



General Purposes Committee
3rd May 2007

**Report from the Democratic
Services Manager**

For Action

Wards Affected:
ALL

Outside Bodies Changes

1.0 Summary

- 1.1 This report outlines three requests from organisations for appointments by the Council, which would affect the Council's current outside bodies list, requests that the committee make appointments to the two new outside bodies and considers whether the Council should agree to give up its right to make appointments to the Kingsbury Charity.

2.0 Recommendations

- 2.1 That a representative be nominated to serve on the Members' Council of the Central and North West London NHS Mental Health Trust;
- 2.2 That a representative be nominated to serve on the Board of Directors of the Chalkhill Community Centre;
- 2.3 That members consider the request from the trustees of the Kingsbury Charity to remove the Council's right to appoint two trustees to the organisation.

3.0 Detail

3.1 The Central and North West London NHS Mental Health Trust

The Central and North West London NHS Mental Health Trust is in the process of applying for Foundation Trust (FT) status, and has requested that an elected member of Brent Council be appointed as a governor to their Members' Council.

Please note:

- This representative **cannot** be a member of the Health Select Committee.

The letter requesting a nominated representative from the Council, a document outlining the role of governors in the Foundation Trust and the terms for qualification and disqualification for the Members' Council are attached as Appendix 1.

3.2 Chalkhill Community Centre

The Council has been asked to appoint one elected representative to the new Chalkhill Community Centre, which is due to open next Spring.

A letter from the Chair of the Chalkhill Community Centre Management Group requesting the nomination of an elected Brent representative is attached as Appendix 2.

3.3 Kingsbury Charity

Under the Charity Commission scheme governing the Kingsbury Charity, two trustees of the charity must be appointed by Brent. The trustees of the Charity have requested the termination of the Council's appointment rights.

3.4 The reason given by the Trustees for this request is that the original basis for including this requirement in the Scheme is no longer applicable. It has been explained that at the time of the establishment of the Kingsbury Charity, the Council did not charge rates on the property of the charity, including its almshouses. Since then the rating system has changed (although there are some exemptions available to charities) and council tax is payable by residents of almshouse. It is the opinion of the trustees that they should no longer be restricted in their appointment of future trustees.

3.5 However, the trustees do not have the power to amend the provisions concerning appointment of trustees in the Scheme governing the charity. The Charity Commission can make an order to amend the current arrangements for the appointment of trustees but before doing so have requested a letter from Brent Council consenting to the termination of its appointment rights.

Letters from the Honorary Secretary to the charity and the Charity Commission, as well as the draft Charity Commission order to amend the trustee appointment arrangements for the charity, are attached Appendix 3.

3.6 The Kingsbury Charity has as its objects the provision and maintaining of alms houses for the needy and chronically ill and the relief of need and sickness

generally in the Kingsbury area. It is not permitted to incur expenditure to relieve public funds although it can spend income in supplementing relief or assistance provided out of public funds. Officers in Housing and Community Care have been consulted about this request and do not consider that there are any reasons why it would not be in the Council's interest to agree to it.

3.7 The Council last appointed trustee to the Kingsbury Charity in May 2006. The appointments are for a four year period under the Scheme governing the charity. It is not clear whether if the changes were made, the Councillors currently appointed to the Charity would remain trustees for a further three years, unless they choose to resign in accordance with the Scheme. Members might like to consider whether they wish to agree to give up their right to nominate, subject to the existing trustees being able to complete their existing term.

4.0 Financial Implications

There are none.

5.0 Legal Implications

There is a requirement under Schedule 1 paragraph 9(4) of the Health and Social Care (Community Health and Standards) Act 2003 that at least one member of the Board of Governors of a Foundation Trust corporation be appointed by a local authority for the area of the Foundation Trust.

6.0 Diversity Implications

The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

Background Papers

The Scheme of the Charity Commissioners, dated 2nd October 1986, which is the governing document of the charity.

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