

**Council Meeting**  
**12 September 2006**

REPORT OF THE ACTING DEMOCRATIC SERVICES MANAGER

AGENDA ITEM 13.1

1. **Amendment to Leader's Scheme of Delegation:**  
**(i) Cabinet ICT Committee – Withdrawal of Delegation.**  
**(ii) Cabinet Equalities and Social Inclusion Committee - Withdrawal of Delegation**

The Leader of the Council has given notice that

(i) because many of the ICT projects it oversees are now in their implementation phase he has decided to disband this Committee and transfer its functions to the Cabinet Resources Committee;

A revised scheme of delegation for the latter Committee is attached at Appendix A and is shown in italics.

(ii) equalities and social inclusion is integral to everything the Cabinet does and this cabinet committee is no longer required. The Leader has indicated that as he has overall responsibility for Human Resources he will lead on such issues as they may arise.

**RECOMMEND – That the Acting Democratic Services Manager be instructed to make the appropriate changes to the Council's Constitution.**

2. **Joint Overview and Scrutiny Committees – Healthy Start Healthy Futures and Healthy Hospitals**

The Council has been advised by Barnet Primary Care Trust that there will be no formal consultation on the Healthy Start Healthy Futures project and that work on Healthy Hospitals is to be taken over by The Barnet, Enfield and Haringey Clinical Strategy. There is, therefore, no longer any need for the Healthy Start Healthy Futures Joint Overview and Scrutiny Committee which was set up in connection with the former project.

However, it is intended not to disband the Healthy Hospitals Joint Overview and Scrutiny Committee until alternative arrangements have been made to scrutinise the Barnet, Enfield and Haringey Clinical Strategy.

**RECOMMEND – That the Council note that the Joint Overview and Scrutiny Committees relating to Healthy Start Healthy Futures has been disbanded.**

3. **Reports exempted from the call – in process because they are urgent:**

These matters are reported to the Council to meet Constitutional requirements. No action is required by the Council and the decisions have been implemented.

In the case listed below the Chairman of the Cabinet Overview and Scrutiny Committee agreed that the decision proposed was reasonable in all the

circumstances, was urgent and therefore has consented to the proposed decision being exempted from call – in:

- (i) In order to avoid delay in the London Diocesan Board for Schools implementation of a contract to build a new nursery to open in April 2007, and any consequent additional costs or risk to grant aided funding which might arise from a delay, the Deputy Leader of the Council, exercising the executive powers of the Leader of the Council pursuant to his delegation, agreed to:
- note that the Cabinet Resources Committee had considered a report on the matter on 27 July 2006; but was unable to reach a proper decision due to the omission of an exempt report.
  - assist the governors of St Mary's and St John's Primary School in their statutory duty to implement the provision of a new nursery to open in April 2007, by transferring the freehold title of an area of local authority land to the trustees of the school for the provision of a new nursery.

#### **4. Appeals Committee**

The Appeals Committee currently consists of 10 Members, plus substitutes, with a quorum of three. However, concerns have been raised by Members that if all or most of the Members attend a hearing this may be daunting for appellants and may hinder the efficient conduct of the hearing, whilst also absorbing Members' availability needlessly.

Whilst it is still considered necessary to have a pool of Members to enable a quorate hearing to be arranged with minimal notice, it is considered that it is not necessary to call on more than four Members from the pool for any hearing.

With the agreement of the Chairman of the Committee, it is therefore proposed that an amendment be made to Part 3 of the Constitution, as it refers to this Committee, to enable the Democratic Services Manager to select only four Members for each hearing, and to ensure that the Committees are politically balanced where member availability allows this. The proposed amendment to the Constitution is attached at Appendix B.

Based on the current political make – up of the Council, the Panels will normally consist of two members from each of the Conservative and Labour Groups respectively, selected on a first come, "first come, first served" basis. However, depending on Member availability, it may not always be possible to achieve this.

The outcome of the selection process undertaken by the Democratic Services Manager will be recorded in a Delegated Powers report and published on the Intranet when the appeals relate to staffing or other matters relating to individuals, as the decision will be exempt by virtue of paragraph 2 of the Local Government (Access of Information) (Variation) Order 2006 – "information which is likely to reveal the identity of an individual.

#### **RECOMMEND –**

- (i) That arrangements for Appeals Committees be amended to enable the Acting Democratic Services Manager to select only four Members for each hearing, and to ensure that the Committees are politically balanced where member availability allows this**
- (ii) That the Acting Democratic Services Manager be instructed to make the appropriate changes to the Council's Constitution.**

**(iii) That it be noted that the outcome of the selection process for each appeal will be recorded in a delegated powers report.**

**5. Executive Decisions and the Operation of the Call-In and Urgency Process – Review**

The Council’s Constitution requires the Democratic Services Manager to report to the Council on the operation of the provisions of the call – in and urgency process with proposals for review if necessary.

The process was last reviewed by the Council on 8 November 2005 who decided, amongst other things, as follows (Minute 103):

- (i) That the Constitution Review Committee consider the operation of the provisions for call-in and urgency and whether there is a need for change and report on the outcome to the Council, and that the Democratic Services Manager be instructed to make the appropriate arrangements.
- (ii) That the Chief Internal Auditor be instructed to report to the Audit Committee on the robustness of the project planning procedures undertaken by Heads of Service to ensure that adequate provision is made for the Council’s formal decision – making processes.

On the recommendation of the Special Committee (Constitution Review), the Council decided to make no changes to the existing Constitution provisions (CI 11 April 2006, Minute 220).

With regard to (ii) above the Chief Internal Auditor carried out his review, mainly in relation to the Procurement Processes. The outcome of that review was circulated to Audit Committee members on 31 May 2006. The review found that procedures had improved sufficiently to ensure that adequate provision was made for the Council’s formal decision making process and that the use of exemption from call-in was minimal.

The development of e-tendering within the Council will have in –built triggers to ensure that the correct approval processes are being followed.

With regard to the review for the year 2005/2006, set out below, is the situation relating to 2004/05 and 2005/06 –

Year	No. of Cabinet Decisions	No. of Cabinet Resources Committee Decisions	No. of Cabinet Member delegated powers reports	No of Area Environment Committee Decisions
2004/2005	0	6	11	0
2005/2006	0	0	4	0
2006/2007 (up to 25 August)	0	0	2	1

The Chief Executive is continuing, personally, to monitor requests for exemptions from the call – in process and will take immediate action if he considers that there are areas for concern, in consultation with the Chairman of the Cabinet Overview and Scrutiny Committee, as during 2003/04.

The one area that has given rise to concern during the year is ensuring that exempted reports are published as quickly as possible on the web – site.

The Acting Democratic Services Manager is arranging for the weekly monitoring of all delegated powers reports to minimise the risk, as far as possible, of decisions not being loaded expeditiously.

**RECOMMEND – That the report of the Acting Democratic Services Manager relating to Executive Decisions and the Operation of the Call-In and Urgency Process - Review be noted.**

Janet Rawlings  
Acting Democratic Services Manager

## Appendix A

### Leader's Scheme of Delegation: revised terms of reference of Cabinet Resources Committee incorporating functions of former Cabinet ICT committee

Committee	Functions	Membership
Resources	<p>Capital and revenue finance, forecasting, monitoring, borrowing and taxation.</p> <p>To consider reports on treasury management strategy and activity, including creating and maintaining a Treasury Management Policy Statement.</p> <p>Grants and loans from all sources to voluntary organisations. (Grants above £50,000 are reserved to the Cabinet)</p> <p>Monitor the trading position of appropriate council services, carry out debt analysis and look at income sources and charging policies.</p> <p>To write off debt.</p> <p>To determine external or cross-boundary trading limit.</p>	<p>Councillor Mike Freer (Chairman)</p> <p>Councillor Anthony Finn</p> <p>Councillor Lynne Hillan</p> <p>Councillor John Marshall</p> <p>Councillor Matthew Offord</p>

Committee	Functions	Membership
	<p>To agree exceptions to standing orders, all decisions relating to approved lists and agreed national registers, authorise post tender negotiations and accept tenders which are not the lowest.</p>	
	<p>To agree externalisation contracts including any proposal to appoint external cash investment managers.</p> <p>Approval of schemes not in performance management plans but not outside the Council's budget or policy framework.</p> <p>All matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.</p> <p><i>To develop and recommend to Cabinet for adoption an e-Government strategy and associated ICT policies and strategies</i></p> <p><i>To submit to Cabinet each year detailed proposals for all council ICT expenditure in the coming year for consideration as part of the budget and forward plan process.</i></p>	

Committee	Functions	Membership
	<p><i>To monitor the implementation of the e-Government and ICT strategies.</i></p>	
	<p><i>To co-ordinate and decide priorities for the development of e-government and ICT systems and projects to achieve the council's modernisation objectives in accordance with the approved strategies.</i></p> <p><i>All matters relating to the purchase or leasing of ICT equipment and software, provided that it is in accordance with the approved e-Government and ICT strategies and the Council's budget and policy framework.</i></p> <p><i>To oversee the performance of the IT service and the balance between internal and external service provision.</i></p> <p><i>For ICT contracts, to agree exceptions to standing orders, all decisions relating to approved lists and agreed national registers, authorise post tender negotiations and accept tenders including those which are not the lowest.</i></p>	

Appeals Committees	Determining an appeal or application where there is a right of appeal to a Council committee. This does not include matters, which are the responsibility of the Licensing Committee or the Licensing Sub-Committee, nor does it include special statutory appeal or review bodies. It does include:-	The composition of each of the Appeals Committees will comprise 10 councillors plus 2 substitutes from each political group.
	<ul style="list-style-type: none"> <li>• Applications and appeals relating to Sex Shops, Sex Cinemas and Sex Encounter Establishments</li> <li>• Staffing appeals relating to grading (but not the placing of individuals in a career grade), dismissal and relegation (including by centrally employed teaching staff)</li> <li>• Appeals relating to renovation, disabled facilities, home repair assistance and common parts facilities grants</li>   <li>• Statutory complaints against school governing bodies</li> <li>• Appeals under the housing right to compensation scheme.</li> </ul>	<p>The Democratic Services Manager selects each Committee in turn having regard to member availability and the areas that they represent. <i>Each Committee will consist of four Members and will be politically balanced where member availability allows.</i></p> <p>The Democratic Services Manager arranges daytime or evening meetings to suit the wishes of appellants.</p>