

By: Joel Cook – Democratic Services Manager

To: Selection and Member Services Committee – 1 December 2022

Subject: Outside Body appointment – Cranbrook School Trust

Summary: Selection and Member Services considers and determines appointments to Outside Bodies. A request has been made for clarification on the KCC appointment to the Cranbrook School Trust – the details are set out below.

1. Introduction

(1) The Committee is charged with making appointments to outside bodies on behalf of the County Council. The Local Government and Housing Act 1989 political proportionality principles do not apply to these appointments, but in recent years it has been the County Council's convention that appointments should be shared between the political groups on, so far as possible, a proportional basis.

(2) In September 2021, the Committee either made or confirmed a range of relevant Outside Body appointments. This included the appointment of one KCC Member to the Cranbrook School Trust. The individual Member selection to determine the person who will act as the KCC representative on Outside Bodies is, in practice, delegated to the Chief Whip (where representation is expected to be from the largest political group).

(3) The Trust Deed for the Cranbrook School Trust allocates two seats to the Council. In practice, the second seat has historically not been taken up by KCC and has on occasion been filled by a non-KCC representative identified by the School and it should be noted that, as per the above paragraph, this Committee only made one appointment when determining Outside Body appointments in 2021. Due to the discrepancy between the Trust Deed and the recorded Outside Body appointments made by the Committee, arising out of good faith and continuation of accepted albeit informal arrangements, it is appropriate for the matter to be revisited formally and for the management arrangements to be clarified.

(4) Therefore, to allow for smooth future management of this outside body situation and to provide clarity, it is recommended that the Committee confirm the Council's position on the use of the second seat legally allocated to the Council under the Trust Deed. The Committee may either determine that the Council will take up the seat open to them under the Deed and ask the relevant Political Groups to manage individual Member selection or the Committee can decide to confirm the existing arrangement that permits the School to nominate a non-KCC Member as a representative on the Trust in the relevant seat.

2. Recommendations

The Committee is asked to consider:

- (a) Allowing one seat, currently allocated to KCC under the School's Trust Deed but as yet not taken up, to be filled by a non-KCC person nominated by the Trust.
- (b) Delegate authority, in consultation with the Chair of Selection and Member Services Committee (and Chief Whip where appropriate) to the Democratic Services Manager, to implement this decision and update and manage the Outside Body Appointment lists to align confirmed appointments with existing Outside Body membership arrangements.

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