

Report of	Monitoring Officer	Author	Andrew Weavers
Title	Revised Terms of Reference and Nomination of Directors		282213
Wards affected	Not applicable		

This report concerns the revised terms of reference for Trading Board following the creation of the new commercial companies and the nomination of three councillor directors to the board of the Holding Company.

1. Decision(s) Required

- 1.1 To approve the amended Terms of Reference of the Trading Board attached at Appendix 1 of this report and recommend that they be approved by Cabinet
- 1.2 To recommend to Cabinet the names of the three Councillor Director nominees to the Board of Colchester Commercial (Holdings) Limited.

2. Reasons for Decision(s)

- 2.1 At its meeting on 21 June 2017 Trading Board considered a report regarding draft revised terms of reference for the Board following the creation by Cabinet of a holding company (Colchester Commercial (Holdings) Limited and a subsidiary company (Trading Company).
- 2.2 Trading Board resolved that the terms of reference be the subject of further discussion between the Chair and Group Spokes and that the revised terms of reference be submitted to this meeting.
- 2.3 The Trading Board has been requested to consider nominations by the three main political parties for one councillor each to sit on the Holding Company Board and to recommend to Cabinet who should be appointed.

3. Alternative Options

- 3.1 The Trading Board could consider a range of amendments to its Terms of Reference which it feels are appropriate and recommend them to Cabinet.

4. Proposals

- 4.1 The revised terms of reference were circulated to the Chair and Group Spokes and an amended version is attached at Appendix 1. These amended terms of reference reflect the wording contained in the Business Case approved by Cabinet on 14 June 2017 which approved the creation of the Holding Company and also the constitutional position regarding the role of the Trading Board. The amended terms of reference at Appendix 1 show the deleted wording struck out and the additional wording in italics.

- 4.2 The Business Case for the creation of the Colchester Commercial (Holdings) Limited included provisions regarding the membership of the Board and the number of directors. It was agreed that there would be five directors, The Managing Director, the Portfolio Holder for Commercial Services and three other Councillors one from each of the main political groups.
- 4.3 The Group Leaders were asked to nominate a member of their Group as a potential candidate for the Trading Board to consider and nominate to Cabinet for it to formally appoint as directors to the Holding Company.
- 4.4 Attached at Appendix 2 to this report are the nominations from each of the main political groups together with a short resume of their experience. Trading Board is requested to consider these and make a recommendation to Cabinet as appropriate.

5. Strategic Plan References

- 5.1 The Strategic Plan sets out the direction of the Borough and Council in the medium term. The new structures need to ensure implementation of the Plan with appropriate Governance arrangements.

6. Equality, Diversity, Human Rights, Community Safety, Health and Safety, Consultation, Publicity, Financial and Risk Management Implications

- 6.1 None identified relating to the subject matter of this report.

Panel	Membership	Terms of Reference
Trading Board	6 Councillors <i>(except those being appointed as directors of Colchester Commercial (Holdings) Limited</i> and up to three (non voting) co-opted external persons.	<p>a) Consider and review the activities <i>and financial performance performed by of :</i></p> <p><i>(i) Colchester Commercial (Holdings) Limited and its subsidiary companies i.e. Housing Company, Energy Company and Trading Company;</i> – the commercial services arm of the Council <i>(ii) those Council services generating income of approximately £250,000 or above; and</i> - any trading arms of the Council <i>(iii) any other partly or wholly owned companies of the Council</i></p> <p>b) <i>Receive, review and recommend Colchester Commercial (Holdings) Limited's business plans (including its subsidiary companies) annually.</i></p> <p>c) <i>Monitor, challenge and make recommendations to Cabinet regarding Colchester Commercial (Holdings) Limited and its subsidiary companies and other Council services with significant income streams.</i></p> <p>d) Identify and develop any new commercial agreements generating significant income for the Council for approval by Cabinet or Council.</p> <p>e) Develop the composition of any new body or bodies created wholly or in part by the Council for commercial purposes including their purpose; governance; operating model; business planning function; risk factors; and to recommend approval for such new arrangements to Cabinet or Council.</p> <p>f) Ensure any Council capital investment and/or assets that are to be transferred to or used by an outside body for commercial purposes is properly specified, protected and used by the outside body and recommended to Cabinet or Council for approval.</p> <p>g) Consider any proposed new/transfer or sale/purchase of company shares and make recommendations on these for approval by Council.</p> <p>h) <i>Make recommendations to Full Council on how it should exercise the functions flowing from its ownership of shares in Colchester Commercial (Holdings) Limited and its subsidiary companies.</i></p> <p>i) Identify and recommend to Cabinet or Council major strategic opportunities for procurement of services from other companies, organisations, social enterprises and the voluntary and third sector.</p>

		<p>j) Receive regular reports of procurement agreements entered into including financial and service performance measures against those stated in the contract and bring any concerns or risks as recommendations to Cabinet.</p> <p>k) <i>Recommend, where relevant, the constitution and appointment of the Board of Directors of Colchester Commercial (Holdings) Limited.</i></p>
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Nominee Councillor Directors to Colchester Commercial (Holdings) Limited

Liberal Democrat Group

Name	Experience
Martin Goss	<p>I have extensive commercial experience in a number of different sectors including IT, Financial Services and New Media where I have held a number of Senior Leadership positions delivering multi-million pounds Business and IT change projects which either deliver new services, new products or streamlining organisations.</p> <p>Currently I am in a very operational role within Financial Services providing leadership to a team of 21 people leading the CRM and Strategic DataWarehouse solutions used across the globe within different business units. I also manage a budget of £3,000,000 managing outsourced vendors.</p> <p>I hold an MBA from the Open University and numerous Project Management and Service Management qualifications.</p>
Phil Coleman	<p>Straight from school to professional footballer with Millwall, Colchester, Wrexham, Aldershot and played in Finland. Coached football to children and adults for over 35 years. Degree and Qualified Teacher Status from Middlesex University. Now an experienced teacher with 26 years service.</p> <p>I teach Physical Education and have been a head of year, deputy head and for 16 years head of the faculty for pe, dance and sport. I wrote the bid to gain specialist sports college and then ran a faculty with a budget for of £159k pa along with 18 full time teaching staff. I currently lead sports tours overseas e.g. Ski trips for up to 80 students with in depth knowledge of risk assessments.</p> <p>I've work with numerous external agencies including The Youth Sport Trust, Sport England, examination bodies, Tendring Leisure services, primary/secondary schools and resource providers to identify opportunities to build and enhance provision, courses, equipment and training for staff and young people at my school and others in our catchment area.</p> <p>Initiatives included creating a joint use agreement between pe, the school and TDC Leisure to open the pe/sport facilities from 5pm daily and at weekends to benefit the community and create more income from the hire of the facilities.</p> <p>I've created two consortiums, six primary and 22 secondary schools to share best practice and offer training for pe staff.</p> <p>I'm a qualified assessor for examination courses which entails inspecting schools pe courses and checking the grades awarded. I am currently teaching Btec Vocational Sport and Exercise courses to college students and coaching rugby to under 18 level. alongside pe teaching and a councillor for Mile End Ward</p>

Labour Group

Name	Experience
Adam Fox	<p>I have a background in business development and marketing with a track record of delivering income growth. I have experience working with people, managing performance, developing strategic plans, fundraising strategies, and other policies and procedures. I have managed various functions and been involved in work across finance, health and safety and human resources. I believe my experience working with SMEs and in the social enterprise sector will be of benefit to the new company structure being put in place by Colchester Borough Council.</p> <p>For the past year I have been the Labour Group spokesperson on Scrutiny Panel and also sit on the Local Plan Committee.</p>

Conservative Group

Name	Experience
Beverly Davies	<p>My current professional role is as Programme Manager of an EU grant working for Rural Community Council of Essex. I work closely with micro and small businesses to help them with their expansion plans and diversification projects which involves a degree of mentoring and understanding of business plans and business accounts. The role is investigative as well as supportive. I have a considerable background in project management. I gained my PRINCE2 practitioner qualification in 2012 and also have a qualification in Change Management (2012).</p> <p>I was director of my own business for nine years and during that time, worked with organisations, including small businesses and local authorities, to assist them with funding and business start-up schemes. I have acted as mentor to private sector businesses and community and voluntary organisations. I set up and was director of a small company which provides counselling and therapy to schools (primary and secondary stage pupils) as well as private customers.</p> <p>I have been a director (Vice Chairman of Trustees) of CCVS and am currently trustee of Cory Environmental in Colchester and The Straight Road Community Centre Ltd.</p> <p>I was sworn in as a Magistrate in 2009, a role which includes regular training and development sessions, including regular appraisals. I have been told that I am a robust, but fair, Magistrate. It is imperative, within this role, to have very good active listening skills, including asking relevant questions to try and find out more information. I also have to take in a lot of detailed information in a very short time, understand which issues are pertinent, make a judgment and be able to discuss any issues with the other Magistrates. Sometimes this leads to a change of stance on an issue and I have to have the emotional intelligence to deal with this and accept some verdicts which I do not agree with.</p>