

Meeting of the

# GENERAL PURPOSES COMMITTEE

---

Wednesday, 22 June 2011 at 7.30 p.m.

---

## A G E N D A

---

### VENUE

Room M72,7th Floor Town Hall, Mulberry Place, 5 Clove Crescent,  
London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Shiria Khatun Vice-Chair:	
Councillor Rofique U Ahmed Councillor Mizan Chaudhury Councillor Shafiqul Haque Councillor Md. Maium Miah 2 Vacancies	Councillor Craig Aston, (Designated Deputy representing Councillor Md. Maium Miah) Councillor David Edgar, (Designated Deputy representing Councillors Shiria Khatun, Mizan Chaudhury, Shafiqul Haque and Rofique Uddin Ahmed) Councillor Marc Francis, (Designated Deputy representing Councillors Shiria Khatun, Mizan Chaudhury, Shafiqul Haque and Rofique Uddin Ahmed) Councillor Peter Golds, (Designated Deputy representing Councillor Md. Maium Miah) Councillor Sirajul Islam, (Designated Deputy representing Councillors Shiria Khatun, Mizan Chaudhury, Shafiqul Haque and Rofique Uddin Ahmed)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Amanda Thompson, Democratic Services, Tel: 020 7364 4651, E-mail: [amanda.thompson@towerhamlets.gov.uk](mailto:amanda.thompson@towerhamlets.gov.uk)

# LONDON BOROUGH OF TOWER HAMLETS

## GENERAL PURPOSES COMMITTEE

Wednesday, 22 June 2011

7.30 p.m.

### 1. ELECTION OF VICE-CHAIR

At the Annual General Meeting of the Council held on 18<sup>th</sup> May 2011, Councillor Shiria Khatun was appointed Chair of the General Purposes Committee for the Municipal Year 2011/2012.

However, it is necessary to elect a Vice-Chair of the General Purposes Committee for the Municipal Year 2011/2012.

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 3. DECLARATIONS OF INTEREST

1 - 2

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

### 4. UNRESTRICTED MINUTES

3 - 6

To confirm as a correct record of the proceedings, the unrestricted minutes of the meeting of the General Purposes Committee held on 23<sup>rd</sup> March 2011.

	<b>PAGE NUMBERS</b>	<b>WARD(S) AFFECTED</b>
--	-------------------------	-----------------------------

### 5. REPORTS FOR CONSIDERATION

#### 5.1 General Purposes Committee Terms of Reference, Quorum, Membership and Dates of Meetings (GPC001/011)

7 - 14

#### 5.2 Appointments to External Bodies (GPC002/112)

15 - 30

### 6. SECTION TWO (RESTRICTED) REPORTS FOR CONSIDERATION

31 - 32

To confirm as a correct record of the proceedings, the restricted minutes of the meeting of the General Purposes Committee held on 23<sup>rd</sup> March 2011.

This page is intentionally left blank

# Agenda Item 3

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

### Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

**What constitutes a prejudicial interest?** - Please refer to paragraph 6 of the adopted Code of Conduct.

**Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-**

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE GENERAL PURPOSES COMMITTEE**

**HELD AT 7.30 P.M. ON WEDNESDAY, 23 MARCH 2011**

**COMMITTEE ROOM C1, FIRST FLOOR, TOWN HALL, MULBERRY PLACE, 5  
CLOVE CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Helal Uddin (Chair)

Councillor Abdul Asad (Vice-Chair)  
Councillor Aminur Khan

Councillor Craig Aston  
Councillor Mizan Chaudhury

**Other Councillors Present:**

Nil

**Officers Present:**

Isobel Cattermole	– (Acting Corporate Director, Children, Schools & Families)
Lorraine Flanagan	– (Headteacher, Thomas Buxton School)
Hania Franek	– (Head of School Governance & Information)
Alan Ingram	– (Democratic Services)

**COUNCILLOR HELAL UDDIN (CHAIR) IN THE CHAIR**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Md Maium Miah and Motin Uz-Zaman, for whom Councillors Craig Aston and Mizan Chaudhury deputised respectively.

**2. DECLARATIONS OF INTEREST**

**Councillor Mizan Chaudhury** declared a personal interest in agenda item 7.1 – Thomas Buxton JMI School – School Governor Appointments. The declaration was made on the basis that Councillor Chaudhury was a Ward Member for Spitalfields and Banglatown Ward, where the school was situated.

### **3. MINUTES**

The Committee **RESOLVED**

That the Section One minutes of the ordinary meeting of the Committee held on 23 June 2010 and of the extraordinary meeting held on 4 November 2010 be confirmed as a correct record and be signed by the Chair.

Councillor Aminur Khan stated that a further meeting of the Committee had been held after 4 November, at which he had been present.

### **4. REPORTS FOR CONSIDERATION**

There was no Section One business for consideration.

### **5. ANY OTHER SECTION ONE (UNRESTRICTED) BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT**

There were no items of urgent Section One business for consideration.

### **6. EXCLUSION OF THE PRESS AND PUBLIC**

It was **RESOLVED:**

That pursuant to regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and public be excluded from the remainder of the meeting:

- (a) As it was likely, in view of the nature of the business to be transacted in Section Two of the agenda, that if members of the public were present during consideration of this business there would be disclosure of exempt information.
  - Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 (“the 1972 Act”). To be exempt, information must fall within one of the categories listed in paragraphs 1 to 7 of Schedule 12A, must not fall within one of the excluded categories in paragraphs 8 and 9 and the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

### **7. SECTION TWO (RESTRICTED) REPORTS FOR CONSIDERATION**

#### **7.1 Thomas Buxton JMI School - School Governor Appointments**

The Committee considered seven applications for the local authority governor vacancies at Thomas Buxton JMI School and made three appointments.



The meeting ended at 8.40 p.m.

Chair, Councillor Helal Uddin  
General Purposes Committee

This page is intentionally left blank

# Agenda Item 5.1

<b>Committee</b>	<b>Date</b>	<b>Classification</b>	<b>Report No.</b>	<b>Agenda Item No.</b>
General Purposes Committee	22 <sup>nd</sup> June 2011	Unrestricted	GPC001/112	5.1
<b>Report of:</b> Assistant Chief Executive <b>Originating Officer(s) :</b> Zoe Folley, Democratic Services		<b>Title :</b> General Purposes Committee Terms of Reference, Quorum, Membership and Dates of Meetings  <b>Ward(s) affected:</b> N/A		

## 1. Summary

- 1.1 This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the General Purposes Committee for the Municipal Year 2011/12 for the information of members of the Committee.

## 2. Recommendation

- 2.1 That the General Purposes Committee note its Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

## 3. Background

- 3.1 At the Annual General Meeting of the full Council held on 18<sup>th</sup> May 2011, the Authority approved the proportionality, establishment of the Committees and Panels of the Council and appointment of Members thereto.
- 3.2 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 3.3 The Committee's meetings for the remainder of the year, as agreed at the meeting of the Council on 13<sup>th</sup> April 2011, are as set out in Appendix 3 to this report.
- 3.4 In accordance with the programme of meetings for principal meetings, meetings are scheduled to take place at 7.30pm.

## 4. Comments of the Chief Financial Officer

- 4.1 There are no specific comments arising from the recommendations in the report.

**5. Concurrent report of the Assistant Chief Executive (Legal)**

5.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 18<sup>th</sup> May 2011.

**6. One Tower Hamlets Considerations**

6.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and know dates of religious holidays and other important dates where at all possible.

**7. Sustainable Action for a Greener Environment**

7.1 There are no specific SAGE implications arising from the recommendations in the report.

**8. Risk Management Implications**

8.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

**9. Crime and Disorder Reduction Implications**

9.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

---

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)  
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

If not supplied  
Name and telephone  
number of holder

None

Zoe Folley  
Democratic Services  
020 7364 4877

## APPENDIX 1

### EXCERPT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

#### 3.3.6 General Purposes Committee Terms of Reference

<p><b>Membership:</b> Seven Members of the Council. Up to three substitutes may be appointed for each Member</p>	
Functions	Delegation of Functions
<p>(i) Elections: To exercise powers in relation to the holding of elections and the maintenance of the electoral register including:-</p> <ul style="list-style-type: none"> <li>• the provision of assistance at European Parliamentary elections;</li> <li>• power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries;</li> <li>• the appointment of a proper officer for the purposes of giving various notices in relation to elections and referenda (e.g. in relation to the verification number for petitions for a referendum under LGA 2000).</li> </ul> <p>(ii) Appointments of officers or Members to external bodies including the Tower Hamlets Housing Board</p> <p>(iii) To recommend to Council the introduction, amendment or revocation of by-laws.</p> <p>(iv) Responsibility for the appointment and revocation of local authority school governors in cases of competing nominations or where officer delegations cannot be exercised.</p> <p>(v) Any other functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may not be the responsibility of the Cabinet and which are not delegated elsewhere under this Constitution.</p> <p>(vi) To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules.</p> <p>(vii) To make non material changes to the Constitution upon the recommendation of the Monitoring Officer</p>	<p>The Assistant Chief Executive (Legal Services) is authorised to make or amend appointments in accordance with section 3.12.2</p>
<p><b>Quorum</b> Three Members of the Committee</p>	

This page is intentionally left blank

APPENDIX 2

<b>GENERAL PURPOSES COMMITTEE</b> (Seven members of the Council)			
<b>Labour Group (4)</b>	<b>Conservative Group (1)</b>	<b>Respect Group (0)</b>	<b>Others (2)</b>
Cllr Shiria Khatun (Chair) Cllr Mizan Chaudhury Cllr Shafiqul Haque Cllr Rofique Uddin Ahmed  Deputies:- Cllr Sirajul Islam, Cllr David Edgar, Cllr Marc Francis	Cllr Maium Miah  Deputies:- Cllr Peter Golds Cllr Craig Aston	n/a	

This page is intentionally left blank



## **APPENDIX 3**

### **SCHEDULE OF DATES 2011/12**

#### **GENERAL PURPOSES COMMITTEE**

23<sup>rd</sup> June 2011  
28<sup>th</sup> September 2011  
13<sup>th</sup> December 2011  
21<sup>st</sup> March 2012

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

This page is intentionally left blank

# Agenda Item 5.2

Committee <b>General Purposes Committee</b>	Date <b>22<sup>nd</sup> June 2011</b>	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
Report of: <b>Service Head, Democratic Services</b>	Title: <b>APPOINTMENTS TO EXTERNAL BODIES</b>			
Originating Officer(s): <b>John S. Williams</b>	Ward(s) affected: <b>All</b>			

## SUMMARY

1. The Council on 18<sup>th</sup> May 2011 agreed that responsibility for making appointments to external bodies shall be a Council function and not a Mayoral/Executive function, with the exception of those appointments that, by law or at the request of the body and with the agreement of Council, are for executive members, which shall be appointed by the Mayor.
2. The terms of reference of the General Purposes Committee include delegated responsibility to make such appointments on behalf of the Council. The Committee is requested to consider nominations from the political groups and agree the Council's appointments to external bodies for the municipal year 2011/12.
3. Appendix A to this report (to follow) sets out the schedule of appointments to be made. This will show, for each organisation, the nominees who have served during 2010/11; the number of appointments required in 2011/12; additional information on the organisation/frequency of meetings etc; and any nominations received prior to printing of the schedule. Any further nominations received subsequently from the political groups will be tabled at the meeting.
4. The Committee will note that appointments to London Councils Committees and Forums were made by the Mayor prior to the Council meeting on 18<sup>th</sup> May.

## RECOMMENDATIONS

5. (i) That appointments be made to external bodies for the Municipal Year 2011/12 as listed in Appendix A to the report (to follow);  
(ii) That the appointments made by the Mayor to London Councils Committees and Forums for 2011/12 as listed in Appendix A be noted; and  
(iii) That the 'Guidance for Members representing the Council on external bodies' at Appendix B be noted.

## **BACKGROUND**

6. The General Purposes Committee has been established by Council to enable the swift determination of non-executive matters, including appointments to external bodies. A report elsewhere on the agenda provides details of the Committee's terms of reference, membership and quorum.
7. The Committee is requested to consider the nominations for appointment to external bodies, which have been received from the political groups on the Council, and to make the appointments to those bodies.
8. The schedule of appointments to external bodies (Appendix A, to follow) shows the appointments to be made in 2011/2012 and any nominations received prior to printing of the Appendix. Further information on the activities of each organisation, duties of appointees and frequency of meetings is included where available. Appointments are made for one municipal year unless otherwise indicated.

## **ROLE OF MEMBERS**

9. Participating in the work of external bodies is an important part of the role of elected members but is different in nature from other aspects such as being a member of a local authority executive or sitting on regulatory committees. In some cases it will involve actively representing and defending the authority's interests on local authority associations. In others it will involve becoming a trustee of a charity or a director of a company limited by guarantee. In this case members have a duty to act in the best interests of the organisation to which they have been appointed rather than exclusively pursue the authority's interests. There are potential tensions in carrying out this role effectively. To this end the guidance in Appendix B has been formulated to assist members. The Committee is invited to note the guidance which will be sent to all members appointed to external bodies and posted on the intranet.
10. A key part of this role is ensuring that information about the activities of external bodies is communicated to the Council. Much of this may take place through day to day contact with colleagues or with officers responsible for that area of work, but there is provision where necessary for Members appointed by the Council to external bodies to report to the Council or General Purposes Committee on the work of the organisation and any implications for the Council.

## **CONSULTATION**

11. The political groups on the Council have been consulted prior to finalising the schedule at Appendix A and have been invited to submit nominations for the positions listed.

## **COMMENTS OF THE CHIEF FINANCIAL OFFICER**

12. There are no direct financial implications arising from this report.

## **CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

13. There are no legal implications arising directly from this report. The legal issues and duties relating to Council nominees on external bodies are addressed in the Guidance to Representatives attached at Appendix B.

## **IMPLICATIONS FOR ONE TOWER HAMLETS**

14. There are no immediate implications for One Tower Hamlets arising from this report.

## **SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)**

15. There are no immediate SAGE implications arising from this report.

## **RISK ASSESSMENT**

16. The appointment of representatives to external bodies enables the Council to strengthen links with community. The appointment of representatives to external bodies also contributes to the Council's leadership role in the community.

---

## **LOCAL GOVERNMENT ACT, 2000 (SECTION 97) LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

**Brief description of "background paper"**

**Name and telephone number of holder and address where open to inspection**

External Bodies File

John S. Williams  
020 7364 4204

This page is intentionally left blank

**GENERAL PURPOSES COMMITTEE – 22<sup>nd</sup> JUNE 2011**  
**APPENDIX A - APPOINTMENTS TO EXTERNAL BODIES 2011/2012**

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Action for Bow</b> <b>Term: 1 year</b>	1 (Member)	Cllr Ann Jackson		Cllr Marc Francis	
<b>Aldgate &amp; Allhallows Barking Exhibition Foundation</b> <b>Term: 3 years</b>	1 (Member)	Cllr Sirajul Islam – (appointed until March 2013)	Representative appointed as one of the six Governors of the Charity. The Foundation makes grants to benefit young people in Tower Hamlets and the City of London. First Governor meeting must be attended followed by two meetings per year. Special meetings can be convened with 4 clear days' notice.	None required until March 2013	
<b>Promley by Bow Centre</b> <b>Term: 3 years</b>	1 (Member)	Cllr Rania Khan (appointed until March 2013)	To promote the benefits of the inhabitants of LBTH & surrounding areas to advance education, protect and preserve health, relieve poverty, sickness and distress and provide recreational facilities.  AGM and one General Meeting held each year.	<u>None required until June 2013 but nominations received:</u>  <u>Cllr Rachael Saunders</u>  <u>Cllr Rania Khan.</u>	
<b>Central London Waste Disposal Joint Committee</b> <b>Term: 4 years (ends in June 2011)</b>	3 (Members)	Cllr Shahed Ali Cllr Anwar Khan Cllr David Snowdon	To address problems and share technology on waste disposal, fly tipping, landfill, health & safety etc.	Cllr Zenith Rahman Cllr Motin Uz-Zaman	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Cultural Industries Development Agency</b> <b>Term: 1 year</b>	1 (Member)	Cllr Denise Jones	<p>CIDA support those working in the creative and cultural industries to encourage and promote its expansion and opportunities for training and employment.</p> <p>Meetings are held quarterly at the CIDA offices in Greatorex Street.</p>	Cllr Denise Jones	
<b>Docklands Sailing &amp; Water Sports Centre</b> <b>Term: 1 year</b>	1 (Member)	Cllr Carli Harper-Penman	<p>Provides recreational water activities for all sections of the community living and working in the local area. Owned by Docklands Sailing &amp; Watersports Centre Trust, and managed by a wholly owned subsidiary company. All directors and trustees are voluntary.</p> <p>Meetings are held 4 times a year at the Sailing Centre.</p>	Cllr Maium Miah	
<b>East End Homes</b> <b>Term: 1 year</b> [Note: At EEH residents' meeting 11.4.11 some residents expressed a wish for cross-party representation of Councillors on EEH Board]	2 (Members)	Cllr Rachael Saunders Cllr Motin Uz-Zaman	<p>Registered Social Landlord. Provide housing, hostels and associated amenities.</p> <p>Meetings commence at 7pm with the venue to be confirmed before each meeting is held.</p>	<u>Cllr Helal Uddin</u> <u>Cllr Motin Uz-Zaman</u> <u>Cllr Alibor Choudhury</u>	



Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>East London Nursing Society Trust</b> <b>Term: 4 years</b>	3 (May be Members, officers or lay persons)	Cllr Lutfa Begum Cllr Rachael Saunders Ms. Belle Harris (all in place to 25 <sup>th</sup> March 2013)	The object of the Charity is to relieve in cases of need persons resident in LBTH who are sick, convalescent, disabled, handicapped or infirm.	<i>None required this year.</i>	
<b>East London &amp; The City University Mental Health NHS Trust</b> <b>Term: 1 year</b>	1 (Member who must NOT be a member of the Health Scrutiny Panel)	Cllr Rachael Saunders	A mental health trust with university status. Mental health care services provided to the City of London and Hackney, Tower Hamlets and Newham and also provide specialist services to a wider population.  One AGM meeting and 9 Board meetings a year. Meetings held at Commercial Street, E1.	Cllr Bill Turner	
<b>English Heritage – Historic Environment Champion</b> <b>Term: 1 year</b>	1 (Member)	Cllr Judith Gardiner	English Heritage is the Government's statutory adviser on the historic environment, reporting to Parliament through the Secretary of State. Meetings are ad hoc.	Cllr Judith Gardiner	
<b>Futures Charitable Trust</b> <b>Term: 2 years (in rotation with other London Boroughs)</b>	1 (Member)	Cllr Ann Jackson (appointed until 31.12.2011)	The Trust gives practical and financial support, working to develop key workplace skills with 14 to 30-year-olds who have struggled at school, have been in care, are long-term unemployed or have been in trouble with the police. The other boroughs involved are Newham, Barking and Dagenham, Havering, Redbridge and Waltham Forest.	<i>None required until December 2011</i>	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Gateway Housing Association</b> <b>Term: 1 year</b>	1 (Member)	Cllr Anwar Khan	Registered Social Landlord. To provide housing, accommodation, and associated assistance and amenities.  AGM held once yearly in September with Board meetings being held 6 times a year. Meetings are held at the GHA offices.	Cllr Gloria Thienel	
<b>Green Candle Dance Company</b> <b>Term: 1 year</b>	1 (Member)	Cllr Peter Golds	Dance company which creates productions & education programmes for specific communities and in educational, community and arts settings. Meetings are held quarterly.	Cllr Peter Golds	
<b>Globe Town Trust</b> <b>Term: 1 year</b>	1 (Member)	Cllr Amy Whitelock	Issues grants for the general benefit of the area without distinction of sex or of political, religious or other opinions. Information on frequency and time of meetings unavailable at time of printing.	Cllr Bill Turner	
<b>Greater London Enterprise</b> <b>Term: 1 year</b> <b>(as an ordinary member of the GLE Ltd)</b>	2 (Members)	Cllr Khales Uddin Ahmed Cllr Carlo Gibbs	GLE is wholly owned by all 33 London local authorities and is commercially and constitutionally independent. It uses its commercial skills and regeneration expertise to add value, deliver high quality goods and services and to help promote relevant policy issues for the benefit of London.	Cllr David Edgar	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Greenwich &amp; Docklands Festival</b> <b>Term: 1 year</b>	1 (Member)	Cllr Joshua Peck	<p>Greenwich &amp; Docklands Festivals is a festivals, projects and event producing organisation working across London and further afield.</p> <p>Information on frequency and time of meetings unavailable at time of printing.</p>	Cllr Joshua Peck	
<b>Island Health Trust</b> (formerly Island Health Charitable Trust) <b>Term: 1 year</b>	1 (Member)	Cllr Anna Lynch	<p>Promotes and gives access to primary health care within the diverse communities of Newham and Tower Hamlets.</p> <p>Remaining meetings to be held every 2 – 3 months at the Island Health Medical Centre.</p>	Cllr Gloria Thienel	
<b>Island Sports Trust – Management Committee</b> <b>Term: 1 year</b>	1 (Member)	Cllr Maium Miah	<p>The Trust (at George Green School) is a voluntary organisation which aims to provide a service which is responsive to local needs and accessible to all groups and individuals in the Community. It provides leisure and learning opportunities that may lead to personal and social development.</p> <p>Six meetings per year – bi-monthly.</p>	Cllr Maium Miah	
<b>Isle of Dogs Community Foundation</b> <b>Term: 1 year</b>	2 (Can be Members or officers)	Cllr Tim Archer Cllr David Edgar	<p>Grant giving charity to people in LAP 7 and 8 at the current time but hoping to go borough wide.</p> <p>Meetings are bi-monthly).</p>	Cllr Tim Archer Cllr David Edgar	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<p>Jagonari – Women's Education &amp; Resource Centre – Board Member</p> <p><b>Term: 1 year</b></p>	<p>1 (Member)</p>	<p>Cllr Shelina Aktar</p>	<p>Committed to promoting race relations, equal opportunities for women and using the Jagonari Centre to provide facilities for recreational, educational, religious and cultural activities.</p> <p>Meetings normally held bi-monthly in the 2<sup>nd</sup> week of the month, on a Wednesday at the Centre in Whitechapel Road.</p>	<p>Cllr Lesley Pavitt</p>	
<p>Leaside Regeneration Company Ltd</p> <p><b>Term: 1 year</b></p>	<p>2 (Members)</p>	<p>Cllr Helal Uddin Cllr David Edgar</p>	<p>Community-based social enterprise to develop &amp; deliver a vision for regeneration of the Lower Lea Valley and surrounding area. Ambition to create a new Water City in East London.</p> <p>Various meetings are held of the Strategy Sub Group, Corporate Board and Main Board held at Gillender Street, E14.</p>	<p>Cllr David Edgar Cllr Denise Jones</p>	
<p>Lee Valley Regional Park Authority</p> <p><b>Term: 4 years</b></p>	<p>1 + 1 deputy (Member)</p>	<p>Member – Cllr Denise Jones Deputy – Cllr Shahed Ali  (both appointed until June 2013)</p>	<p>Remit covers leisure/sport/recreation, including nature conservation and enhancement of natural environment. Mandatory duty to develop, improve, preserve and manage the park.</p> <p>Attendance required at approx 8 meetings p.a. - board &amp; committee meetings are held on the 4<sup>th</sup> Thursday of each month during the daytime, at Bulls Cross, Enfield.</p>	<p>None required until June 2013</p>	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Local Government Assembly (LGA)</b> <b>Term: 1 year</b>	4 (Members)	Cllr Joshua Peck Cllr Carli Harper-Penman Cllr Kabir Ahmed Cllr Peter Golds	The LGA promotes the interests of English & Welsh authorities. General Assembly meets once a year as the "parliament" for local government.	<u>Cllr Kabir Ahmed</u> <u>Cllr Mizanur Chaudhury</u> <u>Cllr Rachael Saunders</u> <u>Cllr Peter Golds</u> <u>Cllr Ohid Ahmed</u>	
<b>LGA Urban Commission</b> <b>Term: 1 year</b>	2 (Members)	Cllr Sirajul Islam Cllr Joshua Peck	A forum for urban authorities to discuss matters of common concern and exchange good practice.		
<b>London Accident Prevention Council</b> <b>Term: 1 year</b>	1 + 1 Deputy (Members)	Member – Cllr Shahed Ali Deputy – Cllr Dr Emma Jones	LPAC aim to reduce needless casualties by producing and promoting resources and publicity materials. AGM held in July with further meetings of Full Council, Executive and Project Sub held at the Guildhall.	Cllr Dr. Emma Jones (as Deputy)	
<b>London City Airport Consultative Committee</b> <b>Term: 3 years</b>	1 + 1 Deputy (Can be Members or officers)	Member – Cllr Carli Harper-Penman Deputy – Cllr Anwar Khan	An independent Consultative Committee established by London City Airport to discuss Airport issues, keep people informed and monitor the local environment. The Consultative Committee meets quarterly in January, April, July and October.	Cllr Joshua Peck	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<p><b>London Housing Consortium</b>  <b>Term: 1 year</b></p>	<p>2  (Members)</p>	<p>Cllr Rabina Khan  Cllr Marc Francis</p>	<p>LHC Network framework arrangements are available for use, free of charge, by any social landlord, local authority or other public sector organisation in the UK.  Meet twice a year.</p>	<p>Cllr Judith Gardiner  Cllr Rabina Khan</p>	
<p><b>London Thames Gateway Development Corporation</b>  <b>Term: normally 2 years or as determined by Minister</b></p>	<p>1  (Member)  N.B. – Ministerial appointment – alternative nominations required</p>	<p>Cllr Kosru Uddin  (appointed until 31 March 2013)</p>	<p>LTGDC is the Government's lead regeneration agency for the Lower Lea Valley and London Riverside.  Appointments are made by LTGDC on the basis of relevant knowledge and experience and are subject to ministerial approval. It is expected that borough representatives will be senior cabinet members.  Information on frequency and time of meetings unavailable at time of printing.</p>	<p><i>None required this year</i></p>	
<p><b>London Youth Games Ltd</b>  <b>Term: 1 year</b></p>	<p>2  (Members)</p>	<p>Cllr Amy Whitelock  Cllr Kabir Ahmed</p>	<p>London Youth Games are a free season of youth sports events involving all 33 London boroughs. The games are organised by LYG Ltd, a registered charity made up of representatives from the boroughs, major funding partners and independent trustees.</p>	<p>Cllr Kabir Ahmed  Cllr Abdal Ullah</p>	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Merchant Navy Welfare Board</b> <b>Term: 1 year</b>	1 (Member)	Cllr Anna Lynch	Assessing the welfare needs of merchant seafarers and their dependants; co-ordinating charitable organisations concerned with the provision of welfare services. Meet three times a year. Meetings are held at the Queen Victoria Seamen's Rest.		
<b>Mile End Park Partnership Company</b> <b>Term: 1 year</b>	2 (Members)	Cllr Joshua Peck Cllr Denise Jones	Information on frequency and time of meetings unavailable at time of printing.	Cllr Denise Jones Cllr Joshua Peck	
<b>Mudchute Association (Park and Farm)</b> <b>Term: 1 year</b>	1 (Member)	Cllr Marc Francis	Largest City Farm in London situated on the Isle of Dogs. Six meetings a year are held plus an AGM. Meetings held in January, March, May, July, September and November on the 3 <sup>rd</sup> Thursday of the month and the AGM is in October on the 2 <sup>nd</sup> Thursday of the month. Meetings are held at the Mudchute Park and Farm.	<u>Cllr Marc Francis</u> <u>Cllr David Snowdon</u>	
<b>Norton Folgate Almshouse Charities</b> <b>Term: 4 years</b>	3 (Can be Members, Officers or Lay Persons)	Ms. Rachel Blake (appointed to June 2012) Mr. Chris Weavers (to March 2013) Mr Chris Dyson (to June 2013)	Provides accommodation for women over retirement age. The Almshouse Charities has amalgamated with Harrison Housing.  Information on frequency and time of meetings unavailable at time of printing.	None required this year	



Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Ocean Regeneration Trust Board</b> <b>Term: 1 year</b>	2 (Members)	Cllr Judith Gardiner Cllr Rofique U. Ahmed	Co-ordinates regeneration and community activity on the Ocean Estate. Meetings are held as and when required, either at midday or in the evening.	<u>Cllr Bill Turner</u> <u>Cllr Abdal Ullah</u> <u>Cllr Oliur Rahman</u>	
<b>Older People's Member Champion</b> <b>Term: 1 year</b>	1 (Member)	Cllr Ann Jackson	Elected Councillor to lead for older people across the Council. The aim is to ensure that older people become and remain a priority.		
<b>Olympic Delivery Authority – Planning Committee</b> <b>Term: 2 years</b>	1 (Member) Nomination to be approved by ODA Board	Cllr Judith Gardiner (Appointed until 30 September 2012)	The Planning Committee makes decisions on planning applications submitted within the ODA area. Meetings take place approx. monthly at Stratford Old Town Hall.	None required until September 2012	
<b>Oxford House</b> <b>Term: 1 year</b>	1 (Member)	Cllr Mizanur Rahman Chaudhury	Community organisation that aims to encourage a sense of community in a diverse society and to work in partnership with groups and individuals to develop their potential. Meetings are held every 6 – 8 weeks.	Cllr Sirajul Islam	
<b>Parmiters Bethnal Green Education Trust</b> <b>Term: 1 year</b>	1 (Member)	Cllr Carlo Gibbs	Considers applications for book grants from Tower Hamlets students attending undergraduate courses of higher education or PGCE courses. The value of the grant is determined in part by the number of applications received but, in previous years, has been £100 per award. Meetings held as required.		



Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Poplar Harca Boards</b> <b>Term: 1 year</b>	4 (must be Members)  One on each of 4 boards: - PH Board; - Places; - Services - Finance & Audit	Cllr Ohid Ahmed Cllr Rajib Ahmed Cllr Rania Khan Cllr Kosru Uddin	Registered Social Landlord	<u>Cllr Khales Uddin Ahmed</u> <u>Cllr Shiria Khatun</u> <u>Cllr Anna Lynch</u> <u>Cllr Kosru Uddin</u> <u>Cllr Ohid Ahmed</u> <u>Cllr Rania Khan</u>	
<b>Reserve Forces and Cadets Association for Greater London</b> <b>Term: 1 year</b>	1 (Member)	Cllr Stephanie Eaton	Support the volunteer reserve forces of the Army (Territorial), the Royal Marine Reserves, Royal Air Force Reserves and Cadets within Greater London. Provide an essential representative link between the military forces and the local community.  Meet twice a year.	<u>Cllr Stephanie Eaton</u> <u>Cllr Peter Golds</u>	
<b>Rich Mix Cultural Foundation</b> <b>Term: 1 year</b>	2 (Members)	Cllr Rachael Saunders Cllr Mizanur Rahman Chaudhury	Cross cultural arts and media centre.  Meetings are held four times a year with one AGM meeting. Meetings are held at the Rich Mix Centre.	Cllr Mizanur Chaudhury Cllr Rachael Saunders	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Spitalfields Market Community Trust</b> <b>Term: 1 year</b>	3 (Members)	Cllr Sirajul Islam Cllr Mizanur Rahman Chaudhury Cllr Shelina Akhtar	The advancement of education and the relief of poverty in the LBTH and to promote any other charitable purposes for the benefit of the community. Information on frequency and time of meetings unavailable at time of printing.	Cllr Helal Abbas Cllr Sirajul Islam Cllr Abdul Mukit, MBE	
<b>Stepney Relief in Need Charity</b> <b>Term: 4 years</b>	3 (Can be Members, officers or Lay Persons)	Cllr Judith Gardiner Ms. Belle Harris (both appointed to June 2014) 1 vacancy	To promote the benefits of the inhabitants of Stepney and the London Borough of Tower Hamlets and surrounding area. Meetings four times a year and dates to be confirmed from the Charity. Meetings are held at St. Dunstan's Church.	1 nomination required this year	
<b>St. Katharine's &amp; Shadwell Trust</b> <b>Term: 1 year</b>	2 + 2 Deputies (Members)	Cllr Shafiqul Haque Cllr Denise Jones Deputies- Cllr Rabina Khan Cllr Dr. Emma Jones	Community foundation raising funds and awarding grants to run and support a wide range of projects in East London. Meet twice a year at Tower Hill.	Cllr Abdul Asad Cllr Denise Jones Cllr Dr. Emma Jones (as Deputy)	
<b>St. Paul's Way School Foundation Trust – Member Authorised Representative</b> <b>Term: 1 year</b>	1 (Member)	Cllr Rachael Saunders	National Challenge Trust holding land and buildings on behalf of, and appointing Governors to, St Paul's Way Community School. AGM plus general meetings.	Cllr Rachael Saunders	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Thames Gateway London Partnership</b> <b>Term: 1 year</b>	1 (Member)	Cllr Marc Francis	<p>Concentrates on housing and place making, skills and employment, transport and connectivity.</p> <p>The Board meets four times a year and the Housing committee also meets four times a year.</p>	Cllr Shafiqul Haque	
<b>Thames' Regions Flood Defence Committee</b> <b>Term: 4 years</b>	No direct appointment	-	<p>Appointment made by London Councils TEC Committee from group of boroughs – Tower Hamlets, Bexley, Greenwich, Lewisham and Newham. Currently Cllr R Sidhu (Greenwich)</p>	None required	
<b>The Henderson Charity</b> <b>Term: 1 year</b>	1 (Member)	Cllr Alibor Choudhury	<p>To relieve persons resident in the ancient parishes of St. George in the East who are in need, hardship or distress.</p> <p>Information on frequency and time of meetings unavailable at time of printing.</p>	Cllr Alibor Choudhury	
<b>Tower Hamlets/Canary Wharf Further Education Trust</b> <b>Term: 1 year</b>	2 (Members)	Cllr Anwar Khan Cllr Lesley Pavitt	<p>Registered charity launched by LBTH and Canary Wharf Ltd in 1990. Issue grants for the advancement of further/higher education and vocational training for Tower Hamlets residents.</p> <p>Two meetings held a year. July for the allocation of funds and December/January for Policy making.</p>	<u>Cllr Abdul Asad</u> <u>Cllr Abdal Ullah</u> <u>Cllr Zara Davis</u>	
<b>Tower Hamlets College Board</b> <b>Term: 3 years</b>	2 (May be Members, Officers or Lay Persons)	(Former) Cllr Clair Hawkins Ms. Carmel Littleton	<p>To govern the concerns and aims of the College.</p> <p>Information on frequency and time of meetings unavailable at time of printing.</p>	<u>Cllr Kabir Ahmed</u> <u>Cllr Bill Turner</u> <u>Cllr Rania Khan</u>	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Tower Hamlets Community Housing</b> <b>Term: 1 year</b>	4 (Members)	Cllr Sirajul Islam Cllr Kabir Ahmed Cllr Alibor Choudhury Cllr Carlo Gibbs	Registered Social Landlord and Registered Charity operating exclusively in LBTH. Four meetings a year are held at 285 Commercial Road.	<u>Cllr Helal Abbas</u> <u>Cllr Kabir Ahmed</u> <u>Cllr Carlo Gibbs</u> <u>Cllr Sirajul Islam</u> <u>Cllr Alibor Choudhury</u>	
<b>Tower Hamlets Community Transport</b> <b>Term: 1 year</b>	1 (Member)	Cllr Oliur Rahman	Small charity based in Limehouse. Provides transport to voluntary and community groups in Tower Hamlets. Meets every 6 weeks at Newell Street, E14.	Cllr Abdul Asad	
<b>Tower Hamlets Homes Board</b> <b>Term: 1 year</b>	5 (Members)	Cllr Sirajul Islam Cllr Amy Whitelock Cllr Mizanur Chaudhury Cllr Judith Gardiner Cllr Denise Jones	Manages homes and estates owned by Tower Hamlets Council. Responsible for the day to day running of the estates. Board meetings/forum approx monthly held at the Toby Club. Committee meetings also monthly in the evenings.	Cllr Kabir Ahmed Cllr Marc Francis Cllr Judith Gardiner Cllr Sirajul Islam Cllr Amy Whitelock	
<b>Tower Hamlets Primary Care Trust</b> <b>Term: 1 year</b>	1 (PCT advises this should be the Lead Member with responsibility for Older People & Health)	Cllr Rachael Saunders	Commission health care for local people and committed to improving the health of the local population. Work in partnership with local organisations. Information on frequency and time of meetings unavailable at time of printing.		

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Tower Hamlets Sports Council</b> <b>Term: 1 year</b>	7 (Members)	Cllr Ohid Ahmed Cllr Anwar Khan Cllr Carli Harper-Penman Cllr Lesley Pavitt Cllr Mizanur Rahman Chaudhury Cllr Zara Davis Cllr Maium Miah	Promotes participation and achievement in sport within the Borough by representing the interests of local sports clubs and individuals. Meet four times a year.	Cllr Kabir Ahmed Cllr Abdul Asad Cllr Anna Lynch Cllr Lesley Pavitt Cllr Abdal Ullah Cllr Zara Davis Cllr Maium Miah	
<b>Tower Project</b> <b>Term: 1 year</b>	1 (Member)	Cllr Ann Jackson	To promote the welfare of children, young people and adults and disabilities and/or learning difficulties and/or long term illness. Meet every six weeks.		
<b>V &amp; A Museum of Childhood</b> <b>Term: 1 year</b>	2 (Members)	Cllr Denise Jones Cllr Anna Lynch	This is a now an extension of the Victoria & Albert Museum. The Bethnal Green Museum holds a large collection of children's toys.	Cllr Denise Jones	
<b>Whitechapel Art Gallery</b> <b>Term: 1 year</b>	1 (Member)	Cllr Denise Jones	Founded in 1901 to bring great art to the people of east London. Information on frequency and time of meetings unavailable at time of printing.	Cllr Denise Jones	

Name of Organisation & Term of Office	Number of representatives required (Member/Officer)	Current representatives 2010/11	Information on Organisation	Nominations received for 2011/12	Appointment agreed (to be completed after GP Committee)
<b>Women's Library Council</b> <b>Term: 1 year</b>	1 (Member)	Cllr Denise Jones	The Library documents women's lives in the past, present and future.  Meetings to be held at the Women's Library, Old Castle St, E1.	Cllr Rachael Saunders	
<b>Women's Environmental Network</b> <b>Term: 1 year</b>	1 (Must be a female Councillor)	Cllr Shelina Aktar	Organisation that works for women and the environment to enable them to make fair choices.  Meet ten times a year in the WEN offices in Pinchin Street, E1	Cllr Judith Gardiner	



## APPENDIX B

# LONDON BOROUGH OF TOWER HAMLETS

## GUIDANCE FOR MEMBERS REPRESENTING THE COUNCIL ON EXTERNAL BODIES

Updated June 2010

## **GUIDANCE FOR MEMBERS/OFFICERS REPRESENTING THE COUNCIL ON EXTERNAL BODIES**

1. The Council has nomination/appointment rights to a large number of different external bodies and organisations. These may be joint committees, public, private and voluntary organisations operating in the Borough and statutory bodies. All nominations to outside bodies are published on the Council's website.
2. The Council may nominate or appoint members or officers to these bodies. Rules concerning who may be nominated or appointed and the term of office may be set out in the constitutional arrangements of each of the individual organisations.
3. Generally the Council will nominate elected members as its representative(s); however this guidance applies to both members and officers alike.
4. In carrying out such roles councillors and officers act both as individuals and as representatives of the Council. The role requires the appointed person to:-
  - act according to the rules, constitution and framework set by the outside body;
  - make independent and personal judgements in line with their duty of care to the outside body;
  - report to the Council and lead member or relevant committee as requested or necessary. Accordingly the council representatives shall keep the relevant lead member appropriately informed of all business to be or conducted by the external body;
  - behave ethically and follow as far as applicable the Council's Code of Conduct for Members;
  - take an active and informed role in the management of the outside body's affairs.
5. Such roles can be time consuming and require a commitment different from the political role of councillors or empowerment role of officers working within the Council. Membership on outside bodies does not entail representing the political party to which councillors owe their political loyalty, or to the Council by which the officer is employed. Representatives on such bodies will not be able to "avoid" taking part in the outside body's discussions and will be required to take a fully participative role. They will not be expected to look at things simply from the Council's perspective, nor to be there in name only.



6. The role of councillors or officers on outside bodies may give rise to occasional uncertainty and perhaps to conflicts of interest. The attached Annex offers a guide to the responsibilities of councillors and officers. Councillors and officers should read the guide before taking up any representational role and if there are issues arising from their particular situation at any time to contact the Assistant Chief Executive (Legal Services) or the Service Head, Democratic Services for advice.
7. Councillors and officers are under a specific obligation as a result of the 1995 Local Authorities (Companies) Order to report back to the Council on their involvement in *outside companies* to which they have been nominated by the Council. That obligation can be met by a six monthly report to the full Council. The Cabinet, Overview and Scrutiny committee or political groups may request more regular feedback in general or on specific issues. The representative must provide such information as is requested unless they have concerns that the information requested maybe confidential to the company or affect its business activity, in which case they should seek advice from the Assistant Chief Executive (Legal Services). While the law now makes this a requirement for involvement in outside companies, it is good practice for a requirement to report back to apply to involvement in all outside bodies.
8. Councillors will appreciate that the guide and also the Code of Conduct for Members address some of the issues around the possibility of conflicts of interests. If the outside body comes into conflict with the Council and the councillor or officer is on the management committee of the outside body, it is likely that the councillor or officer will have an interest which they will have to declare which if it is prejudicial will prevent them from participating in the Council decision-making affecting the outside body to which he or she has been appointed.
9. If there is a major dispute between the Council and the outside body, then the councillor or officer may be placed in an untenable situation. Before taking precipitate action, the councillor or officer should seek the advice of the Chief Executive or the Assistant Chief Executive (Legal Services).
10. The councillor or officer may find s/he is unable adequately to carry out their responsibilities properly, both as a councillor or officer and as a member or director of the outside body. That would be an exception, and should not deflect councillors or officers generally from being prepared to participate in the management and running of outside organisations.

## ANNEX

### A GUIDE TO THE LAW FOR COUNCILLORS AND OFFICERS ON EXTERNAL BODIES

This advice is for councillors and officers who represent the Council on organisations outside the Council, whether as a company director, the trustee of a charity or a representative on a management committee. It sets out some of the most important responsibilities. It is not meant to be a comprehensive guide. If Councillors or officers have queries then the Assistant Chief Executive (Legal Services) or the Service Head, Democratic Services should be consulted.

#### GENERAL

1. There are some general provisions which apply to councillors and officers who act in the role of company director, trustee or member of an incorporated body, or on the committee of management of an unincorporated voluntary organisation.
2. Members are under a duty to exercise independent judgement in the interest of the organisation in which they are involved. Whilst it is recognised that councillors and officers may have a commitment to representing the Council on the outside organisation, they must be aware that it is their responsibility to decide what view to take on any question before that organisation. Where a councillor or officer is participating in an outside organisation in a representative capacity, s/he must declare that fact to the organisation. There will be a fine line to tread between his/her duty to the organisation and to the Council.
3. In the final analysis, the councillor or officer in acting as a director/trustee or member of a management committee of an organisation must act in accordance with the interests of that organisation. A mandate from the Council to vote one way or the other would put the councillor or officer in breach of the duty to the organisation. It is permissible to take account of the Council's wishes, but not to vote simply in accordance with them. **The overriding duty in considering an item before the outside organisation is to vote in accordance with the interests of that organisation.**
4. Councillors and officers must also ensure that avoidable loss is not incurred in managing the organisation. They cannot avoid this responsibility by not reading the papers or failing to ask for appropriate reports. They will be expected to seek professional advice where appropriate.

#### COMPANIES

5. On incorporation a company becomes a separate legal entity which can hold property in its own right, enter into contracts and sue and be sued in its own name. The company is distinct from its shareholders and members. In the case of a limited liability company, the liability of members of the company is

limited to the amount they paid or agreed to pay when they joined the company. This can be as little as £1.

6. Companies limited by shares are those which have a share capital (e.g. 1000 shares of £1 each). Each Member holds shares and receives a share in the profits made by the company according to the value of the shares held. Shares can be sold. Companies limited by guarantee are those where there is no shareholding. Instead each Member agrees that in the event of the company being wound up they will agree to pay a certain amount. This may also be as little as £1. This form of company is the most usual in the public and voluntary sector particularly where charitable status is sought.
7. The management of a company is generally the responsibility of a board of directors. The powers of the directors are usually set out in the company's Articles of Association (the rules each company has to govern its internal management). Sometimes even though a company has been incorporated the directors may be referred to as members of the committee of management, governors or even trustees. However this does not change their status as directors. Conversely, sometimes officials are called directors but they are not members of the board. Again their status will not be affected. Directors are those who are appointed by the company to act in that capacity.

### **Directors' Duties**

8. A director is an agent of the company. His/her prime duties are as follows:-
  - (1) **A fiduciary duty** to the company (not individual shareholders) to act honestly and in good faith and in the best interests of the company as a whole. Directors are therefore in the position of "quasi trustees" who must take proper care of the assets of the company. The fiduciary duty of a director towards the company is very similar to the fiduciary duty of Councillors to the Council Tax payers.
  - (2) **A general duty of care and skill** to the company. So long as the Company remains solvent, a director requires no greater skill than might reasonably be expected of someone of that individual's particular knowledge and experience. A director is not deemed to be an expert, but is expected to use due diligence and to obtain expert advice if necessary. But note that if the Company becomes insolvent, the Court may expect that the director brings an appropriate level of skill, competence and experience to the job.
  - (3) Like a Councillor in respect of Council decisions, the director is under a duty **to exercise independent judgment**, though it is permissible for him/her to take account of the interests of a third party which he/she represents. In such a case the director must disclose that position and treads a fine line between the interests of the company and the party represented (in this case the Council). The director cannot vote simply in accordance with the Council mandate. To do so would be a breach of duty.

- (4) **No conflict.** There may be actual or potential conflicts between the interests of the Council and the interests of the company. In such circumstances the only proper way for the conflict to be resolved is for the Councillor or officer to resign either from the company or from the Council.
- (5) Directors are **not allowed to make a private profit** from their position. They must therefore disclose any interests they or their family may have in relation to the company's contracts. Whether they are then allowed to vote will depend on the Articles of Association.
- (6) Directors must **ensure compliance with the Companies Acts** in relation to the keeping of accounts, and that the relevant returns are made to the Registrar of Companies. Failure to do so incurs fines and persistent default can lead to disqualification as a director.

### **Directors' Liabilities**

9. The following liabilities apply to directors:

- (1) The company's identity must clearly be shown on its stationery. The company number, place of registration, registered office address and if any of the directors' names are shown then they must all appear. Non-compliance is an offence and the directors and company officers can be fined.
- (2) A company can only act within the scope set out in its Memorandum of Association (the document which sets out the objects of the company). Those directors knowingly causing the company to act beyond the activities set out in the Memorandum will be liable personally. In very limited circumstances it is possible for the actions of the directors to be ratified by the Members of the company.
- (3) A director may also be liable for breach of trust, if he/she misapplies the money or property of the company. Directors may also be liable if they fail to take action to prevent the breach of a co-director of which they are aware.
- (4) In the event of failure to act in accordance with the best interests of the company, or if a director uses his/her powers improperly or makes a personal profit from his/her position as director, then the director may be personally liable for loss to the company and may be required to give to the company the personal profit made.
- (5) If the level of skill and care shown by a director falls below that which could be reasonably expected and the company suffers loss, the director will be liable for the loss incurred. However if it believes the director acted honestly and reasonably, a Court may excuse the director the liability.

- (6) If a director knows or ought to know that there is no reasonable prospect of the company avoiding liquidation, a Court may require that director to contribute to the company's assets on liquidation if the company continues to trade. This is known as wrongful trading. No such order will be made if the Court is satisfied that the director took all reasonable steps to minimise the loss to the creditors. If a director has concerns about the company's financial position he/she could be well advised to inform the other directors and seek advice from the company auditors. He/she should try to ensure that further debts are not incurred.
- (7) A director will also be liable if to his/her knowledge the company carries on business with intent to defraud creditors or any other person, or for any other fraudulent purpose. Fraudulent trading can also lead to disqualification from acting as a director.
- (8) All cheques and similar documents which purport to be signed on behalf of the company must bear the company name. Where they do not, the director signing on behalf of the company may be liable to a fine and may also be liable to the payee if the company fails to honour the cheque. It is therefore wise for directors to make sure that all documents they sign on behalf of the company state very clearly that they act as agent for the company, (e.g. Director, for and on behalf of .....).
- (9) A third party who enters into a contract on the assumption that a director has power to bind the company, may be able to claim damages against the director if it subsequently transpires that the director had no such power. Directors would be well advised to ensure that contracts are approved by the board and that the authority to enter into any contract has been properly delegated before signing it.
- (10) Though company liability ceases on dissolution the liability of the directors (if any) may still be enforced after dissolution.

## Indemnities

10. The following arrangements apply:

- (1) Councillors who are directors cannot be indemnified by the company against liability arising out of negligence, default, or breach of duty or trust. However the company's Articles of Association may allow for directors to be indemnified by the company in respect of the cost of defending such proceedings if the director is granted relief by the Court or acquitted. Equally, in making the appointment, the Council can offer an indemnity against losses which the councillor may suffer through acting conscientiously as a director. **But note that it is lawful for companies to purchase insurance to protect its directors against claims of negligence, breach of duty, trust, default. Directors**

**would be well advised to ensure that such a policy of insurance is maintained at all times.**

- (2) Under the Local Government Act 2000<sup>1</sup>, it is now possible for the Council to provide indemnities for councillors or officers when appointing them to act as directors and to buy insurance to cover any losses which they may suffer through acting conscientiously as a director. However, the first recourse would be to ensure that the company had provided such insurance.

### **Local Authorities (Companies) Order 1995**

11. These arrangements apply to local authority companies:

- (1) This Order, made under the Secretary of State's powers contained in Part V Local Government and Housing Act 1989, sets out rules concerning local authorities' involvement in "regulated companies" which are subject to extensive controls, and their involvement in other companies where a number of rules apply.
- (2) "Regulated companies" are so defined if they are controlled or influenced by the local authority. "Influenced companies", under the effective control of the local authority, will be subject to capital finance régime and special proprietary controls. In broad terms, the test as to whether companies are local authority influenced is whether the local authority has the right to or in fact does exercise a dominant influence over the company in question.
- (3) The original concept of controlled, influenced and minority interests in companies were introduced by the 1989 Act. "Influenced" means at least 20% local authority interest plus a business relationship with the company accounting for over 50% of the company's turnover and/or the company was located on local authority land leased or sold for less than best consideration. "Controlled" means over 50% local authority interests, and "minority" less than 20% interest. The concept in the 1989 Act stands, but the Order introduces the term "regulated".
- (4) Councillors or officers who are directors of outside companies to which they have been nominated by the Council are under the following obligations:-
  - (a) (Councillors only) that the remuneration they receive from the company should not exceed that received from a local authority, and should be declared;  
(Officers only) that they shall not receive any fee or reward other than their Council salary, unless so agreed with the Council;

---

<sup>1</sup> The Local Authorities (Indemnities for Members and Officers) Order 2004 made under sections 101 & 105.

- (b) to give information to councillors about their activities as required by the local authority (save for confidential information); and
- (c) to cease to be a director immediately upon disqualification as a Councillor or termination of their employment by the Council.

## **CHARITIES**

12. To be a charity an organisation must operate for a charitable purpose. There are four such charitable purposes:
  - (i) the relief of poverty and human suffering
  - (ii) the advancement of education
  - (iii) the advancement of religion
  - (iv) another purpose for the benefit of the community.
13. It must operate for the public benefit and have exclusively charitable purposes. An organisation which operates for political purposes will not qualify for charitable status.
14. To register as a charity the organisation must submit its completed constitution (usually Certificate of Incorporation and the Memorandum and Articles of Association of a company limited by guarantee) to the Charity Commissioners for approval. If they are satisfied that the organisation is charitable it will be registered as such.
15. Those who are responsible for the control and administration of a charity are referred to as its trustees, even where the organisation is a company limited by guarantee even though they are not strictly trustees. Trustees of a charity retain personal liability, and can only delegate to the extent that the constitution authorises them so to do.

## **Trustees' Duties**

16. Trustees have the following duties:
  - (1) Trustees must take care to act in accordance with the constitution and to protect the charity's assets. They are also responsible for compliance with the Charities Acts, and should note the particular requirements of the Acts in respect of land transactions.
  - (2) Trustees must not make a private profit from their position. They cannot receive remuneration without the sanction of the Charity Commission. They must also perform their duty with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals, and in relation to investment matters.

- (3) Charitable trustees must ensure that the information relating to the charity and trustees is registered with the Charity Commissioners and that annual accounts, reports and returns are completed and sent.
- (4) If charitable income exceeds £10,000, the letters, adverts, cheques etc. must bear a statement that the organisation is a registered charity.
- (5) Trustees are under a duty to ensure compliance with all relevant legislation (e.g. in relation to tax and land matters).

### **Trustees' Personal Liability**

17. Liabilities may arise in the following ways:

- (1) If in doubt, always consult the Charity Commissioners. A trustee who does so can avoid personal liability for breach of trust if he/she acts in accordance with the advice given.
- (2) Generally though, a trustee incurs personal liability if he/she:-
  - acts outside the scope of the trust deed
  - falls below the required standard of care
  - acts otherwise than in the best interests of the charity, in a way which causes loss to the charity fund
  - makes a personal profit from the trust assets
- (3) In such circumstances the trustee will incur personal liability for losses incurred.
- (4) Trustees of a trust can be liable personally to third parties because unlike a company, a trust has no separate identity from the trustees. The constitution will normally provide for trustees to be given an indemnity from the trust assets, provided they act properly in incurring the liability. Trustees remain personally liable for their own acts and defaults once they have retired. If they have entered into any ongoing contracts on behalf of the trust they should seek an indemnity from their successors. If the charity is a company, the trustees will be protected from liabilities incurred in the day-to-day running of the charity in the normal course, but will be personally liable if they commit a breach of trust (see (2) above).
- (5) Trustees may be liable to fines if they do not comply with the duty to make returns etc.

### **Indemnities**

18. An indemnity can be given from the trust fund provided the trustee has acted properly and within his/her powers. Trustees may take out insurance to



protect themselves against personal liability but not for criminal acts, fraud etc. There will be no problem if the trustees themselves pay the premiums but if they are paid out of the charitable funds the trustees will need the consent of the Charity Commissioners first, unless the trust deed allows it.

## **COMMITTEES OF MANAGEMENT**

### **Unincorporated Associations**

19. Groups which are not charitable trusts or limited companies are “unincorporated associations” and have no separate legal identity from their members. The rules governing the members’ duties and liability will be set out in a constitution, which is simply an agreement between the members as to how the organisation will operate. Usually the constitution will provide for a management committee to be responsible for the everyday running of the organisation. An unincorporated organisation may be charitable and may register as a charity.
20. Property will have to be held by individuals as the organisation has no existence of its own.

### **Duties**

21. Broadly, Management Committee members must act within the constitution, and must take reasonable care in exercising their powers.

### **Liabilities**

22. The following liabilities may arise:
  - (1) Generally, the Management Committee members are liable for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are not enough funds, the Committee members are personally liable for the shortfall.
  - (2) If one person is appointed by the constitution to act as the agent of the organisation for certain purposes, then that person acts as the agent of all the members, who have joint liability for the agent’s actions.
  - (3) Members of the Committee of Management will have personal liability if they act outside the authority given to them or if they do not comply with statute e.g. the payment of employees’ tax etc.

### **Indemnities**

23. Members will be entitled to an indemnity if they act in accordance with the Constitution and are not at fault. It is possible to obtain insurance but if the organisation is to pay the premium it must be permitted by the constitution.

## **Acknowledgements**

This document is a revised version of guidance originally prepared by Peter Keith-Lucas, Wragge & Co, with thanks to Colchester Borough Council upon whose guide the text was based.

# Agenda Item 6

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank