

CHESHIRE EAST COUNCIL

REPORT TO: CABINET

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| Date of Meeting: | 31 October 2011 |
| Report of: | Borough Solicitor |
| Subject/Title: | Outside Organisations Appointments 2011-2015 Amendments and Additions to list of Organisations |
| Portfolio Holder | Leader of the Council |

1.0 Report Summary

- 1.1 At its meeting on 6 June 2011 Cabinet appointed representatives to a range of outside organisations in accordance with the procedure for appointing to Category 1 outside organisations (Cabinet appointments).
- 1.2 At that meeting the Cabinet also adopted a casual vacancies procedure in order to facilitate amendments and changes that arise during the normal course of events. Not all changes, however, can be dealt with under this procedure; three such are now detailed for consideration.

2.0 Decision Requested

- 2.1 That Councillor Barry Moran be confirmed as the Council's representative on the Board of Governors for Sandbach School.
- 2.2 That the Federation of Burial and Cremation Authorities be added to the Council's approved list of outside organisations as a Category 1 (Cabinet appointed) organisation and that Councillor David Marren be its nominee for a position on its Executive Committee.
- 2.3 That the change in the make-up of the Board of Plus Dane (Cheshire) Housing Ltd to include an additional tenant Board member and an additional independent Board Member, previously approved by the Chief Executive, be noted.

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.

Sandbach School

- 3.2 Sandbach School became an Academy with effect from 1 September 2011 and their new Articles of Association require one elected Member representative rather than the two appointed to it previously.

- 3.3 In June 2011 Councillors Gillian Merry and Barry Moran were appointed as this Council's Representatives and it is now proposed that Councillor Merry stands down and that Councillor Moran remains as the Council's representative; Councillor Merry will, however, remain on the governing body, but in a personal capacity, at the invitation of governors.

The Federation of Burial and Cremation Authorities Executive Committee

- 3.4 At its meeting on 27 June 2011 the Constitution Committee considered a request from Councillor David Marren, an existing (in a non Councillor capacity) member of the Federation of Burial and Cremation Authorities Executive Committee (FBCA) that this organisation be added to the Council's list of approved outside organisations and that it seeks to be appointed to its Executive Committee.
- 3.5 The Constitution Committee was of the view that as this was an organisation that could influence policy at a national level it should be added to the Category 1 (Cabinet appointed) list of outside organisations; the Council's nomination will need to be submitted to the National Executive for approval at such time as a vacancy becomes available.
- 3.6 It proposed that the FBCA be added to the Council's approved list of outside organisations as a Category 1 (Cabinet appointed) organisation and that Councillor David Marren be put forward as the Council's nominee for a position on its Executive Committee.

Plus Dane (Cheshire) Housing Association Limited

- 3.7 Plus Dane sought the approval of the Council, through the Chief Executive, to an increase in its current number of Board Members from seven to nine, so as to allow the recruitment of an additional tenant Board member and an additional independent Board member to strengthen their skill base. This followed the merger of three Merseyside Housing Associations under the Plus Dane umbrella.
- 3.8 The Chief Executive has approved the changes and Councillor J Macrae as Portfolio Holder for Prosperity was also consulted. Councillors A Barratt and D Brown are currently the Council's representatives on the Plus Dane Board. The change in the make-up of the Board is submitted to Cabinet for information; the Council has been kept fully apprised of changes since the initial merger of Dane Housing with Plus, to create Plus Dane Housing Group in 2008.

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

| Risk | Mitigation |
|--|---|
| 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 6 June 2011, Cabinet made appointments to the list of Category 1 outside organisations. Members were appointed to serve until the end of the Municipal Year 2015. Changes since that time, however, now require the decisions requested.

10.2 As with the original appointments these will run until the end of the municipal year 2015.

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

10.4 For information the casual vacancy procedure adopted at the June meeting is that:

- (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.

10.5 The matters under consideration in this report have not been dealt with under the casual vacancies procedure as they do not fulfil the necessary criteria for it to be used.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer.

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