

Report to: **Council**

Date: **23 July 2019**

Title: **Outside Bodies**

Portfolio Area: **Leader – Cllr Neil Jory**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Immediately**

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RECOMMENDATION

That Council appoints to the Outside Bodies as detailed in paragraph 5 of this report.

1. Executive summary

- 1.1 On 21 May 2019, Council resolved to undertake a review into the merits of continuing to appoint to the following Outside Bodies and to report back to this Council with findings:
1. Crowndale Recreational Association
 2. Tavistock College Endowment Fund
 3. Tavistock Heritage Initiatives Grant Panel
 4. Tavistock Townscape Heritage Partnership
 5. Torridge, North, Mid and West Devon Citizens Advice Bureau
- 1.2 This report therefore provides a summary of the review undertaken and includes background information on each of the bodies which can be found in section 3 of this report.
- 1.3 Section 5 of this report provides a proposed way forward which recommends the Council makes two appointments for 2019/20, namely:
1. Tavistock College Endowment Fund
 2. Tavistock Townscape Heritage Partnership

2. Background

2.1 The Council decides annually on the appointment of Members to Outside Bodies.

2.2 On 21 May 2019 Council “RESOLVED that:

1. The Council should be represented on the list of Outside Bodies as presented to the meeting, with the exception of a review being undertaken into the merits of continuing to appoint to the following Outside Bodies:

- Crowndale Recreational Association;
- Tavistock College Endowment Fund Trustee;
- Tavistock Heritage Initiatives Grant Panel;
- Tavistock Townscape Heritage Partnership; and
- Torridge, North, Mid and West Devon Citizens Advice Bureau;

with the results of this review being presented to the next Council meeting

2. Appropriate representatives be appointed as this Council’s appointments to those Bodies for the 2019/20 Municipal Year and that for the purposes of Members’ Allowances, attendance at meetings of these Bodies be regarded as an approved duty; and

3. Members appointed to Outside Bodies provide regular feedback and consultation on issues affecting the Bodies concerned”.

2.3 The Commissioning Manager was tasked with reviewing each of the Outside Bodies detailed above.

3. Outcomes/outputs

3.1 At the request of Council a review was conducted on each of the Outside Bodies to ascertain their legal standing and whether representation from a West Devon Borough Council Member was required. The following paragraphs provide an overview of findings.

3.2 Crowndale Recreational Association

Is a registered charity and appears on the Charity Commission website, Charity no. 1053020. The contact for the charity is Tavistock Community Football Club. The charity does not appear to be financially active although states on the Charity Commission website that it provides buildings, facilities and open space for amateur sport. The Council’s legal records show West Devon Borough Council issued a 999 year lease at a peppercorn rent to Crowndale Recreational Association in 1996 for the Crowndale recreational ground which covers 48,617 square meters. The lease stipulates that the tenant (Crowndale Recreational Association) cannot develop the site without agreement from the Landlord i.e. this Council.

3.3 Tavistock College Endowment Fund

Is a registered charity and appears on the Charity Commission website, Charity no. 306658. The purpose of the Fund is to make education/training grants to children and young people. For the past 5 years the Fund has distributed approximately £18,000 p.a. The scheme which governs the Fund was made by the Board of Education under the Charitable Trust Acts 1853 to 1925, and was last updated in 2008. The Governing Body for the Fund consists of 9 persons, one being a representative trustee on behalf of West Devon Borough Council. There is no clear rationale for requiring a trustee on behalf of WDBC to be one of the 9 persons. Should a representative be appointed for 2019/20 it is suggested that a review of the make-up of the Governing Body be requested to test this requirement for the future.

3.4 Tavistock Heritage Initiatives Grant Panel

The project manager for this initiative has advised that the Grant Panel is dormant because all grants have been allocated. There is therefore no need for a Member representative at this time. Should however, more funds be made available there is scope for representation under para 3.5 of this report.

3.5 Tavistock Townscape Heritage Partnership

The Town Clerk of Tavistock has advised that this partnership is looking to reconvene in the autumn and that representation from a West Devon Borough Councillor representing a Tavistock ward would be very much appreciated. The Partnership was first established in 2008 to oversee an application to the Heritage Lottery Fund under its Townscape Heritage Initiative. The Partnership was extended in 2015 as part of a wider heritage initiative set to deliver projects and plans over a 5-10 year period. The present terms of reference for the Partnership make specific reference to representation from West Devon Borough Council.

3.6 Torrige, North, Mid and West Devon Citizens Advice Bureau

Is a registered charity and appears on the Charity Commission website, Charity no. 1068496. Its purpose is to prevent or relieve poverty by providing free, confidential, impartial advice to everybody regardless of race, gender sexuality or disability. For the past 5 years the charity has spent over £735,000 p.a. and raises funds from the public. West Devon Borough Council has provided grant funding to the charity for a number of years, in the current financial (2019/20) the Council has contributed £32,900 to the Bureau in grant funding and the charity reports on the outcomes for this funding through the Council's Overview and Scrutiny Committee. It should be noted that, in line with best practice, the Council is considering moving from grant funding to commissioning services in the future, and this could create a possible conflict should the Council be a member organisation of the Charity. The articles of association for the Bureau do not make specific mention of West Devon Borough Council though do make reference to the ability to admit "member organisations". The

articles of association also state that: *"anyone over the age of 18 – who is interested in furthering the work of the Charity, may attend (with the consent of the Chair) speak at the Annual General Meeting but only members of the Charity shall be entitled to vote."* Furthermore, the Chief Executive for the Bureau has stated she would welcome a West Devon Borough Council Member attending both the Bureau AGM and an annual local Trustee Board meeting in a non-voting capacity. It is considered that such attendance by any Members of the Council (without being admitted as a member organisation of the charity) and the ability for the charity to attend the O&S Committee is sufficient to maintain the relationship and appropriate communications between the organisations and does not compromise any future commissioning arrangements.

4 Options available and consideration of risk

4.1 Option 1 - Maintain previous levels of representation for all bodies

Given the information detailed in section 3 above, it would not be prudent to pursue this as an option. The Crowndale Recreational Association and Tavistock Heritage Grants Panel are financially dormant and therefore do not merit Member representation, and formal representation at Torridge, North, Mid and West Devon Citizens Advice Bureau is not advised for the reasons set out in paragraphs 3.6.

4.2 Option 2 - Consider representation on some outside bodies

It is considered prudent to provide Council representation on an outside body whereby the constitution, terms of reference or articles of association for the outside body has relevance to the Council. Section 3 above clearly states there is provision for this in the case of Tavistock College Endowment Fund Trustees and Tavistock Townscape Heritage Partnership.

4.3 Option 3 - Consider withdrawing all representation

Due to the point made in 4.2 above this is not deemed an appropriate option to pursue.

5. Proposed Way Forward

5.1 In light of the information provided in section 3 it is recommended option 4.2 is pursued and that Council at this meeting appoints an elected Member to the following Outside Bodies for 2019/20:

1. Tavistock College Endowment Fund Trustee
2. Tavistock Townscape Heritage Partnership

5.2 Furthermore, it is recommended that attendance of meeting of these Bodies be regarded as an approved duty; and Members appointed to Outside Bodies provide regular feedback and consultation on issues affecting the Bodies concerned via the Members' Bulletin, an e-newsletter emailed to all Council Members and Senior Leadership officers.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council Constitution requires the Council to approve the list of (and appointments to) the Outside Bodies.
Financial implications to include reference to value for money	Y	Attendance at meetings of Outside Bodies is already budgeted for within the Members' Allowances budget. To ensure value for money Members appointed to Outside Bodies provide regular feedback and consultation on issues affecting the Bodies concerned.
Risk	Y	See section 4 of this report.
Supporting Corporate Strategy	Y	Council Theme – <i>Efficient and effective</i>
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	N/A
Safeguarding	N	N/A
Community Safety, Crime and Disorder	N	N/A
Health, Safety and Wellbeing	N	N/A
Other implications	N	None