

Corporate Policy Committee

5 October 2023

Appointment to Outside Organisation

Report of: Director of Governance and Compliance (Monitoring Officer)

Report Reference No: CP/58/23-24

Ward(s) Affected: All Wards

Purpose of Report

- 1 The report invites the Corporate Policy Committee to make an appointment to the Cheshire and Wirral Partnership NHS Foundation Trust Council of Governors.

Executive Summary

- 2 The Corporate Policy Committee, at its meeting on 15 June 2023, approved a revised procedure for dealing with vacancies on outside organisations. This required a report to be submitted to the Corporate Policy Committee to approve the appointment of a replacement councillor to the Outside Organisation, upon a vacancy arising.
- 3 The report seeks approval to make an appointment to the Cheshire and Wirral Partnership NHS Foundation Trust Council of Governors.

RECOMMENDATIONS
That a Member be appointed as the Council's representative on the Cheshire and Wirral Partnership NHS Foundation Trust Council of Governors.

Background

4 The Corporate Policy Committee, at its meeting on 11 July 2023, appointed Councillor Liz Wardlaw as the Council's representative on Cheshire and Wirral Partnership NHS Foundation Trust Council of Governors.

5 The Constitution of the Cheshire and Wirral Partnership NHS Foundation Trust states, in Annex 6 - Additional Provisions Council of Governors:

"10. A person may not become a Governor of the Foundation Trust, and if already holding such office will immediately cease to do so, if:

10.3 they are a member of a local authority's Scrutiny Committee covering health matters"

6 Councillor Wardlaw is the Chair of the Council's Scrutiny Committee and is therefore ineligible to be a Governor of the Trust.

7 The Committee is invited to make alternative appointment.

Consultation and Engagement

8 There is no requirement for public consultation on this report. The Political Groups have been contacted for a nomination.

Reasons for Recommendations

9 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.

Other Options Considered

10 An alternative option would be not to make an appointment.

11 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.

Implications and Comments

Monitoring Officer/Legal

12 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).

- 13 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

- 14 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

- 15 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

- 16 There are no direct implications.

Human Resources

- 17 There are no direct human resources implications.

Risk Management

- 18 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

19 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)

20 There are no direct implications in respect of children and young people and cared for children.

Public Health

21 There are no direct implications for public health.

Climate Change

22 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:	None
Background Papers:	Corporate Policy Committee 15 June 2023 - Review of Outside Organisations Corporate Policy Committee 11 July 2023 - Appointments to Outside Organisations