

## COUNCIL

22 NOVEMBER 2022

### REPORT OF DEPUTY CHIEF EXECUTIVE & MONITORING OFFICER

#### A.10 FREEPORT EAST LTD. APPOINTMENT OF ALTERNATE DIRECTOR

(Report prepared by Lisa Hastings)

At its meeting held on 25 March 2022, Cabinet resolved (minute no. 151 refers) that:

- *the Leader and Officers participate in the governance proposals set out in the Full Business Case for Freeport East on the principle that Tendring District Council becomes a member of the body set up to govern Freeport;*
- *any decision to formally become part of the governing body would be taken by the Leader, in accordance with previous delegations, following consultation with his Portfolio Holder Working Party; and*
- *it approves the Leader of the Council appointing a Member representative to that governing body.*

Having considered the recommendations made by the Freeport East Portfolio Holder Working Party, at its meeting held on 31<sup>st</sup> August 2022, the Leader made the following Executive Decision on the 17<sup>th</sup> October 2022, namely that:

- Tendring District Council joins the Freeport East Company as a founding Member;*
- Tendring District Council enters into a Members' Agreement with other partner organisations in Freeport East; and*
- The Leader of the Council is to join the Board of the Company as the Member representative Company Director from Tendring District Council.*

Clause 16 of the Articles of Association provide for Alternate Directors to be appointed by any Public Sector Director (the Appointor) who is an officer or employee, or an elected member, of their appointing Member as an alternate.

Each alternate shall be appointed to exercise the Appointor's powers; and to carry out the Appointor's responsibilities.

The appointment or removal of an Alternate must be effected by notice in writing to the Company signed by the Appointor. The appointment or removal shall take effect when the notice is received by the Company or on such later date (if any) specified in the notice. The Board will be responsible for registering any Alternate Directors at Companies House.

The Leader of the Council has decided, in acting as a Director of the Company that he wishes to appoint Ian Davidson, Chief Executive as the Alternate Director. However, this proposal requires the endorsement of Full Council in accordance with Part 3.4 of the Constitution, Schedule 1, Responsibility for Local Choice Functions.

Full Council has delegated authority to the Chief Executive for the appointment of any individual –

- (a) to any office other than an office in which they are employed by the authority;
- (b) to any body other than –
  - (i) the authority;
  - (ii) a joint committee of two or more authorities; or
- (c) to any committee or sub-committee of such a body.

and the revocation of any such appointment.

However, it will be appreciated that the Chief Executive cannot exercise these powers for his own appointment(s) and therefore, it is:

**RECOMMENDED:**

**That Full Council endorses the appointment of Ian Davidson, acting as Chief Executive of Tendring District Council, as Alternate Director to Freeport East Ltd.**

**LISA HASTINGS**  
**DEPUTY CHIEF EXECUTIVE & MONITORING OFFICER**