



MEETING PAPER

Subject: Representation/appointment on other bodies

Meeting: Full Council

Date: 23 June 2019

NON CONFIDENTIAL

Background/Introduction

The Council has representation/appoints to other bodies for various reasons including:

- Historic joint links (sometimes through the predecessor District Council), which might include funding or shared services or facilities
- Being approached by the body itself to provide representatives, which might be for reasons such as perceived status in having Town Council/'community' representation, a desire for better relations/access to Town Council funds, or a specification from funders.
- The Town Council requesting representation, which might be because of a desire to increase its role, a feeling of entitlement to consider significant matters/sit on partnership organisations relating to Lowestoft or in recognition of the contribution that the Town Council can make.

The Council reviews its representation on other bodies at its Annual Meeting in May; this item is always considered annually. Although Standing Orders use the umbrella term 'representation', the exact nature of the role, length of the term and the conditions of that 'representation' varies depending on the constitution of the individual body. The gravity of the role and organisation varies, with some being little more than talking shops and others having a significant voting role on major funding streams.

In some cases, such as with the Lowestoft Charity Board and the Marina Theatre Trust, the 'representation' is actually a nomination for a Charity Trustee position; this was not clear at the Annual Meeting, especially for new councillors unfamiliar with the organisations and arrangements concerned.

It is not unusual for local councils to be approached for trustees by other bodies. When anyone becomes a trustee, their duty when they are carrying out that role is to act in the best interests of that charity. The same is true when the Council sits as corporate trustee for Arnolds Bequest – the responsibility while at those charity meetings, is to the charity and not to LTC. Although wearing different hats is extremely common and usual, transparency in declaring involvement with other local organisations is important.

Additional information about the role of a trustee of a charity is available here:

<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc377>

Details

Agenda Item 65.1 East Suffolk Council Liaison Meetings

The new Leader of East Suffolk Council made contact and asked for an introductory meeting with the Mayor and Clerk. This took place on 9 July. At this meeting he proposed that LTC might wish to participate in liaison meetings, of a type which are in place in Felixstowe Town Council.

Hi Alice and Shona

Firstly many thanks for meeting with me the other day – I felt we had a very positive meeting and I am looking forward to working with you both and of course the wider Town Council.

I am really keen to set up the Liaison Meetings between LTC and ES that we spoke about.

As explained we have a similar set-up with Felixstowe Town Council and so you may want to touch base with Ash if you want the views from the other side of the table.

Basically the remit of the liaison meetings is simply to provide an informal regular meeting which will facilitate better communications between the two authorities. There is no decision making function or budget allocation involved.

Although I'm sure no deep secrets will be shared we do need to have an understanding that some things are confidential and are early discussions about ideas and initiatives which may or may not come to fruition. We do record notes which are shared with the wider Town Council and are thus within the public eye but often they are by design light on detail.

I.e. "we spoke about potential improvements to the south seafront" – as opposed to the detail of specific projects or ideas.

We have found at Felixstowe that the Mayor, Deputy Mayor and Clerk provide the right level of attendance from the Town and that the Leader, Econ Development portfolio holder and one other Cabinet member is right for the District. We will also bring admin support and any relevant officers that are leading on the various agenda items.

I anticipate both authorities will want to bring things to the table and it is right and proper that this is facilitated. If it is to succeed it must be collaborative and not adversarial in nature.

One of the main benefits I see is that it opens lines of communication which is often the sticking point when it comes to joined up working. I am sure this won't be the great panacea for all but it is definitely a move in the right direction.

If you are Ok with this I will get my team to make contact and set up a first meeting.

Looking forward to hearing from you

Regards

Steve

I have spoken with the Felixstowe Town Council Clerk who confirmed that they are a useful forum. The Mayor, Deputy Mayor and Clerk attending for the Town Council have no delegated authority at these meetings. It does provide an opportunity, for example, to remind ESC of the need to consult the public or the Town Council etc. They believe that the meetings have helped raise the profile of the Town Council with senior people so that they are less likely to be overlooked and consider that it is better to have a chance of hearing about ideas before they become proposals/plans at an early stage. Notes are provided of the meetings, although sensitive and confidential matters have to be treated appropriately. The meetings are as and when there is something useful to discuss.

Meetings between authorities are commonplace and not normally a matter for an agenda. However, as this is proposed as a standing liaison forum, it is included for Full Council's consideration.

Decision: Whether the Council wishes to take up this offer, noting that this can be reviewed at a later date once there is some experience of their value? No delegations would apply. Notes to be provided to Full Council.

Agenda Item 65.2 Lowestoft Charity Board – one trustee position

The position on the Lowestoft Charity Board is an example where the Board itself decides the term and conditions connected with the position and this is not an annual appointment. Although this position was on the Annual Meeting agenda, there was no available position at that time. One position on the Board is available for Council nomination this July and the next (currently held by Keith Patience), not until next year.

The Lowestoft Charity Board consists of a number of charities which are linked and have common trustees. The Lowestoft Church & Town Almshouse Charity is one of these. The Board have provided the 1985 Charity Commission Scheme which is the governing document (attached). Under the scheme three trustees were appointed by the Lowestoft Charter Trustees. Following the formation of Lowestoft Town Council and Oulton Broad Parish Council (and therefore the determination of the Lowestoft Charter Trustees) the trustees resolved that the scheme be amended so that two trustees are nominated by Lowestoft Town Council, and one by Oulton Broad Council.

Keith Patience has provided copies of financial statements which will be available to view before the meeting.

Decision: Whether the Council wishes to nominate a trustee and if not what reasons should be given to the Board?

Agenda Item 65.3

The Marina Theatre Trust are a charity and are seeking two trustees who can support its aims which include advancing the arts by the management and development of the Marina Theatre in Lowestoft for public benefit.

Although the Trust arose originally from the externalisation of Waveney District Council's theatre management, the sum payable to them for this service has reduced considerably. Under the transfer arrangement, LTC inherits an annual payment of £150,000 (next service fee review relates to the period 1 April 2020) and an interest in supporting the provision of theatre management services, as it can then have a suitable theatre service within its theatre building.

Despite this lesser payment and the independence of the Trust as an entity, the Trust retains the local authority Board members in its Board arrangements (to be changed to refer to the Town Council) and reference to Board membership has, to date, been included within the draft Supplemental Agreement (being separately progressed). The latter contains provisions relating to accountability for the sum paid e.g. reporting and review mechanisms.

A proposal on Board membership has been sent to councillors previously and the Trust are attending Full Council to discuss this proposal. It is understood, that the Board does not, at this stage, anticipate that any other organisations which it is approaching to part-fund its business plan or other activities in the future will seek or be offered Board positions, regardless of the level of funding.

The landlord-tenant arrangements are separate and managed through leases and rent is received.

The Memorandum and Articles of Association are provided and you might wish to look at their Business Plan for some background on the direction in which the Board plans have to date been heading <http://www.marinatheatre.co.uk/wp-content/uploads/2019/02/MTT-BP-June-18-PUBLIC-with-images.pdf>. Their accounts are available online as they are a charity.

Decision: Whether the Council wishes to nominate trustees and, if so, is it content to do so on the basis of the Board's proposal and, if not, what reasons should be given to the Board?