

## Arrangements for the appointment of members to Burnley Leisure Trust's board of trustees

### Report to Full Council



<b>DATE</b>	<b>23<sup>rd</sup> Feb 2022</b>
<b>PORTFOLIO</b>	<b>Leisure</b>
<b>REPORT AUTHOR</b>	<b>Simon Goff</b>
<b>TEL NO</b>	<b>01282 477223 or 07971 033197</b>
<b>EMAIL</b>	<b>sgoff@burnley.gov.uk</b>

#### PURPOSE

1. To propose to Full Council changes to arrangements for the nomination and appointment of Local Authority Trustees to the Burnley Leisure Trust's board.

#### RECOMMENDATION

2. Full Council is asked to consider changes to the nomination and appointment of Local Authority Trustees to the board of Burnley Leisure as outlined in section 9. of the report.

#### REASONS FOR RECOMMENDATION

3. To ensure that the partnership between the Council and Burnley Leisure is maintained through the effective participation on the board by Local Authority Trustees.

#### SUMMARY OF KEY POINTS

4. Burnley Leisure Trust is a company limited by guarantee, registered as a charity and was established to provide the following public benefits:
  - a) To provide or assist in the provision of both indoor and outdoor facilities in the interests of social welfare for recreation or other leisure time occupation of individuals who have need of such by reason of their youth, age, infirmity or disability, financial hardship or social circumstances or to the public at large with the object of improving their conditions of life.
  - b) To promote community participation in healthy recreational activities.
  - c) To provide or assist in the provision of community facilities to be available to all sections of the community without distinction, including use for meetings, lectures and classes and/or other forms of recreation

and leisure time occupation with the object of improving the conditions of life for all those who use the facilities.

d) To advance the education of the public in all aspects of dramatic art through the provision of a theatre.

e) Such other charitable purposes as the trustees in their absolute discretion may determine.

5. The Trust is governed by a board of up to 11 trustees, of which up to two are appointed by the Council as Local Authority Trustees. Burnley Leisure has the power to change the composition of Trustees under its constitution.

Under the Outside Bodies qualification criteria in the Council's constitution, the appointments for the two Local Authority Trustees are made at Appointments Council in May in each year and members serve for a term of one year. Currently nominations can be made from any elected member (except members of the Executive) There are no other qualifying criteria.

6. The role of a trustee

As a trustee of the charity, the role of the Local Authority Trustee is to contribute to the governance of the Trust and to act entirely in the best interests of the Trust and in accordance with the seven principles of public life (the Nolan principles):

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

The role requires attendance at five board meetings and two away days per year and to provide feedback to the Executive Member for Leisure following these meetings.

The Council provides a guidance manual for members and officers involved in outside organisations.

7. Burnley Leisure Partnership

The strategic relationship between the Council and Burnley Leisure is managed through Burnley Leisure Partnership meetings, which are held quarterly and are attended by the Chair and Vice-Chair of Burnley Leisure, the Executive Member for Health and Wellbeing, the Trust's Chief Executive and Council officers.

8. Improving the contribution of trustees

The Partnership has reviewed the role of the Local Authority Trustee and has identified that some change is needed. In particular there needs to be greater continuity, with trustees serving a longer term and it is noted that there have been 18 different Councillors appointed as Local Authority Trustees in the last 8 years, whilst among the other 7 trustees there have been only 9 changes of trustee.

9. New proposal

To ensure that Trustees have greater continuity in the role, it is proposed that the two Trustees who are nominated by the Council will be appointed for a term of two years and three years respectively. Whilst initially the two Trustees will both appointed at the same time, thereafter, appointments will be staggered and be for a term of two years.

This will need a change to the Outside body's qualification criteria in the Council's constitution.

In addition Burnley Leisure Partnership proposes that the following change to the nomination process of Trustees would help ensure that the Local Authority trustees make an effective contribution:

- a) Members who are interested in putting themselves forward as Local Authority trustees will be invited to attend a briefing session organised by Burnley Leisure at which the role and responsibilities will be discussed and provide an opportunity for fact finding by prospective trustees. In addition, Burnley Leisure will ask members who have attended the briefing session to give an assurance that if elected as a Local Authority they will fully commit to the role and use all reasonable endeavours to attend each board meeting.
- b) Only those members who have attended the briefing session and provided the assurance set out in a) will be entitled to be nominated to the two Local Authority Trustee positions. Applications to become trustees will remain open to members from any political party (with the exception of members of the Executive). Changes will be made to the qualification requirements set out in the Outside Body section of the Constitution. It is proposed that Group Leaders will take responsibility for putting forward only those candidates who have satisfied the new eligibility criteria for the Local Authority Trustee positions.
- c) A role description will be provided by the Trust, which clearly sets out the role and responsibilities of trustees and any specific skills which are desirable.

- d) The Trust will prepare an induction pack for new trustees providing information about the Trust, including its charitable purposes, operations, strategic plan, etc. and will provide a tour of facilities on appointment.
- e) Member Structures Working Group on 10<sup>th</sup> February 2022 recommended that the appointments be delayed until July 2022 to allow full implementation of the new arrangements proposed in Paragraph 9 a) to d).

10. Alternative options considered

Before settling on the proposals outlined above, the Partnership considered other options as outlined below:

Option	Reasons for rejection
Maintain the current arrangement	The annual appointment means that trustees don't spend long enough on the board to make an effective contribution and a lack of commitment of some trustees results in non-attendance at board meetings
No representation on board	The valuable links between the Council and BLC would be weakened and the input of elected members in representing the views of local residents would be lost.
Executive Member for H&W and a council officer nominated as trustees	This would create a conflict of roles and compromise their ability to make decisions about the Trust on behalf of the Council and be contrary to Charity Commission's guidance on the role of charity trustees.

Implementing the recommendations

11. It is proposed that following consultation with 10<sup>th</sup> February 2022 Member Structures Working Group the recommendations as set out in Paragraph 9 will be submitted for approval by Full Council and if approved, the changes to the to the appointment of trustees will take effect from July 2022.

<b>FINANCIAL IMPLICATIONS AND BUDGET PROVISION</b>
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12. None

<b>POLICY IMPLICATIONS</b>
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13. An effective partnership between the Council and the Burnley Leisure Group will ensure that Burnley’s residents are provided with the best possible leisure facilities and activities to enable them to maintain their health and wellbeing

<b>DETAILS OF CONSULTATION</b>
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14. Member Structures Working Group-

<b>BACKGROUND PAPERS</b>
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15. [Burnley Borough Council Constitution](#)

<b>FURTHER INFORMATION</b>
<b>PLEASE CONTACT:</b> Simon Goff
<b>ALSO:</b>