

# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 22<sup>nd</sup> March 2012  
**Report of:** Legal and Democratic Services Manager  
**Subject/Title:** Outside Organisations Sub-Committee – Revised Terms of Reference

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### 1.0 Report Summary

- 1.1 At its meeting on 24<sup>th</sup> June 2010 the Constitution Committee reconstituted the then Outside Organisations Task Group as a Standing Committee of the Constitution Committee; the Sub-Committee are now requesting that the Terms of Reference agreed at that time are revised.

### 2.0 Recommendation

- 2.1 To ratify the terms of reference of the Outside Organisations Sub-Committee, as recommended at its meeting on 23<sup>rd</sup> November 2011.

### 3.0 Reasons for Recommendation

- 3.1 The terms of reference originally agreed by the Constitution Committee in June 2010 were as detailed below. These were followed until 27<sup>th</sup> June 2011 when they were considered by the Sub-Committee as part of a general review of its role.

#### 3.2 ORIGINAL TERMS OF REFERENCE OF THE OUTSIDE ORGANISATIONS SUB-COMMITTEE

- (a) To meet on an *ad hoc* basis;
- (b) To comprise six Members on a proportionate basis (4 Conservative, 1 Liberal Democrat and 1 Labour);
- (c) To oversee appointments in general to outside organisations;
- (d) To oversee appointments to Category 2-4 outside organisations, in general, and address any issues emerging in respect of those appointments;
- (e) To continue with its review of appointments to establish the effectiveness and appropriateness of representation;
- (f) To consider all new requests from outside organisations for representation on outside bodies;

- (g) Arising out of the process under (e) above to refer to Cabinet any organisation(s) deemed to be in Category 1; and
  - (h) report back to the Constitution Committee as and when it considers appropriate;
- 3.3 Some members of the Sub-Committee commented that the terms of reference required revision, with particular reference to items (c) and (d) above, which made referred to 'overseeing' appointments. Some members were unclear about the definition of the word in this context.
- 3.4 Taking the comments into account the Terms of Reference were redrafted and considered further by the Sub-Committee on 23 November 2011 in conjunction with the procedure for (a) considering new appointments and (b) the criteria to be used when making appointments to outside organisations; these are attached as appendices A and B respectively.
- 3.5 The following revisions were agreed by the Sub Committee and are now recommended to the Constitution Committee for approval.

#### REVISED TERMS OF REFERENCE

The Sub Committee will comprise six Members on a proportionate basis (4 Conservative, 1 Liberal Democrat and 1 Labour) *N.B: In May 2011 agreements between the Whips was reached and the rules of political proportionality were not strictly observed.*

The Sub-Committee, which will meet on an *ad hoc* basis, will be responsible for the following:

- (a) Managing its own programme of work;
- (b) Making recommendations, as and when appropriate to the Constitution Committee;
- (c) Overseeing all appointments to Category 2 outside organisations, addressing any issues emerging in respect of those appointments;
- (d) Reviewing representation to inform the appointments process for the next round of appointments [which take effect from the new Council in 2015];
- (e) Considering new requests for representation, and assessing the appropriateness of including those organisations onto the schedule of approved organisations;
- (f) Subject to the outcome of (e) above, make recommendations to the Cabinet in respect of any outside organisation deemed to be a

Category 1; and make recommendations to the Constitution Committee in respect of Category 2 organisations;

- (g) Reviewing, as and when appropriate, the Legal Guidance for Members Appointed to Outside Organisations;
- (h) Conduct comprehensive reviews of representation, as and when appropriate, to establish the appropriateness of representation;
- (i) Make recommendations to the Senior Member Development Officer in respect of training for Members representing the Council on outside organisations.

#### **4.0 Wards Affected**

4.1 N/A

#### **5.0 Local Ward Members**

5.1 N/A

#### **5.0 Policy Implications**

6.1 None identified.

#### **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

7.1 None identified.

#### **8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 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 resolved to put in place for elected Members the maximum indemnity which is allowed by law.

8.2 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. Pending the coming into force of the general power of competence in the Localism Act 2011, which will be on a date yet to be announced, either or both of these existing powers would normally be the authority for appointing Members to outside bodies and/or selecting the bodies to which they are to be appointed.

## **9.0 Risk Management**

9.1 N/A

## **10.0 Background and Options**

10.1 To retain the existing terms of reference or to suggest other amendments to the Sub-Committee for further consideration.

## **11.0 Access to Information**

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

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