

SHAREHOLDER CABINET COMMITTEE	AGENDA ITEM No. 6
13 SEPTEMBER 2021	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Cllr Marco Cereste, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Rachel Edwards, Head of Constitutional Services Shelley Hardy, Lawyer- Contracts and Procurement	Tel. 452277

AMENDMENTS TO THE MAYOR OF PETERBOROUGH'S CHARITY FUND (MPCF) CONSTITUTION AND ASSOCIATED MEMORANDUM OF UNDERSTANDING

RECOMMENDATIONS	
FROM: Rachel Edwards, Head of Constitutional Services	Deadline date: N/A
<p>It is recommended that the Shareholder Cabinet Committee:</p> <ol style="list-style-type: none"> 1. Notes the amendments to the Mayor of Peterborough's Charity Fund's (MPCF) Constitution, the amended MPCF Constitution can be found at Appendix 1. 2. Notes the contents of the Memorandum of Understanding (MOU), a template of the MOU can be found at Appendix 2 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Shareholder Cabinet Committee following referral from the Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to supply the Shareholder's Committee with a copy of the amended Constitution, as set out in Appendix 1 and the MOU, as set out in Appendix 2 and advise the Shareholder's Committee of the changes.
- 2.2 This report is for Shareholder Cabinet Committee to consider under its Terms of Reference No. 3.3.2(e), "to oversee the relationships between 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".

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

- 4.1 On the 17th December 2015 the Council resolved to apply to the Charity Commission for charitable status of the Mayor of Peterborough Charity Fund (MPCF) and to appoint the role of the Mayor as trustee of MPCF. See link for details of the decision.

<https://democracy.peterborough.gov.uk/documents/s25746/13d.%20Registration%20of%20the%20Mayors%20Charity%20with%20the%20Charity%20Commission.pdf>

- 4.2 Following this resolution, the MPCF registered the charity with the Charity Commission under charity number 1165640 and adopted its Constitution. Please refer to Appendix 3 for a copy of the previous Constitution.

- 4.3 The MPCF's Constitution had not been amended since it was adopted, on the 17th December 2015 and it had, become apparent that some provisions needed clarification and amending. Accordingly, at the MPCF AGM, on the 15th July 2021, it was agreed that the Constitution at Appendix 1 be adopted. The amendments mainly relate to setting a maximum amount of trustees and to clearly set out the quorum. A summary of the amendments is as follows:

Trustees

1. Maximum of four trustees for MPCF.
2. Two trustees (Chair and Secretary) will change each year, at the AGM.
3. Two trustees who are employed by Peterborough City Council (the Treasurer- Mayoral Services Manager and Head of Constitutional Services) remain in post unless terminated.
4. Responsible for managing the business of MPCF.

Members

5. All trustees are members of MPCF.
6. The charitable organisations (ie the Mayor's chosen charities) can be members– each organisation will need to nominate one named representative from their organisation. Each organisation has one vote only. Anyone from the charitable organisation can attend the meetings, as a guest, but only the named representative can vote. Guests can also assist the members with the running of the events

Voting

7. Quorum required to agree on the events to raise funds – at least half of the members must be at the meeting, including two trustees.
8. Quorum required at the AGM - two trustees required to elect the new membership and also to elect the new Chair and Secretary.
9. Quorum required for any other issue relating to MPCF (not in relation to the funding raising) - two trustees.
10. The chair of the meeting has the casting vote, where there is an equality of votes.

- 4.4 The Constitution is supported by a Memorandum of Understanding (MOU) which is a document signed by the MPCF, Peterborough City Council and all of the chosen charities (usually three local charities) for the mayoral year (selected by the current Mayor). The MOU sets out the requirements of each party during the year. The MOU is effective whilst the Mayor for the current mayoral year is in post. At the start of each mayoral year, a new MOU will be entered into.

5. CONSULTATION

- 5.1 No consultation is required at this time.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 By amending the MPCF's Constitution and MOU, in accordance with Appendix 1 and Appendix 2, any ambiguity, with regards to quorum, will be minimised. The amendments will enable MPCF

to operate more effectively and the provisions of the Constitution will be clearer, allowing a more streamline approach to raising funds.

7. REASON FOR THE RECOMMENDATION

- 7.1 The reason for the recommendation is to update the Shareholder's Committee of the changes which are required to enable the MPCF to continue to raise valuable funds for the MPCF charitable purpose.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The alternative option was to leave the Constitution and MOU as drafted without making the suggested amendments. However, as stated within this report, the purpose of these suggested amendments is to benefit the MPCF and enable the continuation of effective fund raising.

9. IMPLICATIONS

Financial Implications

- 9.1 No financial implications.

Legal Implications

- 9.2 The amended Constitution (together with copy of the resolution) must sent to the Charity Commission. Also, the Charity Commission must be notified of the names of the current trustees. The MOU can just be amended without notifying the Charity Commission's or obtaining their approval.

Equalities Implications

- 9.3 No equalities implications.

Carbon Impact Implications

- 9.4 No carbon impact implications.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 *Full Council meeting 17.12.2015*
<https://democracy.peterborough.gov.uk/documents/s25746/13d.%20Registration%20of%20the%20Mayors%20Charity%20with%20the%20Charity%20Commission.pdf>

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11. APPENDICES

- 11.1 *Appendix 1 – MPCF Constitution (adopted on 28th July 2021)*
Appendix 2 – MOU template
Appendix 3 – Constitution adopted on 17/12/15

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