

CLACKMANNANSHIRE COUNCIL

Report to: Council

Date of Meeting: 12 May, 2016

Subject: Representation On Outside Bodies - Clackmannanshire Heritage Trust

Report by: Chief Executive

1.0 Purpose

- 1.1 The purpose of this report is to advise Council of a change to the constitution of the Clackmannanshire Heritage Trust (CHT, 'the company') which impacts on Council's representation on this outside body.

2.0 Recommendations

- 2.1 It is recommended that Council:

a) notes that it no longer has entrenched membership of the CHT and rights of nomination;

b) given changes in circumstances from when the CHT was established, agrees to terminate its membership of the company.

3.0 Background

- 3.1 The original Articles of CHT were established in 1988 in connection with the Alloa Tower Building Preservation Trust.

- 3.2 Those original Articles provided that the members of the company would comprise, among others, the Council, with further provision that the Council would also be members of the Board of Directors and would have the right to nominate one further member to the Board.

- 3.3 In June, 2012, Council nominated two elected members to be its representatives on the Board of CHT, those being councillors Balsillie and Stewart.

- 3.4 CHT has recently agreed a new set of modernised Articles which have implications for the Council.

4.0 Considerations

- 4.1 Following the disposal of Alloa Tower, CHT engaged in revising its constitution to take account of its changing role. As the Alloa Tower Building Preservation Trust was created for the sole initial purpose of saving and restoring Alloa Tower, the original Articles of CHT contained certain provisions so that the Council as one of the main instigators of the Tower project had key roles in the company and a protected position. Although relevant and appropriate in that context, these provisions are no longer seen as necessary or appropriate given that there is no longer financial support of CHT by the Council and the Management Agreement with National Trust for Scotland to which both the company and CHT were parties is now defunct.
- 4.2 Accordingly, the company has now updated its Articles so that the Council no longer has entrenched membership and rights of nomination.
- 4.3 Councillor Stewart has coincidentally notified me of his resignation from the Board of CHT. Councillor Balsillie has been invited to remain on the Board at the request of the CHT as an individual in his own right rather than by virtue of being a councillor. Going forward, however, CHT will no longer seek nominations from the Council to sit on its Board.
- 4.4 Given the evolution of CHT and changes set out in this report, there seems no reason why the Council should remain a member of the company; it is recommended, therefore, that the Council terminates its membership of CHT in recognition of these factors.

5.0 Conclusions

- 5.1 The action taken by CHT was done in consultation with the Council via the Board of Directors and the Chief Executive and is appropriate in light of the changed role of the Trust as well as Council's own ongoing review of its representation on outside bodies.
- 5.2 Council is asked to note the position and that it will no longer be entitled to representation on the Board of CHT. Council is also asked to terminate its membership of the company .

6.0 Sustainability Implications

N/A

7.0 Resource Implications

Financial & Staffing

N/A

8.0 Exempt Reports

8.1 Is this report exempt? No

9.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

N/A

10.0 Equalities Impact

N/A

11.0 Legality

N/A

12.0 Appendices

None

13.0 Background Papers

1 - Email from Clerk to CHT Board to Chief Executive, 21 January, 2016

author(s)

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