

Appendix A – Governance Terms of Reference: Amendments to the Council’s Constitution

PART 1: LEADER’S AMENDMENTS

Amendment to the Executive Procedure Rules

To Part 4 Section 7 paragraph 1.2 Delegation by the Leader sub-section (c) shall be amended to read as follows with the addition highlighted in yellow:

“the terms of reference and constitution of any executive committees, the names of Cabinet Members appointed to them, and the appointment of the Chairman and Vice-Chairman of any executive committee.”

Addition to Executive Delegations

The following wording will be added to Part 3, Section 3.2, Functions of the Cabinet:

3.2.12 Cabinet will be responsible for the following functions in relation to the Council's companies, partnerships and charities:

- a) The establishment of any new company, partnership or charity;
- b) The decommissioning/winding up of existing companies, partnerships and charities;
- c) The determination of Articles of Association;
- d) The determination of the percentage share of ownership;
- e) The determination of the investment of funds or assets;
- f) The determination of any lending facilities to the Council’s companies, partnerships and charities;
- g) The determination of decisions reserved to the Council as shareholder or member of a company, partnership or charity;
- h) Scheme of delegations to the Shareholder Cabinet Committee;
- i) Approval of Business Plans;
- j) Approval of changes to service agreements in respect of KPIs, service levels and service standards;
- k) The setting of Policy Strategy and objectives for the operation of the Council’s companies, partnerships and charities.”

The following wording will be added to Part 3, Section 3.3, Functions of Cabinet:

“3.3.2 Shareholder Cabinet Committee

Purpose

The Committee will have functions relating to the Council’s companies, partnerships and charities set out below including, but not limited to:

- a. Peterborough Limited,
- b. Blue Sky Peterborough,
- c. Empower Peterborough,
- d. Opportunity Peterborough,
- e. Peterborough Investment Partnership LLP,
- f. Medesham Home LLP,
- g. NPS Peterborough Ltd,
- h. Peterborough Museum and Art Gallery;
- i. The Mayor's Charity; and
- j. Vivacity Culture and Leisure.

The Shareholder Cabinet Committee will act as a decision making body in relation to the functions delegated to it as well as an advisory body to Cabinet. Support and advice will be provided to the Shareholder Cabinet Committee by the Monitoring Officer, the Section 151 Officer and other client officers as appropriate.

Membership and Operation of the Shareholder Cabinet Committee

The Shareholder Cabinet Committee will comprise a maximum of five Cabinet Members to be determined by the Leader annually. The Chairman and Vice-Chairman of the Committee will also be appointed by the Leader on an annual basis.

The quorum of the Shareholder Cabinet Committee shall be 3 and meetings shall take place quarterly or as determined by the Chairman.

Functions of the Shareholder Cabinet Committee

- a. To monitor performance and financial delivery of the companies, partnerships and charities set out above in line with Cabinet approved business plans by means of monthly performance monitoring and scrutiny;
- b. To ensure that those companies, partnerships and charities comply with relevant Council policies, strategies and objectives;
- c. To exercise decisions, where delegated by Cabinet, in relation to a company, partnership or charity's reserved matters;
- d. To make recommendations to Cabinet in relation to investments, loans and assets;
- e. To oversee the relationships between with the Council and the Council's companies, partnerships and charities, and any such relationships between the Council's companies, partnerships and charities in accordance with the Council's objectives.
- f. To review any reports in relation to the Council's companies, partnerships or charities prior to their submission to the Audit Committee to ensure compliance with Council policies, strategies and objectives;
- g. To determine for each individual company, partnership or charity whether the Shareholder Cabinet Committee recommends to Cabinet the delegation of any functions to the officers of the Council."

PART 2 AMENDMENTS FOR RECOMMENDATION TO FULL COUNCIL

Addition to the Audit Committee Terms of Reference

Part 3, Section 2, Regulatory Committee Functions, paragraph 2.2 relating to the Audit Committee shall include new paragraph 2.7.2.12 which will read:

"To consider reports in relation to the performance of the Council's companies, alongside comments from the Shareholder Cabinet Committee."