

AMENDMENTS TO TERMS OF REFERENCE

To: **Commercial and Investment Committee**

Meeting Date: **30 June 2017**

From: **Deputy Chief Executive and Chief Finance Officer**

Electoral division(s): **All**

Forward Plan ref: **n/a** *Key decision:* **No**

Purpose: **To consider amendments to the Committee's Terms of Reference.**

Recommendation: **The Committee is asked to
a) consider and agree the amended Terms of Reference;
b) ask Council to agree the amended Terms of Reference.**

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1. BACKGROUND

- 1.1 At its annual meeting on 23rd May 2017, Council approved a number of changes to the Constitution. It also authorised the Chief Finance Officer, in consultation with the Commercial and Investment Committee, to amend the committee's terms of reference to incorporate commercialisation within its remit, and the LGSS Director Law and Governance to take all steps necessary or incidental to implement the changes to the Constitution detailed in the report.

Although the Chief Finance Officer was authorised to undertake the necessary changes required it is proposed, for openness and transparency, to ask Council to agree the amended terms of reference.

2. MAIN ISSUES

- 2.1 The terms of reference of the Commercial and Investment Committee have been re-drafted in light of the change of emphasis agreed by Council. The proposed terms of reference are attached as **Appendix A** to this report. These have been drafted in consultation with the Chairman of the Committee and agreed by Constitution and Ethics Committee on 22 June subject to agreement by Commercial and Investment Committee.

- 2.2 Article 2 – Articles, Article 4 – The Full Council states the following:

“Adoption or approval of the following plans is by local choice reserved to Full Council, which will take into account the recommendation of the General Purposes Committee:

- Corporate Asset Management Plan
- Enforcement Policy
- Long Term Capital Strategy
- Procurement Strategy
- Single Equality Strategy
- Strategic Asset Development Strategy
- Workforce Strategy”

- 3.4 Constitution and Ethics Committee agreed that in relation to the Corporate Asset Management Plan and the Strategy Asset Development Strategy, Full Council should take into account the recommendation of Commercial and Investment Committee rather than General Purposes Committee.

3. ALIGNMENT WITH CORPORATE PRIORITIES

Report authors should evaluate the proposal(s) in light of their alignment with the following three Corporate Priorities.

3.1 Developing the local economy for the benefit of all

There are no significant implications for this priority.

3.2 Helping people live healthy and independent lives

There are no significant implications for this priority.

3.3 Supporting and protecting vulnerable people
There are no significant implications for this priority.

4. SIGNIFICANT IMPLICATIONS

Report authors should evaluate any further significant implications using the seven sub-headings below. These significant implications should also be evaluated using the questions detailed in the table below. Each specific implication must be signed off by the relevant Team within the Council before the report is submitted to Democratic Services.

Further guidance and a checklist containing prompt questions are included at Appendix 2.

4.1 Resource Implications

None specifically arising from this report.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

There are no significant implications within this category.

4.3 Statutory, Legal and Risk Implications

None specifically arising from this report.

4.4 Equality and Diversity Implications

There are no significant implications within this category.

4.5 Engagement and Communications Implications

There are no significant implications within this category.

4.6 Localism and Local Member Involvement

There are no significant implications within this category.

4.7 Public Health Implications

There are no significant implications within this category.

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Chris Malyon
Have the procurement/contractual/Council Contract Procedure Rules implications been cleared by Finance?	Yes Name of Financial Officer: Chris Malyon
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	No
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Chris Malyon

Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Chris Malyon
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Chris Malyon
Have any Public Health implications been cleared by Public Health	No

Source Documents	Location
Council's Constitution	http://tinyurl.com/Constitution-CCC
Constitution and Ethics Committee Paper	C&E Committee Report

13. COMMERCIAL AND INVESTMENT COMMITTEE**Membership**

Any ten members of Council, subject to political proportionality.

Summary of Functions

The Committee has delegated authority to exercise the County Council's functions in respect of the following:

- Creating a commercially focused organisation through the development and implementation of innovative, growth focused, commercial strategy.
- Providing strong leadership which builds a robust commercial culture.
- Encouraging the development of new opportunities through establishing a risk appetite that stimulates the evaluation of new emerging markets and opportunities.
- Oversight and operation of all property-related and traded service functions.

Delegated Authority	Delegation/ Condition
To systematically review all services to ensure that current delivering vehicles remain fit for purpose. All reviews to review markets, partnership opportunities, other delivery vehicles, rationale for in-house delivery.	
To ensure all traded activities operate within a commercial framework.	
To plan, develop and implement, a commercial strategy and other initiatives in order to maximise the potential of the Council's existing commercial activities, to support the development of a commercial culture within the organisation and to ensure commercial opportunities are maximised.	
To lead the development of new, and growth in existing, income streams that generate sufficient surplus for investment in further opportunities and to help offset costs of other activities.	
To lead the development of key relationships for the Council with external organisations to enable the delivery of effective outcomes through new business ventures and collaborations.	
To lead the planning and design for a variety of services where new	

Delegated Authority	Delegation/ Condition
partnerships and delivery vehicles can be developed to support the delivery of the best possible outcomes.	
To review the Council's asset portfolio to identify opportunities and develop policies to reduce the financial impact on the Council's operating position and strengthen its financial sustainability.	
To recommend to Council and monitor the Council's Asset Strategy.	
To recommend to Council the Council's Asset Management Plan, annually, and as a consequence: <ul style="list-style-type: none"> - Consider and recommend Asset Plans as they fall due for review - Approve annual budget proposals from applicable Asset Plans - Monitor the delivery of the asset plans throughout the year 	
To consider and evaluate investment proposals.	
To monitor all commercial and property investment proposals included within the Business Plan to ensure successful delivery.	
To consider and approve all asset disposals.	
To approve the granting of variations, renewal, and termination of leases, licenses, dedications, and easements.	
To consider and approve the use of Council owned assets by the local community and other interested parties.	
To consider, evaluate, and agree potential property disposals and investment opportunities.	
To consider business cases for the sale of assets to the Council's Property Special Purpose Vehicle (SPV) for inclusion within the Business Plan.	
To exercise all and any of the council's rights as shareholder of the Property SPV CHIC. The committee may authorise its Chairman and Vice Chairman to exercise these rights in appropriate circumstances including urgency.	
To work with officers to facilitate/promote the development of proposals for sharing property with partner organisations.	
To consider and recommend property rationalisation proposals for inclusion within the Business Plan.	

Delegated Authority	Delegation/ Condition
To approve property rationalisation proposals that are in accordance with the Business Plan.	
To consider and make recommendations to Council for property rationalisation proposals that are outside of the agreed Business Plan.	