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Date: 21 November 2008

Dear Councillor

**SELECTION AND MEMBER SERVICES COMMITTEE - WEDNESDAY, 26 NOVEMBER 2008**

I am now able to enclose, for consideration at next Wednesday, 26 November 2008 meeting of the Selection and Member Services Committee, the following report that was unavailable when the agenda was printed. The Chairman has agreed that this will be taken as an item of Urgent Business.

**Agenda No    Item**

6.     Appointing a KCC Representative to the Turner Contemporary Trust (Pages 1 - 2)

Yours sincerely



**Peter Sass**  
**Head of Democratic Services & Local Leadership**

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To Selection and Member Services Committee

By: Mr. Mike Hill, Cabinet Member for Community Services

Subject: Appointing a KCC Representative to the Turner Contemporary trust

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**Summary:** To seek approval to appoint Mr. David Brazier as the KCC trustee on the Turner Contemporary trust

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## **1.0 Background**

1.1 The most efficient governance arrangement for the future operation of Turner Contemporary is to establish an independent charitable trust that will be leased the gallery building for a peppercorn rent. The Trust will be responsible for all of the operations of the organisation including artistic programme, education and outreach, staffing, marketing and trading activities

1.2 A Chair of the trust, John Kampfner, was appointed following a rigorous recruitment process including the County Council, Arts Council England (ACE) and Thanet District Council (TDC). Since his appointment, the Chairman has been responsible for establishing the trust including the appointment of trustees. Adverts were placed in both local and national media which generated an excellent response of high quality candidates. The trustees will also be the directors of the charitable company.

1.3 The County Council will have a position on the board of trustees, written into the Memorandum and Articles of Association, the organisation's governing documents. KCC retains the responsibility for choosing the trustee.

1.4 The first meeting of Turner Contemporary trustees is scheduled for 25<sup>th</sup> November, at which they will adopt the Memorandum and Articles of Association. Following this meeting the charitable company will be established and an application to the Charity Commission submitted. It is because of this process, that this urgent item has been brought to the Selection and Member Services Committee.

## **2.0 Appointing a County Council Trustee**

2.1 The Director of Law and Governance has advised that to protect against conflicts of interest, it is most appropriate that the County Council trustee is not directly associated with the project.

2.2 Except for the method of appointment, the County Council trustee will be subject to the Turner Contemporary trust's governing document in its entirety and will have the same duties and responsibilities as any other trustee.

2.3 The County Council trustee will be eligible for retirement or reappointment after three years from the incorporation of the charitable company, unless the County Council chooses to change the representative in the intervening period.

2.4 It is proposed that Mr. David Brazier is appointed as the first County Council trustee on the Turner Contemporary trust. Mr. Brazier is currently the Chairman of trustees for the Museum of Kent Life and sits on the Board of the Kent Music School. He has a good understanding of Turner Contemporary and the outcomes of what the project is seeking to achieve.

### **3.0 Recommendation**

3.1 To approve Mr. David Brazier as the County Council trustee on the Turner Contemporary trust

*Richard Morsley  
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