

Request to Reduce the Number of Nominative Trustee Positions from Cutbush and Corral Charity (Incorporating the Qusted Almshouse Charity)

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	Angela Woodhouse
Lead Officer and Report Author	Ryan O'Connell, Democratic and Electoral Services Manager Oliviya Parfitt, Democratic Services Officer
Classification	Public
Wards affected	ALL

Executive Summary

Democratic Services have received a request from Cutbush and Corral Charity (Incorporating the Qusted Almshouse Charity), to reduce the number of Council appointed Nominative Trustees from four to two.

As outlined within the Council's constitution, this Committee is able to appoint Members to a vacant position (Part 2, Rule 2.2.3) for any Outside Body assigned to it. However, the authority to exercise any other function, sits with Full Council (Part 2, Rule 2.1(1)(22)).

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That Council be recommended to approve the request received by Cutbush and Corral Charity (Incorporating the Qusted Almshouse Charity); to reduce the number of Nominative Trustees appointed by the Council from four to two.

Timetable

Meeting	Date
Communities, Housing and Environment Committee	25 August 2020
Full Council	30 September 2020

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The recommendation within this report is unlikely to materially affect the achievement of corporate priorities.	Democratic and Electoral Services Manager
Cross Cutting Objectives	None.	Democratic and Electoral Services Manager
Risk Management	See paragraph 5.1	Democratic and Electoral Services Manager
Financial	There are no financial implications.	Democratic and Electoral Services Manager
Staffing	A reduction in the number of Nominative Trustees would minimally reduce the workload of Democratic Services in relation to this Outside Body.	Democratic and Electoral Services Manager
Legal	The administration of outside bodies is in accordance with the Council's Constitution and the standing orders and/or agreements of each outside body.	Democratic and Electoral Services Manager
Privacy and Data Protection	There are no privacy and data protection implications.	Policy and Information Team
Equalities	There are no equalities implications.	Democratic and Electoral Services Manager
Public Health	There are no public health implications.	Democratic and Electoral Services Manager
Crime and Disorder	There are no Crime and Disorder implications.	Democratic and Electoral

		Services Manager
Procurement	There are no procurement implications.	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

1.1 The appointment of Council representatives to Cutbush and Corral Charity (Incorporating the Quested Almshouse Charity), hereafter known as the Charity, falls under the remit of the Communities, Housing and Environment Committee, as decided during the 7 March 2018 Council meeting. This Committee is responsible for appointing a total of four Nominative Trustees, as outlined in the Charity's Scheme shown below (Clause 10).

10. Nominated trustees

- (1) The nominated trustees must be appointed by Maidstone Borough Council.
- (2) Any appointment must be made at a meeting held according to the ordinary practice of the Council. The chairman of the meeting shall cause the name of each appointed person to be notified to the trustees and clerk of the charity.
- (3) Each appointment must be made for:
 - (a) 4 years; or
 - (b) if the appointment is being made to fill a casual vacancy, the unexpired term of the appointee's predecessor.
- (4) The appointment will be effective from the later of:
 - (a) the date of the vacancy; and
 - (b) the date on which the trustees or their secretary or clerk are informed of the appointment.
- (5) The person appointed need not be a member of the Council.

1.2 The Charity has requested that the number of Nominative Trustee positions be reduced from four to two, due to the difficulties experienced in obtaining nominations from Members with the desired experience and skillset. This includes experience in IT, Marketing, Public Relations, Listed Building Development, Renovation and Repair, Investment Advice, Housing Management, Funding and Accounting within the Social Housing Sector and general experience in the 'not for profit' sector. This had led to vacancies remaining unfilled for long periods.

1.3 An individual that is not a member of the Council can be appointed to the position of a Nominative Trustee (See Clause 10 above) but the Charity has expressed that this leads to a complex and time-consuming procedure, as opposed to being able to appoint a co-opted Trustee (as shown below)

11. Co-opted trustees

- (1) The appointment of a co-opted trustee must be made by the trustees at a special meeting called under clause 19.

Clause 19

19. Special meetings

- (1) The chairman, or any 2 trustees, may call a special meeting at any time.
- (2) Special meetings require at least 4 days' notice, except that meetings to consider the appointment of a co-opted trustee require at least 21 days notice.
- (3) The notice calling a special meeting must include details of the business to be transacted at the meeting.
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

1.4 As six Trustees must be in attendance to achieve Quorum, vacant nominative positions have increased the pressure on co-opted trustees for the Charity to conduct its business.

1.5 In May 2019 Democratic Services were informed that the Charity was considering reducing the number of nominative trustee positions held which was confirmed in July 2020, whereby Trustees agreed at a meeting held on 16 July 2020:

'To reduce the number of nominative trustees from four to two (following consultation with and approval from Maidstone Borough Council)'.

1.6 The delay in acting upon the request is in part due to staff changes, staff shortages and adjustments in working practice and staff redeployment due to the Coronavirus pandemic. It was agreed at the 1 July 2020 Democracy and General Purposes Committee meeting, that the administration of Outside Bodies would remain a low operational priority. However, given the age of the request and reasons states above, it is felt that a recommendation to Council to approve the reduction would better enable the Charity to exercise its functions.

1.7 Reducing the number of Nominative Trustees will minimally reduce the workload for Democratic Services as fewer positions will need to be advertised in the future.

3. AVAILABLE OPTIONS

3.1 The Committee could choose to recommend that the reduction in the number of Nominative Trustee Positions, from four to two, be agreed by Full Council.

3.2 The Committee chooses not to recommend the reduction in the number of Nominative Trustee positions to Full Council.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Option 3.1 is the preferred option for the reasons as outlined in Section 2.

5. RISK

5.1 The report has no significant impact on risk.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 None.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 If the Committee recommends to Council that the number of Nominative Trustees appointed by the Council, and this is agreed, the Charity will then be informed. The necessary changes would be made to the Charity's scheme and the Charity Commission would be informed. Implementing the changes would not be the Council's responsibility but would fall to the Cutbush and Corral Charity.

8. REPORT APPENDICES

None.

9. BACKGROUND PAPERS

The Cutbush and Corral Charity (Incorporating the Quested Almshouse Charity) Scheme.