

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 5th July 2012
Report of: Borough Solicitor
Subject/Title: Changes to Outside Organisations Appointments
2011-2015

1.0 Report Summary

- 1.1 The report details changes in representation on a number of organisations on the Category 2 list of outside organisations; these are appointments which have been allocated to the Constitution Committee to make the appointments.
- 1.2 In June 2011 the Committee appointed to the complete list of organisations for the period 2011 – 2015, this being the life of the Council. Since then, however, in the natural course of events, the need for some revisions has arisen and it is these appointments that now need to be considered.

2.0 Recommendations

That

- (1) approval be given to the changes of representative shown on the schedule attached to this report, subject to any further updates at the meeting, the appointments to run until such time as the Council's representation is reviewed following the election of the new Council in 2015;
- (2) the appointments take immediate effect; and
- (3) notwithstanding (1) above, the Council retain the right to review the representation on any outside organisation at any time.

3.0 Reasons for Recommendation

- 3.1 It is important for the Council to appoint to outside organisations to ensure that it continues to represent the interests of both the Authority and the wider community.
- 3.2 Whilst appointments were made for the duration of the Council, that is 2011-2015, it has become necessary to review them to take into account changes that have arisen since that time.

- 3.3 There is a casual vacancies procedure for dealing with changes that arise from time to time and it will continue to be used for the small number of changes that might occur throughout the year.

4.0 Wards Affected

- 4.1 Not applicable.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 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 any thing 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 bodies/select those bodies to which they are appointed.

9.0 Risk Management

Risk	Mitigation
Failure to appoint Members to outside organisations could have a direct or indirect impact on the outside organisations.	The operation of a procedure for making timely appointments to outside organisations.
Cheshire East Council is unable to influence key stakeholders.	Operation of a satisfactory scheme of appointment to ensure Council representation.

10.0 Background and Options

- 10.1 On 2 June 2011 the Constitution Committee made appointments to the list of Category 2 outside organisations and Members were appointed to serve until such time as representation is reviewed following the election of a new Council in 2015.
- 10.2 There is a casual vacancies procedure for dealing with changes that arise from time to time and it will continue to be used for the small number of changes that might occur throughout the year.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer. There are no specific background documents.

Name: Cherry Foreman
Designation: Democratic Services Officer
Tel No: 01270 686463
E-mail: cherry.foreman@cheshireeast.gov.uk