

BROMSGROVE DISTRICT COUNCIL

COUNCIL

18th November 2015

Appointments to the Bromsgrove Arts Centre (Operating) Trust – Charitable Company

Relevant Portfolio Holder	Councillor Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	N/A
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non key

1. SUMMARY OF PROPOSALS

- 1.1 This report notifies the Council of changes to the governing documents for the Bromsgrove Arts Centre Trust, known as the Operating Trust, and seeks a decision about the consequential change to council representation on its governing body.

2. RECOMMENDATIONS

- 2.1 That the changes to the Articles of Association for the Bromsgrove Arts Centre Trust charitable company be noted;
- 2.2 That, in accordance with the new Articles, the Council agrees representation on the Board of Directors of the Trust.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising directly from this report. Council currently allocates £60k by way of a service level agreement with the Operating Trust to deliver certain services to the community in the District.

Legal Implications

- 3.2 The number of Council representatives on the Operating Trust, which is a charitable company, is determined by its Articles and memorandum. The Operating Trust is governed by charity and company law.

Service / Operational Implications

- 3.3 At its meeting in June the Council appointed 5 representatives to the Operating Trust with staggered terms of office (end of term of office shown in brackets below). The appointments complied with requirements of the governing document in place at the time:

Councillors:

Glass (2018)

Griffiths (2017)

Jones (2017)

Smith (2018)

Spencer (2018)

- 3.4 The Operating Trust has notified the Council that it has changed its governing documents and the number of representatives from the Council in future will be 2 instead of 5. The change takes place immediately and the Council therefore needs to reduce its representation accordingly. Under the new Articles the Council's appointees may be, but do not have to be, a member or employee of the Council.
- 3.5 The terms of office of the two appointees will be 4 years from their date of appointment.

Customer / Equalities and Diversity Implications

- 3.6 There are no implications arising from this report.

4. RISK MANAGEMENT

- 4.1 If the council fails to make appointments within 3 months of a vacancy occurring then it risks the Operating Trust not complying with the requirements of its governing documents and the Council not being able to take up places on the Operating Trust's Board of Directors.

5. APPENDICES

None

6. BACKGROUND PAPERS

Memorandum and Articles for the Bromsgrove Arts Centre Trust – charitable company.

7. KEY

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