

Appointments to Committees, Panels and Outside Bodies

Report of the Democracy and Governance Portfolio Holder

Recommended:

1. That Councillors A Dowden, Drew, Flood, Gwynne and P North be appointed to the Member Panel to be consulted by the Head of Property and Asset Management in respect of proposed property investments.
2. That Councillor Johnston be appointed to the Southern Area Planning Committee.
3. That Councillor Matthews be appointed as the Council's Representative to Miss Gale's Education Foundation Trust.
4. That Mr Mark Leech be appointed to the Andover Charities Trustees for a term of four years.

SUMMARY:

- Council approval is sought for the appointment of Members to the Council's Project Enterprise Member Panel.
- Council approval is sought for the appointment of a Member to the Council's Southern Area Planning Committee.
- Council approval is also sought for the appointment of a Member representative to an outside body.

1 Introduction

- 1.1 This report sets out details of a number of Member appointments for which Council approval is required.

2 Background

2.1 Project Enterprise Member Panel

- 2.2 In November 2015, Council approved a delegation to the Head of Property and Asset Management, in consultation with a panel of five Members (appointed by Council to consider property investments and authorise expenditure from a pre-approved capital budget allocation).

- 2.3 Since the delegation was introduced in 2015, several properties have been purchased under this authority. Council is kept aware of the investments being made, as each is reported to full Council after the approval decision has been taken.

- 2.4 Council last approved appointments to the Panel at its meeting on 10 June 2020. Since then Councillor Cross, who was appointed to the Panel, resigned as a Borough Councillor and Councillor Ward, due to personal circumstances, is no longer able to serve on the Panel. Therefore the Panel is carrying vacancies which need to be filled in order for the Panel to comprise five Members.
- 2.5 Southern Area Planning Committee
- 2.6 Due to personal circumstances Councillor Ward is no longer able to serve as a member of the Southern Area Planning Committee. Therefore a vacancy had arisen that requires filling in order for the Committee to have a full membership of 13 Members allowing it to continue operate in an effective and efficient manner.
- 2.7 At a motion carried by Full Council on 26 June 2019 it was agreed that the membership of Northern Area Planning Committee and Southern Area Planning Committee reflects the representation of local Ward Members. Therefore a Conservative Member is required to be appointed to fill this vacancy.
- 2.8 Miss Gale's Education Foundation Trust
- 2.9 The Council's outside bodies are normally appointed at Annual Council in May each year. Following the Annual Council meeting held on 18 May 2022, Miss Gale's Education Foundation Trust have confirmed that their governance arrangements require the appointment of a Member representative from Test Valley Borough Council.
- 2.10 In order for the outside body to continue to operate within its governance arrangements and for the Council to continue to fulfil its obligations to outside bodies, a Member is required to be appointed to Miss Gale's Education Foundation Trust.
- 2.11 Andover Charities Trustees
- 2.12 Andover Charities Trustees is an outside body to which the Council appointments representatives. Historically the Council has approved borough councillor representatives as well as independent representatives in accordance with the charities governance arrangements which remain unchanged from 1962.
- 2.13 Council has been requested to approve the appointment of a non-councillor trustee chosen by the Andover Charities Trustees and therefore it is recommended that Mr Mark Leech is appointed for a term of four years.
- 2.14 Going forward a request has been made to Andover Charities Trustees to update their governance arrangements in respect of non-councillor appointments.

3 Corporate Objectives and Priorities

- 3.1 Project Enterprise has been established to support the objectives of the Medium Term Financial Strategy, by increasing the Council's income in order to reduce its reliance on government support. Investments under Project Enterprise generate income, thereby contributing to this objective.
- 3.2 The appointments to the Southern Area Planning Committee and Miss Gale's Education Foundation Trust provide for the discharge of Council functions which contribute to the Council's Corporate Objectives.

4 Options and Option Appraisal

4.1 Project Enterprise Member Panel

Option 1 – not to appoint to the Member Panel

- 4.2 If the Member Panel was not re-appointed then the Panel would continue to carry vacancies which may result in it being less efficient and effective in undertaking decisions.

Option 2 – to appoint to the Member Panel

- 4.3 This is the recommended option.
- 4.4 Appointing Members to fill the vacancies on the Member Panel to reflect political proportionality of the Council, replicates the historic position of the Member Panel and follows the principles applied when making appointments to ordinary committees at Annual Council. Appointing to the vacancies ensures the Panel is able to respond efficiently to any business that requires consideration.

4.5 Southern Area Planning Committee

Option 1 – not to appoint to the Southern Area Planning Committee

- 4.6 If a Member was not appointed then the Committee would carry a vacancy which may result in it being less efficient and effective in undertaking decisions.

Option 2 – to appoint to the Southern Area Planning Committee

- 4.7 This is the recommended option.
- 4.8 Appointing a Member to fill the vacancy on the Southern Area Planning Committee to reflect local political proportionality of the Council, ensures the Committee is able to respond efficiently to any business that requires consideration.

4.9 Miss Gale's Education Foundation Trust

Option 1 – not to appoint to Miss Gale's Education Foundation Trust

- 4.10 If Council did not appoint to Miss Gale's Education Foundation Trust the body would need to revise its governance arrangements in order to properly operate. Appointing to the outside body ensures that the Council is able to continue to work with partners who have requested support, in the form of a member representative, and maintains good working relationships with organisations in the community.

Option 2 – to appoint to Miss Gale's Education Foundation Trust

- 4.11 This is the recommended option.
- 4.12 Appointing a Member to fill the vacancy on Miss Gale's Education Foundation Trust will allow the Trust to continue to operate within its governance arrangements and ensures that the Council is able to continue to work with partners to consider areas of mutual interest, maintain good working relationship and share knowledge and ideas.
- 4.13 Councillor Matthews was appointed to Miss Gale's Education Foundation Trust previously, and it is therefore proposed that he is appointed to the Trust until Annual Council in May 2023 when the appointments to outside bodies will be considered for approval by Council as set out in the Constitution.

4.14 Andover Charities Trustees

Option 1 – not to appoint to Andover Charities Trustees

- 4.15 Andover Charities Trustees' governance arrangements require that the Council approves the appointment of nominative trustee's for a term of four years. The person appointed may be but does not need to be a member of the Council.
- 4.16 If Council did not appoint to Andover Charities Trustees, the body would need to revise its governance arrangements in order to properly operate. Appointing to the outside body at this time ensures that the Council is able to continue to work with partners who have requested support, and maintains good working relationships with organisations in the community.
- 4.17 It is recognised that the current arrangements require Council approval to appoint non-councillors trustees as well as councillor trustees. Going forward a request has been made to Andover Charities Trustees to update their governance arrangements so that Test Valley Borough Council approves only borough councillor representatives.

Option 1 – to appoint to Andover Charities Trustees

- 4.18 This is the recommended option.
- 4.19 Historically the Council has appointed both councillor and non-councillor representatives to the outside body. The current governance arrangements of Andover Charities Trustees require that the appointment of all representatives be made by the Council therefore in order to fulfil its obligations and to allow the charity to operate effectively it is recommended that an appointment be made as requested.

5 Resource Implications

- 5.1 Investments considered by the Member Panel are limited to a pre-approved budget.
- 5.2 There are no resource implications identified with the proposed appointments to the Southern Area Planning Committee and Miss Gale's Education Foundation Trust.

6 Legal Implications

- 6.1 Property investment decisions should be taken in accordance with appropriate authority. Appointing to the vacancy on the Member Panel would allow decisions made by the Head of Property and Asset Management (in consultation with the Panel) to be properly made.
- 6.2 The Member Panel is not an ordinary committee for the purposes of the Local Government and Housing Act 1989, and therefore appointments do not have to comply with the rules on proportionality contained in that Act. It is therefore a matter for full Council to determine who should be appointed to the Panel, and in so doing it could appoint on similar principles which were applied when appointments were made to the Council's ordinary committees at Annual Council, but it would not be obliged to do so.
- 6.3 There are no identified legal implications associated with the appointment to the Southern Area Planning Committee or to Miss Gale's Education Foundation Trust.

7 Equality Issues

- 7.1 None.

8 Other Issues

- 8.1 Community Safety – none.
- 8.2 Environmental Health Issues – none.
- 8.3 Sustainability and Addressing a Changing Climate – none.
- 8.4 Property Issues – this report facilitates the Council's investment in suitable property opportunities.
- 8.5 Wards/Communities Affected – property investment opportunities may arise in any Ward.

9 Conclusion

- 9.1 Appointing a Member to the Project Enterprise Member Panel to fill the vacancies and reflect political proportionality replicates the principles which are applied when appointments are made to the Council's ordinary committees. It is recommended that Councillors Drew and Gwynne be appointed to the Project Enterprise Member Panel.

- 9.2 It is recommended that Councillor Johnston be appointed to the Southern Area Planning Committee in order that the Committee is able to continue to operate in an efficient and effective manner.
- 9.3 It is recommended that Councillor Matthews be appointed to Miss Gale's Education foundation Trust in order for the Council to continue to fulfil its obligations to outside bodies that have requested support from the Council in the form of a Member representative.
- 9.4 It is recommended that Mr Mark Leech be appointed to Andover Charities Trustees for a period of four years in order for the Council to continue to fulfil its obligations to outside bodies that have requested support from the Council.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Report to full Council 11 November 2015			
Report to Council 26 June 2019			
Report to Council on 10 June 2020			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0	File Ref	N/A
(Portfolio: Democracy and Governance) Councillor I Jeffrey			
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Report to	Council	Date	7 September 2022