

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 2nd June 2011
Report of: Democratic Services Manager
Subject/Title: Appointments to Outside Organisations 2011-2015

1.0 Report Summary

This report invites the Committee to make appointments to Category 2 outside organisations until such time as representation is reviewed following the elections in 2015.

2.0 Recommendations

2.1 That

- (1) appointments be made to the outside organisations listed in Appendix A attached;
- (2) appointments be made until such time as representation is reviewed following the elections of the new Council in 2015;
- (3) notwithstanding (b) above, the Council retains the right to review the representation on any outside organisation, at any time;
- (4) the organisations listed on Appendix B be referred to the appropriate town or parish council and deleted from the Borough schedule; and
- (5) the Friends for Leisure Advisory Committee and Greater Manchester Integrated Transport Authority be deleted from the schedules as representation is no longer appropriate.

3.0 Reasons for Recommendation

- 3.1 It is important for Cheshire East Council to appoint 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 Not applicable.

5.0 Local Ward Members

5.1 Not applicable.

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.

9.0 Risk Management

9.1 No risks identified other than as referred to in paragraph 8.1 above.

10.0 Background

10.1 At its meeting held on 24 June 2010, the Constitution Committee established a standing Sub-Committee entitled "Outside Organisations Sub-Committee", with the following terms of reference –

- (a) To meet on an *ad hoc* basis;
- (b) To comprise six Members on a proportionate basis
(4 Conservative, 1 Liberal Democrat and 1 Labour);
- (c) To oversee appointments to outside organisations, in general, and address any issues emerging in respect of those appointments;
- (d) To continue with its review of appointments to establish the effectiveness and appropriateness of representation; and
- (e) To report back to the Constitution Committee as and when it considers appropriate.

Following the elections on 5 May 2011, the political proportionality was calculated and the Sub-Committee has been re-constituted in the proportions 3:1:1:1. At Annual Council on 18th May 2011, the following Members were appointed to the Sub-Committee:

Councillor G Baxendale	Conservative
Councillor D Marren	Conservative
Councillor B Moran	Conservative
Councillor R Cartlidge	Labour
Councillor B Murphy	Independent
Councillor S Jones	Liberal Democrat

10.2 During the past year, the Sub-Committee has reviewed appointments to outside organisations taking into account:

- the effectiveness and appropriateness of representation;
- term of office of appointees;
- political proportionality, where appropriate;
- continuity of representation and Members' interests
- the finalising of the legal guidance for Members
- Officer support for Members appointed to outside organisations

10.3 Effectiveness and Appropriateness of Representation

A survey of Councillors was undertaken between May 2010 and December 2010 to establish the effectiveness and appropriateness of representation. The views of Members have been considered by the Sub-Committee.

The survey took into account (a) the number of meetings held each year; (b) approximate time spent on meetings and other duties associated with the outside organisation; and (d) whether the aims were in accordance with the Council's Corporate Plan.

Where an organisation's aims are not in accordance with the Corporate Plan, this does not, necessarily, mean that no appointments should be made. There may be other benefits to the community, and there was an opportunity for Members to identify this.

In reviewing representation, the Sub-Committee identified a number of outside bodies where it would be more appropriate for the local town or parish council to appoint representatives. (These are listed on Appendix B.)

Two organisations have been suggested for deletion, namely, (1) Friends for Leisure Advisory Committee, where there is no constitutional requirement for Borough Council representation; and (2) Greater Manchester Integrated Transport Authority. There is no requirement for the Borough Council to appoint, and the current representative attends as an observer only, at the request of the Portfolio Holder.

There is no proposal to conduct annual surveys. The 2010 survey was carried out because the Council was newly-created and it was important to try to establish if representation, as identified by the

predecessor authorities, continued to be appropriate. It is expected that during the next four-year period, Members will report as and when appropriate if they consider that representation on the organisation(s) to which they have been appointed is no longer relevant.

10.4 Term of Office

The former Governance and Constitution Committee agreed that, wherever possible, the term of office for Members should be in accordance with the requirements of the organisation itself. This requirement is to accommodate those organisations which have expressed a preference for Member(s) to be appointed for longer than one year in the interests of continuity. Representatives build up experience and expertise which can be a loss to that organisation if the appointment is for 12 months only. It is suggested that for convenience, appointments be made until such time as representation is reviewed following the election of the new Council in 2015. Notwithstanding this, the Council would retain the right to review representation on any outside organisation at any time.

Casual vacancies will be addressed through the revised Casual Vacancies Procedure which the Constitution Committee approved on 24 March 2011.

10.5 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 (top level strategic bodies at regional, national or local level) and it is Cabinet which makes these appointments.

Following the elections on 5 May 2011, the political proportionality for Cheshire East Council has been established as follows –

Conservative	52 seats	63.40%
Labour	14 seats	17.08%
Independents	10 seats	12.20%
Liberal Democrats	4 seats	4.88%
Vacancies	<u>2 seats</u>	<u>2.44%</u>
	82 seats	100.00%

10.6 Consultation

Group Whips have been consulted and a schedule of proposed appointments will be provided under separate cover/tabled at the meeting.

10.7 Legal Guidance for Members

A legal Guidance for Members Appointed to Outside Organisations was developed during 2010 and has been issued to all Members. Copies will be made available to any new Councillors who are appointed to outside organisations.

10.8 Officer Support for Members

The Sub-Committee considered it important that Members should be supported in their role by a named Support Officer who would act as a first point of contact for Members and be able to provide information about the organisation to which they have been appointed. This is enshrined in the “Guidance for Members” -

“.....ensure that a robust support system is in place for Members appointed to outside bodies. Wherever possible, a Cheshire East Council support officer will be allocated to each outside body; the role of the Officer will be that of a specialist to offer advice on the topic area of the outside body to which individual Members have been appointed.”

Where possible, named Officers have been identified. However, It must be recognised that not all outside organisations have the same relevance in respect of the Council’s strategic ambitions. In these circumstances, the most appropriate Officer as a first point of contact would be a Democratic Services Officer

11.0 **Access to Information**

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

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