

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Thursday, 29 June 2017

Present: Councillor M McLaughlin (Chair)

Councillors P Stuart P Gilchrist
C Blakeley B Kenny
G Ellis Jones

Independent Member Prof R Jones

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ron Abbey, Bill Davies and John Hale.

9 DECLARATIONS OF INTEREST

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Councillor Phil Gilchrist and Independent Member Professor Ron Jones declared a personal interest in relation to the item of business below by virtue of knowing one of the Trustee applicants.

10 CALLISTER YOUTH CLUB

Colin Hughes, Group Solicitor (Corporate) introduced the report of the Assistant Director: Law and Governance that updated the Committee on developments since its decision on 6 July 2016 to consider, after receiving further advice from the Charity Commission, the future use or disposal of Slatey Road; the appointment of new trustees of the Club; or the transfer of the properties to another suitable charity subject to any necessary consents from the Charity Commission.

The Group Solicitor informed that objections had been received to the proposal to change the objects of the Trust when advertised in the local press on 23 November 2016.

The Committee was requested to determine whether it should retire from the Trust and if so what steps should be taken to appoint replacement Trustees. Members noted that six residents of Birkenhead had offered to become

Trustees of the Trust in substitution for the Council (which had a potential conflict of interest as a result of its use of the Trust's premises in 19 Argyle Street, Birkenhead).

The Group Solicitor informed that the proposed transfer of Trustee responsibilities was required to avoid a continuation of the conflict of interest over the Council's occupation of the Trust's premises at 19 Argyle Street for the use of its Response Service. He further informed that the proposed payment of an annual sum of £14,000 to the Trust for the Council's use of 19 Argyle Street was based on the market rent estimated by independent valuers.

The Committee noted that the decision on the future use of Slatey Road involved a complex consideration of a number of relevant factors and therefore the Council should not tie the hands of future Trustees by making a decision now, and a decision on the change of the objects of the Trust should again be left to the new Trustees who would be responsible for running the Trust.

Members also noted that, although the six candidates for Trustees have completed questionnaires, the Charity Commission's general guidance, as confirmed with the Group Solicitor, was that applicants wishing to become Trustees should be interviewed by the existing Trustees prior to any decision on appointment being made in order to clarify any matters and ascertain whether there were any conflicts between the interests of the Trust and those of the applicant(s).

Members discussed the most practical method for candidate interviews, and agreed that a cross-party panel comprising 3 Elected Members be established for the purpose, and a suitable date for interviews in September be arranged i.e. after the summer holiday period.

Resolved -

RECOMMENDATIONS TO COUNCIL

- (1) that the transfer of Council's trusteeship of the Callister Youth Club to new Trustees, to avoid a continuation of its conflict of interest over 19 Argyle Street (Birkenhead) be agreed;**
- (2) that Council's decisions to pay into the bank account of the Trust an annual sum equal to the market rent for 19 Argyle Street (currently estimated to be £14,000) be reaffirmed;**
- (3) that Council note the valuation obtained for the Trust's premises in Slatey Road, Birkenhead but defers any decision on its future disposal or use pending the appointment of new Trustees; and**

- (4) that Council defers any decision on a change to the objects of the Trust pending the appointment of new Trustees.

The Standards and Constitutional Oversight Committee further:

Resolved – That

- (5) a Sub-Committee to interview the six applicants who have offered to become Trustees of the Callister Youth Club be established, comprising:

Cllr M McLaughlin (Labour)
Cllr C Blakeley (Conservative)
Cllr P Gilchrist (Liberal Democrat); and

- (6) if applicants be considered eligible and suitable, the sub-committee shall have the delegated powers to instruct the Assistant Director: Law and Governance to take the necessary steps to appoint all or any of them as Trustees in substitution for the Council; or
- (7) should the Sub-Committee resolve not to appoint any or all of the six applicants as Trustees it shall have the delegated authority to advertise in the local press and/or in any other appropriate way for candidates to be considered for the role of Trustees of the Callister Youth Club; and that such outcomes be reported back to this Committee.

11 **EXCLUSION OF THE PRESS AND PUBLIC**

The Standards and Constitutional Oversight Committee gave consideration to whether discussion on the exempt documentation relating to the financial affairs of the Callister Youth Club and information relating to individuals should be held in the presence or in the absence of the press and public. The Assistant Director informed that, in the light of the information contained in the appendices his advice was to consider the information in private session. He also advised the Panel to consider this in the light of the public interest.

Resolved - That under section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 3 and 1 of Part I of Schedule 12A (as amended) to that Act in that it contains commercially sensitive information. The Public Interest test has been applied and favours exclusion.

12 **CALLISTER YOUTH CLUB**

The Standards and Constitutional Oversight Committee gave consideration to documentation relating to the financial affairs of the Callister Youth Club and information relating to individuals.

Resolved – That

- (1) the report's appendices be noted; and**
- (2) arrangements be confirmed for the candidate interviews.**