

**Report to:** Council

**Date:** 4 March 2009

**Subject:** Appointment to Outside Bodies

**Report of:** Service Director – Borough Solicitor

**Contact officer:** Michael Williamson 01942 827123

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**Purpose / summary:** To make appointments to the outside bodies detailed within the report.

**Alternative options considered and reason for selecting the one recommended:** To not make an appointment

**Recommendation / decision:** To appoint the nominations, as set out within this report, unless alternative nominations are submitted and approved at the meeting of Council.

The decision will be made as a result of this report and will be published within 48 hours

**Risks / Implications:** None

Financial: n/a  
Staffing: n/a  
Policy: n/a  
Equal Opportunities - Has a Diversity Impact Assessment been conducted? Not required  
Wards affected: none

**Property Implications – Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?**

No

**If yes, have the property implications been agreed with the Corporate Property Officer?**

**Does this proposal have significant implications for the Council and the local population?**

A diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.

**Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?**

A diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.

Has the Service Director - Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? **Yes**

Has the Service Director - Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council's budget? **n/a \***

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No**

\* delete which applicable

**Tracking/Process:**

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
			4 March 2009

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Title of document	Which meeting did it go to?	Date of meeting	Copy available from?
Letter Hindley and Abram Grammar School Foundation			Democratic Services Town Hall Wigan
Letter from Standish United Charity			Democratic Services Town Hall Wigan
Letter from Lowton United Charity			Democratic Services Town Hall Wigan
Letter from Healds Solicitors – Wigan Town in Relief Chaity			Democratic Services Town Hall Wigan

Proper Officer K P Lawson

Date 24 February 2009

## Appointments to Outside Bodies 2008/09

### Hindley and Abram Grammar School Foundation

The Council has received notification from the Secretary of the Hindley and Abram Grammar School Foundation regarding the appointment of a Trustee to the Foundation by Wigan Council. The objects of the charity are promoting the education (including social and physical training) of persons under the age of 25 years who or whose parents are resident in the metropolitan borough of Wigan with a preference for such persons who are resident in the urban district of Hindley or the former urban district of Abram who are in need of financial assistance

The Foundation, a registered charity, was granted a new scheme that came into effect in May 1997. At that time, existing Trustees were allowed to appoint First Nominated Trustees as if they had been appointed by the respective appointing bodies under the terms of the scheme. The Trustees approached Mr B Clark, the then Director of Education and he agreed to act as a First Nominated Trustee as an appointee of Wigan Council. His successor, Mr G Rowney was appointed by the Council in 2005 and now following him leaving the Council, the Foundation seeks a new appointee.

Consequently, it falls on the Council to appoint a successor. The Trustees would be pleased to welcome Mr N Hudson, Executive Director of Children and Young Peoples Services. The appointment would last till 2 May 2009 and thereafter it would be for the Council to confirm the appointment every four years.

### Leigh Educational Endowment

The Council has received notification that the terms of office of two nominated trustees (Miss J McKiernan and Mr F Rothwell) appointed to the Leigh Educational Endowment have expired. A request has been made for the Council to reappoint the trustees for a further term of office as detailed in the table below.

Outside Bodies	Nominations
<b>Leigh Educational Endowment</b> (used for the award of scholarships or grants to persons under the age of 25 years who are resident in the area of the former borough of Leigh who attend any institution of education approved by the trustees).	Miss J McKiernan - to be re-appointed for 4 years from September 2008  Mr F Rothwell - to be re-appointed for 4 years from September 2008  <b>Council is requested to appoint two Nominative Trustees only</b>

Notification has also been received advising that the following nominated trustees have resigned from the Leigh Educational Endowment:-

- Mr S Kennedy; and
- Mr B Dean

The Governing Body of the Charity have currently only identified one suitable replacement:-

- Mr W Brown.

Council is advised that the constitution of the Charity dictates that nominations to trustee posts can only be made by the Governing Body of the Charity. It is for Council to ratify the nominations submitted; therefore Members are not entitled to submit any alternative nominations.

### **Lowton United Charities**

The Council has received notification from the Secretary for Lowton United Charities informing of the resignation of Honorary Alderman T Sherratt. As a consequence of this resignation the charity now has a vacancy for a trustee. The Charity has submitted a nomination for the vacancy detailed in the table below. Council may make an alternative nomination to this vacancy if it so wishes. If more than one nomination is put forward, Council will be required to vote on the appointment. A further nomination has already been received and is detailed below.

<b>Outside Body</b>	<b>Nominations</b>
<b>Lowton United Charity</b> (to relieve either generally or individually persons resident in the area of the former parish of Lowton as constituted on the 22 March 1892 who are in conditions of need hardship or distress).	<u>Charity nomination</u> Mrs L Graham  <u>Democratic Alliance</u> Councillor J Miller

### **Red Rose Forest**

Correspondence has been received from the Deputy Leader (Councillor D T Molyneux) requesting that Councillor J Hilton replaces himself as the Council's representative on the Red Rose Forest outside body.

### **Standish United Charity**

The Council has received notification from the Clerk to the Trustees for the Standish United Charity informing that one of the nominated trustees, Mr T Morris, completed his term of office on 29 October 2008.

The Clerk has advised that Mr Morris would like to continue in office and the Charity has requested that the Council confirms his re-appointment as of 29 October 2008 for a four year term. Council is advised that the controlling scheme of the charity dictates that there should be three trustees nominated by the Council (there is currently only one trustee position to appoint to). Council may make an alternative nomination to this vacancy if it so wishes. If more than one nomination is put forward Council will be required to vote on the appointment, furthermore, Council is advised that the nominated trustee need not be a councillor but should have an interest in the community of Standish.

Outside Body	Nominations
<b>Standish United Charity</b>	<u>Charity nomination</u> Mr T Morris

### **Upholland Grammar School Educational Foundation**

The Council has received notification that the terms of office of two nominated trustees (Mr D W Atherton and Mr T Woods) appointed to the Upholland Grammar School Educational Foundation have expired. A request has been made for Council to reappoint the trustees for a further term of office as detailed in the table below.

Council is advised that the constitution of the Charity dictates that nominations to trustee posts can only be made by the Governing Body of the Charity. It is for Council to ratify the nominations submitted; therefore Members are not entitled to submit any alternative nominations. Furthermore the constitution of the Foundation states that in appointing nominated trustees, the person(s) appointed may be but need not be a member of the appointing body (ie the Council).

Outside Bodies	Nominations
<p><b>Upholland Grammar School Educational Foundation</b> (Promoting the education of persons under the age of 25 years who or whose parents are resident in the catchment area of Winstanley College, Billinge, and who are in need of financial assistance and in particular;</p> <p>a)awarding to such persons scholarships, exhibitions, bursaries, maintenance allowances or grants tenable at any school, university, college of education, or other institution of further (including professional and technical) education</p> <p>b)providing financial assistance, outfits, clothing, tools, instruments or books to assist such persons to pursue their education (including the study of music and other arts),to undertake travel in furtherance thereof, or to prepare for or enter a profession, trade, occupation or service on leaving school, university, or other educational establishment).</p>	<p>Mr D W Atherton - to be re-appointed for 4 years from September 2008</p> <p>Mr T Woods - to be re-appointed for 4 years from January 2009</p> <p><b>Council is requested to appoint two Nominative Trustees only</b></p>

### **Wigan Town in Relief Charity**

The Council has received notification from Healds Solicitors, acting on behalf of Wigan Town in Relief Charity, informing of the non attendance at charity meetings

from the trustees nominated by Wigan Council. Council is also advised that there is currently one nominated trustee vacancy which the Council is requested to appoint to (previously held by former Councillor M Baines).

The Council has also been requested to consider if it wishes to make alternative appointments to replace the currently appointed trustees due to their non-attendance at charity meetings. The Council has written to Healds Solicitors requesting a copy of the Charities Governing document in order to ascertain whether it has the authority to replace trustees on the charity before their terms of office has expired. The Governing document has not been submitted; however correspondence has been received, in the form of an email from Mr P Anderson of Healds Solicitors, advising that there appears to be no rules governing the replacement of trustees during their terms of office.

Subsequently Council now has two decisions to make. Firstly, Council must make a nomination to the vacant nominated trustee position and secondly, Council must decide whether it wishes to make alternative nominations to replace the existing nominated trustees. To assist Members the table below details the nominated trustees currently appointed by the Council.

Outside Body	Current Membership
<b>Wigan Town in Relief Charity</b> (to provide assistance for the poor in the Wigan area)	Hon Alderman Mrs M Milligan  Hon Alderman Mrs M M Coghlin  Mr G R Walsh  Mr R T Frodsham  1 vacant post

### **AGMA Executive and Joint Authority Boards**

Following the changes in political balance, nominations from the majority opposition party (Conservative Party) will be considered at the Council meeting on 4 March 2009.

### **Consultation**

All Party Leaders have been contacted to see if they wish to submit any alternative nominations to the Lowton United Charities, Standish United Charity and Wigan Town Relief in Need Charity and are detailed in the tables above.

Unless stated otherwise, each Outside Body has only one vacancy. Where there are more nominations than vacancies, Council will be requested to vote on the appointment:-

### **Recommendations**

The Council is recommended to:-

- appoint Mr N Hudson, Executive Director of Children and Young People's Services, as a Nominated Trustee to the Hindley and Abram Grammar School Foundation;
- approve the re-appoint of Miss J McKiernan and Mr F Rothwell as Nominated Trustees to Leigh Educational Endowment for a four year term from September 2008;
- approve the appointment of Mr W Brown as Nominated Trustees to Leigh Educational Endowment for a four year term from March 2009;
- make an appointment to the Lowton United Charities from the nominations received unless another nomination is submitted and approved at the meeting of Council;
- replace Councillor D T Molyneux with Councillor J Hilton as the Council's representative on the Red Rose Forest outside body;
- appoint Mr T Morris as Nominate Trustee to Standish United Charity unless another nomination is submitted and approved at the meeting of Council;
- approve the re-appoint Mr D W Atherton and Mr T Woods as Nominated Trustees to the Upholland Grammar School Educational Fund for a four year term from September 2008 and January 2009 respectively; make an appointment to the vacant nominated trustee post on the Wigan Town in Relief Charity from the nominations received unless another nomination is submitted and approved at the meeting of Council; decide whether it wishes to make alternative nominations to replace the existing nominated trustees of the Wigan Town in Relief Charity; and approve the nominations made by the Conservative Group to the vacancies on the AGMA and Joint Authority Boards following the recent changes in the political balance of the Council