

# Appointment of Directors to Forward Swindon Ltd

Special Committee

Date: 4<sup>th</sup> August 2011

Author: Director of Law and Democratic Services

Parish / Wards Affected: All

## Purpose

- To appoint a further Director to the Board of Forward Swindon Ltd.

## Recommendation

The Special Committee is recommended on behalf of the Council, to:-

1. Approve the appointment of the individual named in paragraph 2.4 below to the Board of Forward Swindon Ltd, for an initial term commencing on 5<sup>th</sup> August 2011 and expiring on 18<sup>th</sup> May 2012.
2. Note that, in accordance with the previous decision of the Special Committee (Minute 19 2010/11), the membership and structure of the Board of Forward Swindon Ltd. will be reviewed prior to 18<sup>th</sup> May 2012.

## 1. Reasons

- 1.1 To increase the membership of the Board of Forward Swindon Ltd. further to include Mr. James Lockhart, Partner, Whitmarsh Lockhart Chartered Surveyors and Valuers (Commercial Property and Development) whose nomination was temporarily withdrawn prior to the Special Committee meeting held on 20<sup>th</sup> April 2011.
- 1.2 It is a requirement of the Company's articles that the Council appoints its Directors.

## 2. Detail

- 2.1 Forward Swindon Ltd. was established on 1<sup>st</sup> April 2010 following approval by the Cabinet in December 2009. It is a company limited by shares with the Council as the only holder of the issued ordinary shares.
- 2.2 The Company is charged with developing the economy and culture of Swindon and for delivering regeneration. It has a small executive team of 12 and is overseen by a Board of Directors.
- 2.3 The Council has so far approved the appointment of the following directors:  
Mr. Gavin Jones, Chief Executive of the Council

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Further information on the subject of this report can be obtained from Angela Ashdown, Director of Corporate Services, Forward Swindon Ltd. on Direct Dial (01793) 429253 or Email [AngelaAshdown@forwardswindon.co.uk](mailto:AngelaAshdown@forwardswindon.co.uk)

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Councillor Garry Perkins, Deputy Leader of the Council  
Mr. Robin Bailey, Divisional Director Savings and Investments, Nationwide  
Ms. Tina Cumpstey, Centre Manager, McArthurGlen Swindon Designer Outlet Centre.  
Mr. Mark Beard, Managing Director, EW Beard Ltd.

- 2.4 Prior to the Special Committee Meeting held on 20<sup>th</sup> April 2011, the nomination of Mr. James Lockhart was withdrawn whilst clarification was sought around concerns about possible conflicts of interest that could limit that individual's ability to serve the Board. These concerns centred around his or his clients ability to gain a commercial advantage, particularly with regard to inward investment enquiries, as a result of his Board membership.
- 2.5 A key element of resolving those concerns was the proposal to establish a Swindon Investment Group (SWIG), a meeting between agents, the Council and chaired by Forward Swindon to discuss, share and encourage inward investment enquiries. Terms of Reference for this group have been drafted by the Company and now agreed with the agent community. Therefore the concerns have been addressed to the point where it is considered that James can serve as a director. All usual protocols for dealing with conflicts of interest will be observed.
- 2.6 The Special Committee is now requested to consider the appointment of Mr. James Lockhart to the Board of Forward Swindon Ltd. for an initial term expiring on 18<sup>th</sup> May 2012. Further detail of his career history is attached in Appendix 1.
- 2.7 The Committee and the Company has already determined to undertake a review of the membership and structure of the Board of Forward Swindon Ltd. prior to 18<sup>th</sup> May 2012 in order that the appointment (or re-appointment) of Board Members can take place at the Annual Council meeting scheduled to take place on that date.

## Alternative Options

- The Council could determine to not appoint the individual listed in the report. No other alternative options are suggested.

### **Risk Management**

#### *Financial and Procurement Implications*

- There are no specific financial or procurement implications arising from these appointments.

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## *Legal / Human Rights Implications*

- Legal and Human Rights considerations have been taken fully into account in compiling this report.

## *Other Implications*

- A Diversity Impact Assessment (DIA) has not been undertaken as this report does not make any recommendations or have implications that affect services.

## *Links to Corporate Plans and Policies*

- None.

## **Consultees**

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **Background Papers and Appendices**

- Appendix 1 – Proposed Board Member - Detail of Career history.