

DECISION NOTICE



For office use :
Notice and report e-
mailed to EMT,
Democratic
Services, Comms
Team and Report
Author , on
13.07.16

NOTICE OF DECISION MADE BY PORTFOLIO HOLDER DECISION: PORTER 3.16

(To be made available at the main offices of the Council and sent to all members of the Council within 3 working days of the decision.)

The Council's Constitution (Standing Order 28 – Recording of Executive Decisions; Part 3 Section D4 – Delegations to Cabinet members; and Part 4 D Access to Information Procedure Rules) requires that when any decision is made by an individual Portfolio Holder a record of the decision, including a statement of the reasons for it and any alternative options considered and rejected, must be prepared and published normally **within 3 working days**.

In accordance with this requirement notice is hereby given that The Lord Porter of Spalding CBE, being the Leader of the Council, made the decision detailed below on Tuesday 12 July 2016. This decision is not a key decision.

This notice is published on Wednesday 13 July 2016.

In accordance with the terms of the Constitution (Part 3 Section D – Overview and Scrutiny (including Call-In Procedures)), the decision detailed below will come into force, and may then be implemented, on Thursday 21 July 2016 (i.e. following the expiry of 5 working days following the date of publication of this notice) unless during that period a notice, where either a Ward Representative (in relation to a matter in their ward) or two members of the Performance Monitoring Panel or any three members formally request in writing (requests for Call-In must be given on a form designed for that purpose, and must be signed by each subscriber to the call-in) to the Senior Legal Officer (or such other officer as is nominated by the Senior Legal Officer) before the end of the five clear Working Day period specified in the above paragraph in relation to a particular decision by the Leader, a Cabinet Member or Cabinet, a Sub-Committee of Cabinet or an officer, then that decision shall be referred to the Performance Monitoring Panel. Such request must contain a justifiable reason for the reference and one or more of the signatories to the reference must forward to the Senior Legal Officer at least five clear Working Days before the date of the Committee which is to consider the matter a brief explanation or statement as to the concerns of the signatories in the matter, and what alternative decision(s) that

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member/those members consider should be taken. (The call-in period expires at 5pm on the 5th working day following publication of this notice, or 4.30pm if the 5th working day is a Friday.)

Matter to which decision relates

Director Appointment – Compass Point Business Services (East Coast) Ltd – To consider a proposed change to an officer director appointment (report of the Executive Manager Governance enclosed).

DECISION (IF URGENT PROVIDE REASONS)

- a) That the current officer director appointed to Compass Point Business Services (East Coast) Ltd (Anna Graves – Chief Executive) be replaced by Rob Leigh (Executive Manager – People & Information) from a date to be determined by the Chief Executive and that notice in writing be given to the Company; and
- b) That the Executive Manager – Governance seeks an amendment to Article 11 of the Constitution to make it clear that an officer director of Compass Point Business Services (East Coast) Ltd may be a Chief Officer or a Deputy Chief Officer.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- a) Do nothing; or
- b) Appoint a different officer director.

REASON OR REASONS FOR THE DECISION

To ensure that there is a smooth transition of officer directors on the Council's companies and to ensure that officers of an appropriate level with appropriate skills and experience are appointed to the Council's companies.

CONFLICTS OF INTEREST declared by an executive member, relating to the decision, and any dispensations granted

None.

REPORT

- 1 Porter 3.16 - Director Appointment - Compass Point Business Services (East Coast) Ltd - To consider a proposed change to an officer director appointment. (Report of the Executive Manager Governance enclosed.) (Pages 1 - 2)

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SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Manager Governance

To: Leader of the Council
(The Lord Porter of Spalding)

(Author: Mark Stinson – Executive Manager Governance)

Subject: Director Appointment – Compass Point Business Services (East Coast) Ltd

Purpose: To consider a proposed change to an officer director appointment

Recommendations:

- 1) That the current officer director appointed to Compass Point Business Services (East Coast) Ltd (Anna Graves – Chief Executive) be replaced by Rob Leigh (Executive Manager – People & Information) from a date to be determined by the Chief Executive and that notice in writing be given to the Company; and
- 2) That the Executive Manager – Governance seeks an amendment to Article 11 of the Constitution to make it clear that an officer director of Compass Point Business Services (East Coast) Ltd may be a Chief Officer or a Deputy Chief Officer.

1.0 BACKGROUND

- 1.1 Compass Point Business Services (East Coast) Ltd (“CPBS”) is a private company limited by shares and is jointly owned by South Holland District Council and East Lindsey District Council. There are six directors – three appointed by each of the councils. Article 11 of the Constitution states that the Board consists of [various appointees] and ‘a Chief Officer of South Holland District Council’.
- 1.2 As a result of impending staffing changes, there is a need to make changes to the current officer director appointments, including the appointment to CPBS. It is proposed that Rob Leigh, Executive Manager – People & Information, be appointed to the Board of Compass Point Business Services (East Coast) Ltd (the appointment to be by name rather than office) in place of Anna Graves, Chief Executive. This proposed change has already been discussed at Board level.
- 1.3 On a strict wording of Article 11 of the Council’s constitution, the reference to the Board ‘consisting ofand a Chief Officer of South Holland District Council’ is a statement of the current position and, arguably, is not a restriction on future officer appointments. This is important because Rob Leigh is a Deputy Chief Officer rather than a Chief Officer. In order to bring certainty, however, it is proposed that Article 11 be amended to refer to Chief Officers and Deputy Chief Officers.

2.0 OPTIONS

- 2.1 Do nothing – this is not recommended as it does not allow sufficient flexibility to select the most appropriate officer director.
- 2.2 Appoint a different officer director.

3.0 REASONS FOR RECOMMENDATIONS

3.1 To ensure that there is a smooth transition of officer directors on the Council's companies and to ensure that officers of an appropriate level with appropriate skills and experience are appointed to the Council's companies.

4.0 EXPECTED BENEFITS

4.1 Good governance of the Council's companies.

5.0 IMPLICATIONS

5.1 Constitution & Legal

5.1.1 Qualification for directorship is set out in law and in the articles of the relevant companies. As identified earlier in this report, in order to bring clarity as to the constitutional position in respect of appointments to CPBS an amendment to Article 11 of the Constitution is recommended.

5.1.2 In law, appointments to outside bodies (including the Council's companies) can be made either by the Council or by the Leader/Cabinet. Under the Council's revised constitution, it is clear that appointments to a company exercising executive functions is a Leader/Cabinet decision and appointments to a company exercising non-executive functions is a Council decision. As CPBS is exercising executive functions, this appointment is an executive function.

5.2 Contracts

5.2.1 These are non-executive directorships, so no contractual implications arise.

5.3 Stakeholders / Consultation / Timescales

5.3.1 The CPBS Board has already been briefed.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 None

7.0 ACRONYMS

7.1 CPBS – Compass Point Business Services (East Coast) Ltd

Background papers:- None

Lead Contact Officer

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Key Decision: No

Exempt Decision: No

This report refers to a Discretionary Service

Appendices attached to this report: None