

Constitution Committee

Date of Meeting: 15 July 2019

Report Title: Appointments to Outside Organisations 2019-2023

Senior Officer: Acting Chief Executive

1. Report Summary

- 1.1. The report invites the Committee to make appointments to the Category 2 list of Outside Organisations. These are appointments which have been allocated to the Constitution Committee to make.
- 1.2. Outside Organisations 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. the Committee confirm it will continue with the current approach to appointing to Outside Organisations, and for the casual 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 attached to this report, and that the appointments run until such time as the Council's 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, the Committee retains the right to review the representation on any Outside Organisation at any time, for any reason; and

2.1.5. the Head of Democratic Services and Governance be authorised to accept any nominations to Outside Organisations that have not been received by the date of the Committee meeting.

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 Authority and the wider community.
- 3.2. Appointments are normally made for the duration of the Council, which is 2019-2023, although it may sometimes be necessary or desirable for them to be reviewed during that time in order to take into account changes or vacancies that arise.
- 3.3. There is a casual vacancies procedure for dealing with changes or vacancies that arise from time to time and it will continue to be used for the small number that might occur during this period.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. The Constitution Committee last made appointments to the list of Category 2 Outside Organisations in July 2015 and members were appointed to serve until such time as representation was reviewed following the election of a new Council in 2019. This has avoided there being a hiatus caused by representation ceasing in the period between the elections and the appointments being made.
- 5.2. By making appointments until such time as they are reviewed following the election of the new Council in 2023, this difficulty will again be avoided.
- 5.3. As a general rule the term of office should be commensurate with the needs of the organisation to which the member is appointed. However, continuity of representation is also important and by appointing for the duration of the life of the Council it is ensured that their expertise and experience are not lost to the organisation. This approach has worked well for the last four years. The Committee will, however, want to retain the flexibility to review appointments at any time for any reason to ensure that the most appropriate member represents the Council.

- 5.4. There is a causal vacancies procedure for dealing with changes or vacancies that arise from time to time and it will continue to be used for the small number that might occur throughout the appointment period.
- 5.5. When making appointments to outside organisations there is no requirement to adopt the rules of proportionality applicable to the distribution of committee seats.
- 5.1. 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 Organisations 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 Organisations or to select those bodies to which they are appointed.

6.2. Finance Implications

- 6.2.1. There are no financial implications identified.

6.3. Policy Implications

- 6.3.1. There are no direct policy implications.

6.4. Equality Implications

- 6.4.1. There are no direct equality implications.

6.5. Human Resources Implications

6.5.1. There are no direct human resources implications.

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

6.9.1.1. 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:

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