

OPEN

## **Highways and Transport Committee**

**22 June 2023**

### **Appointments to Sub-Committees, Working Groups, Panels, Boards and Joint Committees**

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**Report of: David Brown, Director of Governance and Compliance**

**Report Reference No: HTC/01/23-24**

**Ward(s) Affected: No specific wards**

#### **Purpose of Report**

- 1 This report seeks approval from the Highways and Transport Committee to appoint members to the Public Rights of Way Sub Committee and to set out the membership for the Enhanced Partnership Board for Committee Members to note.

#### **Executive Summary**

- 2 The Council, at its annual meeting on 24 May 2023, approved the political representation on its main committees. The appointment of certain sub-committees, working groups, panels and boards is a matter for the relevant service committees. This report addresses the composition of the Public Rights of Way Sub Committee, of which membership is required to be appointed by the Highways and Transport Committee. Where political proportionality is applicable, the agreed conventions and methods of calculation have been applied.
- 3 The report also asks Committee to note the membership of the Enhanced Partnership Board, a joint Board between the Local Transport Authority and Bus Operators, which was established in 2022. Membership of the Board is set out in Appendix 2 – Enhanced Partnership Scheme. Committee Members are asked to note that the Chair and Vice Chair of the Highways and Transport Committee will take up the member representative positions on the Enhanced Partnership Board, in line with

the terms of reference previously agreed by the Highways and Transport Committee.

## **RECOMMENDATIONS**

The Highways and Transport Committee is recommended to:

1. Appoint Members to the Public Rights of Way Sub Committee as follows: Conservative: 3, Labour: 3; Independent: 1.
2. Notes the terms of reference for the Public Rights of Way Sub Committee attached as **appendix 1** to the report;
3. Agrees the political representation for the Public Rights of Way Sub Committee and agrees that the names of Members appointed to it will be submitted to the Head of Democratic Services and Governance.
4. Notes the Enhanced Partnership Board membership, as set out within **Appendix 2**.

## **Background**

### **4 A. Bodies which report to the Highways and Transport Committee**

#### **5 Public Rights of Way Sub Committee**

6 The Constitution provides that the lead Service Committee in respect of the Public Rights of Way Sub Committee will be the Highways and Transport Committee. The Public Rights of Way Sub Committee will meet on a quarterly basis, report to the Highways and Transport Committee on at least an annual basis and review its terms of reference annually in order to establish if they are fit for purpose or need amending. (Please see Appendix 1 for the terms of reference). The membership (7 Members) of the Public Rights of Way Sub Committee is required to be formally ratified by the Highways and Transport Committee.

7 It is proposed that the Highways and Transport Committee agree to the appointment of Members to the Public Rights of Way Sub Committee in line with the following, and that the nominees to the Sub Committee be notified to the Head of Democratic Services and Governance:

3 Conservative

3 Labour

1 Independent

8 If named individuals cannot be provided at the meeting, these should be notified to the Head of Democratic Services and Governance.

9 Previous membership

10 Councillors S Akers Smith, L Crane, S Edgar, H Faddes, L Gilbert, R Moreton and D Stockton.

11 **Enhanced Partnership Board**

12 The Highways and Transport Committee approved the governance arrangements for the Enhanced Partnership Board at its meeting in April 2022. The Board is the decision-making body of the Enhanced Partnership and has the mandate to make decisions using an Enhanced Partnership Scheme Variation mechanism. The Board is responsible for delivery of the project and actions agreed in the Enhanced Partnership Plan, which was agreed unanimously by the Highways and Transport Committee in July 2022.

13 The Terms of Reference for the Enhanced Partnership Board, set out in Appendix 2, provide that the four Cheshire East Council representatives be the following:

(a) Chair of Highways and Transport Committee

(b) Vice Chair of Highways and Transport Committee

(c) Head of Highways

(d) Head of Strategic Highways and Transport

14 The Highways and Transport Committee are asked to note the membership of the Enhanced Partnership Board.

## **Consultation and Engagement**

15 There has been consultation with Group Leaders and Administrators in relation to the political representation of the Public Rights of Way Sub Committee.

## **Reasons for Recommendations**

16 In accordance with the Constitution, the Highways and Transport Committee is responsible for the appointment of the Public Rights of Way Sub-Committee.

## Other Options Considered

17	Option	Impact	Risk
	Do nothing	The Council's Constitution requires these bodies to be appointed in line with the legislation referenced in this report. Not appointing to these bodies would negatively affect the Council's ability to make decisions in an open and transparent manner.	Failure to comply with the Council's Constitution and the legislation referenced in this report could leave the Council open to legal challenge.

## Implications and Comments

### *Monitoring Officer/Legal*

- 18 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make provisions in respect of the political group representation on a local authority's committees in relation to the overall political composition of the Council. The legislation applies to the decision-making committees and sub-committees of the Council.
- 19 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- 20 Not all of the seats can be allocated to the same political Group (i.e., there are no single group committees).
- 21 The majority of the seats on the body are to be allocated to a political Group with a majority membership of the authority.
- 22 The total number of seats on all ordinary committees and sub committees allocated to each Political Group bears the same proportion to the proportion on the full Council.

- 23 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.
- 24 The proposals contained in this report meet the requirements of the legislation.
- 25 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Groups' nominations to the bodies in question.

#### *Section 151 Officer/Finance*

- 26 There are no financial implications that require an amendment to the Medium-Term Financial Strategy.

#### *Policy*

- 27 There are no direct policy implications.

<b>An open and enabling organisation</b>
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Ensure that there is transparency in all aspects of council decision making
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#### *Equality, Diversity and Inclusion*

- 28 There are no direct equality, diversity and inclusion issues.

#### *Human Resources*

- 29 There are no direct human resources implications.

#### *Risk Management*

- 30 Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

#### *Rural Communities*

- 31 There are no direct implications for rural communities.

#### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 32 There are no direct implications for children and young people.

#### *Public Health*

- 33 *There are no direct implications for public health.*

*Climate Change*

34 There are no direct implications for climate change.

<b>Access to Information</b>	
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Appendices:	Appendix 1 – Public Rights of Way Sub Committee Terms of Reference  Appendix 2 – Enhanced Partnership Board Terms of Reference
Background Papers:	None