (c) the responses from the outside bodies themselves.
- As part of the review, Members would explore the possibility of reducing representation to one Member on each organisation.

RESOLVED:

1. That the Constitution Committee be recommended to add Sandbach Town Plan Steering Committee to the approved list of Category 2 organisations, and that Councillor Barry Moran be appointed as the Council’s representative;
2. That Cabinet be recommended to add the National Executive of the Federation of Burial and Cremation Authorities to the approved list of Category 1 organisations, and that Councillor David Marren be nominated as the Council’s representative;

3. That the Sub-Committee undertake a comprehensive review of representation on outside organisations to establish the effectiveness and appropriateness of representation;
4. That a meeting of the Sub-Committee be held on 27 July 2011 at 10.00 am at a venue to be advised, to consider the first stage of the review; as identified above; and
5. That a meeting of the Sub-Committee be held in October 2011 to consider the results of the first stage of the review.

The meeting commenced at 10.40 am and concluded at 12.00 pm

Councillor Shirley Jones (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: OUTSIDE ORGANISATIONS SUB-COMMITTEE

Date of Meeting: 23 November 2011
Report of: Democratic Services and Registration Manager
Subject/Title: Outside Organisations Sub-Committee Terms of Reference

1.0 Report Summary

- 1.1 To reconsider the Terms of Reference of the Sub-Committee as requested by the Sub-Committee at its last meeting. The report contains the original and the revised Terms of Reference. In addition the procedure for considering new requests for representation, and the criteria to be used when making appointments to outside organisations, have been included as they have been introduced and developed since the original Terms of Reference were devised.

2.0 Decision Requested

- 2.1 To consider revisions to the Terms of Reference and to recommend them to the Constitution Committee for approval.

3.0 Reasons for Recommendations

- 3.1 The Sub-Committee asked for the revisions to be drafted with particular reference to the original items (c) and (d) which made reference to 'overseeing' appointments. Some members were unclear about the definition of the word in this context.

4.0 Wards Affected

- 4.1 N/A

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications including - Carbon reduction - Health

- 6.1 N/A

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

7.1 No financial issues can be identified as arising from the proposals in this report.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 No legal issues can be identified as arising from the proposals in this report.

9.0 Risk Management

9.1 No issues can be identified as arising from the proposals in this report.

10.0 Background and Options

10.1 At its meeting on 24 June 2010 the Constitution Committee reconstituted the then Task Group (Outside Organisations) as a standing sub-committee of the Constitution Committee; it was entitled the Outside Organisations Sub-Committee and the Terms of Reference were agreed as follows:

- (a) To meet on an *ad hoc* basis;
- (b) To comprise six Members on a proportionate basis (4 Conservative, 1 Liberal Democrat and 1 Labour);
- (c) To oversee appointments in general to outside organisations;
- (d) To oversee appointments to Category 2-4 outside organisations, in general, and address any issues emerging in respect of those appointments;
- (e) To continue with its review of appointments to establish the effectiveness and appropriateness of representation;
- (f) To consider all new requests from outside organisations for representation on outside bodies;
- (g) Arising out of the process under (e) above to refer to Cabinet any organisation(s) deemed to be in Category 1; and
- (h) report back to the Constitution Committee as and when it considers appropriate;

10.2 These terms of reference were followed until 27 June 2011 when they were included as part of a general report on the role of the sub committee. Some members commented that the terms of reference required revision with particular reference to items (c) and (d) which made reference to 'overseeing' appointments as some members were unclear about the definition of the word in this context.

10.3 Taking into account comments made at the last meeting the Terms of Reference have been redrafted and are now shown below for consideration; they should be read in conjunction with both the procedure for (a) considering new appointments and (b) the criteria to be used when

making appointments to outside organisations which are attached as appendices A and B respectively.

Sub-Committee Proposed Revised Terms of Reference

- 10.4 The Sub Committee will comprise six Members on a proportionate basis (4 Conservative, 1 Liberal Democrat and 1 Labour) *N.B: In May 2011 agreements between the Whips was reached and the rules of political proportionality were not strictly observed.*

The Sub-Committee, which will meet on an *ad hoc* basis, will be responsible for the following:

- (a) Managing its own programme of work;
 - (b) Making recommendations, as and when appropriate to the Constitution Committee;
 - (c) Overseeing all appointments to Category 2 outside organisations, addressing any issues emerging in respect of those appointments;
 - (d) Reviewing representation to inform the appointments process for the next round of appointments [which take effect from the new Council in 2015];
 - (e) Considering new requests for representation, and assessing the appropriateness of including those organisations onto the schedule of approved organisations;
 - (f) Subject to the outcome of (e) above, make recommendations to the Cabinet in respect of any outside organisation deemed to be a Category 1; and make recommendations to the Constitution Committee in respect of Category 2 organisations;
 - (g) Reviewing, as and when appropriate, the Legal Guidance for Members Appointed to Outside Organisations;
 - (h) Conduct comprehensive reviews of representation, as and when appropriate, to establish the appropriateness of representation;
 - (i) Make recommendations to the Senior Member Development Officer in respect of training for Members representing the Council on outside organisations.
- 10.5 Members are now asked to consider the Terms of Reference, to revise them further if considered appropriate, and to recommend them to the Constitution Committee for approval.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Cherry Foreman
Designation: Democratic Services Officer
Tel No: 01270 686463
Email: cherry.foreman@cheshireeast.gov.uk

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APPENDIX A

**PROCEDURE FOR ADDING NEW OUTSIDE ORGANISATIONS TO
THE APPROVED LIST**

- (i) All new requests for representation on an outside organisation will be considered by the Sub-Committee which will apply the appointments criteria to decide whether or not the organisation should be added to the list of approved organisations.
- (ii) If the organisation is considered appropriate for inclusion, the Sub-Committee will then decide which category is the most appropriate, again by applying the approved criteria. (Category 1 comprises those organisations which are regarded as top level strategic bodies to which the Cabinet appoints and Category 2 comprises those to which the Constitution Committee appoints.)
- (iii) If the Sub-Committee determines that it should be a Category 1 organisation, the matter will be referred to the Cabinet which will (a) decide whether it wished to add the organisation to the list of Category 1 organisations; (b) if so, determine the Council's representation on the organisation as appropriate; or (c) if not, refer the organisation to the Constitution Committee to consider for inclusion as a Category 2, or for rejection.
- (iv) If the Sub-Committee determines that it should be a Category 2 organisation, the Sub-Committee will recommend the organisation's inclusion on that list of approved organisations and will submit nominations for consideration by the Constitution Committee.

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APPOINTMENTS TO OUTSIDE ORGANISATIONS

APPOINTMENTS CRITERIA

At its meeting held in March 2009, the former Governance and Constitution Committee agreed to adopt the following appointments criteria will form the basis of an objective, rational and open appointment process.

i. **Criteria for making appointments**

(a) The Appointment is a Statutory Requirement

There will be a limited number of bodies to which the Authority is required to appoint but statutory requirement should be included as a criterion. Examples include the Police Authority and Fire Authority.

(b) Appointment Allows the Authority to Influence Policy at National or Regional Level

This will apply to those organisations which give the Authority a voice at national or regional level and enables it to influence high-level policy decisions. Examples will include the Local Government Association and the North-West Employers Organisation.

(c) Appointment Assists the Authority to Deliver its Strategic Objectives and Priorities

This is a key part of any appointment system, where it can be demonstrated that the appointment will make a direct or significant contribution to the Authority's strategic objectives, in particular the Corporate Plan.

(d) Appointment is to an Organisation which Receives Major Funding from the Authority or Provides Key Public Services

Representation will ensure that the organisation uses its funding properly and develops in a way which the Authority considers appropriate.

Those organisations which provide key public services, for example Housing Trusts, are often created by a local authority which reserves the right to place Members on the organisation's Board.

(e) Where an approved organisation is ward-specific, the Member appointed should be an appropriate Ward Member.

In Wards where there is more than one Member, it will be for those Ward Members themselves to agree on the nomination. In the event of no agreement being reached, the Constitution Committee will make the decision.

ii. Criteria for Declining to make Appointment

In rare cases, it may not be appropriate to appoint to an outside organisation; for example, where there are significant cost or resource implications for the Authority when balanced against the benefits. These will be determined as and when the situation arises.

iii. Issues for Consideration in Making Appointments

In addition to adopting the approved criteria, the following should be taken into account -

○ **Political Proportionality**

When making appointments to outside organisations, there is no requirement to adopt the rules of proportionality, but there are some organisations where it is appropriate for the leading political group to take the places. These will, for the most part, be those organisations identified as Category 1.

Political proportionality is used as a starting point only by the Outside Organisations Sub-Committee to enable a fair distribution of places.

○ **Continuity/Members' Interests**

Continuity of representation can be important to outside organisations. Even where the organisation's constitution stipulates a term of office of 12 months only, the representative can build up expertise and experience which can be a loss to that organisation if a new representative is appointed after expiry of the term of office. For this reason, where possible, and provided the representative is willing to continue to serve, consideration should be given to re-appointing the same Member, if appropriate. This could depend on, for example, where elections may change the political balance or it may be appropriate to provide opportunities for newly-elected councillors to serve on organisations which reflect their interests.

Note: Following the elections in May 2011, all appointments are for the life of the Council.

○ **Potential Conflict**

Members will need to consider, when being appointed, that in taking up a formal position within an incorporated body - as director or trustee – the Member will be under a legal duty to act in the best interests of that outside body, notwithstanding the fact that he/she is there as a representative of the Authority. That duty will override a Member's duties to the Authority or the Council-tax payers it serves. It is also worth noting that where a matter is raised by the outside organisation relating to its relationship with the Authority, it is likely to give rise to a conflict of interest for the Member representative who will usually be required to absent him/herself from the

meeting during the discussion. A dual-mandated role may therefore be problematic and out-weigh any perceived benefits for either the organisation or the Authority. In these circumstances, the Member may take the view that he/she should not take up the appointment. As this would apply to any councillor appointed in these circumstances, a review of representation, for that particular organisation, would need to be undertaken.

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Dear.....

This letter is coming to you in your capacity as a Cheshire East Councillor Representative on.....,

The Outside Organisations Sub-Committee is currently carrying out a review of the Council's representation on all of its outside organisations, some of which are appointed by the Cabinet and some by the Constitution Committee. The aim of the review is to assess the effectiveness of the Council's representation. At the same time the organisations themselves are providing feedback as part of an ongoing process of ensuring that records and details in general are kept up to date.

In order to assist in the review the Sub-Committee would be very grateful if you could provide the following information:

1. How often has the outside body (named above) met since you were appointed to it in June this year?
2. Of these meetings how many have you been able to attend?
3. From your knowledge of the organisation do you consider the Council's representation to be worthwhile?
4. From your experience at the meetings do you consider your contribution as Cheshire East Member to have been of benefit to the outside body?

If you have any queries on the review, or wish to discuss it further, please ring Cherry Foreman on the above number, or contact her by email, as she is dealing with the responses on behalf of the Sub-Committee

Note for the Sub-Committee

- You may wish to consider asking for any other general views of the representative on the outside body that may assist in the review.
- Consideration also needs to be given to whether a printed letter should be sent or whether to send it electronically.

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