

Cheshire East Council

Constitution Committee

Date of Meeting:	24 th November 2016
Report of:	Head of Governance and Democratic Services
Subject:	Nomination of Members to Committees

1. Report Summary

This report seeks a recommendation of the Committee which, if agreed by Council, will simplify the process for the nomination of Members to the Council's committees.

2. Recommendation

The Committee is asked to recommend to Council that:

2.1 Except for the Council's Cabinet and Cabinet Sub-Committees, nominations to the Council's committees, sub-committees and decision-making bodies, and changes to such nominations, shall be notified to the Council by the Council's political Group Leaders or Group Whips, in accordance with the relevant numerical allocations made by Full Council to the committee, sub-committee or decision-making body in question.

2.2 Such nominations or changes to nominations shall be made to the Head of Governance and Democratic Services in writing or by email, and shall thereafter be published on the Council's website.

2.3 Council note that the legislative requirements set out in the Legal Implications section of this report will not be affected by the recommendations of this report, and that the existing arrangements shall continue, by which the Council's Annual General Meeting agrees the political group or groups which will hold the chairmanships and vice chairmanships of the Council's Committees, Sub-Committees and decision-making bodies.

2.3 The Council's Director of Legal Services be authorised to make such changes to the Council's Constitution as he considers are necessary to give effect to the wishes of Council.

3. Background

- 3.1 Since the Council was created in 2009, its Constitution has stipulated that appointments of Members to the Council's committees must be made by Full Council. This stipulation goes beyond the requirements of Section 102(2) of the Local Government Act 1972, which (in general terms) only requires the size and term of office of committees to be agreed by Full Council.
- 3.2 At the meeting of Full Council on 18th October 2016, comment was made during debate that the Council's processes should be simplified so that, as is the case in a number of other local authorities, nominations of Members to Committees should be made to an officer of the Council. Indeed, Group Whips have indicated that the formalities and delays associated with the need to report to Full Council each time a change is required to be made to the membership of a committee, is unduly burdensome.
- 3.3 This report therefore seeks a recommendation to Council which, if agreed, will simplify the process: requiring only that the memberships of the Council's committees and sub-committees be established and changed, where required, by way of notification to the Head of Governance and Democratic Services by the Leader or Whip of the political group in question. This report proposes also that this will also include nominations to Chairmanships and Vice Chairmanships.
- 3.4 This approach will provide more flexibility for the political groups, their Leaders and Whips, and for the officers involved in administering the Council's decision-making arrangements, but will not dilute the fundamental legal requirement that the composition and term of office of each committee and sub-committee be agreed by Full Council.
- 3.5 The Council's Annual General Meeting (AGM) will continue to agree the numerical composition and term of office of each committee and sub-committee, and it is proposed that the AGM will also agree which political group will nominate the chairman and vice chairman of each such body. This will then enable the groups to separately submit the names of their members who will take the places allocated to the groups on each body.

4. Wards Affected and Local Ward Members

- 4.1. All wards are indirectly affected by the recommendations of this report.

5. Implications of Recommendation

5.1. Policy Implications

The recommendations of this report do not impact upon or detract from any of the Council's policies. The report's proposals will, if agreed, become the policy of the Council.

5.2. Legal Implications

The current constitutional requirements of the Council go beyond the requirements of legislation, as set out in section 102(2) of the Local Government Act 1972:

102 Appointment of committees.

(2) Subject to the provisions of this section, the number of members of a committee appointed under subsection (1) or (1A) above, their term of office, and the area (if restricted) within which the committee are to exercise their authority shall be fixed by the appointing authority or authorities or, in the case of a sub-committee, by the appointing committee.

5.3. Financial Implications

The recommendations of this report do not have any financial implications.

5.4. Human Resources Implications

The recommendations of this report do not have any human resources implications.

5.5. Equality Implications

The recommendations of this report have no equality implications.

5.6. Rural Community Implications

The recommendations of this report have no implications for rural communities.

5.7. Public Health Implications

The recommendations of this report have no public health implications.

6. Risk Management

The recommendations of this report, if agreed, will reduce risk. There will be a reduction in risk associated with the current requirement to rapidly agree committee and sub-committee places in the short time available before the Council's AGM, as well as risk arising from vacant committee and sub-committee positions in the run-up to Council meetings which is currently the only way in which committee and sub-committee changes can be made.

7. Background Papers

Whilst reference has been made to legislation and the Council's Constitution, no background documents have been referred to.

8. Contact Information

Contact details for this report are as follows:-

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