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**Report to:** Council                      **Date of Meeting:** 1 September 2011

**Subject:** Amendments to Council Constitution

**Report of:** Director of Corporate Commissioning      **Wards Affected:** All wards

**Is this a Key Decision?** No                      **Is it included in the Forward Plan?** No

**Exempt/Confidential** No

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**Purpose/Summary**

To advise the Council of a change made by the Leader of the Council to the title of a Cabinet Portfolio and to seek delegated authority for the Director of Corporate Commissioning to make any consequential amendments to the Council Constitution.

To advise the Council that delegated authority is sought so as to ensure that Cabinet can make all necessary decisions about a Council shareholding in a company

**Recommendation(s)**

That:

- 1) it be noted that the Leader of the Council has amended the title of the “Street Scene and Transportation” Cabinet Portfolio to the “Transportation” Cabinet Portfolio; and
- 2) that Council agrees to delegate authority to Cabinet to take all necessary steps to manage and safeguard a shareholding the Council owns in a company including inter alia grant permissions, give consents, and sell the shareholding as appropriate. Where the Council is the sole shareholder, delegated authority be given to Cabinet for further shares in a company to be issued.
- 3) the Director of Corporate Commissioning be granted delegated authority to make any consequential amendments to the Council Constitution as a result of the changes outlined above.

**How does the decision contribute to the Council’s Corporate Objectives?**

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	

7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

**Reasons for the Recommendation:**

To allow the revised Constitution to be adopted.

**What will it cost and how will it be financed?**

**(A) Revenue Costs Nil**

**(B) Capital Costs Nil**

**Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b>	The Executive Arrangements for the Council are set out in the Constitution.	
<b>Human Resources</b>		
<b>Equality</b>		
1. No Equality Implication		<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated		<input type="checkbox"/>
3. Equality Implication identified and risk remains		<input type="checkbox"/>

**Impact on Service Delivery:**

None

**What consultations have taken place on the proposals and when?**

The Head of Corporate Finance (FD894) and Head of Corporate Legal Services (LD252/11) have been consulted and any comments have been incorporated into the report.

**Are there any other options available for consideration?**

Not at present.

**Implementation Date for the Decision**

Immediately following the Council meeting.

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## Background Papers:

There are no background papers available for inspection.

### 1. Introduction/Background

- 1.1 Section 7 of Part 2 of the Council Constitution sets out the Executive Arrangements for the Council and under Section 7.06 (Other Cabinet Members), the Leader of the Council may nominate up to nine Members of the Council to the Cabinet and he/she must notify the Council of the names of the Cabinet Members and their allocated portfolios. The Cabinet Members will hold office until the Leader's term of office expires, unless removed by the Leader or for any of the reasons set out in Section 7.03 of the Constitution.
- 1.2 In accordance with Section 7.07 (Responsibility for Functions), the Leader of the Council must maintain a list in Part 3 of the Constitution setting out which individual Members of the Cabinet, Officers, Area Committees or joint arrangements are responsible for the exercise of particular executive functions.
- 1.3 At the Adjourned Annual Council Meeting held on 17 May 2011, the Leader of the Council (Councillor P. Dowd) notified the Council of his appointments to the following Cabinet portfolios:

<b>Cabinet Portfolio</b>	<b>Member</b>
Children, Schools and Families	Cllr. Moncur
Corporate Services	Cllr. Parry
Environmental	Cllr. Shaw
Leisure, Culture and Tourism Services	Cllr. Booth
Older People and Health	Cllr. Porter
Performance, Governance and Commissioning	Cllr. Brodie-Browne
Regeneration and Housing	Cllr. Maher
Safer Communities and Neighbourhoods	Cllr. Robertson
Street Scene and Transportation	Cllr. Fairclough

- 1.4 The Leader of the Council has indicated that he now wishes to amend the title of the "Street Scene and Transportation" Cabinet Portfolio to the "Transportation" Cabinet Portfolio and the Council is requested to note this decision.
- 1.5 Part 3 of the Constitution sets out the Responsibility for Functions. In particular Part 4B deals with the matters delegated to Full Cabinet. It is proposed that those responsibilities be clarified/extended when it comes to dealing with the Council's shareholding in a company. It is necessary to ensure appropriate governance of the Council's shareholding. By providing delegated authority to Cabinet this means that any necessary permissions, consents and decisions as to the future of the shareholding can be taken by Cabinet and it will streamline the decision-making process.

- 1.5 As a consequence of these decisions, it will be necessary for minor amendments to be made to Part 3 of the Constitution (Responsibility for Functions). It is therefore requested that the Director of Corporate Commissioning be granted delegated authority to make the amendments to the Council Constitution.