

OPEN

**Environment and Communities
Committee**

8 June 2023

**Appointments to Sub-Committees,
Working Groups, Panels, Boards and
Joint Committees**

Report of: David Brown, Director of Governance and Compliance

Report Reference No: EC/18/23-24

Ward(s) Affected: No specific wards

Purpose of Report

- 1 This report seeks approval from the Environment and Communities Committee to appoint members to its working groups and panels for the 2023-24 municipal year.

Executive Summary

- 2 The Council, at its annual meeting on 24 May 2023, approved the political representation on its main committees. The appointment of certain sub-committees, working groups, panels and boards is a matter for the relevant service committees. This report addresses the composition of the working groups and panels of which membership is required to be appointed by the Environment and Communities Committee. Where political proportionality is applicable, the agreed conventions and methods of calculation have been applied.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Appoint Members to the Cemeteries Strategy Member Advisory Panel and note its Terms of Reference
2. Appoint Members to the Household Waste and Recycling Centres Working Group and agree that the Terms of Reference be reviewed and confirmed at its first meeting
3. Appoint Members to the Local Plan Member Reference Group as follows: Con: 3; Lab: 3; Ind: 1; Lib Dem: 0; NGI: 0 and note its Terms of Reference
4. Establish and appoint Members to the Section 106 Member/Officer Working Group and agree that its Terms of Reference be agreed at its first meeting
5. Agree that the names of the Members appointed will be submitted to the Head of Democratic Services and Governance.

Background

3 **Bodies which report to the Environment and Communities Committee**

4 Cemeteries Strategy Member Advisory Panel

5 At its meeting on 11 November 2021, the Environment and Communities Committee received a report titled 'A Review of the Cemeteries Strategy' and resolved to establish a Member Advisory Panel to scrutinise the Cemeteries Strategy.

6 [Environment and Communities Minutes 11 November 2021](#)

7 The Terms of Reference for this Member Advisory Panel are set out at Appendix 1.

It is proposed that the Environment and Communities Committee agree to the appointment of Members to the Cemeteries Strategy Member Advisory Panel, and that the nominees be notified to the Head of Democratic Services and Governance.

8 Previous membership

9 Councillors M Benson, J Bratherton, J Buckley and L Crane

10 Household Waste and Recycling Centres Working Group

11 At its meeting on 29 September 2022, the Environment and Communities Committee received a report titled 'Household Waste Recycling Centre Contract' and resolved to establish a Working Group to look at future household waste and recycling centre provision, with particular attention to provision for Congleton, and to further look at what the scope and remit of the group should be.

12 [Environment and Communities Minutes 29 September 2022](#)

13 It is proposed that the Environment and Communities Committee agree to the appointment of Household Waste and Recycling Centres Working Group and that the nominees be notified to the Head of Democratic Services and Governance. It is also proposed that the Terms of Reference for this Working Group be reviewed and agreed at its first meeting.

14 Previous membership

15 Councillors J Buckley, L Crane, T Dean, R Moreton and J Parry

16 Local Plan Member Reference Group

17 At its meeting on 10 November 2022, the Environment and Communities Committee received a report titled 'Local Development Scheme 2022' and resolved to establish a Member Reference Group to support the preparation of the Local Plan.

18 [Environment and Communities Minutes 10 November 2022](#)

19 The agreed Terms of Reference (Appendix 2) state that the membership should reflect the political make-up of the Council.

20 It is proposed that the Environment and Communities Committee agree to the appointment of Members to the Local Plan Member Reference Group in line with the following, and that the nominees be notified to the Head of Democratic Services and Governance:

3 Conservative

3 Labour

1 Independent

21 Previous Membership

Councillors J Bratherton, J Buckley, C Browne, T Dean, M Warren, S Gardiner, M Hunter

22 Section 106 Member/Officer Working Group

At its meeting on 31 October 2022, the Environment and Communities Committee received a report titled 'Local Planning Authority Review and Service' and resolved to establish a Member/Officer Working Group following the findings of the proposed Section 106 funding internal audit, to explore the process of Section 106 planning obligations as part of the Modernisation Plan.

[Environment and Communities Committee Minutes 31 October 2022](#)

It is proposed that the Environment and Communities Committee agree to the appointment of the Section 106 Member/Officer Working Group to be convened following the findings of the proposed internal audit, and that the nominees be notified to the Head of Democratic Services and Governance. It is also proposed that the Terms of Reference for this Working Group be agreed at its first meeting.

Consultation and Engagement

- 23 There has been consultation with Group Leaders and Administrators in relation to the political representation of committees.

Reasons for Recommendations

- 24 In accordance with the Constitution, the Environment and Communities Committee is responsible for the appointment of its working groups and panels.

Other Options Considered

12	Option	Impact	Risk
	Do nothing	The Council's Constitution requires these working groups and panels to be appointed in line with the legislation referenced in this report. Not appointing to these groups would negatively affect the Council's ability to make decisions in an open and transparent manner.	Failure to comply with the Council's Constitution and the legislation referenced in this report could leave the Council open to legal challenge.

Implications and Comments

Monitoring Officer/Legal

- 25 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make provisions in respect of the political group representation on a local authority's committees in relation to the overall political composition of the Council. The legislation applies to the decision-making committees and sub-committees of the Council.
- 26 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- 27 Not all of the seats can be allocated to the same political Group (i.e., there are no single group committees).
- 28 The majority of the seats on the body are to be allocated to a political Group with a majority membership of the authority.
- 29 The total number of seats on all ordinary committees and sub committees allocated to each Political Group bears the same proportion to the proportion on the full Council.

- 30 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.
- 31 The proposals contained in this report meet the requirements of the legislation.
- 32 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Groups' nominations to the bodies in question.

Section 151 Officer/Finance

- 33 There are no financial implications that require an amendment to the Medium-Term Financial Strategy.

Policy

- 25 There are no direct policy implications.

An open and enabling organisation

Ensure that there is transparency in all aspects of council decision making

Equality, Diversity and Inclusion

- 26 There are no direct equality, diversity and inclusion issues.

Human Resources

- 27 There are no direct human resources implications.

Risk Management

- 28 Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

Rural Communities

- 29 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)

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

Public Health

31 There are no direct implications for public health.

Climate Change

32 There are no direct implications for climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance Brian.reed@cheshireeast.gov.uk
Appendices:	Appendix 1 – Cemeteries Strategy Member Advisory Panel Terms of Reference Appendix 2 – Local Plan Member Reference Group Terms of Reference
Background Papers:	None

Appendix 1

Member Advisory Group – Terms of Reference	
Title:	Review of Cheshire East Cemeteries Strategy
Background:	At the Environment and Communities Committee held on 11 th November 2021, the Committee resolved to convene a Member Advisory Panel to scrutinise the current Cheshire East Cemeteries Strategy
Link with the Corporate Plan:	<p>An open and enabling organisation- Listen, learn and respond to our residents, promoting opportunities for a two- way conversation</p> <p>A council which empowers and cares about people- All services to be developed together with our residents and communities, so they are based on what works for people in Cheshire East.</p> <p>A thriving and sustainable place- To reduce the impact on our environment.</p>
Objectives:	<p>To assess space and need by looking at how Cheshire East uses the land when it comes to the internment of remains and investigate different designs and approaches e.g., natural burial, woodland, grassland, building walls, renting space plus futureproofing, identification of any further land availability and asset transfer.</p> <p>To review all the current figures by the Church of England that relate to the closure of churchyards.</p> <p>To explore any potential opportunities to lobby government in change legislation relating to closed graveyards.</p> <p>Review issues of embellishments within burial plots (shrines) and sensitively approaching difficulties when graves overspill.</p> <p>Update data on demand and capacity (after the site visits and consideration of how we make best use of what we have)</p> <p>Engage with town and parish councils to understand appetite for asset (and service) transfer.</p>

Key activities:	<p>Review of plans and site visits as a group to review cemeteries starting in Sandbach (highest profile) and taking into account Alsager and Crewe.</p> <p>Review the woodland burial site passed by Cheshire East Planning earlier this year.</p> <p>Take into account best practice locally and nationally, including major cities such as Liverpool and Manchester. Review Swanlow Lane cemetery in Winsford as this is operated by a private developer.</p>
Timescales:	Dec 2021-Dec 2022
Membership:	<p>Cllr Mike Benson</p> <p>Cllr Joy Bratherton</p> <p>Cllr June Buckley</p> <p>Cllr Laura Crane</p>
Lead Officers:	<p>Paul Bayley, Director of Environment and Neighbourhood Services</p> <p>Ralph Kemp, Head of Environmental Services</p> <p>Helen Davies, Democratic Services Officer</p>

Appendix 2

LOCAL PLAN MEMBER REFERENCE GROUP – TERMS OF REFERENCE (AGREED BY ENVIRONMENT AND COMMUNITIES COMMITTEE ON 10 NOVEMBER 2022)

General remit of the Group

- An informal reference group of elected members established to support the preparation of the Council's Local Plan, providing a sounding board on key issues which the Local Plan must consider, and the reasonable options that exist to address those issues.
- The Group will not make formal decisions, which will be responsibility of the Environment and Communities Committee or Council.

Main tasks

- To consider and provide informal feedback to officers about matters related to the preparation of the Local Plan, including emerging evidence, issues and policy options.
- To contribute to proposals for stakeholder and community involvement in the Local Plan.

Membership

- To comprise 7 members reflecting the political make-up of the Council
- Membership to be reviewed on an annual basis (or post-election as appropriate).
- A Chair will be selected by the Group from amongst its number

Meetings

- Member Reference Group meetings will not be open to the public.
- Meetings to be held as and when necessary.
- Agendas to be sent to attendees 5 days prior to each meeting

Confidentiality

The way in which the Member Reference Group operates (not having decision-making powers and not open to the public or press) is intended to encourage members to have a free and frank debate, in which they may test concepts and ideas at a formative state. These ideas may not be subsequently taken forward. Papers will therefore (minutes, reports etc) be treated as confidential