

Classification: Public
Key Decision: No

Gravesham Borough Council

Report to: Full Council
Date: 01 December 2020
Reporting officer: Perry Holmes, Monitoring Officer
Subject: Amendments made to the Constitution – to reflect formation of Rosherville Limited

Purpose and summary of report:

To inform Council of amendments that have been made to the Constitution to reflect the incorporation of the wholly-owned trading company, Rosherville Limited, and its subsidiaries.

Recommendations:

1. To note the amendments made to the Constitution by the Monitoring Officer.

1. Introduction

- 1.1 In December 2019, Full Council approved the proposals for the establishment of a Local Authority Trading Company and also agreed for the council's Constitution to be amended to ensure that the council continues to have robust arrangements in place.
- 1.2 Rosherville Limited was formally incorporated on 07 January 2020, followed by Rosherville Servicing and Rosherville Property Development Limited on the 14 and 15 May respectively.
- 1.3 The purpose of this report is to set out the necessary amendments that have been made in relation to the Constitution to reflect the new arrangements that are in place.

2. Proposals

- 2.1 Annex 1.13 (Functions Delegated to Officers of the Council) paragraph 1.13B.60 of Gravesham Borough Council's Constitution delegates the function "to make minor and necessary amendments to this constitution" from Cabinet, Regulatory Board and Council to the Monitoring Officer.

- 2.2 The Monitoring Officer considers that the Constitution should be amended to reflect the necessary changes that are required to reflect the introduction of the trading company.
- 2.3 There are a number of elements of the Constitution which require updating:
 - 2.3.1 Annex 1.4 – Responsibilities of the Cabinet
Updated to reflect the added responsibility in terms of the Shareholder responsibilities in relation to Rosherville Limited and its subsidiaries.
 - 2.3.2 Annex 2.4 – Cabinet Procedure Rules
Updated to reflect the need to recognise the potential for conflicts of interest arising at Cabinet as a result of the appointment of the lead member for Commercial Services to the Rosherville Board.
 - 2.3.3 Annex 2.6 – Financial Procedure Rules
Updated to reflect the way in which the Council may provide funding to Rosherville Limited and/or its subsidiaries and to reflect the potential use of Gravesham BC staff by Rosherville Limited and its subsidiaries.
 - 2.3.4 Annex 2.8 – Employment Procedure Rules
Updated to reflect the potential use of Gravesham BC staff by Rosherville Limited and its subsidiaries.
 - 2.3.5 Annex 3.2 – Officer Code of conduct
Updated to reflect the dual-role that some officers will play in terms of Gravesham BC and appointed roles on Rosherville Limited and/or its subsidiaries.
- 2.4 The Monitoring Officer considers that the constitution should be amended to reflect the changes set out above, in line with the approval to make the required changes at Full Council in December 2019. The Monitoring Officer has therefore made the amendments to the Constitution and requests Full Council to note the amendments.
- 2.5 The relevant pages of the annexes in the Constitution, as detailed in paragraphs 2.1-2.5, have been amended with the new wording in track changes for ease of reference and copies of these are attached as appendices two-four.

3. Background papers

- 3.1 There are no background papers to this report

IMPLICATIONS	APPENDIX 1
Legal	A Local Authority is under a duty to prepare and keep up to date its constitution under S9P of the Local Government Act 2000 as amended.
Finance and Value for Money	Amendments have been made to Annex 2.6 – Financial Procedure Rules, although there are no specific budgetary implications.
Risk Assessment	It is of critical importance that the council has sufficient government arrangements in place which is provided by a constitution that is kept up to date.
Data Protection Impact Assessment	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data ? N/A
	b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A
	c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk . N/A
Equality Impact Assessment	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
Corporate Plan	This report supports the delivery of Objective 3 – Progress
Climate Change	There are no climate change implications resulting from this report.
Crime and Disorder	There are no Crime and Disorder implications resulting from this report.
Digital and website implications	There are no digital and website implications resulting from this report.

IMPLICATIONS**APPENDIX 1****Safeguarding children and vulnerable adults**

There are no safeguarding children and vulnerable adults implications resulting from this report.