

Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at The Town Hall, Hendon, NW4, on Tuesday, 15 April 2008.

PRESENT:

- *The Worshipful the Mayor (Councillor Maureen Braun)
- *The Deputy Mayor (Councillor Richard Cornelius)

Councillors:

*Fiona Bulmer	*Christopher Harris BA BSc	*Sachin Rajput BA (Hons)
*Terry Burton	MPhil	PgD Law
*Anita Campbell	*Helena Hart	*Robert Rams
*Wayne Casey BA (Hons)	*John Hart BA MA	*Barry Rawlings
MIIA	*Lynne Hillan	*Hugh Rayner
*Danish Chopra	*Ross Houston	Colin Rogers
*Dean Cohen BSc (Hons)	*Anne Hutton	*Lisa Rutter
*Jack Cohen	*Julie Johnson	*Brian Salinger
*Melvin Cohen LLB	*Duncan Macdonald	*Kate Salinger BEd (Hons)
*Brian Coleman, AM, FRSA	*Caroline Margo	*Gill Sargeant
Geof Cooke	*John Marshall	*Joan Scannell
*Jeremy Davies BA (Hons),	*Linda McFadyen	*Alan Schneiderman
CPFA	*Kath McGuirk	*Agnes Slocombe SRN RM
*Mukesh Depala	*Andrew McNeil	*Ansuya Sodha MBA (Middx)
*Claire Farrier	*Alison Moore	Cert Ed, DipM (CIM), AMBA
*Anthony Finn BSc (Econ)	*Jazmin Naghar	*Andreas Tambourides
FCA	*Matthew Offord	*Joanna Tambourides
*Mike Freer	*Charlie O-Macauley	*Daniel Thomas BA (Hons)
*Brian Gordon, LL.B	*Monroe Palmer OBE, BA,	*Jim Tierney
*Eva Greenspan BA LL.B	FCA	*Daniel Webb
(Hons)	*Susette Palmer MA	*Richard Weider
*Andrew Harper	*Bridget Perry	*Marina Yannoudakis BSc
	*Wendy Prentice	(Hons) MA
		*Zakia Zubairi
		Vacancy

*denotes Member present

1. PRAYER (Agenda Item 1):

The Mayor's Chaplain offered prayer.

2. APOLOGIES FOR ABSENCE (Agenda Item 2):

Apologies for absence from Councillors Geof Cooke, Colin Rogers who was away in Canada on family business and Duncan Macdonald. Apologies were received for lateness from Councillors Hugh Rayner, Ansuya Sodha.

3. MINUTES OF MEETING HELD ON 4 March 2008 (Agenda Item 3):

RESOLVED – That the minutes of the meeting held on 4 March 2008 be approved subject to the following correction:

- The correct spelling of Councillor Helena Hart's name in item 12 of the minutes.

**TO FOLLOW: QUESTIONS AND ANSWERS AND
SUPPLEMENTARY QUESTIONS AND ANSWERS.**

4. OFFICIAL ANNOUNCEMENTS (Agenda Item 4):

The Worshipful the Mayor expressed her sadness in formally announcing the death of former Councillor Jim Anani who served as ward Councillor for East Barnet from 1990 to 1994, and died a little while previously from a brain tumour. During his time on ~~of~~ the Council, Jim Anani had served on a number of Council Committees including the Social Services Committee, the Family Care Sub-Committee, the Town Planning and Research Committee and the Northern Area Panning Sub-Committee.

A minute's silence was held in remembrance of a departed colleague.

The Worshipful the Mayor announced that Councillor Matthew Offord and Claire Rowles both ran in and completed the London Marathon on 13 April. Councillor Matthew Offord completed it in 3 hours 57 minutes and Claire Rowles in 5 hours 19 minutes and between them they raised nearly £4,000 for the Mayor's Charity.

5. RESOLUTION OF APPRECIATION (Agenda Item 5):

Moved by the Deputy Mayor, duly seconded and

RESOLVED –

1. **“That we, the Members of the Council of the London Borough of Barnet, hereby express to The Worshipful the Mayor, Councillor Maureen Braun, our appreciation of the excellent service she has rendered to the London Borough of Barnet as its Mayor during the period May 2007 to May 2008, and for the friendly and conscientious way in which she has performed the duties of that office.**

We offer her our sincere gratitude for the concern that she has shown at all times in promoting the welfare of the London Borough and its residents, particularly for her willingness to support the many organisations and individuals who called on her time and services during her year of office. We congratulate her on the success of her appeal for North London Hospice.

2. **That the foregoing resolution be engrossed over the common seal of the corporation and presented to the Worshipful the Mayor”**

The Mayor expressed her gratitude to the Council for passing the resolution.

6. DECLARATIONS OF PERSONAL AND PREJUDICIAL INTERESTS (Agenda Item 6):

The following Members declared personal and non – prejudicial interests, as indicated, and remained in the room during the discussion and participated in the decision – making process:

- Councillor Susette Palmer, as she is a member of Friends of the Libraries
- Councillors Monroe Palmer, Helena Hart and Ross Houston as they are Directors of Barnet Homes.
- Councillors Linda McFadyen and Jeremy Davies on Item 10.1 as they are both employees of the NHS

7. BUSINESS REMAINING FROM LAST MEETING (Agenda Item 6):

None.

8. QUESTION TIME FOR MEMBERS (Agenda Item 7):

Questions were put to the Leader and the relevant Members of the Cabinet. Those questions, together with the original answers provided and the text of any supplementary questions and answers are set out in an Appendix to these minutes.

9. VARIATION OF ORDER OF BUSINESS

Councillor Joan Scannell, duly seconded, moved under Council Procedure Rule, Section 1, paragraph 10.2.2, that the order of business relating to Agenda Item 8 be varied so that Motions 9.1, 9.4 and 9.6 be heard first.

Upon being put to the vote, the motion was declared carried.

RESOLVED – That the order of business be varied to allow Motions 9.1, 9.4 and 9.6 to be heard first.

10. MOTION 9.1 IN THE NAME OF COUNCILLOR JULIE JOHNSON AS AMENDED BY COUNCILLOR LYNNE HILLAN (Agenda Items 9.1)

Motion 9.1 in the name of Councillor Julie Johnson was moved.

An amendment in the name of Councillors Lynne Hillan was moved.
Debate ensued.

Upon being put to the vote the amendment in the name of Councillor Lynne Hillan was declared carried. The substantive motion as amended was declared carried.

RESOLVED - Council thanks the West Hendon and Dollis Valley estate lease-holders for bringing the problems of their windows to the Cabinet Member's attention.

However, Council is dismayed that the West Hendon Ward Councillors, in contrast, did not raise the matter constructively with the Cabinet Member.

Council accepts its legal obligation to ensure that all properties owned by the Council are deemed to be safe and has a duty of care to protect its residents. Therefore all windows deemed unsafe by the recent Condition of Stock report will have to be replaced to comply with Health and Safety Regulations.

Council agrees that the burden this will place on Leaseholders should be addressed.

Council asks the Chief Executive to write to all leaseholders on both estates to this effect.

Further, Council requests the Cabinet Member continues working with Barnet Homes to produce a solution to the issue of repairs until the estates are regenerated.

11. MOTION 9.4 IN THE NAME OF COUNCILLOR FIONA BULMER AS AMENDED BY COUNCILLOR MONROE PALMER (Agenda Item 9.4 and 13.1.5 (iii)a)

Motion 9.4 in the name of Councillor Fiona Bulmer was moved. Amendments in the Councillors Monroe Palmer and Barry Rawlings were moved, in respect of the latter from the floor. Debate ensued. Councillor Monroe Palmer agreed to withdraw point number 4 of his amendment. Councillor Fiona Bulmer accepted his revised amendment.

Upon being put to the debate the amendment in the name of Councillor Barry Rawlings was declared lost. Ten Members demanded a Division on the voting on the motion in the name of Councillor Fiona Bulmer as amended. Upon being taken the results of the Division were declared as follows.

For	Not Voting	Absent
Councillors	Councillors	Councillors
Braun	Campbell	Cooke
Bulmer	Chopra	Macdonald
Burton	Farrier	Rayner
Casey	Houston	Rogers
Dean Cohen	Hutton	Sodha
Jack Cohen	Johnson	Zubairi
Melvin Cohen	McFadyen	
Coleman	McGuirk	
Cornelius	McNeil	
Davies	Moore	
Depala	O-Macauley	
Finn	Rawlings	
Freer	Sargeant	
Gordon	Schneiderman	
Greenspan	Slocombe	
Harper	Tierney	
Harris		
Helena Hart		
John Hart		
Hillan		
Margo		
Marshall		
Naghar		
Offord		
Monroe Palmer		
Susette Palmer		
Perry		
Prentice		

Rajput		
Rams		
Rutter		
Brian Salinger		
Kate Salinger		
Scannell		
Andreas Tambourides		
Joanna Tambourides		
Thomas		
Webb		
Weider		
Yannakoudakis		

For 40
Not Voting 16
Absent 6
Vacancy 1

Upon being put the vote, the substantive motion as amended was declared carried

RESOLVED - Council notes the public attacks on certain Barnet schools.

Council understands that many of the breaches relate to minor matters but there is concern at inadvertent breaches of the Admissions Code.

Council notes that there is nothing wrong in some of Barnet's faith schools asking parents of existing pupils for voluntary contributions to fund religious studies and, sadly, security needs.

Council notes that schools cannot be allowed to breach the Admissions code by asking for, or insisting on, voluntary donations when application is made for admission. Such requests or demands could be perceived as having an influence on whether the student obtains a place at that school.

Council condemns the 'trial by the press' by statements made by the Government Minister.

Council notes LBB is working with the schools concerned to ensure compliance with the Admissions Code and rectifying any breaches by any school in Barnet.

Accordingly, Council requests that Cabinet:

- 1. works to ensure the Borough's schools comply with the Admissions Code**
- 2. explains to the press both local and national what it is doing**
- 3. requests that the Chief Executive writes to the Minister urging him to work with and through the Local Authority and not through headline catching public statements.**

12. MOTION 9.6 IN THE NAME OF COUNCILLOR BRIAN COLEMAN (Agenda Items 9.6):

Motion 9.6 in the name of Councillor Brian Coleman was moved. An amendment in the name of Councillor Ross Houston was moved from the floor. Debate ensued.

Upon being put to the vote the amendment in the name of Councillor Ross Houston was declared lost. The substantive motion was declared carried.

RESOLVED - Council is dismayed that two of the 20 highest wards for Burglary in London (Child's Hill and West Hendon), lie in the Borough of Barnet.

Council is dismayed that with the number of such crimes has jumped by more than 7% in Barnet this year.

Council believes that more resources should be put into frontline Policing, to tackle these and other crimes, with less time and money spent on bureaucracy and form-filling.

Council accordingly requests that Cabinet makes recommendations to the Metropolitan Police Authority (MPA), calling for more resources to be directed into frontline Policing to tackle crime and disorder in Barnet and across London.

13. MOTION 9.2 IN THE NAME OF COUNCILLOR ALISON MOORE AS AMENDED BY COUNCILLOR MATTHEW OFFORD (Agenda Items 9.2)

Motion 9.2 in the name of Councillor Alison Moore and amendments in the name of Councillors Matthew Offord and Kath McGuirk (moved from the floor) were put to the vote without debate. The amendment in the name of Councillor Matthew Offord was declared carried. The amendment in the name of Councillor Kath McGuirk was declared lost.

The substantive motion as amended was declared carried.

RESOLVED – Council notes plans, approved in the 1990s, which would have worked to solve the misery at Henly's Corner by constructing flyovers and underpasses.

Council is dismayed Transport for London (TfL) decided not to proceed with these proposals.

In contrast, the recently announced options for the junction from TfL are inadequate, Council believes, and will do little to solve congestion or improve safety at the junction.

Council asks the Chief Executive to write to Transport for London, calling for the development of an effective scheme to tackle the longstanding problems at Henly's Corner.

14. MOTION 9.3 IN THE NAME OF COUNCILLOR JIM TIERNEY AS AMENDED BY COUNCILLOR BRIAN COLEMAN (Agenda Item 9.3)

Motion 9.3 in the name of Councillor Jim Tierney and amendments in the name of Councillors Brian Coleman and Andrew McNeil (moved from the floor) were put to the vote without debate. The amendment in the name of Councillor Brian Coleman was declared carried. The amendment in the name of Councillor Andrew McNeil was declared lost.

The substantive motion as amended was declared carried.

RESOLVED – Post Office Closures

Council notes that the public consultation period on Post Office closures ended on 2 April.

Council affirms its opposition to the proposed closures in Barnet and across London.

Council condemns the Labour Government for agreeing Post Office Ltd.'s Business Plan to shut these offices.

Council regrets that Rudi Vis MP did not support the recent Conservative-led Motion in the Commons that would have suspended the closures.

Council asks Cabinet to continue to work to put the case against any Post Office closures in Barnet and explore all avenues to help develop alternative provision in the event that Post Office Ltd proceeds with the closures.

15. MOTION 9.5 IN THE NAME OF COUNCILLOR HELENA HART (Agenda Item 9.5)

Motion 9.5 in the name of Councillor Helena Hart and an amendment in the name of Councillor Wayne Casey (moved from the floor) were put to the vote without debate. The amendment in the name of Councillor Wayne Casey was declared lost.

The substantive motion was declared carried.

RESOLVED - Council notes the recent GLA Report on Breast Screening in the Capital which showed that one third of women in London are failing to take up invitations for Screening for Breast Cancer. Whilst acknowledging the latest figures from Barnet PCT showing take up levels locally of 88%, Council remains extremely concerned that following its recent problems this vital Service will not be back to normal until 2010.

In the light of these ongoing problems, the Cabinet Member for Public Health has written to the Chairman of the Strategic Health Authority with the request that he urgently allows systems to be put in place to alleviate this quite unacceptable situation and to immediately provide the extra capacity necessary to bring the Service back up to normal. These measures might include use of the Private Sector whom we are told at present is precluded from providing this service, as well as the provision locally of an additional NHS Screening centre.

Council further agrees that due to the vital nature of this service to women's health – breast screening saves 1400 lives every year – it is imperative that the Government makes funds available immediately both to improve and extend the existing services and also to shorten the screening cycle from 3 years to 2 years and to extend the age range of women eligible for screening.

Council therefore requests the Chief Executive to write to the Secretary of State for Health with this request particularly in view of the Government's commitment to extend Breast screening to women aged between 47 and 73 from April of this year.

16. MOTION 9.7 IN THE NAME OF COUNCILLOR KATH McGUIRK AS AMENDED BY COUNCILLOR MATTHEW OFFORD (Agenda Item 9.7)

Motion 9.7 in the name of Councillor Kath McGuirk and amendments in the name of Councillors Matthew Offord and Alan Schneiderman (moved from the floor) were put to the vote without debate. The amendment in the name of Councillor Matthew Offord was declared carried. The amendment in the name of Councillor Alan Schneiderman was declared lost.

The substantive motion as amended was declared carried.

RESOLVED - Council believes cycling should be supported and encouraged in Barnet.

Council welcomes last summer's cycle training courses which saw 538 children and 43 adults improving their road safety skills. Council further welcomes an expansion in this scheme that will allow 145 adults and 633 to do the same this year.

In addition, Council believes that cycle parking must be considered as part of the LCN+ project - and the location of cycle parking needs to take into account the routes people use rather than simply putting in cycle parking provision where space is available

Council asks Cabinet to work with Barnet Cyclists to increase the number of cycle stands in the Borough to optimum levels.

17. ADJOURNMENT OF MEETING

In accordance with the Agenda, the Mayor adjourned the meeting for 15 minutes.

The meeting reconvened at 9.00 pm

18. ADMINISTRATION POLICY ITEM: HEALTH CARE FOR LONDON (Agenda Items10.1)

Councillor Helena proposed the item and moved that it be adopted. . Debate ensued. Under Council Procedure Rule, Section 1, paragraph 18.1.8 Councillor McFadyen moved that the policy item be put to the vote. Council agreed.

Upon being put to the vote, the Policy Item was declared carried.

RESOLVED – On 30 November 2007, the NHS in London issued a consultation document, written by Professor Lord Darzi, outlining ways in which healthcare could be improved in London over the next 10 years.

The document was based on the following five principles:

- **Services should be focused on individual needs and choices.**
- **Services should be localised where possible, or regionalised where that improves the quality of care.**
- **There should be joined up care and partnership working maximising the contribution of the entire workforce.**
- **Prevention is better than cure.**
- **There must be a focus on reducing differences in health and healthcare across London**

Barnet Council has responded to the Consultation, highlighting the following areas of concern:

- 1) There should be a far higher commitment by the NHS to prioritise spending on preventative treatment.**
- 2) Polyclinics must be in addition to existing services such as GP surgeries, they must not be at their expense.**
- 3) The NHS policy of moving care closer to home must be properly financed and not “shunted” onto Council services.**
- 4) More weight should be placed on improving interaction between patients and staff rather than policy changes and reconfigurations.**
- 5) The consultation should have included specific measures to meet the pressures being faced by maternity services.**
- 6) Resources must not be directed away from suburbs such as Barnet, which, though generally affluent, contains significant pockets of need.**
- 7) Transport for London must be engaged to plan any revised transport requirements arising from new patterns of provision.**

Council is adamant that any new plans for healthcare in London must not divert resources away from the Borough, and that our existing pattern of GP practices should be enhanced, not threatened.

This is particularly necessary following the reconfiguration of services at Barnet and Chase Farm Hospitals, which will see a greater number of patients using Barnet General, putting pressure on facilities there.

Accordingly, Cabinet is requested to engage and correspond with the London NHS further to ensure that the new plans for the London NHS provide sufficient and sustainable support to healthcare services in Barnet, particularly in view of the Borough’s growing population, and the pressures put on services caused by the reconfiguration at Barnet and Chase Farm.

18. OPPOSITION POLICY ITEM: ENCOURAGING AFFORDABLE HOUSING IN BARNET (Agenda Items 10.2)

Councillor Ross Houston proposed the item and moved that it be adopted. Amendments in the name of Councillors Lynne Hillan and Claire Farrier were moved. Debate ensued

Upon being to the vote the amendment in the name of Councillor Lynne Hillan was declared carried. The amendment in the name of Councillor Claire Farrier was declared lost.

The substantive Policy item as amended was declared carried.

RESOLVED –

Council agrees that Cabinet must do all it can to encourage developers who submit planning applications for smaller developments in Barnet to include an appropriate contribution to the supply of affordable housing - whether on-site or by payment in lieu.

However, Council also believes a healthy housing market is also essential to encourage and support low-cost home ownership in the Borough.

Council therefore believes that affordable housing thresholds help support this market, and any removal or decrease in the threshold would act as a disincentive for developers, and cut the overall supply of new homes.

In addition, Council is proud of LBB's moves to encourage home ownership by helping tenants onto the property ladder and other moves in the Housing Strategy to tackle need.

Council further welcomes the regeneration schemes across the Borough that are creating attractive, affordable homes within pleasant, mixed communities.

Accordingly, Council calls on Cabinet to continue its work in facilitating home ownership across the Borough, and developing new, attractive mixed communities in our regeneration areas.

19. REPORT OF CABINET (Agenda Item 11.1, 11.2, 11.3 and 14.1.4)

Councillor Mike Freer moved reception and recommendation of the report. Debate ensued.

“Report of Cabinet

3 April 2008

Cabinet Members:

Cllr Mike Freer (Chairman)

Councillors:

* Fiona Bulmer	* Anthony Finn BSc	* Lynne Hillan
* Melvin Cohen, LL B	Econ FCA	* John Marshall
Brian Coleman, AM	* Andrew Harper	* Matthew Offord (in the
FRSA	* Helena Hart	Chair)

* denotes Member present

denotes Member absent on Council Business

1. LOCAL AREA AGREEMENT 2008/09 – 2010/11 AND SUSTAINABLE COMMUNITY STRATEGY (Cab Dec 26/2/2007 – 7 and Rept 7/3/2006 – 1) (Report of the Cabinet Member for Policy & Performance– Agenda Item 6):

Cabinet considered the attached* report of the Cabinet Member for Policy & Performance

Noting that the Government intended to bring in regulations giving local authorities discretion to choose whether Local Area Agreement

responsibilities would fall to the Council or the Executive, Cabinet agreed to ask Council to formally delegate the responsibility to the Executive. Cabinet's decisions of this date record their approval of the LAA submission subject to that delegation being authorised.

Cabinet also endorsed the draft Sustainable Community Strategy, approval of which was reserved to the Council by the Constitution.

For the reasons set out in the Cabinet Member's report, Cabinet accordingly:

RESOLVED TO RECOMMEND

- 1. That, subject to the relevant regulations receiving parliamentary approval, Council agree that functions relating to the preparation, submission and modification of a Local Area Agreement be the responsibility of the Executive, and that the Democratic Services Manager be authorised to amend paragraph 2 (Responsibility for Local Functions) of Part 3 of the Constitution accordingly;**
- 2. That Council approve the draft Sustainable Community Strategy 2008 – 2018.**

2. CHILDREN & YOUNG PEOPLE PLAN 2008/09 (Report of the Cabinet Member for Children's Services - Agenda Item 9):

Cabinet considered the attached* report of the Cabinet Member for Children's Services. Cabinet's decisions of this date record their authorisation for the Director of Children's Service in consultation with the Cabinet Member for Children's Services to make any necessary amendments to the Children and Young People Plan prior to its approval by Council, as may be needed to reflect updated finance and performance information.

For the reasons set out in the Cabinet Member's report, Cabinet:

RESOLVED TO RECOMMEND - That (subject to any amendments made as referred to above) the Children and Young People Plan 2008/9 – 2010/11 be approved as attached.

3. SAFER COMMUNITIES STRATEGY (Report of the Cabinet Member for Community Engagement & Community Safety - Agenda item 10):

Cabinet considered the attached report of the Cabinet Member for Community Engagement & Community Safety.

For the reasons set out in the Cabinet Members' report, Cabinet:

RESOLVED TO RECOMMEND

- 1. That Cabinet recommend to Council that the Safer Communities Strategy 2008-2011 be approved;**
- 2. That the Cabinet Member for Community Safety and Community Engagement be authorised to agree any amendments necessary as a result either of changes to the Local Area Agreement or as a result of public consultation. “**

Upon being put the vote the recommendations were agreed.

RESOLVED – That the Report of Cabinet dated 3 April, 2008, be approved and adopted.

**20. REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEES
(Agenda Item 11)**

None

**21. REPORT OF THE SPECIAL COMMITTEE (CONSTITUTION REVIEW) 31
MARCH 2008 (Agenda Item 13.1 and 14.1.3):**

Councillor Melvin Cohen moved reception and recommendation of the report together with the Explanatory Note clarifying the position regarding the differences in procedures for public speaking and questions to Cabinet and Cabinet Committees, as set out in Item 14.1.3 of the Democratic Services Manager's report. Debate ensued.

**“Report of the Special Committee
(Constitution Review)
31 March 2008**

Members:

- * Councillor Melvin Cohen LL B (Chairman)
- Councillor Mike Freer (Vice-Chairman)

Councillors:

- | | | |
|------------------|---------------------|-------------------------------|
| * Jack Cohen | * Richard Cornelius | * Lynne Hillan |
| * Linda McFadyen | * Alison Moore | (substituting for Mike Freer) |
| * Matthew Offord | Joan Scannell | * Alan Schneiderman |
| * Daniel Webb | | |

* denotes Member present on 26 March (*see action sheets appended for November and January meetings*)

CONSTITUTION REVIEW 2007/8 (Reports of the Democratic Services Manager and Director of Corporate Governance & Monitoring Officer agenda items 6 & 6A)

The Committee met on 26 November 2006, 30 January 2008 and 31 March 2008 to consider aspects of the Council's Constitution, which had been raised by both officers and Members as matters requiring review. The Action Sheets relating to the Committee's 26 November 2007 and 30 January 2008 meetings are attached as Appendices A1 and A2.

On 31 March 2008 the Committee considered reports of the officers concerned on all the outstanding matters on which the Committee considered they should make recommendations for change to the Council, including changes to Council Procedure Rules – Section 1, clarification of Overview & Scrutiny Committee rules, amendments to Part 3 - Responsibility for Functions, changes to Section 2 - Committees and Sub-Committees, a review of the Contract Procedure Rules, the Definition of a Working Day, Governance provisions relating to local authority partnerships – Article 10, Council Procedure Rules relating to councillors rights to attend meetings where they are not a member of the Committee or Sub-Committee, Changes required as a result of the Local Government and Public Involvement in Health Act 2007, Article 9 , Article 7 – The Executive relating to the Leader's wish to appoint non-Executive Members as Assistant Cabinet Members and other corrections and clarifications.

The reports of the officers concerned are being circulated separately to all members of the council

The Committee agreed

- (i) Changes to the Constitution agreed at their meetings on 26 November 2007 and 30 January 2008 which related to Matrix Ref. Nos.1, 3, 5, 6, 7, 8, 12, 14, 15, 16, 18, 19, 21, 22, 26 and 27.
- (ii) A definition of a working day for the purposes of the Constitution and amendments and deletions in the Constitution to reflect this. (Matrix Ref. 2)
- (iii) Changes to Article 10 to take into account governance provisions relating to local authority partnerships. (Matrix Ref. 10)
- (iv) An amended Council Procedure Rule Section 2 Committees and Sub-Committees redrafted to comply with the new Members Code of Conduct and other matters. (Matrix Ref 11).
- (v) Changes required to the Constitution as a result of the Local Government and Public Involvement in Health Act 2007. (Matrix Ref. 20 – Agenda Item 6A).
- (vi) Revised Contract Procedure Rules amended to take into account a new form of wording relating to Novation Agreements and an amendment to the thresholds resulting from a change of the values for EU procurement on 1 January 2008. (Matrix Refs. 24 and 30)
- (vii) That the quorum for the increased membership of the Standards Committee be 5 to include at least 3 independent lay members. (Matrix Ref. 25 and Agenda Item 6A).
- (viii) That Article 4.01 and Responsibility for Functions be amended to reflect changes to titles and updating of Policy Framework to ensure conformity with legislation. (Matrix Ref. 28)
- (ix) That the Public Participation Rules be amended to allow for public questions at Cabinet and Committees of the Executive. (Matrix Ref. 29) and that clarification should be given regarding speaking arrangements and public questions.
- (x) That Council Procedure Rule 41.1 be amended to remove the anomaly in respect of amendments to recommendations and to include amendments relating to the recommendation of officers. (Matrix Ref. 32).
- (xi) That Article 7 – The Executive be amended to reflect the Leader's wish to appoint non-Executive Members as Assistant Cabinet Members. (Matrix Ref. 31) as amended.

The Democratic Services Manager advised the Committee that the Table of Chief Officers appeared in appendices on Pages 15, 29 and 124 of the agenda and that the Head of Housing and Head of Children and Families should be deleted from that table in all cases

RESOLVED TO RECOMMEND:

- (1) That the amendments to the Constitution agreed on 26 November 2007 and 30 January 2008 as detailed in Appendices A1-A20 of the Democratic Services Manager's report (circulated separately to members) be approved and adopted..**
- (2) (i) That a working day, for the purposes of the Constitution be defined as any day from Monday to Friday, inclusive, excluding Bank Holidays, and as finishing at 11pm;**
 - (ii) An explanatory note be included in the Constitution as set out in the attached appendix.**
 - (iii) Any other definitions of a working day be deleted, as also set out in the appendix;**
 - (iv) For the purposes of calculating working days, the day of despatch of a document, motion, request, question, fax, letter or email and the day of the meeting is discounted, as set out in the appendix.**
- (3) That the proposed Governance Provisions relating to local authority partnerships detailed in the Appendix to this report be approved.**
- (4) That the proposed amended Council Procedure Rules, Section 2 – Committees and Sub-Committees be approved.**
- (5) That the changes to the Constitution as a result of the Local Government and Public Involvement in Health Act 2007 as detailed in the appendix to this report be approved.**
- (6) That the proposed amendments to the Contract Procedure Rules relating to Novation Agreements and the change of thresholds be approved as detailed in the attached appendix.**
- (7) That the quorum for the increased membership of the Standards Committee be 5 to include at least 3 independent lay members.**
- (8) That Article 4 and Responsibility for Functions be updated to ensure conformity with legislation as detailed in the attached appendix.**
- (9) That Section 4 Public Participation be amended to enable public questions at Cabinet and Committees of the Executive as detailed in the attached appendix and that the Democratic Services Manager be instructed to include wording to clarify the position regarding the difference in procedures for public speaking and questions to Cabinet and Cabinet Committees.**
- (10) That Part 4, Council Procedure Rules – 41.1 Amendments to recommendations be amended to include amendments relating to the recommendation of officers as detailed in the attached appendix.**
- (11) That Article 7 – The Executive be amended as per the attached appendix.**
- (12) That with effect from 13 May, 2008, the changes to the Constitution listed below, and appended to this report, be approved and adopted:**
 - 1. Contents Page – Explanatory Note**
 - 2. Preface to the Constitution**
 - 3. Constitution of the Council -Summary and Explanation**
 - 4. Article 4 – The Full Council**

5. Article 7 – The Executive
 6. Article 9 – The Standards Committee
 7. Article 10 – Area Committees and Forums and Local Strategic Partnership
 8. Part 2, Article 12 – Revised Table of Chief Officers
 9. Part 3 – Responsibility for Functions
 10. Part 3 - Pension Fund Compliance Statement
 11. Part 4, Section 1 - Council Procedure Rules
 12. Part 4, Section 2 - Committees and Sub-Committees
 13. Part 4, Section 3 - Panels and Consultative Bodies
 14. Part 4, Section 4 – Public Participation
 15. Overview and Scrutiny Rules – 9 - Agenda Items
 16. Contract Procedure Rules
 17. Protocols for Member – Officer Relations
- (13) That the Democratic Services Manager be instructed to make the appropriate changes to the Constitution.

RESOLVED - That, subject to the Council's approval and adoption of recommendation (9) of the Report of the Special Committee (Constitution Review) dated 31 March 2008, the wording set out in Appendix A to this report to clarify the position regarding the differences in procedures for public speaking and questions to Cabinet and Cabinet Committees be approved for insertion as Note 3 of the Explanatory Note to the Constitution.

Upon being put the vote the recommendations were agreed.

RESOLVED-

- (1) That the Report of the Special Committee (Constitution Review) dated 31 March 2008 be approved and adopted.
- (2) That the wording set out in Appendix A to these minutes to clarify the position regarding the differences in procedures for public speaking and questions to Cabinet and Cabinet Committees be approved for insertion as Note 3 of the Explanatory Note to the Constitution.

22. REPORTS EXEMPTED FROM THE CALL-IN PROCESS BECAUSE THEY ARE URGENT (Report of the Democratic Services Manager – Agenda Item 14.1.1):

In accordance with Constitutional requirements the Democratic Services Manager reported on the following decisions. The Chairman of the Cabinet Overview and Scrutiny Committee agreed that the decisions were reasonable in all the circumstances, that they should be treated as a matter of urgency and consequently exempted from the call – in process.

23 CHANGES IN COMMITTEE MEMBERSHIPS (Supplemental Report of the Democratic Services Manager – Agenda Item 14.1.2)

RESOLVED - that the following change in Committee Memberships be approved:

Cabinet and Overview Scrutiny Committee

- Councillor Bridget Perry to replace Councillor Daniel Thomas as a member of the committee.

- Councillor Kate Salinger to replace Councillor Robert Rams as a member of the committee.
- Councillor Mukesh Depala to replace Councillor Marina Yannakoudakis as substitute member of the committee.

Supporting the Vulnerable in our Community Overview and Scrutiny Committee.

- Councillor Kate Salinger to replace Councillor Brian Gordon as a substitute member of the committee.

Resources Performance and Partnerships Overview and Scrutiny Committee

- Councillor Sachin Rajput to replace Councillor Daniel Thomas as member of the committee.

Audit Committee

- Councillor Daniel Webb to replace Councillor Daniel Thomas as member of the Committee.

Standards Committee

- Councillor Andreas Tambourides become a new member on the Committee
- Councillor Maureen Braun to become a new substitute member on the Committee.

23. CHANGES TO OUTSIDE BODIES (Supplemental Report of the Democratic Services Manager – Agenda Item 14.1.3)

RESOLVED - that the following change to the following outside body be approved:

Standing Advisory Committee for Religious Education

- Councillor Brian Gordon to replace Councillor Christopher Harris.

74. COMMENTS RELATING TO THE WORK OF CABINET (Agenda Items 14 and 13.1.9)

Comment: Councillor Dean Cohen

School travel plans identify safe, healthy and sustainable means of getting to school, helping to cut pollution and congestion on Barnet roads. Could the Cabinet Member for Environment and Transport therefore tell us how many Barnet schools now have school travel plans and how many did they have a year ago

Response: Councillor Matthew Offord

I'll not only tell the Member how many we had a year ago I'll tell him how many we had in March 2004, just before I became the Cabinet Member. At that time we had just two schools with School Travel Plans – just 1.3%. A year ago there were 59 schools, 38%, and in March of this year the figure had risen to 119 schools - 78.3% across the borough. As the Member has already highlighted, the benefits this provides the borough is not only in terms of

healthier children but also in providing a cleaner, greener and also healthier borough for our residents

Comment: Councillor Andrew McNeil

The recent weather has caused potholes to open up all over Barnet with a particularly large one exacerbating further the traffic problems in Church Lane, N2. The Council really need to sort out the problems in that road as a matter of urgency. Waiting for a tragic accident to happen is just not good enough. A 20 mph zone supported by flashing speed signs would keep the average speed at or below 20 mph and discourage those driving faster than 20 mph. These people put other drivers, pedestrians, parked vehicles and property at risk. I'm drawing this to the attention of the Cabinet Member in the hopes that he will act before a child or anyone else is killed or maimed on this very awkward stretch of Barnet's busy roads.

Response: Councillor Matthew Offord

Madam Mayor I've already answered that on question 24 tonight. I refer the Member to that answer.

The meeting finished at 10.15pm

APPENDIX A

EXPLANATORY NOTE:

3. Part 4 of the Constitution sets out Rules relating to Public Participation at Cabinet, Cabinet Committees. Committees and Sub – Committees.
4. The rules relate to two methods of Public Participation at Cabinet, Cabinet Committees. Committees and Sub – Committees.

(i) Public Questions

This is where a member of the public may send in a written question to the Democratic Services Manager addressed to the Chairman or Leader, or relevant Cabinet Member, relating to any matter that falls within the remit of the Committee or Cabinet or Cabinet Committee. The matter to which the Question refers does not necessarily have to relate to an item already on the Agenda for the meeting.

Therefore questions on the work of Cabinet could relate to the work being carried out on any of the matters within the remit of any of the Cabinet Members. The specific responsibilities are set out in the section entitled "Responsibility for Functions", and could relate, for example, to the environment, community safety, children's services, adult social services.

As far as Cabinet Committees are concerned, currently the Leader of the Council has appointed the Cabinet Resources Committee. The detailed remit of the Committee is also set out in Responsibility for Functions, and could relate to ICT strategies or grants and loans to voluntary organisations, for example.

For other Committees, which includes ~~the~~ (but not exclusively) Area Planning and Area Environment Committees and Overview and Scrutiny Committees, the questions must relate to any of the matters within the relevant Committee's terms of reference.

Questions must be received by the Democratic Services Manager by no later than 10am on the 7th working day before the meeting.

(ii) Request to speak and address Committees and Sub – Committees.

This is where members of the public may ask to speak and address the Committee or Sub – Committee when they consider a specific matter which is on the Agenda for the meeting. Requests to speak must be submitted to and by the Democratic Services Manager by no later than 10am on the 2nd working day before the meeting.

Anyone wishing to speak at Cabinet or Cabinet Committees on items placed on the Agenda for these meetings can only do so upon invitation from the Leader of the Council or the Cabinet Member who will be taking the Chair at the meeting. To enable

this to happen, Members of the public should make application to the Leader or relevant Cabinet Member, also by 10am on the 2nd working day before the meeting.