

# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 18<sup>th</sup> June 2015  
**Report of:** Head of Governance and Democratic Services  
**Subject/Title:** Changes to Outside Organisations Appointments 2011-2015

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### 1.0 Report Summary

- 1.1 The report invites the Committee to make appointments to the Category 2 list of outside organisations; these are appointments which have been allocated to the Constitution Committee to make. The list will be circulated before the meeting.
- 1.2 Outside organisation appointments made by the Council fall into 3 categories as follows:
- Category 1 – appointed by the Cabinet; these are top level strategic organisations at national, regional and local level.
  - Category 2 – appointed by the Constitution Committee; these organisations tend to be of a more local nature.
  - Category 3 – statutorily these have to be made by full Council

### 2.0 Recommendations

That

- (1) the Committee confirm it is happy to continue with the current approach to appointing to outside organisations and for the casual vacancy procedure to be used in the event of changes in the mid-term period;
- (2) approval be given to the appointment of the representatives listed in the Appendix (to follow), the appointments to run until such time as the Council's representation is reviewed following the election of the new Council in 2019;
- (3) the appointments take immediate effect; and
- (4) notwithstanding (1) above, the Council retain the right to review the representation on any outside organisation at any time and for any reason.

### **3.0 Reasons for Recommendations**

- 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 Appointments are normally made for the duration of the Council, which is 2015-2019, although it may sometimes be necessary or desirable for them to be reviewed during that time in order to take into account changes or vacancies that arise.
- 3.3 There is a casual vacancies procedure for dealing with changes or vacancies that arise from time to time and it will continue to be used for the small number that might occur during this period.

### **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 Rural Implications**

Member representation on a number of the outside organisations detailed in the Appendix will make a positive contribution to many rural communities across the Borough.

### **8.0 Financial Implications**

- 8.1 None identified.

### **9.0 Legal Implications**

- 9.1 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.
- 9.2 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.

## **10.0 Risk Management**

<b>Risk</b>	<b>Mitigation</b>
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.

## **11.0 Background and Options**

- 11.1 The Constitution Committee last made appointments to the list of Category 2 outside organisations in June 2011 and Members were appointed to serve until such time as representation was reviewed following the election of a new Council in 2015. This has avoided there being a hiatus caused by representation ceasing in the period between the elections and the appointments being made.
- 11.2 By making appointments last until such time as they are reviewed following the election of the new Council in 2019 this difficulty will again be avoided.
- 11.3 As a general 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 very well for the last four years. The Committee will, however, want to retain the flexibility to review appointments at any time for any reason to ensure that the most appropriate member represents the council.
- 11.4 There is a casual vacancies procedure for dealing with changes or vacancies that arise from time to time and it will continue to be used for the small number that might occur throughout the appointment period.
- 11.5 When making appointments to outside organisations there is no requirement to adopt the rules of proportionality applicable to the distribution of committee seats.

## **12.0 Access to Information**

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

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