

Corporate Policy Committee

11 July 2023

Appointments to Outside Organisations

Report of: David Brown, Director of Governance and Compliance

Report Reference No: CP/8/23- 24

Ward(s) Affected: All Wards

Purpose of Report

- 1 The report invites the Corporate Policy Committee to make appointments to the list of Outside Organisations set out in Appendix 1 to the report (to follow).

Executive Summary

- 2 The Constitution states that the Corporate Policy Committee will appoint representatives to serve on outside bodies and organisations.
- 3 Following the introduction of the committee system of governance, a review was undertaken into the appointments process for outside organisations. The Corporate Policy Committee, at its meeting on 15 June 2023, approved a revised procedure in respect of Council's appointments to Outside Organisations.
- 4 The report seeks approval to make the appointments to the Outside Organisations listed in the Appendix to the report.

RECOMMENDATIONS

That

- 1 approval be given to the appointment of the representatives as set out in Appendix 1 to the report, and that the appointments run until such time as the Council's representation is reviewed following the election of the new Council in 2027.
- 2 the appointments take immediate effect.

Background

- 5 Until the introduction of the committee system, appointments to Outside Organisations were made by Cabinet (top level strategic organisations at national, regional, and local level), Constitution Committee (organisations of a local nature) and full Council (statutory appointments). Following the change of governance arrangements, the appointments procedure for Outside Organisations was reviewed and a report detailing a revised procedure was considered and subject to some changes to the categorisation of a small number of organisations, was approved by the Corporate Policy Committee on 15 June 2023.
- 6 The Constitution states that the Corporate Policy Committee will appoint representatives to serve on outside bodies and organisations. To ensure that nominations to Cheshire Police and Crime Panel, Cheshire Fire Authority, Fostering Panel and Adoption Panel were made in line with the organisations' scheduled meetings, the initial appointments were made that the Council's Annual General Meeting this year and will continue to be made at future Annual General Meetings.
- 7 Appointments to Outside Organisations were last made in July 2019 and members were appointed to serve until such time as representation was reviewed following the election of a new Council in 2023.
- 8 As a 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.
- 9 Whilst appointments are normally made for the duration of the Council, which is 2023-2027, it may sometimes be necessary or desirable for them to be reviewed during that time to consider changes or vacancies that arise.
- 10 There is a causal vacancies procedure for dealing with changes or vacancies that arise from time to time, which will be used for the small number that might occur throughout the appointment period.
- 11 When making appointments to Outside Organisations there is no requirement to adopt the rules of proportionality applicable to the distribution of committee seats.

Consultation and Engagement

- 12 There is no requirement for public consultation on this report. The Political Groups have been contacted for their nominations as appropriate.

Reasons for Recommendations

- 13 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.
- 14 Appointments are normally made for the duration of the Council, which is 2023-2027, although it may sometimes be necessary or desirable for them to be reviewed during that time to consider changes or vacancies that arise.

Other Options Considered

- 15 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
- 16 An alternative option could be that the appointments could be made by Council at the first Annual General meeting of each term, but the appointment of representatives to outside organisation has been specifically delegated to the Corporate Policy Committee, as set out in the Council's Constitution:

*Corporate Policy Committee Functions, paragraph 2.16
appointing representatives to serve on outside bodies and organisations
(including education bodies and establishments) and reviewing the
process for considering appointments to outside organisations.*

Implications and Comments

Monitoring Officer/Legal

- 17 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's Cabinet resolved on 9 February 2016 to put in place for elected Members the maximum indemnity which is allowed by law (Minute 105 refers).
- 18 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.

Section 151 Officer/Finance

- 19 The Members Allowance Scheme states that attendance at meetings of outside organisations on which Cheshire East Council is invited to be represented is an approved duty for the claiming of travel expenses and allowances.

Policy

- 20 There are no direct policy implications.

An open and enabling organisation	A council which empowers and cares about people
Ensure that there is transparency in all aspects of council decision making	Work together with residents and partners to support people and communities to be strong and resilient

Equality, Diversity, and Inclusion

- 21 There are no direct implications.

Human Resources

- 22 There are no direct human resources implications.

Risk Management

- 23 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.

Rural Communities

- 24 There are no direct implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 25 There are no direct implications to children and young people and cared for children.

Public Health

- 26 There are no direct implications for public health.

Climate Change

- 27 There are no direct implications relating to climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance brian.reed@cheshireeast.gov.uk
Appendices:	Appendix 1 – List of Outside Organisations (to follow)
Background Papers:	<u>Corporate Policy Committee 15 June 2023 - Review of Outside Organisations</u>