

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 30th September 2010
Report of: Democratic Services Manager
Subject/Title: Outside Organisations

1.0 Report Summary

- 1.1 This report sets out the recommendations of the Outside Organisations Sub-Committee which held its first meeting on 13 September 2010.

2.0 Recommendations

- 2.1 The Constitution Committee is asked to resolve that
- (1) the following Councillors be appointed to the casual vacancies indicated:
 - (a) Eaton Hall Sand Quarry Liaison Group, Congleton: Councillor A Knowles
 - (b) King's School, Macclesfield: Councillor H Gaddum
 - (c) Wilmslow Trust: Councillor D Stockton
 - (d) Amos Johnson Fund: Councillor G Barton
 - (2) Linden Bank Community Liaison Group be added to the Category 2 list of outside organisations, and Councillor Barry Moran be appointed as the Council's representative;
 - (3) Maw Green Landfill Site Community Liaison Meeting be added to the list of Category 2 organisations, and Councillors J Hammond and C G Thorley be appointed as the representatives, subject to the establishment of the legal implications of representation;
 - (4) no change be made in the representation on Cheshire Landfill Tax Advisory Panel (ie Councillor D Brickhill to remain as the representative);
 - (5) the Association for Public Service Excellence (APSE) be added to the list of Category 2 organisations, and Councillor J P Findlow be appointed as the Council's representative; and
 - (6) Cabinet be asked to agree to the re-designation of the Standing Advisory Council for Religious Education (SACRE) as a Category 2 organisation.

3.0 Reasons for Recommendations

- 3.1 The appointments are in accordance with the approved protocol for dealing with casual vacancies.
- 3.2 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.

4.0 Wards Affected

Not appropriate.

5.0 Local Ward Members

Not appropriate.

6.0 Policy Implications

None identified

7.0 Financial Implications

None identified

8.0 Legal Implications

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

No risks identified.

10.0 Background and Options

- 10.1 At its meeting held on 24 June 2010, the Constitution Committee appointed an Outside Organisations Sub-Committee of six Members, in accordance with the rules of political proportionality (4:1:1) comprising the following membership –

Councillors D Brickhill, R Cartlidge, J P Findlow, S Jones, P Whiteley and J Wray.

10.2 The Sub-Committee, which replaces the former Task Group (Outside Organisations), has been appointed on the following basis:

- (a) to serve for the remainder of the Municipal Year;
- (b) to meet on an *ad hoc* basis;
- (c) to oversee appointments to Category 2 outside organisations in general, and to address any issues which emerge in respect of those appointments;
- (d) to continue with the review started by the former Task Group in respect of establishing the effectiveness and appropriateness of representation; and
- (e) to report back to the Constitution Committee as and when it considers appropriate within the Municipal Year.

10.3 The Sub-Committee held its first meeting on 13 September 2010. Councillor Shirley Jones was elected Chairman to serve for the remainder of the Municipal Year. This report sets out the Sub-Committee's recommendations.

10.4 Members considered a number of matters dealt with by the former Task Group; made recommendations in respect of casual vacancies; considered new requests by outside organisations for representation; received an update on the appointments process and agreed a work programme for the remainder of the Municipal Year.

10.5 The following casual vacancies were considered. Each vacancy is a Conservative place and, in accordance with the Protocol for Dealing with Casual Vacancies (adopted by the former Governance and Constitution Committee in March 2009), the Conservative Group has made the nominations -

- (a) Eaton Hall Sand Quarry Liaison Group, Congleton
(Councillor A Knowles)

This vacancy has been caused by the recent death of Councillor Gilliland.

- (b) King's School, Macclesfield (Councillor H Gaddum)

This vacancy has been caused by the recent death of Councillor Gilliland.

- (c) Wilmslow Trust (Councillor D Stockton)

Councillor Menlove resigned from this outside organisation following his appointment to the Cabinet.

- (d) Amos Johnson Fund (Councillor G Barton)

Councillor Menlove resigned from this outside organisation following his appointment to the Cabinet.

10.6 Linden Bank Community Liaison Group

The Assistant Chief Executive for Cheshire Probation has written to Cheshire East Council's Chief Executive to request the appointment of Councillor Barry Moran to the Linden Bank Bail Hostel. The request also included a suggestion that Peter Hartwell, Head of Safer and Stronger Communities, be appointed as an Officer representative.

Linden Bank is a bail hostel based in Sandbach which has recently been the focus of local interest. Community engagement is a key priority for the Probation Service and the Service is keen to establish strong links with the local community and interested parties to address any issues or concerns about Linden Bank.

The Linden Bank Community Liaison Group serves an essential function for the exchange of information and hearing and addressing concerns. The Group has been in existence for some time but has become moribund. The Probation Service wishes to re-activate the Group and considers that the addition of an elected Member and a senior Council Officer will be of benefit not only to the Group but also to the local community.

The Sub-Committee recommends the inclusion of the Group on the list of Category 2 organisations and the appointment of Councillor Barry Moran as the Council's representative.

10.7 Maw Green Landfill Site Community Liaison Meeting

Waste Recycling Group has made contact with Councillors Brickhill, Hammond and Walker, as the Doddington Ward Councillors, inviting them to join this Community Liaison Group which has been set up as part of a planning obligation for the continuation of operations at Maw Green landfill site.

The invitation was issued to the three Councillors on 23 August 2010 and it has not yet been possible to establish the legal implications of the Council being represented on the Group. Waste Recycling Group has been asked for a copy of its Terms of Reference/Constitution to enable the legal implications to be identified.

The Outside Organisations Sub-Committee agreed that, subject to the outcome of enquiries and the identification of any legal implications, the organisation be added to the list of Category 2 organisations with two Members only being appointed to represent the Council. Councillor J Hammond is willing to accept the invitation from Waste Recycling

Group. The Sub-Committee agreed that it would be appropriate for the second representative to be a local Ward Member.

The Sub-Committee recommends that the Maw Green Landfill Site Community Liaison Meeting be added to the list of Category 2 organisations, with Councillors Hammond and Thorley being appointed as the Council's representatives.

10.8 Cheshire Landfill Tax Advisory Panel

It had been understood that Councillor Brickhill had resigned from the Cheshire Landfill Tax Advisory Panel, and the nomination of Councillor S Wilkinson, as his replacement, had subsequently been received in Democratic Services. At the Sub-Committee meeting, Councillor Brickhill confirmed that whilst he had resigned his place on a number of outside organisations, he had not resigned from this Advisory Panel.

Councillor Brickhill stated that since his appointment to the Advisory Panel in March 2009, he had not been contacted by the organisation.

The Sub-Committee agreed to recommend that no changes in representation be made at this time, but that further enquiries of the organisation be undertaken to establish its current activities and if it still held meetings.

10.9 Association for Public Service Excellence (APSE)

The Association for Public Service Excellence (APSE) is a not-for-profit local government body working with over 300 councils throughout the UK. Promoting excellence in public services, APSE is the foremost specialist in local authority front-line services, hosting a network for front-line service providers in areas such as waste and refuse collection, parks and environmental services, leisure, school meals, cleaning, housing and building maintenance.

Cheshire East Council pays an annual affiliation fee of £3,500 to the national organisation, a subscription fee of £250 to the Northern Region, and a sum of £7,880 to APSE Performance Networks which is the largest voluntary local government benchmarking service in the UK. Performance Networks is used by over 200 local authorities from across the UK. With participation growing across all services, it is the largest voluntary performance measurement service for local government providing benchmarking across 14 front-line services.

In view of the Council's annual financial contribution, it is important that the Council is represented.

The Sub-Committee agreed to recommend that APSE be added to the list of Category 2 organisations and that Councillor J P Findlow be appointed as the Council's representative.

10.10 Standing Advisory Council for Religious Education (SACRE)

Councillor Margaret Martin (Labour Group) was appointed to the Standing Advisory Council for Religious Education (SACRE) on 3 March 2009. Councillor Martin has now resigned from SACRE and the Labour Group is unable to nominate another representative from within its Group.

During its discussion of this vacancy, the Sub-Committee was of the view that it was not appropriate for SACRE to be designated as a Category 1 organisation (top-level strategic organisations at national, regional and local level) and agreed to recommend its re-designation as a Category 2 organisation.

The appointment to the casual vacancy would form part of a two-stage process –

- (i) Cabinet will need to consider whether or not SACRE should be re-designated as a Category 2 organisation. In the event of it agreeing, the appointment to the casual vacancy would be referred back to the Constitution Committee.
- (ii) If Cabinet decides to retain SACRE as a Category 1 organisation, it will be for Cabinet to make the appointment.

At present, only one nomination has been received, namely Councillor E Howell (Liberal Democrat Group).

11.0 Access to Information

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

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