

# REPORT TO COUNCIL

**REPORT OF: CHAIRMAN OF THE CONSTITUTION COMMITTEE –  
COUNCILLOR RAY WOOTTEN**

**REPORT NO: LDS168**

**DATE: 29th February 2016**

|   |   |                             |
|---|---|-----------------------------|
| <b>TITLE:</b>                                     | <b>Recommendations from the Constitution Committee -<br/>1<sup>st</sup> February 2015</b>   |                             |
| <b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b> | Council Decision  |                             |
| <b>EXECUTIVE MEMBER: NAME AND DESIGNATION:</b>    | Councillor Kelham Cooke – Executive Member for Governance   |                             |
| <b>CONTACT OFFICER:</b>                           | Lucy Youles – Executive Manager, Corporate<br>E-mail: <a href="mailto:l.youles@southkesteven.gov">l.youles@southkesteven.gov</a><br>Telephone: 01476 406105   |                             |
| <b>INITIAL IMPACT ANALYSIS:</b>                   | Carried out and appended to the report: n/a   | Full impact assessment: n/a |
| <b>Equality and Diversity</b>                     |   |                             |
| <b>FREEDOM OF INFORMATION ACT:</b>                | This report is publicly available via the Your Council and Democracy link on the Council’s website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>  |                             |
| <b>BACKGROUND PAPERS</b>                          | The Council’s Constitution<br><a href="http://www.southkesteven.gov.uk/index.aspx?articleid=1974">http://www.southkesteven.gov.uk/index.aspx?articleid=1974</a><br>Constitution Committee Agenda – 01.02.16<br><a href="http://modeste:8080/ieListDocuments.aspx?MIId=3167&amp;x=1">http://modeste:8080/ieListDocuments.aspx?MIId=3167&amp;x=1</a><br>Minutes of the Executive Meeting 7.12.15<br><a href="http://modeste:8080/documents/g3226/Printed%20minutes%2007th-Dec-2015%2011.00%20Executive.pdf?T=1">http://modeste:8080/documents/g3226/Printed%20minutes%2007th-Dec-2015%2011.00%20Executive.pdf?T=1</a> |                             |

## 1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the Constitution Committee at its meeting on the 1<sup>st</sup> February 2016 as detailed in the minutes of the meeting of the Constitution Committee, appended to this report at the Appendix 1, as follows:

## **1.1**

**1.1.1 A new Article 12 to be added to the Constitution to establish a Shareholder Committee to support the development of a wholly owned local authority company.**

**1.1.2 The Terms of Reference as shown at Appendix 2 to this report are incorporated into the Constitution at the new Article 12.**

**1.1.3 That the numbering of subsequent Articles be amended to include the new Article 12.**

**1.1.4 These recommendations to take effect at the Annual Council meeting on 21st April 2016.**

**1.2 The timing of meetings remain as currently scheduled.**

**1.3 Voting to appoint representatives on outside bodies remains as currently set out in the Constitution at Article 4.13.7.**

**1.4 The proposed changes to the Policy Development Groups, as agreed at Council on the 21<sup>st</sup> January 2016, should be implemented from the Annual Council Meeting on the 21<sup>st</sup> April 2016**

## **2. PURPOSE OF THE REPORT**

**2.1** The purpose of this report is to set out the recommendations made by the Constitution Committee at its meeting on the 1<sup>st</sup> February 2016. The agenda and report made to the Constitution Committee are included as a link to background papers and the minutes of the Constitution Committee meeting of the 1<sup>st</sup> February are attached to this report as Appendix 1 for information. Appendix 2 to this report sets out the terms of reference for the shareholder committee referred to in recommendation 1.1.2

## **3. DETAILS OF REPORT**

### **3.1 Shareholder Committee**

At its meeting on the 1<sup>st</sup> February 2016, the Constitution Committee considered report CFM356 of the Corporate Finance Manager which set out the proposals for a shareholder committee to be established to represent the Council as the sole shareholder of a local authority controlled company which will be established in accordance with the Executive Decision CO23 made at the meeting of the Executive on the 7<sup>th</sup> December 2015. It is proposed that a shareholder committee is established as a committee of the Council with the provision of a new Article 12 of the Constitution as detailed at Appendix 2 of this Report.

### **3.2 Timing of Meetings**

At a Council meeting on the 21<sup>st</sup> May 2015, the Council determined that:

***the times of meetings should be set by members of the relevant PDG and/or committee following a consultation carried out by the Chief Executive with the decision and rationale to be reported to the first meeting of the Committee or PDG and proposed that it be referred to the Constitution Committee for consideration.***

Following the determination of meeting times at each PDG and Committee, the Chairman of the Constitution Committee contacted all Chairmen to determine views on current timings. The majority of Chairmen contacted had no issue with the current timings of meetings or the way in which those timings were determined. The Constitution Committee agreed the recommendation made at 1.2 above

### **3.3 Voting for Representatives on Outside Bodies**

The Constitution Committee was asked by Council to consider the method of voting as set out in Article 4.13.7 of the Constitution. Members considered alternative methods of voting and agreed as set out at recommendation 1.3 above

### **3.4 Changes to Policy Development Groups**

Members were reminded of the changes agreed at Council to the Policy Development Groups and recommended that those changes should not take effect until the Annual Meeting of Council to be held on the 21<sup>st</sup> April 2016 when Members would be appointed to committees and policy development groups from the start of the new municipal year.

## **4. OTHER OPTIONS CONSIDERED**

Options considered in respect of all the recommendations made in this report are set out in the minutes of the Constitution Committee held on the 1<sup>st</sup> February 2016

## **5. RESOURCE IMPLICATIONS**

There are no resource implications relating to the recommendations.

## **6. RISK AND MITIGATION**

Risk has been considered as part of this report and any specific high risks are included in the table below:

| <b>Category Risk</b>          | <b>Action / Controls</b> |
|-------------------------------|--------------------------|
| No high risks were identified |                          |
|                               |                          |

## **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

No assessment is required in respect of this report.

**8. CRIME AND DISORDER IMPLICATIONS**

No crime and disorder implications arise as a result of this report

**9. COMMENTS OF FINANCE SECTION**

There are no financial implications resulting from this report.

**10. COMMENTS OF LEGAL AND DEMOCARATIC SERVICES**

Members are required to consider the recommendations made which will effect change to the Constitution and determine whether or not those changes should be made.

**11. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS**

None relevant

**12. APPENDICES:**

- **Appendix 1:** Minutes of the Constitution Committee held on the 1<sup>st</sup> February 2016
- **Appendix 2:** Terms of reference for the Shareholder Committee