

SELECTION & CONSTITUTIONAL REVIEW COMMITTEE
12 JANUARY 2012
REPORT OF HEAD OF LEGAL & DEMOCRATIC SERVICES
ASHFORD'S FUTURE COMPANY LIMITED
'FOUNDING MEMBER' DECISIONS

1. The Borough Council is the sole remaining member of the Ashford's Future Company. The business of the company has been wound-down in accordance with previous decisions of the Council.
2. Operational company decisions are normally made by Directors. Certain types of key decisions must be made by company members as opposed to Directors. In the past the councillor nominated to act as Director has also been appointed/authorised to make any necessary company member decisions on behalf of the Council (in consultation with the Chief Executive and Leader, if relevant).
3. Bearing in mind the current circumstances of the company, it would be sensible to appoint an 'alternate' councillor to make any necessary company member decisions where the Leader of the Council is unable or unavailable to act for any reason (including in circumstances where he has or may have a conflict of interest for example a conflict with his role as Director). This "alternate" councillor should make any such decisions in consultation with the Chief Executive, as before. But it would not be appropriate to consult with the Leader in these circumstances. Therefore, should the Chief Executive be unavailable or unable to act, the Head of Legal and Democratic Services would fulfil this role of consultee.
4. It is recommended that the Committee resolve to appoint Cllr Feacey as the councillor to make company member decisions on behalf of the Council, in consultation with the Chief Executive (or if the Chief Executive is unavailable or unable to act, the Head of Legal and Democratic Services) in the circumstances set out above.

T W MORTIMER
December 2011