

Outside Organisations Sub-Committee

Agenda

Date: Wednesday, 20th March, 2013
Time: 10.00 am
Venue: Room S1/2 - 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**

4. **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.

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. **King's School Governors - Macclesfield**

For requests for further information

Contact: Cherry Foreman

Tel: 01270 686463

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

Councillor David Neilson has notified the Council that he has resigned from his King's School Governors appointment.

The appointment of Governors to the King's School, Macclesfield is a category two appointment. In accordance with the Casual vacancy procedure, it falls to the same political group to make a replacement nomination. The Leader of the Liberal Democrat Group, Cllr Fletcher has been contacted and asked whether his group wishes to make an appointment. If the group chooses not to make an appointment the procedure then requires that other Groups be invited to make a nomination. As this is a recent resignation, it has not been possible to establish whether the Liberal Democrat group wish to make an appointment. If they do not, other groups will be contacted and an update on the position will be given at the meeting.

5. Cheshire East Local Access Forum

To note the following :-

Councillor Rhoda Bailey was the elected member on the Cheshire Local Access Forum, a statutory advisory body to the Cheshire East Council and Cheshire West and Chester Council. Cheshire West and Chester Council gave notice of their intention to withdraw from the joint Forum in order to set up their own Forum, to match the Council's geographic area. Therefore, a Cheshire East Local Access Forum has been established. It is intended to appoint less than 16 members and it is, therefore, considered appropriate to appoint one Councillor from Cheshire East. The Leader of the Conservative Group has indicated that he wishes Cllr Rhoda Bailey to continue as the Council's representative.

6. Request for Cheshire East Council Representation (Pages 1 - 8)

To consider a Request for Cheshire East Council Representation on the Sandbach Traders Association (STAR).

7. Poynton with Worth Almshouse Trust

Item withdrawn from the agenda.

CHESHIRE EAST COUNCIL

Outside Organisations Sub-Committee

Date of meeting: 20 March 2013
Report of: Democratic Services and Registration Manager
Title: Request for Cheshire East Council Representation –
Sandbach Traders Association (STAR)

1.0 Report Summary

The report invites the Sub-Committee to consider a request for a non-voting Cheshire East Council representative on the Sandbach Traders Association (STAR). 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 To consider the request from STAR to be added to the list of approved Outside Organisations and if approved to then consider which category for appointment it falls into and to nominate a Councillor 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 Sandbach Town.

5.0 Local Ward Members

5.1 Cllr Barry 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.

9.0 Risk Management

No risks identified.

10.0 Background

10.1 The Sub-Committee is asked to consider adding STAR to the list of approved outside organisations.

10.2 A copy of the Constitution/Rules of the organisation is attached for information and the organisation cite aims and objectives B,C,E,K and L as being particularly pertinent with regard to the need for Council representation on the body.

10.3 Cllr Barry Moran has been attending meetings of the body as Ward Member, on an informal basis and has indicated that he would be happy to be the Council's representative should the Sub-committee agree to the request for representation.

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:

Contact Officer: Julie North
Designation: Senior Democratic Services Officer
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E-mail: julie.north@cheshireeast.gov.uk

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Constitution & Rules

Sandbach Traders and Retailers

1. Name

The name of Sandbach traders and retailers shall be "STAR"

2. Aims And Objectives

The aims and objects of STAR shall be:-

- (A) STAR exists to act on behalf of its members at a collective and individual level,
- (B) STAR will represent the business and commercial viewpoint to regulatory and statutory bodies,
- (C) To watch the proceedings of the local authorities in order that proper regard may be paid to the consequences of decisions that affects the tourist industry, retailers, catering, industry and professionals,
- (D) To endeavour to secure adequate representation on the governing bodies of the area,
- (E) To enter into friendly co-operation with other organisations whose objects are the advancement of the amenities of the area?
- (F) To discuss matters of mutual interest and to solidify such interest by united action where necessary.
- (G) To support training and development which will enhance the activities of the members businesses.
- (H) STAR will seek to develop the potential of Sandbach environmentally, socially and economically.
- (I) To encourage members to provide a high standard of service.
- (J) To achieve quick and effective communication between members.

- (K) To develop strategies and action plans to promote and market Sandbach Town as a shopping, visitor and tourist destination.

- (L) To develop and work with partnerships and other organisations to promote the aims/objectives of STAR

- (M) To be an active member of Sandbach Partnership.

3. Territorial Area

The area covered by the STAR is that of the boundaries of the Sandbach Town Council.

4. Membership

Full membership of STAR shall be open to all businesses (i.e. retailers, trade, professions, tourist outlets, caterers etc) whose income is derived from within the boundary. Membership shall be registered via a completed application form.

Other bodies shall also have one non-voting and non fee paying member.

An honorary president shall be elected.

5. Membership Fees

The membership fee shall be fixed at the Annual General Meeting and will become due each year on the first of April, except for those new members who have joined within the preceding 12 months and who have paid their first year's membership fee. Members in arrears of ANY APPLICABLE subscriptions for six months will be deprived of membership.

6. Officers

There shall be 4 officers of STAR which will be the Chairman, Vice Chairman, Secretary and



Treasurer .There shall be up to 12 committee members. Any additional members can be co-opted onto the committee.

The officers and members of the committee may offer themselves for re-election without further nomination provided written notice of such intention is notified to the secretary at least fourteen days prior to the Annual General Meeting with two signatures of paid up members.

7. Annual General Meeting

The Annual General Meeting of STAR shall be held not later than the 31st March each year.

General Meetings shall be held at least fourteen days prior to the AGM.

Twenty one days notice is to be given of the AGM.

Voting at all meetings shall be by members attending, and each establishment shall be entitled to one vote per subscription paid.

8. Quorum

A quorum shall be two officers and at least three members.

9. Finances

All subscriptions and other income shall be paid into the appointed Bank or Building Society Account. The reasonable expenses of the Chairman, Secretary and Treasurer incurred in carrying out their office shall be met from the funds. The parameters of such expenses shall be agreed in advance by the Committee

The financial year shall end on the 31st March each year.

Accounts shall be audited by an independent auditor chosen by the committee.

10. Duties of Officers

THE CHAIRMAN shall preside at all meetings of the Chamber and shall perform such duties as ordinarily pertain to the office. (The Chairman and chairman of sub committees where votes are tied will have the casting vote.)

THE SECRETARY shall keep all records of meetings; issue all notices in respect of meetings and shall perform such duties as usually pertain to office of secretary including keeping up to date membership records, if no membership secretary.

THE TREASURER shall have custody of all STAR funds and account for them to the officers and full members on request. The annual accounts shall be presented to members at the AGM and shall perform other duties as would normally pertain to the office of Treasurer.

THE VICE CHAIRMAN shall deputize for the Chairman at their request and support the Chairman in performing his duties.

Working groups can be set up to promote the organisation and events, working with partners from other sectors.

11. Meetings

Meetings are open to members. Guests may be invited by prior arrangement with the Chairman.

12. Data Protection

Member's details, in relation to the Application form are removed from our files no later than 12 months after expiry of membership.

13. Alterations to the Rules

These rules or any part of them may be revised, rescinded or changed at the AGM or at an Extraordinary General Meeting and approved by a two third majority of those present. Fourteen days notice must be given of any proposed changes.

14. Disrepute

Any officer or member who brings the organisation into disrepute will appear before a group of representatives from the committee who will have the power to recommend expulsion from the committee or such actions as deemed appropriate.