

CHESHIRE EAST COUNCIL

GOVERNANCE AND CONSTITUTION COMMITTEE

Date of Meeting:	25 th March 2010
Report of:	Democratic Services Manager
Subject/Title:	Appointments to Outside Organisations

1.0 Report Summary

- 1.1 The report outlines the work undertaken on appointments to outside organisations during the current Municipal Year. The Committee is asked to (a) consider three specific appointments (b) approve the monitoring forms which are intended to establish the appropriateness and effectiveness of representation; and (c) note further work to progress the Guide for Members Appointed to Outside Organisations.

2.0 Recommendations

2.1 That

- (a) Sandbach Park Steering Group be added to the list of approved outside organisations and that Councillor Gillian Merry be appointed as the local Ward Member;
- (b) Transport Futures be added to the list of approved outside organisations and that Councillor H Davenport be appointed;
- (c) Councillor D J Cannon be appointed to the Mid-Cheshire NHS Foundation Trust (Leighton Hospital) to fill the casual vacancy caused by Councillor E Howell's resignation from the organisation;
- (d) the forms attached to the report (Appendices A and B) be adopted as a means of monitoring the effectiveness and appropriateness of representation;
- (e) the progress on the draft Guidance for Members Appointed to Outside Organisations (Appendix C) be noted; and
- (f) the activities of the Task Group during 2009-2010 be noted.

3.0 Reasons for Recommendations

- 3.1 It is important for the Council to participate as a partner in the network of outside organisations within Cheshire East, and more widely if appropriate.
- 3.2 The proposals in the report are in accordance with the procedure approved by the Governance and Constitution Committee.

4.0 Wards Affected

- 4.1 All Wards are affected.

5.0 Local Ward Members

- 5.1 All Councillors are affected.

6.0 Policy Implications

- 6.1 None identified.

7.0 Financial Implications for Transition Costs

- 7.1 None identified.

8.0 Financial Implications 2009/10 and beyond

- 8.1 None identified.

9.0 Legal Implications

- 9.1 As noted at 11.6 of this report, Councillors appointed to outside organisations can incur personal liability. The proposed guidance outlined below is intended to assist Members in understanding their roles and avoiding any potential difficulties arising from them.

10.0 Risk Management

- 10.1 The Task Group routinely considers the risk of not being represented on any particular outside organisation and whether that would have a detrimental effect on the Council were it not to be represented. No other risk assessment has been carried out.

11.0 Background

- 11.1 At its meeting held on 21st May 2009, the Governance and Constitution Committee re-appointed the Task Group (Outside Organisations) on the following basis to serve for the remainder of the Municipal Year -

- to meet on an *ad hoc* basis;
- to comprise five Members on a cross-party basis (3 Conservative, 1 Liberal Democrat and 1 Labour) to be nominated at the meeting;
- to address the issues emerging in respect of appointments to outside organisations;
- to give initial consideration to the development of a method for individual Members to report back on the effectiveness, or otherwise, of representation; and
- to report back to the Governance and Constitution Committee as and when it considers appropriate within the Municipal Year.

11.2 Task Group Membership

The Task Group comprises 3 Conservatives (Councillors H Davenport, A Kolker and P Whiteley); 1 Liberal Democrat (Councillor Shirley Jones); and 1 Labour (Councillor R Cartlidge). It has met on six occasions (30th June 2009, 18th September, 28th October, 9th January 2010, 3rd February and 8th March) since its re-appointment. One further meeting has been arranged (12th April) and any recommendations from that meeting will be submitted to the Committee in the new Municipal Year.

- 11.3 In addition to making recommendations in respect of vacancies and the inclusion of new outside organisations, the Task Group has focused its work on a means of monitoring the effectiveness and appropriateness of representation, and overseeing the preparation of a Guide for Members Appointed to Outside Organisations.

11.4 Sandbach Park Steering Group

Sandbach Park Steering Group is a sub-group of the Sandbach Partnership. Councillor Barry Moran is the Council's representative on the Partnership which has now requested that the Steering Group also be added to the list of approved organisations and that a local Member be appointed to it.

The Task Group considered this issue at its last meeting (8th March) and recommends that it be added to the schedule, with Councillor Gillian Merry being appointed as the local Ward Member.

11.5 Transport Futures

Councillor Harold Davenport has recently been appointed to "Transport Futures" as part of his representation on an outside organisation. The Task Group considered this matter at its meeting held on 8th March 2010 and agreed to recommend its inclusion in the list of outside organisations, with Councillor Davenport being appointed as the Council's representative.

11.6 Mid-Cheshire Hospitals Trust

Councillor Betty Howell has resigned from the Mid-Cheshire Hospitals Trust. In accordance with the approved protocol for filling casual vacancies, the Liberal Democrat Group has nominated Councillor David Cannon as her replacement, and the Committee is asked to approve this change.

11.7 Monitoring Effectiveness

The attached forms (Appendices A and B), subject to any comments the Committee may wish to make, would be provided to each Member appointed to an outside organisation for completion in April/May each year. The feedback received will enable the Task Group to establish if the aims of each organisation are compatible with the aims of the Council. Where possible, the financial implications of representation will also be examined. A report on its findings will be submitted to the Committee in due course.

11.8 Guidance for Members

Some positions carry legal responsibilities, particularly those of trustee or director. It is important that Members are clear about their role within the outside organisation, what is expected of them and their ability to deal with conflicts of interest as and when they arise.

The Committee is asked to note further work to develop a guidance document for the assistance of Members. Following earlier drafts, and input from Legal Services, the Task Group made further comments on the document on 8th March 2010. Further work to deal with the outstanding issues is necessary to ensure that a robust and comprehensive guidance document results. It is expected that a final draft will be presented to the next meeting of this Committee.

11.9 Categorisation of Organisations

The Task Group has also reviewed the categorisation of organisations and is now of the view that whilst the grouping into the various categories served a useful purpose during the transitional year, it is no longer necessary.

In July 2008, the Task Group reviewed the complete list, and, using their own local knowledge, Members made an assessment of the importance of each and whether or not it would be appropriate for the new Council to make appointments to those listed.

An informal part of the process was consultation with the shadow Cabinet Members who selected those organisations they considered should be

reserved to the Cabinet for appointment. The culmination of the process was March 2009 when the Cabinet made appointments to all Category 1 organisations (3rd March 2009), and the Governance and Constitution Committee made all other appointments (9th March 2009 - Categories 2-4).

Members of the Task Group consider that with effect from May 2011, there should be two categories only, namely Category 1 and Category 2. The Cabinet will continue to appoint to Category 1 and as the Governance and Constitution Committee makes all other appointments, there is no purpose in distinguishing between Categories 2, 3 and 4 and these should be grouped together to form the Category 2 list.

The current categories are as follows. Note. Categories 2, 3 and 4 will become the revised Category 2.

Category 1 These are top-level strategic organisations at national, regional and local level; for example, Fire Authority, Primary Care Trust, Police Authority.

The Cabinet has already decided that it will reserve to itself appointments to these organisations.

Category 2 These are appointments which were key to the constituent authorities (Cheshire County Council, Congleton, Crewe and Nantwich, and Macclesfield Borough Councils) and were considered to be essential after 31st March 2009.

Category 3 These are organisations which the constituent authorities considered to be worthwhile but were not crucial.

Category 4 Those not falling within categories 1-3 (The Task Group considers that in the longer-term, it should be Town and Parish Councils which make appointments to these organisations).

11.10 Future Work

A review of appointments will be undertaken in the next few months, following evaluation of the monitoring forms received from Members and the outside organisations. This will help to inform the next round of appointments which will be in May 2011.

The Task Group will take into account –

- The purpose of the organisation and whether its aims are in harmony with the Council's Corporate Plan, or if there are other benefits.
- Whether the Council needs to continue with representation on specific outside organisations (this will depend on the results of the evaluation exercise).

- Level of time/commitment required by the appointed Member.
- Officer support requirements for Members.
- Cost and resource implications for the Council set against any benefit.
- Service Level Agreements between the outside organisation and the Council.
- Risk of non-representation.
- The appointment(s) will raise the profile of the Council at a national or regional level.

12.0 Overview of Year One and Term One Issues

12.1 None identified.

13.0 Access to Information

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

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