

SUPPLEMENTAL REPORT OF THE DEMOCRATIC SERVICES MANAGER
Agenda item 15.2

8. AMENDMENTS TO THE COUNCIL'S CONSTITUTION:

As a result of various changes to Cabinet Members' portfolios, Officer titles there is a need to amend the Council's Constitution. Additionally, routine "housekeeping changes" are needed, as listed below:

Constitution Reference	Amendment
Part 3 – Responsibility for Functions - Powers delegated to Chief Officers Paragraph 6.1	Third bullet point to be altered to refer to the limits placed on Chief Officers by Contract Procedure Rules.
Part 4 – Council Procedure Rules- Section 3 – Panels and Consultative Bodies Paragraph 1	The reference to Substitute Members in the fourth column should be replaced with "Employees' Side Members"
Contract Procedure Rules – Paragraph 9 Post Tender Negotiations – Paragraph 9.1	The reference to the Cabinet Member for Value and Effectiveness to be replaced with " the Cabinet Member with portfolio responsibility for Procurement"
Rules for the Disposal of Land and Real Property	Replace reference to the Director of Community and Economic Development (DE&CD) with "Director of Resources (DOR)"
Budget and Policy Framework Procedure Rules – Paragraph 6	References to paragraph 9 (virement) and paragraph 10 (in year changes to the statutory policy framework) to be replaced with " paragraphs 3.8 and 6.6 of Part 3, of the Council's Constitution (virement)" and "paragraph 8 (in year changes to the statutory policy framework", respectively.

In accordance with the Council's normal practices, any significant proposals for change will be considered by the Constitution Review Committee.

RECOMMENDATION – That the Democratic Services Manager be instructed to make the appropriate amendments to the Council's Constitution, and to publish the changes.

9. CHANGES IN COMMITTEE MEMBERSHIPS

The Labour Group has indicated that they wish to make the following changes to their representation on Committees.

RECOMMEND – That the following changes be made to the membership of the Committees indicated:

- **Teachers Joint Negotiation and Consultation Committee – Councillor Gill Sargeant to replace Councillor Alison Moore**

- **Audit Committee – Councilor Ansuya Sodha to replace Councilor Alison Moore as a Substitute.**
- **Resources, Performance and Partnerships Overview and Scrutiny Committee – Councillor Soon-Hoe Teh to replace Councillor Alison Moore as Substitute**

10. AMENDMENTS TO ITEMS ON THE AGENDA:

(i) Agenda item 8.1 : Motion in the name of Councilor Schneiderman:

Amendment in the name of Councillor John Marshall

“Delete all after Council and insert:

“...welcomes the work the administration has done in involving *Connexions* service with our youth work, and other improvements made to the service since 2002.

Council further welcomes ongoing initiatives to improve the Youth Service, including providing after-hours activities for young people through the Extended Schools programme.

Council notes that the YMCA-run venture facility at Church Farm was initiated by Barnet Council through the efforts of local ward Councillors Hillan and Evans and the scheme was passed unanimously by Cabinet earlier this year.

Council calls on Cabinet to welcome the innovative changes made to Youth Services since 2002, and urges them to keep up the good work!”

(ii) Agenda Item 8.2 : Motion in the name of Councillor Danish Chopra

Amendment in the name of Councillor Mike Freer:

“Delete all after “Council” and Insert:

“...notes the administration continues to work to involve residents in meaningful consultation as part of decision-making.

Council welcomes the Annual Residents’ Survey 2004/5 that found 73 % of residents feel the Council keeps them informed, as against only 57% for London as a whole.

Council also notes that Survey found 71% thought the Council is doing a “Good Job” – the highest in the Capital.

Council notes that no Council can ever consult on the final level of Council Tax: this depends on the amount of Grant available from Central Government, which is decided after consultation has begun.

Council further notes that the overwhelming majority (over 90 %) of London Boroughs do not use a mailshot as part of Budget Consultation.

Council welcomes the news that, in addition to the Open Day, residents will be able to email their views on the Budget, and will be kept up to date using *Barnet First*, which is delivered free to every home in the Borough.

Council urges Cabinet to support the initiative of using both *Barnet First* and the Open Day to consult with its residents.”

(iii) Agenda item 83: Motion in the name of Councilor Alison Moore

The following amendment in the name of Councillor Fiona Bulmer:

“Delete all after 'Council notes' and add

“...the Cabinet Overview and Scrutiny Committee has referred Cabinet decision on Sheltered Workshop Funding back to Cabinet in order to ask the employers of the affected individuals to review again whether there are any alternative sources of funding.

Council notes that research by the Local Government Association shows that there is a £800 million gap between the funding provided by central government and the amount council social services departments need to meet the demands on their services.

Council notes and appreciates the excellent work carried out by Barnet's Social Services department in managing those funding pressures and supporting thousands of vulnerable people across the Borough. This includes providing more than 800,000 hours of home care a year, 185, 000 day care places a year, as well as a range of residential provision and other support for those with more complex needs.”

(iv) Agenda item 8.5: Motion in the name of Councillor John Marshall.

The following amendment in the name of Councillor Barry Rawlings:

“Amend motion to read:

“Council praises the achievements of many of our children, teachers, teaching assistants and governors, who are succeeding despite the failures of Barnet’s Local Education Authority (LEA).

Council notes the LEA failed to meet its target for five good GCSEs this August, and that the latest figures for five GCSE grades A to G show that standards have fallen since the Conservative Administration took over the LEA. Council further notes that in August the LEA failed to meet its Key Stage 2 targets for maths and English, and that the science results fell by 3% compared to 2004.

Council notes that, according to the independent inspectors OFSTED, Barnet LEA is the worst performing LEA in London with the most failing schools in special measures in 2004 and 2005.

Council notes that OFSTED describes the LEA as “unsatisfactory” with poor support for schools and teachers, and a lack of effectiveness of performance management to turn schools round. Council notes that OFSTED’s survey of Barnet schools rated the quality of LEA support as one of the worst in any LEA and showed “a high level of dissatisfaction”, and that there is limited added value from the LEA to schools.

Council resolves to call on Cabinet to bring forward an emergency action plan setting out an analysis of why the LEA fails to prevent schools falling into special measures and serious weaknesses, and to set out a strategy for early identification and support for schools causing concern and in difficulties.”

Councillor Rawlings has requested, in accordance with Part 4, Section 1, 31.5, of the Council’s Procedure Rules, that if the item is not dealt with by the end of the meeting, it be voted upon at the council meeting.

(v) Agenda item 8.6: Motion in the name of Councillor Wayne Casey.

The following amendment in the name of Councillor Alan Schneiderman:

“Amend motion to read:

“Council supports the leadership of the Local Government Association Chair, Conservative councillor Sir Sandy Bruce-Lockhart: “We support the Licensing Act and are fully committed to ensuring it is successfully implemented on 24 November.”

Council supports the new power for the police, residents or the Council to seek a review of a licence at any time problems occur and which can lead to the removal of the license.

Council supports the new powers for the police and courts to crackdown on the abuse of licenses:

- to close all licensed premises within a specified area for up to 24 hours where disorder is occurring or anticipated,
- £20,000 fine or 6 months in prison or both for breach of license,
- £5,000 fine and forfeit of licence at first offence for selling alcohol to children,
- £1,000 fine for obtaining alcohol for a drunk person, and

- £1,000 fine and forfeiture of license for retailers who allow disorderly conduct or sell alcohol to drunk people.

Council notes that delaying the Act would mean:

- the hard work of Committee Services officers and Barnet's Licensing Committee members would be wasted,
- fees paid and work done by Barnet's applicants would be wasted,
- administrative problems over the festive season and New Year as many of Barnet's premises would need to apply for and pay for special permissions to sell alcohol late just to cover events over the festive period, and
- delaying the new powers for the police and courts, despite the Association of Chief Police Officers wanting the Act brought in as planned.

Council supports the concerns of residents regarding increasing opening hours of licensed premises both where there are problems of anti-social behaviour and where the premises are 'nuisance neighbours', and Council condemns the difficulty for councillors to effectively represent their ward residents in regard to applications. Council therefore urges Barnet's Licensing Committee:

- to agree a written submission setting out Barnet Council's concerns to the Government's review of the licensing guidance starting at the end of November;
- to offer to become a scrutiny council for the Government's establishment of a group of scrutiny councils to monitor implementation; and
- to consult the police and consider whether Barnet would benefit from the addition of a 'cumulative-impact' section to its licensing policy. ""

Councillor Schneiderman has requested, in accordance with Part 4, Section 1, 31.5, of the Council's Procedure Rules, that if the item is not dealt with by the end of the meeting, it be voted upon at the council meeting.

(vi) Agenda Item 9.1 : Administration Policy Item

(i) The following amendment in the name of the Leader of the Council, Councillor Brian Salinger:

"Amend the Policy Item so that it reads:

"Council notes that Barnet Primary Care Trust (PCT), which currently provides primary and community healthcare for Barnet residents and which also commissions hospital and community services for them, works in co-terminosity with Barnet Council.

Council further notes the Government had put forward proposals to decrease the number of PCTs across London, and enlarge the areas they cover.

Council believed that this could have damaged the current joint working relationships between the PCT and Barnet Council, especially work to support the vulnerable, including the elderly and children, as well as efforts to tackle anti-social behaviour.

Council notes the ALG Leaders' meeting on 11 October, which saw Borough Leaders, of all political parties, calling for PCTs to continue to be coterminous with London Borough boundaries.

Council further notes that while the ALG committee agreed with proposals to make PCTs commissioners of a wider range of healthcare, they pressed for a stronger role for local Councils both within this arrangement, and in their powers to scrutinise local changes in the delivery of healthcare.

Council however welcomes the recent announcement by the Secretary of State for Health that co-terminosity between PCTs and Boroughs will be preserved.

Council calls on Cabinet to write to the Department of Health to applaud this decision to preserve co-terminosity that Council feels is in the best interests of all ill and infirm people in Barnet.””

(ii) The following amendment in the name of Councillor Linda McFadyen: “Amend motion to read:

“Council notes that Barnet Primary Care Trust (PCT), which currently provides primary and community healthcare for Barnet residents and which also commissions hospital and community services for them, works in co-terminosity with Barnet Council.

Council welcomes the recent decision of the London Strategic Health Authorities, and the Department of Health, not to merge Barnet PCT with neighbouring PCTs. Council further notes that while the ALG Leader’s committee meeting on 11 October agreed with proposals to make PCTs commissioners of a wider range of healthcare, they pressed for a stronger role for local Councils both within this arrangement, and in their powers to scrutinise local changes in the delivery of healthcare.

Council calls on Cabinet to make a representation to the Department of Health in support of plans to strengthen the Scrutiny role of London Boroughs in local health provision, and to ensure that London Boroughs have a stronger role to play should legislation to make PCTs wider commissioners of healthcare be passed. “”

Councillor McFadyen has requested, in accordance with Part 4, Section 1, 31.5, of the Council’s Procedure Rules, that if the item is not dealt with by the end of the meeting, it be voted upon at the council meeting.

(vii) Agenda item 9.2: Opposition Policy Item:

Amendment in the name of Councillor John Marshall:

“Delete all after “Council” and Insert:

“...welcomes the improvement in the Youth Service since 2002.

Council believes that the emphasis on detached youth workers is correct.

Council welcomes the development of the extended schools concept that will provide additional facilities to the young people of Barnet.

Council calls on Cabinet to reiterate our commitment to a First Class Education Service, access to which should be the birthright of every child, and our commitment to improving the quality of vocational training.””

11. AGENDA ITEM 10: COMMENTS ON THE WORK OF CABINET

The following Comment, at Agenda item 10.4, from Councillor Wayne Casey:

“Comment on the work of the cabinet in relation to access to aids and adaptations for those residents suffering from arthritis.”

12. MEMBERS’ ALLOWANCES SCHEME 2005-2006: AMENDMENT

The Members’ Allowances Scheme for 2005-2006 was agreed by the Council on 1 March 2005.

Since the Scheme was agreed, the Council has appointed a new Audit Committee, with a Special Responsibility Allowance to be paid to the Chairman of that Committee, subject to Cabinet Resources Committee agreeing to increase the Members Allowances budget as required.

Additionally, it has emerged that there were a couple of areas where the Scheme required clarification and updating. These areas related to the Carers’ Allowance and Approved Duties and Conferences.

Accordingly, the Independent Remuneration Panel were invited to meet on 23 September:

- To consider the level of SRA to be paid to the Audit Committee Chairman;
- To clarify whether the hourly rate for the Childcare and Carer's Allowance should be paid "per carer" or "per cared-for"; and
- To consider a review of the List of Approved Duties and Conferences.

The SRA proposed for the Audit Committee Chairman can be contained within the existing budget this financial year. There is, however, no financial provision for its payment in future years and the Cabinet Resources Committee should now be requested to consider increasing the Members Allowances budget to enable payment of this allowance beyond 5 April 2006.

The Report of the Panel on these matters is attached.

RECOMMEND:

1. That, having regard to the recommendations of the Independent Remuneration Panel on 23 September 2005, the Members' Allowances Scheme for the year 2005/06 be amended:
 - i. In Schedule 1 of the Scheme, to include payment of a Scale 4 Special Responsibility Allowance (currently £4,250) to the Chairman of the Audit Committee, backdated to the appointment of that Committee by the Annual Meeting of Council on 17 May 2005;
 - ii. In Section 4.4.1 of the Scheme, to include an express statement that the allowance be paid on a "per cared for" basis; and
 - iii. To delete Appendix A of Schedule 2 to the Scheme (List of Approved Conferences), and to delete existing Paragraph 4 of Schedule 2 to the Scheme, and substitute the words:
 "Conferences and meetings convened by a person or body whose objects are neither wholly nor partly political, and otherwise than in the course of a trade or business, for the purpose of discussing matters which in the Council's opinion will relate to the interests of Barnet or its inhabitants or of part of Barnet or the inhabitants of part of it are approved for the purposes of payment of travel and subsistence allowance. They are those conferences and meetings convened by outside bodies being conferences where it is considered that there is a direct connection with a function of this Council.
 "The IRP will review uptake of allowances in connection with attendance at such conferences and meetings annually to ascertain whether any recommendations need to be made to the Council in this respect."
2. That the Cabinet Resources Committee be requested to consider financial provision for payment of the SRA for the Audit Committee Chairman from 6 April 2006; and
3. That the Democratic Services Manager be instructed to publish the changes to the Scheme.

13. REPORT OF CABINET 11 OCTOBER – AGENDA ITEM 12 : CORRECTION OF TYPOGRAPHICAL ERRORS

With reference to Agenda item 12 and Item 15.2 .6 of my report, some of the pages attached to the item on my report are out of order. The correct order is now attached as Appendix Revised E. There are no other changes.

RECOMMEND – That the Report of Cabinet, as amended by Appendix Revised E be approved and adopted.

John Marr
Democratic Services Manager

**Report of the
Members' Independent Remuneration Panel
23 September 2005**

Members of the Panel:

Firoozeh Ghaffari, Chairman

Principal Lecturer, Accounting & Finance, Middlesex University

Gavin Pommernelle

Head of Group HR, Pentland Brands Limited

Linda Turner

Chairman, Barnet Voluntary Services Council

Special Responsibility Allowance for the Chairman of the Audit Committee

We noted that the new Audit Committee was established on 17 May 2005, after the current Allowance Scheme for 05-06 had been agreed by Council, and that consideration now required to be given to the level of SRA to be paid to the Chairman of that Committee.

We considered the Terms of Reference of the Audit Committee and the onerous responsibility it discharges. We considered the number of Audit Committee meetings scheduled in the current municipal calendar. We were of the view that the range of duties and number of meetings of the Audit Committee are consistent with those of a Scrutiny Committee.

We recommend that the same SRA be paid to the Chairman of the Audit Committee as is paid to a Scrutiny Committee Chairman – currently a Scale 4 allowance of £4,250 – and that payment of this allowance be backdated to 17 May 2005, when the Audit Committee was established.

Childcare and Carers' Allowance

Our attention was drawn to an anomaly which had become apparent in the current scheme which is silent on whether a carer's allowance should be paid on a "per carer" or "per cared-for" basis.

We were of the view that the most equitable solution would be to pay the allowance on a "per cared-for" basis. We noted that, currently, there would be minimal budgetary impact by paying this allowance in this way.

We recommend that the Childcare and Carers' Allowance be paid on a "per cared-for" basis, and that this be expressly stated in the Scheme in order to cure the anomaly identified.

Approved Duties and Conferences

We were invited to review the Approved Duties and Conferences in Schedule 2 part 4, and the list at Appendix A of the Scheme, which had not been considered by the Panel for some time.

We noted the prescriptive nature of the current list at Appendix A, and that some of the events referred to might no longer be current or be attended to any great degree by Members of the Council.

We were of the view that the current list ought to be deleted and replaced with more flexible generic provision. We also felt it would be appropriate for us to review annually

the uptake of allowances in connection with attendance at such conferences and meetings.

We recommend that Appendix A of Schedule 2 to the Scheme (List of Approved Conferences) be deleted, and that paragraph 4 of Schedule 2 to the Scheme be deleted and replaced with the following wording:

“Conferences and meetings convened by a person or body whose objects are neither wholly nor partly political, and otherwise than in the course of a trade or business, for the purpose of discussing matters which in the Council’s opinion will relate to the interests of Barnet or its inhabitants or of part of Barnet or the inhabitants of part of it are approved for the purposes of payment of travel and subsistence allowance. They are those conferences and meetings convened by outside bodies being conferences where it is considered that there is a direct connection with a function of this Council.

“The IRP will review uptake of allowances in connection with attendance at such conferences and meetings annually to ascertain whether any recommendations need to be made to the Council in this respect.”

Firoozeh Ghaffari, Chairman
23 September 2005

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Appointment of Representatives on Outside Bodies

Nominations

Vacancy Reference	Outside Body	Current Representative	Labour	Conservative	Liberal Democrat
0112 Member	Adoption and Permanency Panel	Councillor Agnes Slocombe (Expires 25/11/2005)	Cllr Agnes Slocombe		
0228c Member	Arts Depot Trust Ltd	Councillor Katia David (Expires 25/11/2005)	Cllr Alan Schneiderman	Cllr Katia David	
1055 Member	Eleanor Palmers Charity	Mr Martyn Woolf (Resigned 11/10/2005)	Mr Tim Roberts	Cllr Wendy Prentice	
1062 Member	Fostering Approvals Panel	Councillor Susan Steinberg (Expires 25/11/2005)		Cllr Maureen Braun	
1063 Member	Fostering Approvals Panel	Councillor Soon-Hoe Teh (Expires 25/11/2005)	Cllr Anne Hutton		

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County and Maintained Special Schools - Appointments of Representative Governors
Posts which will expire on reconstitution of the Governing Body

Vacancy Reference	School	Current Representative	Nominations		
			Labour	Conservative	Liberal Democrat
P.41.1	Dollis Infant School	Ms S De Lance Liberal Democrat (Appointed 17/05/2005)			Ms S De Lance
P.41.4	Dollis Infant School	Mr Vinod Sodha Labour (Appointed 28/06/2005)	Mr Vinod Sodha		
P.40.1	Fairway Primary School	Mrs Gwen Brandon Labour (Appointed 01/03/2005)	Mrs Gwen Brandon		
P.40.3	Fairway Primary School	Ms Jackie Irvén Labour (Appointed 16/12/2003)	Ms Jackie Irvén		

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County and Maintained Special Schools - Appointments of Representative Governors

Vacancy Reference	School	Current Representative	Nominations		
			Labour	Conservative	Liberal Democrat
VP34.1	Akiva School (Temporary Body)	New Vacancy		Cllr Andrew Harper	
VP3.1	Annunciation RC Infant School	Councillor Claire Farrier Labour (Resigned 20/10/2005)	Mr Charles Macauley		
P.23.1	Brookland Infant and Brookland Junior Schools	Mr Simon Berger Labour (Deceased 20/09/2004)	Mr Bilal Dogar		
P.10.3	Brunswick Park Primary School	Councillor Daniel Hope Conservative (Resigned 24/06/2004)		Mrs Lisa Rutter	
P.11.1	Church Hill School	Ms Kelly Liza Tebb Labour (Resigned 02/03/2005)	Defer		
P.39.1	Courtland JMI School	Mrs J Burton Liberal Democrat (Resigned 13/07/2003)		Mr David Michael Rose	
P.07.2	Danegrove Primary School	Councillor Terry Burton Conservative (Resigned 18/05/2005)		Mr Robert Rams	
P.38a.1	Deansbrook Infant School	Mrs Marilyn Manning Conservative (Resigned 16/05/2005)		Defer	

Vacancy Reference	School	Current Representative	Nominations		
			Labour	Conservative	Liberal Democrat
S.04.3	East Barnet School	Councillor Terry Burton Conservative (Resigned 18/05/2005)			
S.04.4	East Barnet School	Councillor Fiona Bulmer Conservative (Expires 27/11/2005)		Cllr Fiona Bulmer	
S.04.5	East Barnet School	Ms Cathy Glasman Labour (Expired 11/10/2005)	Ms Cathy Glasman		

NB – Only 2 nominations are required for East Barnet School

P.40.2	Fairway Primary School	Mr K Lyon Conservative (Disqualified 07/09/2005)		Defer	
P.48.2	Hampden Way Nursery School	Mrs Sandra Hope Conservative (Resigned 15/09/2004)		Defer	
SP.02.2	Northway School	Mr Hugh Rayner Conservative (Resigned 25/11/2003)		Defer	
SP.03.2	Oakleigh School	Mrs Anne Jarvis Labour (Resigned 25/07/2004)	Defer		

Vacancy Reference	School	Current Representative	Nominations		
			Labour	Conservative	Liberal Democrat
VP10.2	Our Lady of Lourdes RC School	Mrs S Ramsden Labour (Expires 27/11/2005)	Mrs S Ramsden		
S11.1	Queen Elizabeths Girls School	Councillor Katia David Conservative (Resigned 23/10/2005)		Mr Stephen Sowerby	
S11.3	Queen Elizabeths Girls School	Mr Fred Jarvis Labour (Resigned 08/12/2005)	Mrs Kathy Levine		
VP.32.2	St Johns CE Primary N11	Councillor Terry Burton Conservative (Resigned 05/02/2003)		Mr Gareth Knight	
VP.21a.1	St Johns NW4	Mrs R Levy Conservative (Expired 16/02/2004)		Defer	
VP.16.1	St Josephs RC Junior School	Mr P Theobald Conservative (Deceased 31/08/2004)		Defer	
P.16.1	Summerside Primary School	Mrs J Underhill Conservative (Resigned 25/09/2004) and Councillor Mark Langton Labour (Disqualified 05/05/2005)	Mr Geof Cooke	Mr Reuben Thompstone	

NB – Only 1 nomination is required for Summerside Primary School

Vacancy Reference	School	Current Representative	Nominations		
			Labour	Conservative	Liberal Democrat
P.50.4	The Orion Primary and Goldbeaters Primary Schools	Mr J Hart Conservative (Resigned 04/11/2004)	Cllr Claire Farrier	Defer	

FURTHER SUPPLEMENTAL REPORT OF THE DEMOCRATIC SERVICES MANAGER
Agenda item 15.2

14. CHANGES IN COMMITTEE MEMBERSHIPS

With reference to Item 9 of my report, the Labour Group has indicated that they also wish to make the following changes to their representation on Committees.

RECOMMEND – That the following changes be made to the membership of the Committees indicated:

- **Councillor Schneiderman to replace Councillor Yeoman as a Member of the Cabinet Overview and Scrutiny Committee**
- **Councillor Tierney to replace Councillor Schneiderman as a Substitute Member of the Cabinet Overview and Scrutiny Committee**
- **Councillor Yeoman to replace Councillor Moore as a Member of the Planning and Environment Committee.**

John Marr
Democratic Services Manager