

## **Cabinet**

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**Date of Meeting:** 09 July 2019

**Report Title:** Outside Organisations Appointments 2019-2023

**Portfolio Holder:** Leader of the Council

**Senior Officer:** Kath O'Dwyer – Acting Chief Executive

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### **1. Report Summary**

- 1.1. This report provides details of the appointments of representatives to the Category 1 list of outside organisations. These are the top level strategic organisations at national, regional and local level. Cabinet is responsible for making these appointments.
- 1.2. Outside Organisation appointments made by the Council fall into 3 categories as follows:
  - Category 1 – appointed by the Cabinet: these are top level strategic organisations at national, regional and local level
  - Category 2 – appointed by the Constitution Committee; these organisations tend to be of a more local nature
  - Category 3 - Statutorily these have to be made by full Council.

### **2. Recommendations**

2.1. That

2.1.1. Cabinet confirm that it wishes to continue with the current approach to appointing to Outside Organisations, and for the causal vacancy procedure to be used in the event of changes in the mid-term period;

2.1.2. approval be given to the appointment of the representatives shown on the Schedule to this report, the appointments to subsist until such time as representation is reviewed following the election of the new Council in 2023;

2.1.3. the appointments take immediate effect;

2.1.4. notwithstanding 2.1.1. above, Cabinet retain the right to review the representation on any outside organisation at any time.

### **3. Reasons for Recommendations**

- 3.1. It is important for the Council to appoint Members to outside organisations to ensure that it continues to represent the interests of both the Council and the wider community.
- 3.2. Appointments are made for the duration of the Council, which is 2019 to 2023, although it may sometimes be necessary for them to be reviewed during that time.
- 3.3. There is a casual vacancies procedure for dealing with changes that arise from time to time, which will continue to be used for any changes which might occur during this period.

### **4. Other Options Considered**

- 4.1. Not appointing to Outside Organisations would not be of benefit to the Council as making appointments ensures the interests of the Council and wider community are represented.

### **5. Background**

- 5.1. Cabinet last made appointments to the list of Category 1 outside organisations in July 2015. Members were appointed to serve until such time as representation was reviewed following the elections of a new Council in 2019. This has avoided there being a hiatus caused by representatives ceasing in the period between the elections and the first meeting of the Cabinet.
- 5.2. By making appointments last until such time as they are reviewed following the election of the new council in 2023, this potential difficulty will again be avoided.
- 5.3. As a general rule, the term of office should be commensurate with the requirements of the organisation to which the Member is appointed. However, continuity of representation is also important. By appointing for the duration of the life of the Council, the expertise and experience of the appointee are not lost to the organisation. This approach has worked well for the last four years.
- 5.4. There is a casual vacancy procedure for dealing with changes that arise from time to time, which will continue to be used for changes which might occur during the appointed period.

- 5.5. When making appointments to outside organisations, there is no requirement to adopt the rules of proportionality.
- 5.6. A report will be brought to a future meeting on the development of a mechanism for Members appointed to Outside Organisations to report back to the Council on the work of that Organisation, its relevance to the Council's strategic objectives and, if applicable, remuneration received.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1. 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 resolved to put in place for elected Members the maximum indemnity which is allowed by law.

6.1.2. Section 111 of the Local Government Act 1972 empowers local authorities to do anything which is calculated to facilitate, or is conducive or incidental to the discharge of any of their functions, and Section 2 of the Local Government Act 2000 empowers them to do anything they consider likely to achieve the object of the promotion of the economic, social or environmental well-being of their area. In addition there is now the general power of competence under the Localism Act 2011. These are the main provisions which the Council would rely on to appoint members to outside bodies/select those bodies to which they are appointed.

### **6.2. Finance Implications**

6.2.1. There are no direct financial implications.

### **6.3. Policy Implications**

6.3.1. There are no direct policy implications.

### **6.4. Equality Implications**

6.4.1. There are no direct implications for equality.

### **6.5. Human Resources Implications**

6.5.1. There are no direct implications for human resources.

## **6.6. Risk Management Implications**

6.6.1. The failure to appoint Members to outside organisations could have a direct or indirect impact on the organisations, which can be mitigated by the operations of a procedure for making timely appointments to ensure Council representation.

## **6.7. Rural Communities Implications**

6.7.1. There are no direct implications for rural communities.

## **6.8. Implications for Children & Young People/Cared for Children**

6.8.1. There are no direct implications for children and young people.

## **6.9. Public Health Implications**

6.9.1. There are no direct implications for public health.

## **6.10. Climate Change Implications**

6.10.1 There are no implications for climate change.

## **7. Ward Members Affected**

7.1. Not applicable.

## **8. Access to Information**

8.1. There are no specific background documents relating to this report.

## **9. Contact Information**

9.1. Any questions relating to this report should be directed to the following officer:

Name: Rachel Graves

Job Title: Democratic Services Officer

Email: [rachel.graves@cheshireeast.gov.uk](mailto:rachel.graves@cheshireeast.gov.uk)