

Committee General Purposes Committee	Date 16 March 2010	Classification Unrestricted	Report No.	Agenda Item No. 4
Report of: Service Head, Democratic Services Originating Officer(s): John S. Williams		Title: APPOINTMENTS TO OUTSIDE BODIES: ST PAUL'S WAY SCHOOL FOUNDATION TRUST Ward(s) affected: Mile End East		

1. SUMMARY

- 1.1 The General Purposes Committee has responsibility for appointing Councillors, officers or other nominees as appropriate to represent the authority on external bodies. Appointments are made until the end of the current municipal year unless otherwise indicated. On 17 June 2009 the Committee received nominations from the political groups and agreed the Council's appointments to a range of external bodies for the municipal year 2009/10.
- 1.2 On 13 January 2010 the Cabinet agreed proposals in relation to the establishment of a National Challenge Trust at St. Paul's Way Community School including the appointment, to be made by the General Purposes Committee, of the Council's Member Authorised Representative to the Trust.

2. RECOMMENDATION

- 2.1 That the Committee agree the appointment of a Councillor to serve as the Council's Member Authorised Representative on the St. Paul's Way School Foundation Trust for the remainder of the Municipal Year 2009/2010.

3. BACKGROUND

- 3.1 On 13 January 2010 the Cabinet agreed proposals in relation to the establishment of a National Challenge Trust (NCT) at St. Paul's Way Community School.
- 3.2 NCTs are intended for schools where fewer than 30% of pupils are achieving 5 A*-Cs at GCSE (including English and Maths) and where it is agreed that replacement with an Academy is not an option. The key aim of an NCT is to use the experience, energy and expertise from partners as a lever to raise standards in schools.

- 3.3 An NCT is a charitable organisation that supports one or more schools by holding land and buildings on trust and appointing governors. The St. Paul's Way trust (to be known as the St. Paul's Way School Foundation Trust) will take the legal form of a company limited by guarantee under the Companies Act 1985 and able to qualify for charitable status.
- 3.4 The Cabinet has agreed that the Council shall become a member of the St. Paul's Way School Foundation Trust. The Trust's Articles of Association provide that each member shall appoint one director/trustee and the directors will be ultimately responsible for the management of the Trust. The articles also provide for general meetings of members (including an annual general meeting). Members are to be represented at general meetings by their Member Authorised Representative, who may be the same individual as their appointed director/trustee or a different individual.
- 3.5 The Cabinet on 13 January 2010 authorised the Corporate Director Children Schools and Families, after consultation with the Lead Member, to appoint the Council's director/trustee to the Trust; and agreed that the Council's Member Authorised Representative on the Trust shall be appointed by the General Purposes Committee.
- 3.6 The Committee is therefore now invited to appoint to this position. An appointment is required without delay as the first meeting of the Trust at which a Member Appointed Representative will be required is expected to take place before the next meeting of the Committee.
- 3.7 The respective political groups have been requested to submit nomination for this position. The Labour Group have nominated **Councillor Rachael Saunders**. Any further nominations received prior to the Committee will be tabled at the meeting.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 There are no financial implications arising from this report.

5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 5.1 It is proposed that the Council become a member of the St Paul's Way School Foundation Trust. The Council is empowered to do so in order to give effect to its functions as local education authority. The School Standards and Framework Act 1998 places restrictions on the voting rights that may be held by the Council and the proportion and voting rights of trustees appointed by the Council
- 5.2 The proposed NCT will take the form of a company limited by guarantee, which establishes charitable status under the Charities Acts. The memorandum and articles of association will be the key constitutional document of the Trust and is based on the standard model Trust recommended by government.

- 5.3 As a company limited by guarantee, the Trust will not have any shares and thus no shareholders. Instead, the Trust will have a limited number of members, who have a duty to manage the property of the Trust consistent with its object. The memorandum and articles state that the liability of the members of the Trust is limited to £10 per member. The memorandum of association sets out the proposed initial members. It is intended that the Council will be a member of the Trust, along with Queen Mary, University of London, The Institute of Education (University of London), King’s College London, The University of East London, Catlin Group Ltd and NHS Tower Hamlets. On the basis of the drafted articles, the admission of new members will require the unanimous approval of the trustees. It is proposed that membership will not be transferable. Members may be removed by the decision of the directors appointed by all other members.
- 5.4 The articles of association set out the object, powers, statement of liability and day to day management of the Trust. The Object of the Trust is *“to advance education for the public benefit and in particular to advance the education of the pupils at St. Paul’s Way Foundation School (the “School”) which is a Qualifying School, it being acknowledged that in carrying out the Object the Company must, so far as is consistent with this purpose, have regard to its obligation to promote community cohesion under the Education Acts”*. The powers of the Trust are expressed reasonably widely, so as to permit it to carry out its functions under the Education Acts. Those functions include holding the school property and appointing governors. The Trust will only be able to exercise its powers so as to achieve its charitable Object.

6. IMPLICATIONS FOR ONE TOWER HAMLETS

- 6.1 The proposals for an NCT at St. Paul’s Way School are designed to reduce inequalities, ensure strong community cohesion and strengthen community leadership.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)

- 7.1 There are no immediate SAGE implications arising from this report.

8. RISK ASSESSMENT

- 8.1 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