

Report to:	Council	Date of Meeting:	21 September 2017
Subject:	Constitutional Changes		
Report of:	Head of Regulation and Compliance	Wards Affected:	(All Wards);
Portfolio:	Regulation, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To receive approval to make various minor constitutional changes as detailed in the report.

Recommendation(s): That:

- (1) the Matters Delegated to the Full Cabinet contained in Part 5 of the Constitution be amended by the transfer of the following function:-

“35. Responses to consultation papers issued by the Government and outside organisations on strategic and corporate matters”

To the Responsibility For Executive Functions, Cabinet Members (General), B. Matters Delegated of the Constitution;

- (2) the responsibility for “Coast” issues currently resting with the Cabinet Member – Locality Services be transferred to the Cabinet Member – Health and Wellbeing, be noted; and
- (3) Council authorise the Cabinet to agree to delegate one or more Cabinet Members to act as its shareholder representative to a company and to determine what decision making powers that representative may have in that capacity.

Reasons for the Recommendation(s):

To improve business continuity of the Council.

Alternative Options Considered and Rejected: (including any Risk Implications)

None.

What will it cost and how will it be financed?

(A) Revenue Costs

Not applicable.

(B) Capital Costs

Not applicable.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):
Legal Implications: There is a statutory duty for the Council to amend and update the Constitution.
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: To ensure decision making is undertaken without delay.
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD.4849/17.) and Head of Regulation and Compliance (LD.4133/17) have been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Immediately following the Council meeting.

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Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 The Council is required to agree or acknowledge changes made to its Constitution.
- 1.2 The Cabinet has delegated authority to respond to consultation papers issued by the Government and outside organisations on strategic and corporate matters. To ensure consultation papers are responded to in a timely order it is requested that those matters be delegated to the appropriate Cabinet Member. The Head of Regulation and Compliance be requested to amend the Constitution accordingly.
- 1.3 The Leader of the Council has reviewed the Cabinet Member Portfolios and in undertaking that review has transferred the responsibility of the "Coast" from the Cabinet Member Locality to the Cabinet Member Health and Wellbeing and requests the Head of Regulation and Compliance to amend the Constitution accordingly .
- 1.4 Council has delegated authority to Cabinet to take all necessary steps to manage and safeguard any shareholding the Council owns in a company including but not limited to granting permissions, giving consents, and selling the shareholding as appropriate and where the Council is the sole shareholder, delegated authority be given to grant permission for further shares in a company to be issued.
- 1.5 As the Council explores new ways of working and starts to act more commercially its involvement in companies may increase and it is felt that more flexibility is required to aid efficient decision making and Cabinet should have authority to delegate to one or more Cabinet Members the authority to act as the Council's

shareholders representative(s) to a company and to determine what decision making power that representative(s) may have.

- 1.6 The Head of Regulation and Compliance be requested to amend the Constitution accordingly.