

# CHESHIRE EAST COUNCIL

## REPORT TO: CABINET

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| Date of Meeting: | 6 June 2011                                    |
| Report of:       | Borough Solicitor                              |
| Subject/Title:   | Outside Organisations – Appointments 2011-2015 |
| Portfolio Holder | Leader of the Council                          |

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### **1.0 Report Summary**

- 1.1 The report gives details of the list of Category 1 outside organisations to which Cabinet is required to make appointments.
- 1.2 Cabinet is also invited to consider adopting a casual vacancies procedure to deal with vacancies which occur between appointments. The procedure is in line with the practice adopted when casual vacancies occur on Council Committees.

### **2.0 Recommendation**

- 2.1 That
  - (a) appointments be made to the Category 1 list of organisations until such time as representation is reviewed following the elections of the new Council in 2015;
  - (b) appointments take immediate effect;
  - (c) notwithstanding (a) above, the Cabinet retains the right to review the representation on any outside organisation, at any time; and
  - (d) the casual vacancies procedure be adopted.

### **3.0 Reasons for Recommendation**

- 3.1 It is important for the Council to appoint to outside organisations to ensure that it continues to represent the interests of both the Authority and the wider community.
- 3.2 The revision to the Casual Vacancies Procedure has been designed to give maximum efficiency when casual vacancies occur between appointments. The procedure is in line with the practice adopted when casual vacancies occur on Council Committees.

#### **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**

| <b>Risk</b>  | <b>Mitigation</b>   |
|--|---|
| Failure to appoint Members to outside organisations could have a direct or indirect impact on the outside organisations. | The operation of a procedure for making timely appointments to outside organisations. |
| Cheshire East Council is unable to influence key stakeholders.   | Operation of a satisfactory scheme of appointment to ensure Council representation.   |

#### **10.0 Background and Options**

10.1 On 3 March 2009, Cabinet made appointments to the list of Category 1 outside organisations. Members were appointed to serve until the end of the Municipal Year 2011.

10.2 Since that time there have been a number of changes in representation, and some of the organisations themselves have either ceased to exist, or representation is no longer required.

10.3 For urgency reasons, appointments to the Cheshire Fire Authority, the Cheshire Police Authority and the Cheshire Police Appointments

Committee were dealt with at Annual Council. These organisations are included on the schedule for completeness.

Group Whips have been consulted and nominations **will be submitted under separate cover/be tabled at the meeting.**

Cabinet is asked to consider the nominations and make appointments until such time as representation is reviewed following the elections of the new Council in 2015.

#### 10.4 Political Proportionality

When making appointments to outside organisations, there is no requirement to adopt the rules of proportionality.

For information the political proportionality for Cheshire East Council, following the elections on 5 May 2011, has been established as follows, taking into account that there are currently 80 seats only with 2 vacancies on the Council –

|                   |                  |               |
|-------------------|------------------|---------------|
| Conservative      | 52 Council seats | 65.00%        |
| Liberal Democrats | 4 seats          | 5.00%         |
| Labour            | 14 seats         | 17.50%        |
| Independents      | <u>10 seats</u>  | <u>12.50%</u> |
|                   | 80 seats         | 100.00%       |

#### 10.4 Term of Office

As noted above, appointments made in 2009 were for a term of office terminating in May 2011. As a general rule, the term of office should be commensurate with the requirements of the organisation to which a Member is appointed. However, continuity of representation can be important to outside organisations. If Members are appointed for a 12-month period only, any expertise and experience will be a loss to that organisation.

It is suggested that this round of appointments be made until such time as representation is reviewed following the elections of the new Council in 2015. This will avoid a hiatus when representation on outside bodies ceases between the elections and the first meeting of the new Cabinet. Any casual vacancies can be dealt with under the proposed Casual Vacancies Procedure.

#### 10.5 Casual Vacancies Procedure

On 9 March 2010, the former Governance and Constitution Committee approved a Procedure for Dealing with Casual Vacancies in respect of the Category 2 outside organisations.

Cabinet may wish to adopt such a procedure for application to the Category 1 organisations.

When a casual vacancy occurs between appointments, it is for Cabinet, or the appropriate Portfolio Holder to approve replacements, giving the required notice under Access to Information Rules. This can cause unnecessary delays. The following procedure follows the practice adopted for dealing with casual vacancies on Council Committees and avoids the need to refer the matter formally to Cabinet or a Portfolio Holder each time a vacancy occurs.

- (i) When a place becomes vacant, the Democratic Services Manager, as the appropriate Officer, would be notified.
- (ii) The appropriate Portfolio Holder, in consultation with the Group Whip(s) would be invited to nominate a replacement.
- (iii) The replacement Councillor would take up the vacancy; the outside organisation would be notified of the change; the outside bodies list would be updated on the website; and Cabinet would be notified, for information, at the next available meeting.
- (iv) In cases where a place is offered to a political group other than the ruling group, and that group is unable to make a nomination (or chooses not to appoint, for whatever reason), the Portfolio Holder will choose to offer the place to one of the other political groups or to retain it as a Conservative appointment.

Cabinet is asked to adopt the Casual Vacancies Procedure.

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer. There are no specific background documents.

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