

LLP STRATEGIC GOVERNANCE GROUP

Constitution

- (a) Five Elected Members of Scottish Borders Council being:-
- (i) the Executive Member for Social Work
 - (ii) the Depute Leader (Finance)
 - (iii) three other Elected Members.
- (b) One non-Council member of the Health and Social Care Integration Shadow Board as a non-voting member.

Chairman

The Chairman shall be the Executive Member for Social Work.

Quorum

Three SBC Elected Members of the Sub-Committee shall constitute a quorum

Functions Referred

The following functions of the Council in relation to the LLP (SB Cares) shall stand referred to the Sub-Committee:-

Decision-Making

1. Approve the Scheme of Financial Governance for the LLP and any changes proposed, including but not limited to, the adoption of a Financial Risk Register, the delegation of financial approvals within set limits to particular officers or staff of the LLP and any approvals in respect of signatures on cheques.
- * 2. Approve all staffing matters affecting the terms and conditions of employees of the LLP, Early Retirement/Voluntary Severance, potential compulsory redundancies, the variation of HR Policies and Procedures, any variation in conditions of employment.
3. Approve the expansion or contraction of the business of the LLP, including the pursuit of, bid for, or provision of any new workstreams or Services, or the relinquishment of any existing workstream or Service.
4. Approve the cessation of any part of the Services provided by the LLP.
- *5. Approve the LLP Business Plan.
6. Approve or amend the LLP's scheme of internal delegation authorising named employees or Officers of the LLP to execute certain deeds on its behalf.
7. Approve amendments to the terms of Service Level Agreements.
8. Approve any significant amendments to the business structure of the LLP.
9. Approve any significant alteration to the nature of the LLP's business.
10. Approve the sale, disposal, assignment or otherwise alienation of any assets of the LLP of individual value of more than £50,000 or any interest in any properties.
11. Approve the acquisition of any assets of individual value of more than £50,000 or any interest in any properties.

12. Approve the issue of any loan capital or entry into any commitment with respect to the issue of any loan capital.
13. Approve the formation of any subsidiary, or acquisition of any shares in a company or participation in any partnership or joint venture.
14. Approve any closing down or the making of any material change to the nature scope or location of any business operation
15. Approve the amalgamation or merger with any other company or undertaking
16. Approve the entry into, variation or termination of any commitment by way of a transaction or series of related transactions (including any leasing transactions) which would involve the LLP in the payment or receipt of consideration and having an aggregate value in excess of £50,000
17. Approve any arrangement, contract or transaction which relates to capital expenditure with a value in excess of £50,000
18. Approve the creation of, or give permission to be created any mortgage, charge, encumbrance with other security interests whatsoever over the whole or part of the business undertakings or assets of the LLP or agree to do so, other than liens arising in the ordinary course of business or any charge arising by the operation or purported operation of title retention clauses and in the ordinary course of business
19. Approve any loan (otherwise and by way of a deposit with a bank or other institution the normal business of which includes acceptance of deposits), or, grant any credit (other than in the normal course of trading), or, give any guarantee (other than in the normal course of trading) or indemnity
20. Approve the appointment of a new bank or bank as the Banker to the LLP.
- *21. Approve any change to the status of the pension fund, pension benefit for employees or employer contributions.

Scrutiny

- *22. Monitor the financial records (including Profit and Loss Accounts, Balance Sheet and cash flow) and financial performance of the LLP. Such financial records shall be reported to the Local Authority annually, in arrears, and within one month of the end of the reporting period.
23. Monitor quarterly budgetary control statements to be submitted within one calendar month of each financial quarter close, and make any recommendations as appropriate to the LLP or to Council.
24. Monitor any Extra-Ordinary expenditure requirement which shall be reported by the LLP within one month of having been identified
25. Request any further information in the possession or control of the LLP regarding financial condition and operations of the LLP as the Local Authority may reasonably request.
26. Monitor any dispute arising between the LLP and any union representing its employees.
27. Monitor on a quarterly basis the performance of the LLP as measured against:

(a) the Key Performance Indicators contained within the Service Contract;

(b) the business plans of the LLP.

28. Monitor any claim made, or likely to be made, relating to the LLP, its Business or property (including any progress on such claims) and of which the LLP has knowledge which might impact financially or reputationally on the LLP, SB Supports or the Local Authority.

29. Monitor all reports prepared by the Care Inspectorate in respect of any part of the Services provided by the LLP.

NOTE: In terms of the LLP Partnership Agreement, any matters falling within Part 2 of the Schedule in the Agreement (Items 1 to 21 above) which are already detailed in the current approved LLP Business Plan, shall not require further specific approval.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Sub-Committee for consideration and recommendation only and must receive approval of the Council.