

COUNCIL

Appointment to Outside Body – Lancaster University Council 16th November 2011

Report of the Head of Governance

PURPOSE OF REPORT

To enable Council to reconsider its appointment of a representative on the Lancaster University Council.

This report is public

RECOMMENDATIONS

- (1) **Council is asked to reconsider its appointment of a representative on the University Council**

1.0 Introduction

- 1.1 Members will recall that at the meeting on the 15th June 2011, a number of appointments to outside bodies were made. One of these was in respect of the Lancaster University Council, and Councillor Paul Aitchison was appointed.
- 1.2 When notified of the appointment, the Secretary of the University wrote to the Head of Governance indicating that the nomination was invalid because Councillor Aitchison is a student at the University, and the City Council's power to nominate a member of the University Council is conditional upon the appointment being "lay", that is, reserved for individuals who are not only City Councillors but are also not staff or students of the University.
- 1.3 The Head of Governance examined the statutes and ordinances of the University, but was unable to find any specific requirement for the City Council's appointment to be "lay". It was noted that in the list of council members on the University's website, the City Council's representative appeared separately, and not under the heading of "lay members" and was referred to as being appointed "solely by Lancaster City Council", which implied that the appointment was at the City Council's sole discretion. It was further noted that the acceptance of Councillor Aitchison's appointment would not mean that the lay members would be outnumbered by university staff and students. The Head of Governance therefore raised these points with the University Secretary, and sought further clarification as to why the nomination was considered to be invalid.
- 1.4 The Secretary confirmed that there was no express requirement in the University statutes for the appointment to be "lay", but noted that the City Council had in practice nominated lay members to the council for over forty years, and had agreed in the past to take into account the job specification and the required capabilities for council membership. If the City Council

nominated member was not lay, the lay majority would only be one, which, in the view of the University, was not sufficient, as inevitably there are occasions when lay members are unable to attend meetings and it would be unacceptable that there should be no lay majority. On a regular basis, there are discussions of reserved business for which student members of the council are required to withdraw, and the position of the City Council nominee, if a student, would in the University's view be compromised in this situation.

2.0 Proposal Details

- 2.1 The position is, therefore, that the University will not accept the Council's current appointment, and the Council needs to reconsider its position

3.0 Options and Options Appraisal

- 3.1 Option 1 would be to accept the University's requirements and to withdraw the nomination of Councillor Aitchison, and nominate at this meeting a member who is not a student or member of staff at the University, to represent the City Council on the University Council. This would be the most straightforward solution and would enable the Council to be represented on the University Council. However, the Council would in effect be conceding that it does not have sole discretion as to its appointment to this body.
- 3.2 Option 2 would be to note that the Council's nomination of Councillor Aitchison is unacceptable to the University, and to withdraw the nomination but decline to make any other nomination. This would mean that the Council would lose the opportunity to be represented on or to make any contributions to the work of the University Council, and could jeopardise the future relationship between the Council and the University.
- 3.3 Option 3 would be to confirm the nomination of Councillor Aitchison. However, This option could still lead to the Council not being represented on the University Council

4.0 Conclusion

- 4.1 The views of Council are sought.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None directly arising from this report.
LEGAL IMPLICATIONS None arising directly from this report
FINANCIAL IMPLICATIONS None arising directly from this report.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has prepared this report in her capacity as Head of Governance, and has no further comments

BACKGROUND PAPERS

None

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