

# REPORT TO COUNCIL

REPORT OF: Portfolio Holder for Economic Development

REPORT NO.: PLA673

DATE: 6 September 2007

<b>TITLE:</b>	Nomination for Member to represent the Council on the Elsea Park Bourne Board of Trustees
<b>FORWARD PLAN ITEM:</b>	n/a
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	n/a
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	n/a

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	Councillor Frances Cartwright: Economic Development Portfolio Holder	
<b>CORPORATE PRIORITY:</b>		
<b>CRIME AND DISORDER IMPLICATIONS:</b>	None	
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	This report is publicly available on the council's website via the Local Democracy link	
<b>INITIAL EQUALITY IMPACT ASSESSMENT</b>	<b>Carried out and appended to report?</b> No	<b>Full impact assessment required?</b> No
<b>BACKGROUND PAPERS:</b>	None	

## **1. INTRODUCTION**

This report is to inform members of the entitlement for a member to be nominated to join the Board of Trustees of the Elsea Park Community Trust in Bourne.

## **2. RECOMMENDATIONS**

**This report recommends:**

**That council approve the nomination of a member to represent the Council on the Elsea Park Community Trust**

## **3. DETAILS OF REPORT**

The section 106 agreement that was negotiated for the Elsea Park Development in Bourne required a Community Trust to be set up to look after the interests of the people who live and work in Elsea Park.

Each residential unit on Elsea Park pays an annual fee to the trust to administer such aspects as to advance education and to provide facilities in the interests of social welfare for recreation and leisure time use with the object of improving the conditions of life for the inhabitants.

This will include such areas as the establishment of a community centre, promotion of transport initiatives, maintenance and management of open spaces, play spaces and amenity land.

The Articles of Association of Elsea Park Community Trust allow one person nominated by South Kesteven District Council to be on the Board of Trustees.

Although the Trust has been set up and operating for some time the Council has not had a representative on the Board.

This report seeks to redress this situation by requesting that the Council agrees a nomination.

## **4. OTHER OPTIONS CONSIDERED AND ASSESSED**

The only other option is for the council to refuse a place on the board of trustees. This would leave the residents of Elsea Park without district council representation and the Council unable to provide an input into the running of this important organisation for the development.

## **5. COMMENTS OF SECTION 151 OFFICER**

I have no specific financial comments to make regarding the contents of this report.

## **6. COMMENTS OF MONITORING OFFICER**

The appointment is as a trustee. Any member appointed must make themselves aware of the terms of the trust deed and ensure they act in accordance with that deed to protect the assets of that trust. Trustees must not profit from their appointment.

Trustees can be personally liable to third parties for the actions of the trust. Any appointee should ensure they obtain an indemnity from the trust to cover such liability where they have acted properly in accordance with the wishes of the trust when incurring liability. The Trustee must insure the Trust has insurance in place to cover such liability.

A personal interest of such a position must be registered. Under the proposed new code of conduct for members, if adopted, there is an exemption from declaring a personal interest when the interest arises solely from the member's membership on any body to which they have been appointed or nominated by the authority. In this case, provided the member does not have a prejudicial interest, they need only declare their interest if they speak. If the member does not want to speak to the meeting, they may still vote on the matter without declaring a personal interest.

## **7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

None

## **8. CONCLUSION/SUMMARY**

This report seeks to ask Council to nominate a member to represent South Kesteven District Council on the Elsea Park Community Trust

## **9. CONTACT OFFICER**

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