

OPEN

Highways and Transport Committee

20 June 2024

Appointments to Sub Committees, Working Groups, Panels, Boards and Joint Committees

Report of: Brian Reed, Head of Democratic Services and Governance

Report Reference No: HTC/15/24-25

Ward(s) Affected: No specific wards

Purpose of Report

- 1 This report seeks approval from the Highways and Transport Committee to appoint the Public Rights of Way Consultative Group and to nominate two elected Members of the Highways and Transport Committee to it. The report also asks the committee to note the Terms of Reference (Appendix 1) of the Public Rights of Way Consultative Group.
- 2 This report also sets out the membership for the Enhanced Partnership Board for Committee Members to note.

Executive Summary

- 3 The Council, at its annual meeting on 15 May 2024, approved its 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 concerns the appointment of Elected Members to the Public Rights of Way Consultative Group, a matter that should be considered by the Highways and Transport Committee.
- 4 The report also asks the 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.

- 5 Appointments to Outside Organisations (such as Transport for the North) are made by the Corporate Policy Committee and will next be reviewed in May 2027.

RECOMMENDATIONS

The Highways and Transport Committee is recommended to:

1. Appoint two Elected Members of the Highways and Transport Committee to the Public Rights of Way Consultative Group.
2. Note the Terms of Reference for the Public Rights of Way Consultative Group attached as **Appendix 1** to the report;
3. Notes the Enhanced Partnership Board membership, as set out within **Appendix 2**.
4. Where appropriate, agree to submit member nominations to the above bodies to the Head of Democratic Services and Governance.

Bodies which report to the Highways and Transport Committee

6 Public Rights of Way Consultative Group

7 The Public Rights of Way Consultative Group is an established meeting of users, Elected Members and Officers of Cheshire East Council which operates to enable stakeholders to engage in constructive debate and discussion about issues of law, policy, principle and work programming relating to Public Rights of Way. The Group meets twice a year via Microsoft Teams and receives twice yearly updates from the Public Rights of Way team between meetings. The Terms of Reference for the Group is attached as **Appendix 1**.

8 It is proposed that the Highways and Transport Committee agree to the appointment of two elected Members, from the Highways and Transport Committee, to the Public Rights of Way Consultative Group and that the nominees be notified to the Head of Democratic Services and Governance.

9 Previously, the two Elected Members appointed to the Public Rights of Way Consultative Group were members of the Public Rights of Way Sub Committee. Full Council resolved to dissolve this Sub Committee, incorporating its functions into the functions of the Highways and Transport Committee. Therefore, it is proposed that the future membership is agreed by the Highways and Transport Committee, and that those Elected Members appointed, are also members of the Service Committee.

10 Previous Membership

11 Councillors L Crane and H Faddes.

12 **Enhanced Partnership Board**

13 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.

14 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

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

Consultation and Engagement

16 There has been consultation with Group Leaders and Administrators in relation to the representation of the Public Rights of Way Consultative Group.

Reasons for Recommendations

17 In accordance with the Constitution, the Highways and Transport Committee is responsible for the Public Rights of Way functions of the Council.

Options Considered

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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

19 There are no direct legal implications.

Section 151 Officer/Finance

20 There are no financial implications of this report.

Policy

21 The work of the Public Rights of Way team contributes to the Green aim of the Corporate Plan, the "thriving and sustainable place" priority and the policies and objectives of the Council's statutory Rights of Way Improvement Plan.

A thriving and sustainable place

- A great place for people to live, work and visit
- Welcoming, safe and clean neighbourhoods
- Reduce impact on the environment
- A transport network that is safe and promotes active travel.
- Thriving urban and rural economies with opportunities for all
- Be a carbon neutral council by 2027

Equality, Diversity and Inclusion

22 There are no direct equality, diversity and inclusion implications.

Human Resources

23 There are no direct human resources implications.

Risk Management

24 There are no direct risk management implications.

Rural Communities

25 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)

26 There are no direct implications for children and young people.

Public Health

27 There are no direct implications for public health.

Climate Change

28 There are no direct implications for climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance Brian.reed@cheshireeast.gov.uk
Appendices:	Appendix 1 – Public Rights of Way Consultative Group Terms of Reference Appendix 2 – Enhanced Partnership Board Terms of Reference
Background Papers:	None

APPENDIX 1

CHESHIRE EAST PUBLIC RIGHTS OF WAY CONSULTATIVE GROUP

ROLE AND PURPOSE

The Forum operates to achieve the following purposes:

- to enable interest groups (users, landowners and others) to engage in constructive debate and discussion about issues of law, policy, principle and work programming with members and officers of the Cheshire East Council;
- to encourage understanding of each others' concerns;
- to participate in the consultation process and ongoing monitoring associated with the Rights of Way Improvement Plan.

The Forum is not constituted:

- to discuss the facts, merits or demerits of individual cases, which should be dealt with direct with the officers;
- to criticise the actions of individual officers or members of the Cheshire East Council in the execution of their statutory duties, since there is a formal complaints procedure which can be followed.

MEMBERSHIP

Membership of the Forum is by invitation of the Public Rights of Way Manager. In general, one representative from each group is invited, although additional invitations may be issued on request at the discretion of the Public Rights of Way Manager. The Forum is not open to the general public.

REGULATION OF PROCEEDINGS

The Chair of the Forum is appointed by Cheshire East Council and is normally a member of the Highways and Transport Committee. Officers of the Cheshire East Council in liaison with the Chair generate agenda items and receive suggested agenda items from participating members of the Forum. Whilst the Group is not a Committee of the Cheshire East Council for the purposes of Section 101 of the Local Government Act 1972, it is a meeting which is governed by the common law relating to the law of meetings and their conduct and procedure. The Chair has to control the conduct of the meeting and is appointed by the Cheshire East Council. The Forum has no authority to appoint, elect, or remove the Chair presiding over a meeting.

It is the duty of the Chair and to preserve order and to take care that proceedings are conducted in a proper manner.

The principal powers of a Chair are:-

- (i) determining that the meeting is properly constituted;
- (ii) informing him/herself as to the business and objects of the meeting;
- (iii) preserving order in the conduct of those present;
- (iv) confining discussion within the scope of the meeting and reasonable limits of time;
- (v) formulating for discussion and decision questions which have been moved for the consideration of the meeting;
- (vi) deciding points of order and other incidental matters which require decision at the time;
- (vii) in the case of a meeting which is one of a series, dealing with the record or minutes of the proceedings and any matters arising therefrom;
- (viii) adjourning the meeting where circumstances justify that course;
- (ix) declaring the meeting closed when its business has been completed.

To carry out the function of Chair, the Chair is invested with appropriate powers which include the following:-

The Chair may, if necessary, direct the removal of any disruptive person whose conduct threatens to disturb the proceedings.

It is the Chair's role to regulate discussion and permission to address the meeting must come from the Chair and by the Chair and consent to address the meeting can be withheld if the Chair so decides.

APPENDIX 2

Enhanced Partnership Board – Terms of Reference

The Board will have the following initial terms of reference:

Purpose

The Enhanced Partnership (EP) Board has been established to oversee the Cheshire East Enhanced Partnership. The purpose of the EP Board is therefore to:

- Ensure successful delivery of EP Schemes (time, cost and quality)
- Provide technical project direction and scrutiny on interventions
- Resolve any issues escalated by the EP Forum

Role & Remit

The role of this board is to:

- Monitor the progress of the Enhanced Partnership in delivering the EP Scheme and BSIP
- Agree a forward plan of work including any feasibility studies, business case preparation, design, public consultations and impact assessments
- Ensure the Enhanced Partnership Scheme and BSIP documentation is robust and ready for future funding opportunities
- Coordinate scheme variations where necessary (subject to the bespoke voting procedure of the Enhanced Partnership Board)
- Monitor the effectiveness of any future implemented Schemes in achieving the EP Scheme and BSIP objectives
- Review proposals brought to the board for changes to the EP Plan and Scheme and once content initiate the required process to make proposed changes/variations
- Liaise with the EP Forum on the forward work programme

The Board shall be entitled to keep under review these terms of reference and further develop them. The Board are responsible for all decisions relating to administration of the affairs of the Board including frequency of meeting, requests for the attendance of individuals and

representatives of organisations and the manner in which the affairs of the Board are made to all Operators and interested parties.

Enhanced Partnership Board – Summary Extracts

The Cheshire East Enhanced Partnership Board will be the decision-making body of the Enhanced Partnership.

Certain decisions of the Board may constitute Enhanced Partnership Scheme Variations if the requirements are met. Membership of the Board will comprise the following representatives:

- **Four Bus Operators (4 votes):**
 - Two Large Operators
 - Two Small Operators
- **Four Cheshire East Borough Council representatives (2 votes):**
 - Two Council Members:
 - Chair of Highways and Transport Committee
 - Vice Chair of Highways and Transport Committee
 - Two Cheshire East Council Officers:
 - Head of Highways
 - Head of Strategic Transport and Parking

Under the Cheshire East Council constitution the LTA's votes are vested in the Officers and will be exercised in consultation with the Councillors, as described in the protocol.

The Chair of the EP Board will be a member of the Board (i.e. Operator, Councillor or Council Officer) and will be confirmed by all Board members annually.

Board meetings will require a quorum attendance of one Bus Operator per category (one Large and one Small) and two Council representatives (with a minimum of one Officer). An Operator representative may, if necessary, arrange for an alternate or deputy from the same category to participate with voting rights.

Cheshire East Borough Council will provide a secretary for Board Meeting arrangements and minuting.

Operator representative selection

Operators representing each of the categories of Operator Membership above will be invited to self-nominate or nominate other willing operators in writing to the secretary for the Enhanced Partnership Board (care of Cheshire East Borough Council Democratic Services) prior to each Forum AGM.

Where there are more than two nominees for a single category, all Bus Operators in the same category will be given the opportunity to vote by secret ballot undertaken among those present at the Enhanced Partnership Forum AGM for a preferred representative.

Voting will be on the basis of one vote per Operator (where Operators are part of the same holding company or group, they will only be entitled to one vote between them). Operator representatives will be reselected on an annual basis.

The voting procedure for membership selection will be a simple majority and be administered by the Council. Where there is a tie, a run-off vote will take place between the leading tied Operators.

In the event that a Forum AGM ballot fails to select Operator representatives for one or more Operator category, the default Operator objection mechanism set out in the Enhanced Partnerships and Schemes (Objections) Regulations will be used to determine the views of Operators in that category for the purposes of Board votes (in terms of objection or otherwise to the proposals).

Operator representatives will be acting on behalf of all Operators in that category, not on behalf of their own company alone. Representatives will be responsible for ensuring attendance at all Enhanced Partnership Board meetings in that year, and ensure they have:

- fully reviewed and understood all meeting papers in advance of attendance,
- the required mandate from the Operators they represent. **Protocol for**

Enhanced Partnership Board Members

Members on the Board must ensure:

- all decisions must be within the Cheshire East Council's agreed Policies

- decision-making will be by consensus not by vote
- the Chair will ask the Councillor representatives for their view first before asking the LTA Officer
- if agreement between Councillors and Officers cannot be reached, then the matter will be referred to the Highways and Transport Committee for advice, before returning to the EP Board.
- if agreement is reached, then the Director of Highways and Infrastructure will formally record their decision and a copy of this will be retained within the minutes of the meeting. No formal decisions can be taken at the meeting unless the Director of Highways (or delegated officer) is present.

Meeting Observers

Any other Bus Operator and Council representatives will be able to attend the Board meetings as observers but will not have the right to vote.