

Wiltshire Council

Full Council

19 October 2021

Constitutional Update – Cabinet Committee

Executive Summary

Cabinet at its informal meeting on 27 September 2021 considered a report on a governance review of the Stone Circle companies established by the council in 2019. The review examined governance in relation to shareholder requirements, processes for decisions, performance and risk reporting and other matters.

The Leader approved seven recommendations arising from that review on 5 October 2021

Recommendation 3 was to create a Shareholder Group as a Sub-Committee of Cabinet with the Leader as Chair along with two other Cabinet Members. There would be the option to co-opt external commercial expertise to enable the Shareholder Group (after consideration of performance reporting by the Corporate Leadership Team and Overview and Scrutiny) to conduct its role on behalf of the Shareholder.

Part 3C (Delegation of Executive Functions) Appendix 1 of the Constitution is where terms of reference of Cabinet Committees may be outlined. Currently there are no Cabinet Committees.

Full Council is responsible for approving changes to the Constitution. It is therefore asked to delegate authority to the Monitoring Officer to update the constitution once the terms of reference for the Shareholder Group (as Cabinet Committee) are drafted.

Proposals

That Council delegate authority to the Monitoring Officer, following consultation with the Leader of the Council, to amend Part 3C of the Constitution as appropriate to include terms of reference for Stone Circle Shareholder Group

Reasons for Proposals

To ensure the Council's constitution is up to date and to enact the decision of Cabinet.

Perry Holmes – Director of Legal and Governance (and Monitoring Officer)

Constitutional Update – Cabinet Committee

Purpose of Report

1. This report is to request council authorise the Monitoring Officer to update the Constitution as appropriate to reflect the decision of the Leader on 5 October 2021 in respect of the Stone Circle Governance Review

Background

2. The Stone Circle companies were formed in 2019 and with two principle aims. Firstly, to provide homes to residents whose financial circumstance enabled them to afford rents somewhere between council house levels and the private sector, with rental levels offered at above the local housing allowance as well as allowing access to the homes outside the Council's allocation policy. Secondly, to create homes for sale through developing council owned land.
3. Cabinet commissioned a review of the governance arrangements for the Stone Circle companies in February 2021. It agreed a terms of reference and asked the Corporate Director for Resources and Deputy Chief Executive and the Director of Legal and Governance to conduct the review.
4. Cabinet at its informal meeting on 27 September 2021 considered the report on the governance review of the Stone Circle companies established by the council in 2019. The review examined governance in relation to shareholder requirements, processes for decisions, performance and risk reporting and other matters.
5. The Leader approved seven recommendations arising from that review on 5 October 2021 as an Individual Cabinet Member Decision.
6. On 11 May 2015 the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force, having been made on 25 March 2015. These regulations introduced changes to statutory dismissal procedures for Heads of Paid Service, Monitoring Officers and S.151 Officers, to be reported at the first ordinary meeting of Council following the regulations coming into force.

Main Considerations

7. Recommendation 3 approved by the Leader was to create a Shareholder Group as a Sub-Committee of Cabinet with the Leader as Chair along with two other Cabinet Members. There would be the option to co-opt external commercial expertise to enable the Shareholder Group (after consideration of performance reporting by the Corporate Leadership Team and Overview and Scrutiny) to conduct its role on behalf of the Shareholder.

8. Part 3C (Delegation of Executive Functions) Appendix 1 of the Constitution is where terms of reference of Cabinet Committees may be outlined. Currently there are no Cabinet Committees.
9. Full Council is responsible for approving changes to the Constitution as set out at Part 3B Paragraph 1.4.
10. In order to ensure the Stone Circle Governance Review decisions are implemented as soon as practicable, Full Council is therefore asked to delegate approval of terms of reference for the Shareholder Group as a Cabinet Committee to the Monitoring Officer, following consultation with the Leader of the Council.

Safeguarding Implications

11. There are no safeguarding issues arising from this report.

Equalities Impact of the Proposal

12. There are no equalities impacts arising from this report.

Risk assessment

13. There are no significant risks arising from this report

Financial Implications

14. There are no financial implications arising from this report.

Legal Implications

15. The recommendations in this report are consistent with the constitution and there are no legal implications arising from this report

Public Health Impact of the Proposals

16. There are no public health impacts arising from this report.

Environmental Impact of the Proposals

17. There are no environmental impacts arising from this report.

Proposal

18. **That Council delegate authority to the Monitoring Officer, following consultation with the Leader of the Council, to amend Part 3C of the Constitution as appropriate to include terms of reference for Stone Circle Shareholder Group.**

Perry Holmes, Director of Legal and Governance and Monitoring Officer

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[Link to Cabinet Report and Minutes](#)

[Link to Leader Decision](#)