

Outside Organisations Sub-Committee

Agenda

Date:	Thursday, 20th September, 2012
Time:	11.00 am
Venue:	Room S1 - Westfields, Middlewich Road, Sandbach CW11 1HZ

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 disclosable pecuniary and non-pecuniary interests in any item on the agenda.

5. **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 3 May 2012.

For requests for further information

Contact: Cherry Foreman

Tel: 01270 686463

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

5. **Audlem Education Foundation** (Pages 5 - 22)

To consider representation on the Audlem Education Foundation and to review the responsible body for making the appointments.

6. **New Organisation - The Nantwich Partnership** (Pages 23 - 34)

To consider the addition of the Nantwich Partnership to the list of approved organisations.

7. **Review of Representation on Outside Organisations** (Pages 35 - 36)

To consider the outstanding responses from Councillors and organisations surveyed in Phase 2 of the review, and the responses received to those contacted in Phase 3.

N.B: A schedule of the responses received will be circulated in the near future.

8. **Sub-Committee Work Programme** (Pages 37 - 38)

To consider the ongoing work programme, copy attached.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Outside Organisations Sub-Committee**
held on Thursday, 3rd May, 2012 in Committee Suite 1, Westfields, Middlewich Road,
Sandbach CW11 1HZ

PRESENT

Councillor S Jones (Chairman)

Councillors G Baxendale, R Cartlidge, D Marren and B Murphy.

Officer in attendance:

Cherry Foreman

35 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor B Moran.

36 DECLARATIONS OF INTEREST

Councillor D Marren declared a personal interest in respect of the Crewe and Nantwich Twinning Association of which he was a member.

37 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

38 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 28 February 2012 be approved as a correct record subject to the following wording being added to recommendation 1 of minute 33: -

“ and that any other organisations that relate to Cheshire East establishments, functions, or run by Cheshire East staff, be removed from the list in accordance with the principle as agreed and noted in para 4 of body of the minute.”

39 REVIEW OF COUNCILLOR REPRESENTATION

Consideration was given to the outstanding responses received in respect of organisations surveyed in Phase 1 of the review, and to those received for organisations surveyed in Phase 2.

Phase 1 of the review

With regard to the responses received since the last meeting it was agreed that, in accordance with the principle agreed at that meeting, that the Bollin Valley Steering Committee be removed from the list. In the light of organisational changes since Local Government Reorganisation it was considered that this was now a Cheshire East function and would be better served by the formation of a

Friends Group, for example. The need for a steering committee of some kind was not doubted but it was felt that the best way of carrying out that role could be considered further at such time as some of the current funding/membership issues had been resolved.

In the case of the BAE Systems Woodford Local Consultative Committee, and of the Crewe and Nantwich Gymnastics and Community Activity Association, as no further information had been received it was agreed that they be removed from the list of organisations.

Phase 2 of the review

The Sub-Committee considered the replies received from Members and organisations surveyed in Phase 2 and agreed the actions set out below: -

1. Cheshire Community Council Playing Fields Association – the Sub-Committee was informed that this did not exist; it was agreed that it be removed.
2. Cheshire Landscape Trust – Council representation was not a requirement nor was it considered by the organisation to be needed; therefore it was agreed that it be removed.
3. Community Transport (Macclesfield District) – remove from the list as it no longer operated in the way it had when established as ‘Dial a Ride’.
4. Congleton Leisure Centre Advisory User Panel – remove as it was a Cheshire East function.
5. Crewe and Nantwich Sports Council Executive Committee – it was reported that this had been disbanded; it was agreed that it be removed.
6. Fairtrade Steering Group – remove from the list, as it was not a genuine outside organisation, and refer to the appropriate Cabinet Portfolio Holder.
7. Colshaw Farm Estate Neighbourhood Management Board – transfer to Wilmslow Town Council as it was more appropriate to their remit.
8. That further information be sought in respect of: -
 - Cheshire East CAB (Congleton, Crewe & Nantwich)
 - Cheshire Local History Association
 - Crewe and Nantwich Twinning Association
 - Fence Trust Macclesfield
 - Kings School Macclesfield
 - Knutsford Education Foundation

RESOLVED

1. For the reasons set out above, that the Bollin Valley Steering Committee, the BAE Systems Woodford Local Consultative Committee and the Crewe and Nantwich Gymnastics and Community Activity Association be removed from the list of outside organisations appointed to by the Council.
2. For the reasons set out above that the Cheshire Community Council Playing Fields Association, the Cheshire Landscape Trust, Community Transport (Macclesfield District), Congleton Leisure Centre Advisory User Panel, Crewe and Nantwich Sports Council Executive Committee, and the Fairtrade Steering Group be removed from the list of outside organisations appointed to by the Council.

3. That the Colshaw Farm Estate Neighbourhood Management Board be transferred to Wilmslow Town Council as it is more appropriate to their remit.
4. That further information be sought from either the organisation or from Members, as appropriate, regarding
 - Cheshire East CAB (Congleton, Crewe & Nantwich)
 - Cheshire Local History Association
 - Crewe and Nantwich Twinning Association
 - Fence Trust Macclesfield
 - Kings School Macclesfield
 - Knutsford Education Foundation

40 SUB-COMMITTEE WORK PROGRAMME

The progress of the review was noted and it was agreed that the remaining Tranches 5, 6 and 7 be surveyed in the final stage of the review whilst at the same time the outstanding responses for Phase 2 be pursued.

The date of the next meeting was set for Thursday 20 September 2012 at 11.00 am.

The meeting commenced at 10.30 am and concluded at 11.35 am

Councillor S Jones (Chairman)

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CHESHIRE EAST COUNCIL

OUTSIDE ORGANISATIONS SUB-COMMITTEE

Date of Meeting: 20 September 2012
Report of: Democratic and Registration Services Manager
Subject/Title: Audlem Education Foundation

1.0 Report Summary

- 1.1 At its meeting on 5 July the Constitution Committee was asked to consider the number of Members appointed to the Audlem Education Foundations Awards Committee, and to review the responsible body for making those appointments in the light of Local Government Reorganisation Changes.
- 1.2 The Constitution Committee resolved that the matter be referred to the Outside Organisations Sub-Committee for consideration. A copy of the report and documentation that went to the Constitution Committee is attached.

2.0 Recommendation

- 2.1 That consideration be given to the appropriate number of representatives on the Audlem Education Foundation Awards Committee and to any necessary changes to its constitution arising from that decision.

3.0 Reasons for Recommendations

- 3.1 The Awards Committee currently has a vacancy that needs to be filled. In addition there have been a number of occasions on which the Committee has met and unfortunately been inquorate; for that reason an increase in the number of its core members has been requested in order to avoid this happening in the future.

4.0 Wards Affected

- 4.1 Audlem.

5.0 Local Ward Members

- 5.1 Councillor Rachel Bailey.

6.0 Policy Implications

- 6.1 None identified.

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

7.1 None identified.

8.0 Legal Implications (Authorised by the Director of Finance and Business Services)

8.1 As per the attached report to the Constitution Committee.

9.0 Risk Management

9.1 As per the attached report to the Constitution Committee

10.0 Background and Options

10.1 As per the attached report to the Constitution Committee

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: 01260 686463

Email: cherry.foreman@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 5th July 2012
Report of: Borough Solicitor
Subject/Title: Audlem Education Foundation

1.0 Report Summary

The report asks the Constitution Committee to consider the number of members appointed to the Audlem Education Foundation Awards Committee, and to review the responsible body for making those appointments in the light of Local Government Reorganisation changes since the Awards Committee was established.

2.0 Recommendation

2.1 As requested by the Audlem Education Foundation (in paragraph 10.2 of this report), the Committee is recommended to agree the representation on the Audlem Education Foundation Awards Committee and any necessary changes to its Constitution arising from that decision.

3.0 Reasons for Recommendation

3.1 The Awards Committee currently has a vacancy which needs to be filled. In addition, there have been a number of occasions on which the Committee has met and unfortunately been inquorate; for that reason an increase in the number of its core members has been requested in order to avoid this happening in the future.

4.0 Wards Affected

4.1 Audlem.

5.0 Local Ward Members

5.1 Councillor Rachel Bailey.

6.0 Policy Implications

6.1 None identified.

7.0 Financial Implications

7.1 None identified.

8.0 Legal Implications

8.1 Whilst membership of outside bodies carries with it the potential for personal liability for elected Members undertaking such roles as ancillary to their status as a Councillor, particularly in respect of trusteeships, Cheshire East Borough Council has already resolved to put in place for elected Members the maximum indemnity which is allowed by law.

8.2 Section 111 of the Local Government Act 1972 empowers local authorities to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions, and Section 2 of the Local Government Act 2000 empowers them to do anything they consider likely to achieve the object of the promotion of the economic, social or environmental well-being of their area. In addition there is now the general power of competence under the Localism Act 2011. These are the main provisions which the Council would rely on to appoint members to outside bodies/select those bodies to which they are appointed.

9.0 Risk Management

An inability to appoint members, and the inability of the Foundation to hold meetings that are quorate, could have an impact on the organisation and on the work of its charity.

10.0 Background and Options

10.1 History of the Audlem Education Foundation Awards Committee

The Clerk of the Audlem Education Foundation has asked for assistance in resolving a problem concerning the number of representatives on its board of Trustees.

The former Cheshire County Council was set up as a Trustee to the Foundation in 1973 and the Awards Committee was subsequently established with a membership of 5, which, at that time comprised:

- 3 from Cheshire County Council Education Committee
- 1 from Crewe and Nantwich Borough Council
- 1 from Audlem Parish Council

The last appointments made by the County Council were in 2006, for a 4 year period, and were noted as being 2 Conservative representatives and 1 Labour representative. None of the appointees were Councillors although they were noted as having a political connection and it was sometimes the practice in predecessor authorities to appoint people

who were local to the organisation and known or affiliated to the political group.

In 2010, and post Local Government Reorganisation, the Foundation asked Cheshire East Officers from the Legal and Democratic Services Sections for advice on amending the Awards Committee Constitution to take into account the demise of the Cheshire County and Crewe and Nantwich Councils. Advice was given that any change would need to be considered by this Committee and that the scheme might well then also need to be referred to the Charity Commission with an explanation of the reasons for change. No action was however taken at that time.

10.2 Current Members of the Awards Committee

Councillor Rachel Bailey was appointed by Cheshire East Council in 2009 to fill the position previously appointed to by Crewe and Nantwich Borough Council, and she was then reappointed in 2011 for the period until 2011.

The current membership is as follows:

Cllr Rachel Bailey	Cheshire East Council (former Crewe and Nantwich Borough Council appointment)
Mr Smith	former Cheshire County Council appointment
Mrs R Foster	former Cheshire County Council appointment
1 vacancy (Mr F Goodwin deceased)	former Cheshire County Council appointment
Mr B Consterdine	Audlem Parish Council

When the Awards Committee last met in March 2012 the following resolution was made:

RESOLVED:

A reply be sent to Democratic Services to forward the following requests to the Constitution Committee at their next meeting.

1. *For Mrs Helen Rounding to be considered to fill the vacancy on the Awards Committee.*
2. *To request approval to appoint an additional member to the Awards Committee from 5 to 6 people and for Mr Peter Marshall to be considered, due to Cllr Bailey's evening commitments.*
3. *The Committee wish to make reference for the following paragraphs of The Audlem Educational Foundation*

Scheme made by the Secretary For Education and Science under Section 18 of The Charities Act 1960:

“Delegation

4. The Council may, with or without any restrictions or conditions as the Council shall think fit, delegate all or any of their powers under this Scheme to its Education Committee or to an Awards sub-Committee, the latter to be constituted in such manner as the Council may think fit.

General Power to make Rules

11. Within the limits prescribed by this Scheme, the Council shall have full power to make and alter rules for the management of the Foundation.”

10.3 Amending the Charitable Scheme

The Charitable Scheme governs the manner in which the Foundation’s Trustee is required to manage its assets and make awards, an Internal Memorandum (copy attached) explains how Cheshire County Council decided to comply with the scheme, including its procedures for appointing individuals to the Foundation’s Awards Committee.

As Cheshire East Council is the County Council’s successor it is now required to carry out the functions of the Trustee and so the Council may wish to amend the Constitution to reflect the latest position within Cheshire East.

If the Constitution is amended to name Cheshire East Borough Council rather than Cheshire County Council, the new version of the scheme would need to be referred to the Charities Commission for its approval along with an explanation of the reasons for change.

11.0 Access to Information

The background reports can be inspected by contacting the report Author:

Contact Officer: Cherry Foreman
Designation: Democratic Services Officer
Tel: 01270 686463
E-mail: cherry.foreman@cheshireeast.gov.uk

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POLICY & FINANCE SUB-COMMITTEE

7th May 1974

Audlem Educational Foundation.Introduction

Audlem Grammar School was closed as a school in 1965. The site and buildings, part of which date back to 1655, formed part of the trust property belonging to the Audlem Educational Foundation. The County Council have been the Trustees of this charitable foundation since 1910.

When no alternative use for the property could be found the old County Council (Finance and General Purposes Committee - 13.3.72) decided, with the consent of the Department of Education and Science, to transfer the building from themselves in their role as Trustees to themselves in their role of Local Planning Authority. This took place at the District Valuer's valuation of £8,500 which was paid into the Foundation's account. This cleared off the educational trust making it easier for the County Council to sell the property on the open market and the property was eventually auctioned in October 1972.

The £8,500 paid into the Foundation's account was added to the assets of the Foundation in place of the property sold and invested in appropriate trustee securities. At the present time, there is £11,350 in the Foundation fund producing an annual income of £1,158.

The Present Position.

The sale of the school and changes in social conditions meant that some of the objects of the 1910 Scheme were defunct and on 18.6.73 the Finance and General Purposes Committee of the Old County Council resolved that this scheme be revoked and a new scheme with a new list of benefits be made within the spirit of the 1910 Scheme. This was drawn up in consultation with the Department of Education and Science and was established by the Secretary of State on 7 December 1973.

The new benefits are as follows :-

A. Special benefits for Maintained Schools.

A sum of not more than one third of the net income in each year may be applied by the Council in the provision of such special benefits of any kind not normally provided by the Local Authority for any maintained voluntary or county school in the area of benefit of the Foundation as may from time to time be agreed between the Council and the managers or governors of the school.

INTERNAL MEMORANDUM

From:
To:

H H Davidson

REF 5 HD

DATE 21/10/74

EDUCATION POLICY AND FINANCE SUB COMMITTEE - 7.5.74

As a record for the file and to enable the necessary further action to be taken the following is an extract from the minutes of this meeting:

26. AUDLEM EDUCATIONAL FOUNDATION

The Sub-Committee received a report on the revised scheme for the administration of this charitable foundation.

RESOLVED - (i) That the proposed arrangements be approved and that an Audlem Awards Committee with the following constitution be established:-

- 3 persons appointed by the Education Committee
(including the local member)
- 1 person appointed by the Crewe and Nantwich District Council,
being the local member
- 1 person appointed by the Audlem Parish Council

(ii) That the Awards Committee submit an annual report to this Sub Committee.

(iii) That the Selection Committee be recommended to appoint the following members to represent the County Council

Councillor B L Mulliner (local member)
Councillor R Hinks
Councillor T G Holman.

- RECOMMENDED - (1) That the above arrangements be approved and an Audlem Awards Committee be established.
- (2) That three representatives be recommended including the local member.

J T Kelle tt
County Secretary

J R G Tomlinson
Director of Education

sealed 7th December 1973.

No. 7089 P.

County - CHESTER

Ancient Parish - AUDLEM

Foundation - THE AUDLEM EDUCATIONAL
FOUNDATION

Scheme

SCHEME MADE BY THE SECRETARY OF STATE FOR EDUCATION AND SCIENCE UNDER SECTION 18 OF THE CHARITIES ACT 1960.

The Foundation

1. In this Scheme the expression "the Foundation" means the Audlem Educational Foundation, in the Ancient Parish of Audlem, in the County of Chester, now regulated by a Scheme made by the Board of Education under the Charitable Trusts Acts, 1853 to 1894, on 23rd September 1910, and whereof the Cheshire County Council (hereafter called "the Council") is the Trustee.

Revocation and Substitution

2. The provisions of the said Scheme of 23rd September 1910 are hereby revoked and the provisions of this Scheme are substituted therefor.

Administration and Title

3. The Foundation and its endowment (including the particulars specified in the Schedule to this Scheme) shall be administered by the Council as the present Trustee thereof in conformity with the provisions of this Scheme under the name of THE AUDLEM EDUCATIONAL FOUNDATION.

Delegation

4. The Council may, with or without any restrictions or conditions as the Council shall think fit, delegate all or any of their powers under this Scheme to its Education Committee or to an Awards sub-Committee, the latter to be constituted in such manner as the Council may think fit.

Councillors, etc. not to be financially interested in the Foundation

5. Except in special circumstances with the approval in writing of the competent Central Authority for the time being exercising jurisdiction in respect of the Foundation under the Charities Act 1960 (hereinafter in this Scheme referred to as "the Central Authority"), no member of the Council or of their Education Committee or other committee or body to whom the exercise of powers under this

to the Foundation otherwise than as a trustee for the purposes thereof, or receive any remuneration, or be interested in the supply of work or goods at the cost of the Foundation.

Application of Income

6. After payment of any expenses of administration, the net yearly income of the Foundation shall be applied by the Council in the manner and to the objects hereinafter prescribed.

Special Benefits for Maintained Schools

7. The Council may apply such yearly sum as they think fit, being not more than one-third of the said net income, in providing for any maintained voluntary or county school in the area of benefit of the Foundation such special benefits, of any kind not normally provided by the Council as Local Education Authority, as may from time to time be agreed upon between the Council and the managers or governors of the said school:

Provided that the Central Authority may, on the application of the Council, approve in writing the application in any year of a sum in excess of the said one-third.

Other Educational Benefits

8. (1) The residue of the net yearly income of the Foundation shall be applied by the Council in any one or more of the following ways for the benefit of beneficiaries as hereinafter defined:-

(a) In awarding to beneficiaries Exhibitions, Grants or Maintenance Allowances tenable at any secondary school, university or other place of learning approved by the Council;

(b) In providing financial assistance, outfits, clothing, tools, instruments or books to enable beneficiaries on leaving school, a university or other educational establishment, to prepare for, or to assist their entry into, a profession, trade or calling;

(c) In awarding Bursaries or Maintenance Allowances to enable beneficiaries to travel, whether in this country or abroad, to pursue their education;

(d) In providing financial assistance to enable beneficiaries to study music or other arts; or

(e) In otherwise promoting the education, including social and physical training, of beneficiaries.

(2) Within the limits prescribed by this Scheme, the Council shall have full power to make and alter rules for the award of Exhibitions, Grants,

aries, Maintenance Allowances or other benefits, including rules as to the value and period of tenure of the awards, and the qualifications and method of ascertainment and selection, of beneficiaries.

(3) In this clause the expression "beneficiaries" means young persons of either sex who have not attained the age of 25 years, who are resident in the Ancient Parish of Audlem and who are, in the opinion of the Council, in need of financial assistance, with a preference for such young persons qualified as aforesaid who are attending, or have for not less than two years at any time attended, as registered pupils at a maintained school.

Surplus Income

9. (1) Any income of the Foundation remaining unapplied in any year may be retained by the Council for application in the following year in the manner and to the objects above prescribed.

(2) Subject thereto, any sum of cash at any time belonging to the Foundation and not needed as a balance for working purposes shall, unless otherwise directed by the Central Authority, be invested in trust for the Foundation.

Savings of Interests

10. Any Exhibition or other like emolument awarded on or before the date of this Scheme shall be maintained and held, as nearly as may be, as if this Scheme had not been made.

General Power to make Rules

11. Within the limits prescribed by this Scheme, the Council shall have full power to make and alter rules for the management of the Foundation.

Accounts

12. The Council shall provide and keep books of account referable to the income and expenditure of the Foundation, and proper accounts in relation thereto shall in each year be made out and certified in such form as the Central Authority may require.

Further Endowments

13. The Council may accept any additional donations or endowments for the general purposes of the Foundation or for any special objects connected with the Foundation which shall not be inconsistent with, or calculated to impede the due working of, the provisions of this Scheme.

Questions under Scheme

14. If any question arises as to the construction of this Scheme, or as to the regularity or the validity of any acts done or about to be done thereunder, it shall be determined by the Central Authority, upon such application made for the purpose as the Central Authority thinks sufficient, and such determination shall be binding on the Council and all persons claiming under the trusts of the Foundation.

Interpretation

15. The Interpretation Act 1889 shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

Date of Scheme

16. The date of this Scheme shall be the day on which it is established by an Order of the Secretary of State for Education and Science.

AUDLEM EDUCATIONAL FOUNDATION
BENEFITS

A Special benefits for Maintained Schools.

A sum of not more than one third of the net income in each year may be applied by the Council in the provision of such special benefits of any kind not normally provided by the Local Authority for any maintained voluntary or county school in the area of benefit of the Foundation as may from time to time be agreed between the Council and the managers or governors of the school.

B Other Educational Benefits

The residue of the net yearly income shall be applied by the Council in one or more of the following ways:

- (a) In awarding to beneficiaries Exhibitions, Grants or maintenance allowances tenable at any secondary school, University or other place of learning approved by the Council.
- (b) In providing financial assistance, outfits, clothing, tools, instruments or books, to enable beneficiaries on leaving school, a University or other educational establishment, to prepare for, or to assist their entry into, a profession, trade or calling
- (c) In awarding Bursaries or Maintenance Allowances to enable Beneficiaries to travel, whether in this country or abroad, to pursue their education
- (d) In providing financial assistance to enable Beneficiaries to study music or other arts; or
- (e) In otherwise promoting the education, including social and physical training, of Beneficiaries.

"Beneficiaries" means young persons of either sex who have not attained the age of 25 years, who are resident in the Ancient Parish of Audlem and who are, in the opinion of the Council, in need of financial assistance, with a preference for young persons attending or have attended for not less than two years as registered pupils at a maintained school.

I have established that the Ancient Parish of Audlem comprised the civil parishes of Audlem, Buerton and Hankelow, and part of Dodcott-cum-Wilkesley and Newhall.

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HISTORY OF APPOINTMENTS TO THE AUDLEM EDUCATIONAL FOUNDATION

A charitable scheme for Audlem Educational Foundation was established on 7 December 1973 and it names Cheshire County Council as its Trustee.

The County Council had been Trustees of the original charitable foundation since 1910 but the closure of Audlem Grammar School in 1965, and the sale of the buildings in 1972, meant that along with changes in social conditions some of the objects of the 1910 scheme were defunct. A new scheme with a new list of benefits was, therefore, made and established by the Sec of State on 7 December 1973.

On 7 May 1974 the Education, Policy and Finance Committee of the County Council approved the arrangements for an Audlem Awards Committee.

The charitable scheme governs the manner in which the Foundations Trustee is required to manage its assets and makes awards, whilst the Awards Committee is the manner in which the County Council decided to comply with the scheme, including its procedures for appointing individuals to the Foundations Awards Committee.

The 5 member Awards Committee was set out as being comprised as follows:

- 3 persons appointed by the Education Committee (including the local member)
- 1 person appointed by the Crewe and Nantwich Borough Council being the local member
- 1 person appointed by the Audlem Parish Council

In 2009 as part as the LGR transformation process a review was carried out by the Outside Organisations Task Group of all outside organisation appointments made by the predecessor authorities. The review included consideration of the continued appropriateness of the appointments and which of them should become the responsibility of Cheshire East Council. It appears that, for whatever reason, consideration at that time was only given to the appointment previously made by Crewe and Nantwich Borough Council, and responsibility for this single appointment was transferred to Cheshire East Council.

However, as Cheshire East has inherited the County Councils education responsibilities it should, strictly speaking, be appointing 4 out of the 5 members - these being the three appointments previously made by the Education Committee in addition to the one appointment made by Crewe and Nantwich Borough Council.

The difficulty with the overall number of representatives has arisen at this time as, out of the total of 5, 1 cannot guarantee to attend regularly due to other commitments and 1 has passed away, leaving too small a number for meetings to be quorate.

The three representatives appointed by CCC in 2006 for a four year period have not been reappointed since then but they appear to have continued as representatives with the approval of the Awards Committee.

Consideration therefore now needs to be given by the Constitution Committee, as it is a Category 2 Organisation which means it is appointed by the Constitution Committee, as to the total number of representatives on the Awards Committee and also to the appropriate body for making those appointments. Alternatively the Constitution Committee could refer the matter to the Outside Organisations Sub Committee for further attention.

At its meeting on 23 March 2012 current members of the Awards Committee were asked by its Chairman to suggest the names of suitable local people within Audlem and Buerton parishes with a view to the Committee appointing them in order to

- (i) fill the vacancy arising from the previous representative passing away; and
- (ii) to increase the numbers present so as to prevent meetings regularly being inquorate.

The names of Mrs Helen Rounding and Peter Marshall were subsequently submitted.

The Awards Committee has also pointed out the following paragraphs of the Foundation Scheme of 1974 for the attention of the Constitution Committee:-

Para 4 Delegation

The Council may, with or without any restrictions or conditions as the Council shall think fit, delegate all or any of their powers under this Scheme to its Education Committee or to an Awards Sub-Committee, the latter to be constituted in such a manner as the Council think fit.

And to

Para 11 General Power to make Rules

Within the limits prescribed by this Scheme, the Council shall have full power to make and alter rules for the management of the Foundation.

CHESHIRE EAST COUNCIL

Outside Organisations Sub-Committee

Date of meeting: 20 September 2012
Report of: Democratic Services and Registration Manager
Title: New Outside Organisation – The Nantwich Partnership

1.0 Report Summary

The report invites the Sub-Committee to consider a request for representation on the newly founded Nantwich Partnership. The request needs to be assessed in accordance with the Procedure for adding outside Organisations to the approved list, agreed by the Constitution Committee at its meeting on 21 March 2011.

2.0 Decision Requested

- 2.1** For the Sub-Committee to consider the request from the Nantwich Partnership to be added to the list of approved Outside Organisations; if approved then to consider which category for appointment it falls into and to nominate Councillors for approval by either the Cabinet or the Constitution Committee as appropriate.

3.0 Reasons for a Recommendations

- 3.1** It is important for Cheshire East Council to appoint Members to outside organisations to ensure that it continues to represent the interests of the Authority and the wider community.

4.0 Wards Affected

- 4.1** Nantwich South and Stapeley, Nantwich North and West.

5.0 Local Ward Members

- 5.1** Cllrs Peter Groves, Andrew Martin, Penny Butterill and Arthur Moran.

6.0 Policy Implications

- 6.1** None identified.

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

- 7.1** None identified.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Whilst membership of outside bodies carries with it the potential for personal liability for elected Members undertaking such roles as ancillary to their status as a Councillor, particularly in respect of trusteeships, Cheshire East Borough Council has already resolved to put in place for elected Members the maximum indemnity which is allowed by law.
- 8.2 Section 111 of the Local Government Act 1972 empowers local authorities to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions, and Section 2 of the Local Government Act 2000 empowers them to do anything they consider likely to achieve the object of the promotion of the economic, social or environmental well-being of their area. Pending the coming into force of the general power of competence in the Localism Act 2011, which will be on a date yet to be announced, either or both of these existing powers would normally be the authority for appointing Members to outside bodies and/or selecting the bodies to which they are to be appointed

9.0 Risk Management

No risks identified.

10.0 Background

- 10.1 The Sub-Committee is asked to consider adding Nantwich Partnership to the list of approved outside organisations.
- 10.2 The Nantwich Partnership will comprise a Management Team to be known as the Nantwich Public Realm Working Group, working as part of the Nantwich Area Partnership. Members of the Partnership include:

David McGifford - Cheshire East Economic Regeneration
Phil Riding - Cheshire East Economic Regeneration
Kirstie Hercules – Partnerships Manager
Jeff Stubbs – Chair of Nantwich Civic Society
John Weir - the Chair of the Local Area Partnership
Representative from Nantwich Theatre
Sharon Angus-Crawshaw – Nantwich Local Area Partnership
Manager

Consideration will also need to be given to Councillor representation.

- 10.3 A copy of the Constitution/Terms of Reference of the Partnership are attached for information.

10.4 The procedure to be adopted and the criteria to be taken into account are given in paragraphs 10.5 and 10.6 below. In summary, the Sub-Committee is asked to consider:-

- (a) if the outside organisation should be added to the list of approved organisations;
- (b) if “yes” to (a), to which category should it be added? (Category 1 – Cabinet appoints: Category 2 – the Constitution Committee appoints); and
- (c) if it is to be recommended as a Category 2, the Sub-Committee may wish to consider making nominations.

10.5 Procedure

The following procedure for considering new requests was approved by the Constitution Committee on 24 March 2011.

- (i) All new requests for representation on an outside organisation are to 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 all other approved outside bodies 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 wishes 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 wishing to approve its inclusion, the matter will be referred back 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 the list of approved organisations and will submit nominations to the Constitution Committee.

10.6 Criteria

The following are the approved criteria for consideration when adding organisations to the approved list and when making appointments to those organisations.

(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.

11.0 Access to Information

The background reports can be inspected by contacting the report Author:

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CONSTITUTION

NANTWICH PARTNERSHIP

A. NAME

The name of the Association is **Nantwich Partnership (“the Partnership”)** and will **comprise the Management Team (also known as Nantwich Public Realm Working Group) working as part of Nantwich Local Area Partnership.**

B. ADMINISTRATION

Subject to the matters set out below, the Partnership and its property shall be administered and managed in accordance with this Constitution by the members of the Management Team, constituted by clause G of this Constitution (**“the Management Team”**).

C. OBJECTS

The Partnership’s Objects (**“the Objects”**) is:

To promote, for public benefit, the improvement of economic, social, environmental and cultural health of the Nantwich area.

D. POWERS

In furtherance of the Objects but not otherwise, the Management Team may exercise the following powers:

- (i) to raise funds and to invite and receive contributions provided that in raising funds the Management Team shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of the law;
- (ii) to buy, take on, lease or exchange any property (excluding land) necessary for the achievement of the objects and to maintain and equip it for use;
- (iii) subject to any consents required by law, to sell, lease or dispose of all or any part of the property of the Partnership;
- (iv) to co-operate with charities, voluntary bodies and statutory authorities operating in furtherance of the objective and to exchange information and advice with them;
- (v) to establish or support any charitable trusts, associations or institutions formed for all or any of the objects;
- (vi) to appoint and constitute such advisory committees as the Management Team may think fit;
- (vii) to do all such other lawful things as are necessary for the achievement of the objects.

E. MEMBERSHIP

Membership is open to any individual, group, organisation, body, corporate or incorporated association who are actively involved in regenerating Nantwich and furthering the Partnership's work and who supports the objects.

Conditions of membership:

- (iii) Representations to the Press or any external body relating to past, current or future business of Nantwich Regeneration Partnership by any member must be done in liaison with the Chair, or in the absence of the Chair, the Vice Chair, and/or the Nantwich LAP Manager.
- (iv) Members will enhance and develop wider partnership working, bringing together the community.

F. HONORARY OFFICERS OF THE MANAGEMENT TEAM

- (i) The Honorary Officers (called the Officers) will be the Chair and Vice Chair; persons who have served for 12 months will be eligible for nominations of Chair.
- (ii) The Officers will be elected by the members, on an annual basis at the Annual General Meeting (AGM), but shall not hold office for more than a full term of 6 years.

G. MANAGEMENT TEAM

- (i) Key Roles:
 - a) Provide the leadership, strategic vision and direction for Nantwich Partnership and also provide suitable performance management to assure delivery of its objectives.
 - b) Develop and agree Work Plans.
 - c) Control Finance.
 - d) Evaluate project proposals from Nantwich LAP consultations and the LAP Area Management Group.
 - e) Commission/launch projects including governance arrangements and forming Steering Committees if required.
 - f) Lead, support, reject or defer projects.
 - g) Meet regularly to discuss any issues and progress.
 - h) Provide support and advice to community groups.

- (ii) The Management Team will consist of at least 5 members and no more than 11 and shall include the following:
 - (a) The Elected Chairman and Vice Chairman.
 - (b) Representatives from each of the following:
 - Nantwich Civic Society.
 - Cheshire East Council.
 - Nantwich Town Council.
 - One representative from the Business Community.
- Note:
- The Nantwich LAP Manager provides the secretariat.
 - Finance control and accounting will be provided externally.
- (iii) The proceedings of the Management Team shall not be invalidated by any vacancy amongst their number or by any failure to appoint or any defect in the appointment or qualification of a member.
 - (iv) To maintain the political neutrality of the Partnership, all elected representatives of political parties are to be precluded from holding any Office or Chair on the Partnership.
 - (v) The Management Team will set up such “Task and Finish Groups” and Sub-Committees as deemed necessary for the running of projects required for successful operation of the Partnership. Each Task and Finish Group will have a Chair from the Management Team, or a Chair appointed from elsewhere who will be co-opted on to the Management Team for the duration of the task.

H. DETERMINATION OF MEMBERSHIP OF THE MANAGEMENT TEAM

A member of the Management Team shall cease to hold office if he or she:

- (i) Becomes incapable by reason of mental disorder, illness or injury or managing and administering his or her own affairs;
- (ii) Is absent without valid reason given to and accepted by the Management Team from all their meetings held within a period of six months and the Management Team resolve that his or her office be vacated; or
- (iii) Notifies to the Management Team a wish to resign (but only if at least five members of the Management Team will remain in office when the notice of resignation is to take effect).

I. MANAGEMENT TEAM MEMBERS NOT TO BE PERSONALLY INTERESTED

- (i) No member of the Management Team shall acquire any interest in property belonging to the Partnership or receive remuneration or be interested (otherwise than as a member of the Management Team) in any contract entered into by Management Team.

- (ii) All Management Team members should declare any interest or potential interest that may arise in respect of a project, contract or other matter to which the Partnership is or may become a party. The Nantwich LAP Manager will maintain a register of the declared interests, which details the nature and extent of those interests. The register will be made available to members of the public. Where a conflict of interest is declared the member should not influence any decision on the matter. He/she should abstain from any vote and withdraw from the meeting room whilst the relevant matter is being discussed.
- (iii) No contract or other award should be made to a member of the Management Team's company or any other organisation or group in respect of which an interest has been declared without the prior approval of the Management Team. Whenever members are unsure of the seriousness of a potential conflict of interest, they should raise the issue in advance and seek Management Team guidance. Where there is any doubt they should err on the side of caution and withdraw.

J. MEETINGS AND PROCEDURES OF THE MANAGEMENT TEAM

- (i) The Management Team shall hold at least six Ordinary Meetings each year. A Management Team meeting may be called at any time by the Chair or by any two members of the Management Team, not less than 4 days notice being given to the other members of the Management Team of the matters to be discussed but if the matters include an appointment of a co-opted member then not less than 21 days notice must be given.
- (ii) There shall be a Quorum when at least 3 members of the Management Team are present at a meeting.
- (iii) Every matter shall be determined by a majority of votes of the members of the Management Team present and voting on the question but in the case of equality of votes the Chair of the meeting shall have a second or casting vote.
- (iv) The Management Team shall keep a note of agreed actions at meetings and those of any Sub-Committees.
- (v) The Management Team may from time to time make and alter rules for the conduct of their meetings and the custody of documents. No rule may be made which is inconsistent with this Constitution.

K. MANAGEMENT SUB-COMMITTEE

A Management Sub-Committee comprising the Chair and Vice Chair of the Management Team and the Nantwich LAP Manager shall act on behalf of the Management Team in any matter that is of an urgent nature or requiring immediate action where it would be impractical or unreasonable to convene a full meeting of the Management Team. All actions of the Sub-Committee will be reported back to the Management Team for ratification at the earliest opportunity. The Quorum for decision-making shall be any two of the three members.

L. INDEPENDENCE OF PARTNERSHIP

The Officers, Management Team and Members will always ensure that the Partnership is independent of any body corporate or incorporated association at all times.

M. RECEIPTS AND EXPENDITURE

- (i) The funds of the Partnership, including all donations, contributions and bequests, shall be paid into an account operated by the Management Team in the name of Nantwich Partnership.
- (ii) The funds belonging to the Partnership shall be applied only in furthering the objective identified at Clause C.

N. ACCOUNTS

The Management Team will hold the accounts on behalf of Nantwich Partnership establishing its own bank account and accounting procedures to include:

- (i) The keeping of the accounting records for the Partnership.
- (ii) The preparation of Annual Statements of Accounts for the Partnership.
- (iii) The auditing or independent examination of the Accounts of the Partnership.
- (iv) The Management Team shall be responsible for the recovery of VAT, as permitted, on any goods or services it procures on behalf of the Partnership.

O. ACTION PLAN

The Partnership's Action Plan will be determined on an annual basis and will be updated periodically.

P. ANNUAL GENERAL MEETING (AGM)

- (i) There shall be an AGM of the Nantwich Partnership, which shall be held in the month of October in each year or as soon as practicable thereafter.
- (ii) The AGM shall be called by the Management Team. At least 21 days notice of the Annual General Meeting will be given to all the members of the Partnership. All the members of the Partnership and interested parties shall be entitled to attend the meeting which will be held in public.
- (iii) The Management Team shall present to each AGM the Annual Report and Accounts of the Partnership for the preceding year.
- (iv) Nominations for election to the Management Team must be made by members of the Partnership in writing and must be in the hands of the Nantwich LAP Manager of the Management Team at least 14 days before the AGM. Should nominations exceed vacancies, elections shall be by ballot.

Q. EXTRAORDINARY GENERAL MEETINGS (EGM)

The Management Team may call an EGM of the Partnership at any time. If at least one third of the members request such a meeting in writing stating the business to be considered, the Nantwich LAP Manager shall call such a meeting at least 21 days must be given. The notice must state the business to be discussed.

R. DISSOLUTION

If the Management Team should decide that it is necessary or advisable to dissolve the Partnership, it shall call a meeting of all members of the Partnership of which not less than 21 days notice (stating the terms of the resolution to be proposed) shall be given. If the proposal is confirmed by a two-thirds majority of those present and voting, the Management Team shall have power to realise any assets held by or on behalf of the Partnership. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to a body having objectives similar to the objectives of the Partnership as the members of the Partnership may determine or failing that shall be applied for some other charitable purpose.

THIS CONSTITUTION WAS ADOPTED AT THE NANTWICH PARTNERSHIP

MEETING HELD ON 9th OCTOBER 2012

SIGNED:

Chairman: Jeff Stubbs

SIGNED:

Vice Chairman: John Weir

CHESHIRE EAST COUNCIL

Outside Organisation Sub Committee

Date of Meeting: 20 September 2012
Report of: Democratic Services and Registration Manager
Subject/Title: Review of Representation on Outside Organisations

1.0 Report Summary

- 1.1 At its meeting on 23 November 2011 the Sub Committee agreed to commence its review of the appropriateness of Councillor representation on those outside organisations for which it was responsible for appointing the Councils representatives.
- 1.2 The total list of organisations that fall within the purview of the Sub-Committee was divided into six tranches and a survey letter has now been sent to those in Phase 3, made up of tranches 5, 6 and 7. Appended to this report are the responses received from Councillors and the Organisations; in addition a number of outstanding responses from earlier phases are also attached.
- 1.3 The Sub-Committee is now asked to consider the responses.

2.0 Decision Requested

- 2.1 That consideration be given to the responses received and a decision made as to the continuing appropriateness of the Councils representation on each of the bodies surveyed to date.

3.0 Reasons for Recommendations

- 3.1 The Sub-Committee is committed to ensuring that representation on outside organisations remains effective for all concerned.

4.0 Wards Affected

- 4.1 All, as the outside organisations are spread across the whole of the Borough.

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications

- 6.1 None identified.

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

7.1 None identified.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Whilst membership of outside bodies carries with it the potential for personal liability for elected Members undertaking such roles as ancillary to their status as a Councillor, particularly in respect of trusteeships, Cheshire East Borough Council has resolved to put in place for elected Members the maximum indemnity which is allowed by law.

8.2 Section 111 of the Local Government Act 1972 empowers local authorities to do any thing which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions, and Section 2 of the Local Government Act 2000 empowers them to do anything they consider likely to achieve the object of the promotion of the economic, social or environmental well-being of their area. Pending the coming into force of the general power of competence in the Localism Act 2011, which will be on a date yet to be announced, either or both of these existing powers would normally be the authority for appointing Members to outside bodies and/or selecting the bodies to which they are to be appointed.

9.0 Risk Management

9.1 None identified

10.0 Background and Options

10.1 The terms of reference of the Sub-Committee include the comprehensive review the representation of the outside organisations in preparation for the next round of appointments, which will take affect from the date of the new Council in 2015. The current review is part of that ongoing process.

11.0 Access to Information

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

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**OUTSIDE ORGANISATIONS SUB COMMITTEE
WORK PROGRAMME**

ITEM	DESCRIPTION	DATE AGREED	Current Position	CONSIDERED AT MEETING ON: -	DATE COMPLETED
Officer Support for Members on Outside Organisations	To compile a list of officers to assist in providing support to Members	2 March 2011	Ongoing , and to be added to questions to be asked as part of the review of member representation	23 November 2011	
Terms of Reference of the Sub Committee	To consider revisions to the Terms of Reference (for approval by the Constitution Committee)	27 June 2011	Ongoing To be ratified by Constitution Cttee on 22.3.2012	23 November 2011	22.3.2012
Review of representation on outside bodies	To review the effectiveness of representation on the organisations appointed to by the Constitution Committee	27 June 2011	Ongoing Phase 1(tranches 1 & 2) Phase 2 (tranches 3 & 4) and outstanding Phase 1 Phase 3 (tranches 5,6 & 7) and outstanding Phase 2	23 November 2011 28 February 2012 3 May 2012 20 September 2012	

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