

Title of Report	APPOINTMENT OF EAST MIDLANDS FREEPORT COMPANY REPRESENTATIVE	
Presented by	Councillor Keith Merrie MBE Infrastructure Portfolio Holder PH Briefed <input type="checkbox"/> Yes	
Background Papers	East Midlands Freeport Update – Council 18 June 2024	Public Report: Yes
		Key Decision: No
Financial Implications	There are no finance implications arising out of this report.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	In order to be able to operate effectively as a company, it is necessary for an individual to represent each ‘member’ of the company. That individual will receive information addressed to the Council as member of the company, give consent to ‘reserved matters’ (decisions that only members of the company can vote on), vote at any ‘member’ meetings (e.g. meetings to amend the Articles of Association) and discharge the Council’s company law role as a member of the company.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To request that Cabinet appoints a company representative for the East Midlands Freeport Company.	
Reason for Decision	Under the constitution it is a function of Cabinet to make decisions on behalf the Council as a ‘member’ of the company. The East Midlands Freeport Company requires a named individual to take part in those decisions and attend meetings as required. Cabinet is, therefore, being asked to delegate that function to the Chief Executive.	
Recommendations	THAT CABINET DELEGATES THE FUNCTION TO MAKE DECISIONS ON BEHALF OF THE COUNCIL AS MEMBER OF THE EAST MIDLANDS FREEPORT COMPANY TO THE CHIEF EXECUTIVE, ONCE THE COUNCIL HAS JOINED THE COMPANY.	

1.0 BACKGROUND

- 1.1 On 18 June 2024, Council received an update on the progress in establishing the East Midlands Freeport Company (“EMF”) and confirmed the delegation to the Chief Executive to finalise the relevant agreements, in consultation with the Portfolio Holder.
- 1.2 Since that report, further work has been undertaken to ensure that all partners (including both private and public sector partners) are happy with the final documents. Those documents are due to be finalised imminently and prepared for signing, at which point the Chief Executive will exercise her delegation from Council to approve those documents and appoint the Portfolio Holder for Infrastructure as director.
- 1.3 In addition to the role of director, the Council needs to ensure arrangements are in place to make decisions on its behalf as a member of the company. Making decisions on behalf of the Council as a member of a company is an executive function and is, therefore, one of Cabinet’s functions under the Council’s constitution.

2.0 DELEGATION

- 2.1 EMF has asked that the Council appoint a company representative who will be named in the Members Agreement for the company. That individual will be required to attend meetings and make decisions on behalf of the Council as member of the company (rather than making decisions on behalf of the company, which will be the Portfolio Holder for Infrastructure, as director).
- 2.2 EMF has advised that from a conflict management perspective, it is preferable that the person appointed as company representative is different to the appointed director and that Leicestershire County Council has appointed its chief executive as company representative. This is consistent with what was discussed in the early formation of the Freeport, as it was proposed at that point that the director be an elected member and any company representative be an officer. It is, therefore, recommended that Cabinet appoints the Chief Executive as the company representative and delegates the function to make company decisions on behalf of the Council accordingly.

Policies and other considerations, as appropriate	
Council Priorities:	- A well-run council
Policy Considerations:	N/A
Safeguarding:	N/A
Equalities/Diversity:	N/A
Customer Impact:	N/A
Economic and Social Impact:	N/A
Environment, Climate Change and Zero Carbon:	N/A
Consultation/Community/Tenant Engagement:	N/A
Risks:	Appointing a company representative reduces the

	risk of the Council not being able to make effective decisions in its capacity as member of the company by ensuring that a named individual is able to attend meetings and receive information accordingly.
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