



**LEE VALLEY REGIONAL PARK AUTHORITY**  
**AUTHORITY MEETING**  
**20 OCTOBER 2016 AT 14:00**

**Agenda Item No:**

**6**

**Report No:**

**A/4235/16**

## **AUTHORITY APPOINTMENT TO LEE VALLEY LEISURE TRUST LIMITED**

Presented by the Director of Corporate Services

### **SUMMARY**

Further to the establishment of Lee Valley Leisure Trust Limited the Authority is able to appoint up to three Trustees to the Board. Under the rules of the Trust such appointments are made for a period of three years. The current term of office for one of these appointments which relates to one of the original Trustees on the Trust Board will end on the 22<sup>nd</sup> November 2016. This report sets out the rules relating to nominations for appointment to the Trust Board and asks Members to consider whether the Authority wishes to make a nomination to the Trust Board.

### **RECOMMENDATION**

- Members Approve:
- (1) the appointment of John Bevan as an Authority appointed Trustee to Lee Valley Leisure Trust Limited; and
  - (2) delegation to the Director of Corporate Services in conjunction with the Chairman to arrange for service of Notice to the Trust at the appropriate time for the termination of Authority appointed Trustees to end no later than 22 September 2017.

### **BACKGROUND**

- 1 At its meeting in November 2013 (paper A/4176/13) the Authority agreed to create an Industrial Provident Society (IPS) vehicle – Lee Valley Leisure Trust Limited, which is now trading as Vibrant Partnerships (the Trust). Due to legislative changes the Trust is now a registered society under the Co-operative and Community Benefit Societies Act 2014.
- 2 The Authority appointed 3 founding Trustees, Derrick Ashley, Paul Osborn and John Bevan, on 22 November 2013 to act as the board of management (the Trust Board) and thus enabling signatories for the registration paperwork and for the purpose of getting the Trust incorporated and registered as an IPS.

- 3 Following establishment of the Trust and recruitment of independent Trustees, 2 of the Authority founding Trustees, Derrick Ashley and Paul Osborn (who were the Authority Chairman and Vice Chairman) resigned as Trustees on 22 September and 24 September 2014 respectively.
- 4 Following these 2 resignations the Authority appointed Linda Haysey as Trustee on 22 September 2014.
- 5 The Trust rules state that the society shall have a board of management comprising up to nine Board Members (the Trust Board) , 1 of which may be an executive officer of the society (Managing Director), up to 3 of which will be Authority appointments and 5 independents.
- 6 The Trust rules also stipulate that Authority appointed Trustees shall be appointed for a term of three years.
- 7 Therefore the term of office of the remaining founding Trustee, John Bevan, terminates on 22 November 2016.

#### **AUTHORITY APPOINTMENTS TO THE TRUST BOARD**

- 8 The Authority is entitled to nominate up to 3 people for appointment as Trustees to the Trust Board, these can be Members or external persons who have some connection with the Authority, with the required skills mix.
- 9 The rules of the Trust set out that Trustees to the Board will not automatically have a conflict of interest because they are also Members of the Authority. There would only be potential conflicts of interest with their role on the Authority when negotiations on the management contract and specification/details of the management fee commence.

#### **NOMINATION OF AUTHORITY APPOINTMENT TO THE TRUST BOARD**

- 10 To ensure continuity for the Trust at this time it is proposed that the Authority re-appoints the remaining founding Trustee (John Bevan) for a further 3 year period in accordance with the Trust rules. Following a recent Trust Board meeting the Trust have also requested that John Bevan be considered again as an Authority nominated Trustee and would wish the Authority appointments to be made co-terminus going forward. Should the Authority make this appointment to the Trust Board it would commence on 23 November 2016.
- 11 If a further nomination is made as set out in paragraph 10 above it is recommended that the Authority also consider at the same time or at a later date giving the Trust notice of termination of this appointment to coincide with the end of the other Trustee appointment (Linda Haysey) which ends on 22 September 2017. This would then mean any future appointments could be co-terminus. Please note that this would not preclude either of these current Members being nominated for a future Trust appointment.
- 12 For Members to note. It is recognised that all Authority Members term of office ends on 30 June 2017. Under the Trust rules the Authority is able to terminate its Authority nominated Trustees at any time. If the situation arose whereby the Authority nominee was no longer an Authority Member then the Authority could consider whether to terminate its nominated appointments to the Trust Board.

**ENVIRONMENTAL IMPLICATIONS**

13 There are no environmental implications arising directly from the recommendations in this report.

**FINANCIAL IMPLICATIONS**

14 There are no financial implications arising directly from the recommendations in this report.

**HUMAN RESOURCE IMPLICATIONS**

15 There are no human resource implications arising directly from the recommendations in this report.

**LEGAL IMPLICATIONS**

16 Some of the legal implications are dealt with in the body of the report. In addition it should be noted that the Authority has 3 nominees to the Trust Board of its total of 9 Trustees to ensure that it does not impact on the charitable status of the Trust by asserting too much control over the Trust Board. The Authority is advised not to nominate a third Trustee at this time due to the fact that the Managing Director of the Trust is a Trustee. This officer is currently seconded from the Authority to the Trust and as such remains an associated person of the Authority.

**RISK MANAGEMENT IMPLICATIONS**

17 There are no risk management implications arising directly from the recommendations in this report.

**EQUALITY IMPLICATIONS**

18 There are no equality implications arising directly from the recommendations in this report.

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**BACKGROUND REPORTS**

Rules of Lee Valley Leisure Trust Ltd

**PREVIOUS COMMITTEE REPORTS**

Authority	A/4176/13	A new organisational model for the Lee Valley Regional Park Authority	21 November 2013
Authority	A/4192/14	Recruitment of Trustees to the Lee Valley Leisure Trust Board and Authority Appointments	31 July 2014

**LIST OF ABBREVIATIONS**

the Trust	Lee Valley Leisure Trust Ltd trading as Vibrant Partnerships
IPS	Industrial Provident Society

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