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<b>Report To:</b>	<b>Inverclyde Council</b>	<b>Date:</b>	<b>28 September 2023</b>
<b>Report By:</b>	<b>Head of Legal, Democratic, Digital &amp; Customer Services</b>	<b>Report No:</b>	<b>LS/096/23/IS</b>
<b>Contact Officer:</b>	<b>Iain Strachan</b>	<b>Contact No:</b>	<b>01475 712113</b>
<b>Subject:</b>	<b>George Wyllie Foundation – Elected Member Representation</b>		

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## **1.0 PURPOSE AND SUMMARY**

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to advise the Council of Councillor McGuire's resignation from their position as a trustee of the George Wyllie Foundation and to seek agreement that the Council does not nominate a replacement trustee.

## **2.0 RECOMMENDATIONS**

2.1 It is recommended that the Council notes Councillor McGuire's resignation as a trustee of the George Wyllie Foundation.

2.2 It is recommended that the Council agrees that no Elected Member should be nominated to replace Councillor McGuire as a trustee of the George Wyllie Foundation.

**Iain Strachan**  
**Head of Legal, Democratic,**  
**Digital & Customer Services**

### 3.0 BACKGROUND AND CONTEXT

- 3.1 The George Wyllie Foundation (GWF), exists to protect and promote the works of local artist George Wyllie. The GWF has worked closely with the Council on the development of Greenock Ocean Terminal which includes a permanent gallery to display George Wyllie works.
- 3.2 The GWF previously requested that an Elected Member join it as a trustee with Councillor McGuire nominated to fill this role at the meeting of the Council which was held on 20 February 2020. Following the 2022 Local Government elections, Councillor McGuire's position as trustee was confirmed at the statutory meeting of Inverclyde Council on 19 May 2022.
- 3.3 On 18 September 2023, Councillor McGuire intimated her resignation as a trustee of the GWF.

### 4.0 PROPOSALS

- 4.1 The Council has, through Councillor McGuire, had an Elected Member representative on the board of GWF since 2020, However, there is no requirement for there to be such representation. In addition, it is to be noted that since the completion and opening of the Greenock Ocean Terminal, GWF is now a tenant of the Council. Given this, and noting the legal duties associated with such external appointments, it is recommended that the Council agrees that no Elected Member should be nominated to replace Councillor McGuire as a trustee of GWF.
- 4.2 The GWF have been made aware of the proposal that there is no replacement Elected Member appointment, and are content with this. However, the GWF have asked if the Council would wish to remain involved attending the Board as an observer, or receiving Board papers, if the Council felt this appropriate. Officers do not believe this is necessary, and will remain engaged with the GWF through established working arrangements.

### 5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

<b>SUBJECT</b>	<b>YES</b>	<b>NO</b>
Financial		X
Legal/Risk	X	
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

### 5.2 Finance

One off Costs

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>Budget Years</b>	<b>Proposed Spend this Report</b>	<b>Virement From</b>	<b>Other Comments</b>
N/A					

## Annually Recurring Costs/ (Savings)

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>With Effect from</b>	<b>Annual Net Impact</b>	<b>Virement From (If Applicable)</b>	<b>Other Comments</b>
N/A					

### 5.3 Legal/Risk

No Elected Member is obliged to accept an external appointment. However, if they do then they may find themselves taking on additional legal duties where they will, in essence, be obliged to act in the best interests of that organisation. The exact nature of these legal duties will depend upon the organisation in question and the role appointed to. There is also the potential for conflicts of interest between such a role and their role as an Elected Member. Elected Members have been given training on the appointment to outside bodies, and the associated legal duties of directors and trustees. Elected Members are also directed to the Standards Commission Guidance Note 'Advice for Councillors on Arm's Length External Organisations': <https://www.standardscommissionscotland.org.uk/uploads/files/1638361910211201AdviceNoteCouncillorsALEOsv1.pdf>

### 5.4 Human Resources

None.

## 6.0 CONSULTATION

6.1 The GWF have been consulted on the proposals in this report.

## 7.0 BACKGROUND PAPERS

7.1 None.