

# Bolton Council

**Report to:** Constitutional Panel

**Date:** 11 January 2016

**Report of:** Borough Solicitor

**Report No:**

**Contact Officer:** Helen Gorman

**Tele No:**

**Report Title:** **Establishment of the Bolton Care and Support Steering Committee**

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**Non Confidential:** **(Non-Confidential)** This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

**Purpose:** To establish the Steering Committee and confirm the appointment of its members.

**Recommendations:**

1. Approve the change in name to the Bolton Care and Support Steering Committee being a committee of the Council;
2. Confirm the appointment of the following members to the Bolton Care and Support Steering Committee:
  - a. Councillor Linda Thomas
  - b. Councillor Ann Cunliffe
  - c. Councillor Asif Ibrahim
  - d. Councillor Hilary Fairclough
3. Permit the Borough Solicitor to amend the Constitution accordingly.

**Decision:**

**Background Doc(s):** Report to the Cabinet dated 17 August 2015

*(for use on Exec Rep)*

**Signed:**

\_\_\_\_\_  
Leader / Executive Cabinet  
Member

\_\_\_\_\_  
Monitoring Officer

**Date:**

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## **Background Information**

The Cabinet agreed to the incorporation of 3 local authority trading companies (LATC) to deliver the following services:

- Supported Living Services (Network Houses, New Lane and Mere Hall Respite and Outreach)
- Disability day care (Thicketford - Autism and Generic Centres, Hilton Suite and Jubilee Centre and Pool)
- Older Adult Day Care services (Thicketford, Horwich, and Winifred Kettle centres)
- Extra Care services – (Maxton, Merton, Eldon and Campbell schemes)
- Shared Lives (Adult Placement – long and short term placements)

3 companies are necessary to meet legal requirements relating to taxation, procurement rules and state aid issues. The Council is the sole shareholder for Bolton Care and Support Limited which is in turn the sole shareholder of Bolton Care and Support (A) Limited and Bolton Care and Support (B) Limited.

The Cabinet also agreed that the Shareholder Board (SHB) would have the following responsibilities:

1. Assess the financial performance of the LATC and make decisions concerning the issue of any dividends.
2. Exercise any reserved powers contained in the LATC's Articles. These reserved powers could include, for example, a maximum spend limit on directors and the ability to raise additional finance.
3. Make decisions concerning proposed changes to the LATC's business plan, such as the way it delivers statutory services on behalf of the Council or new areas of business.
4. The SHB will also ensure that all the relevant legal requirements have been met for such proposals.
5. The SHB will be responsible for approving the appointment of any directors and will have the power to remove directors from their post.
6. The LATC's director(s) will be expected to update the SHB as to progress with the business and any future proposals being considered. The SHB can scrutinise the decisions of the directors in their management of the LATC.
7. The SHB will be accountable to Cabinet, Health Overview and Adults Social Care Scrutiny Committee.

At the meeting of the Council on 26 August 2015 the Council approved the appointment of the Executive Cabinet Member Adults and Children's Services (Deputy Leader) and Councillors Cunliffe, Councillor Ibrahim and Mrs Fairclough

## **Proposal**

At the initial development session for the Shareholder Board it was agreed that a more accurate description for this group is the Bolton Care and Support Steering Committee which should be a committee of the Council as opposed to the LATC.

This will strengthen control of the LATC for the Council and simplify scrutiny arrangements.

It is proposed that this committee will retain the same responsibilities as set out above.

Whilst the report to the Cabinet named the Borough Solicitor, Borough Treasurer, Director of Children's and Adult Services as members of the board, with the Managing Director of all 3 companies attending as an adviser, it is preferable that all these officers act as advisers to the Board as opposed to being members.

### **Recommendations**

The Panel is recommended to:

1. Approve the change in name to the Bolton Care and Support Steering Committee being a committee of the Council;
2. Confirm the terms of reference for the Committee as set out in this report;
3. Confirm the appointment of the following members to the Bolton Care and Support Steering Committee:
  - a. Councillor Linda Thomas
  - b. Councillor Ann Cunliffe
  - c. Councillor Asif Ibrahim
  - d. Councillor Hilary Fairclough
4. Permit the Borough Solicitor to amend the Constitution accordingly.