

North Tyneside Council

Report to the Outside Bodies Committee

Date: 21 May 2013

ITEM 5

Title: Appointment of representative governor to the Kettlewell Educational Foundation

Report from:	Law and Governance	
Report Author:	Elizabeth Kerr, Governance Services	(Tel: 0191 643 5322)
Wards affected:	Chirton, Collingwood, Cullercoats, Riverside, Preston and Tynemouth	

PART 1

1.1 Purpose:

To inform Outside Bodies Committee of a vacancy in the position of representative governor of the Kettlewell Educational Foundation and to recommend an appointment to the position be made mid-term.

1.2 Recommendations:

The Outside Bodies Committee is recommended to:

1. Appoint a representative governor to the Kettlewell Educational Foundation to serve for a period of one year to enable the appointment of all four representative governors in 2014 at the end of the current term of office of the remaining three representative governors.

1.3 Information:

- 1.3.1 Thomas Kettlewell was a North Shields shipowner who died in 1824. In his Will he directed his trustees to use the proceeds of his estate to provide for the needs of young people in the area, particularly their education. Initially the Trust oversaw the construction and management of the Kettlewell School, a charity school built in George Street, North Shields and opened in 1826. When the School was taken under the control of the Board of Education of the former County Borough of Tynemouth in May 1906 the trust fund was used to establish the Kettlewell Educational Foundation. Originally the Foundation awarded grants to young people from Tynemouth to pay for their tuition fees at schools or institutions approved by the Governors of the Foundation. Since 1969, awards have been available for not only academic and vocational studies but also to assist those interested in music, arts and sport.
- 1.3.2 To be eligible for an award applicants must be under the age of 25 years and must have been resident in the former County Borough of Tynemouth (North Shields, Cullercoats or Tynemouth) for at least two years.

- 1.3.3 The Board of Governors consists of seven persons, four representative governors appointed by North Tyneside Council for a term of three years and three co-opted governors, appointed by the representative governors for five years. When there are any vacancies the governors will be informed and any governor may be re-appointed. A governor does not have to be a member of the appointing body, i.e. not necessarily an elected member of the authority.
- 1.3.4 The residue of the net yearly income of the Foundation (or any other amount which the governors might see fit to award) shall be applied by the governors in one or more of the following ways for the benefit of persons of either sex who, in the opinion of governors are in need of financial assistance:
- a) In awarding of scholarships, bursaries, maintenance allowances or grants tenable at any school university or other place of learning approved by the governors.
 - b) In providing financial assistance, outfits, clothing, tools, instruments or books to help beneficiaries on leaving school, a university or any other educational establishment to prepare for, or to enter a profession, trade or calling by means of a serious course of study.
 - c) In providing financial assistance, outfits, clothing, tools, instruments or books to help beneficiaries on enter a profession, trade or calling after a serious course of study;
 - d) In awarding scholarships or maintenance allowances to enable beneficiaries to travel abroad to pursue their education;
 - e) In providing or assisting the provision of facilities of any kind not normally provided by the Local Education Authority for recreation and social and physical training including the provision of coaching any athletic sports and games for beneficiaries receiving primary, secondary or further education ;
 - f) In providing financial assistance to enable beneficiaries to study music or other arts.

The Board meets at least once a year to consider applications received and receive a financial statement.

- 1.3.5 Four representative governors were appointed by the Outside Bodies Committee in May 2011. Sadly one of the governors has died which has created a vacancy.
- 1.3.6 The three representative governors are Norma Redfearn - Elected Mayor, Mary Glindon MP and Colin Finlay.
- 1.3.7 There are no co-optative governors (usually an officer from the Children, Young People and Learning Directorate) as the last appointee resigned his position when he left the authority in November 2012.
- 1.3.8 For a meeting of the Foundation to be quorate, three governors (of any designation) must be present. With the membership as it currently stands, there is a risk that any meeting could be inquorate; the appointment of a new representative governor would

increase the likelihood that all future meetings of the Foundation would be quorate and able to proceed with business.

1.3.9 The appointment of a co-optative governor is decided by the Representative Governors; the Outside Bodies Committee cannot appoint a co-optative governor.

1.3.10 An application for assistance from the Foundation has been received and a meeting of the governors will need to be called in the near future.

1.4 Decision options:

1.4.1 There are two options available to the committee:

- 1) To continue with the membership of the body of representative governors as it currently stands.
- 2) To appoint someone as a representative governor to the Foundation.

Option 2 is the recommended option.

1.5 Reasons for recommended option:

Having only three representative governors with no cooptative governors on the Foundation puts any meeting of the Foundation at risk of being inquorate. An appointment of another representative governor would increase the likelihood that all future meetings of the Foundation would be quorate and able to proceed with business.

1.6 Appendices:

None

1.7 Contact officers:

Elizabeth Kerr, Democratic Services Officer Tel: 0191 643 5322

1.8 Background information:

The following papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

- Outside Bodies Committee minutes 23 May 2011
- Scheme for Regulation of the Kettlewell Educational Foundation

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The proposal does not have direct financial implications for the authority.

2.2 Legal

The Outside Bodies Committee has the power to make appointments to outside bodies, on behalf of Council, which exercise non-executive functions (Article 6 of the Council's Constitution).

The appointment of a Member to an outside body may create liabilities for the Member (personally) and the Council (corporately). It is important that Members in the discharge of their responsibilities on outside bodies act in good faith and within the powers and responsibilities of the outside body. Members will normally be indemnified under the Council's adopted scheme of indemnification for any liabilities that flow from their appointment to an outside body. To ensure that Members benefit from the scheme of indemnity, Members should seek prompt advice from officers should they consider that they have any conflict of interest in discharging their duties on an outside body or if they are concerned that the body may be acting in a potentially unlawful way.

2.3 Consultation/community engagement

The member approval process, at the Outside Bodies Committee meeting, provides the key element to the consultation process.

2.4 Human rights

The proposal does not have direct implications in respect of the Human Rights Act 1998.

2.5 Equalities and diversity

The proposal does not have direct implications in respect of equalities and diversity.

2.6 Risk management

As the recommendations are procedural and a recognised part of the business of appointing Members to outside bodies, no further risk assessment has been undertaken.

2.7 Crime and disorder

The proposal does not have direct implications in respect of crime and disorder.

2.8 Environment and sustainability

The proposal does not have direct implications in respect of the environment and sustainability.

Report author: Elizabeth Kerr, Democratic Services Officer