

Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

Tuesday, 7 April 2009 at 7.00pm

VENUE

Barnet House, 1255 High Road, Whetstone, N20 0EJ

A G E N D A

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CORPORATE GOVERNANCE DIRECTORATE

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Tuesday 7 April, 2009 Agenda and Timetable

Item	Subject	Timing/Details	Page Nos.
Part 1	Statutory formalities / Announcements (15 minutes)	7.00pm – 7.15pm	
1.1	Prayer – the Mayor’s Chaplain	Reverend Alan Walker	-
1.2	Apologies for absence	To receive members’ apologies for absence	-
1.3	Minutes of last meeting held on 3 March 2009	To sign as a true record	1 - 9
1.4	Official announcements		
1.5	Declarations of interest	To receive members’ declarations of interest	-
1.6	Resolution of Appreciation		
1.7	Any business remaining from last meeting		-
Part 2	Question Time (30 minutes or until 7.45pm, whichever is the longer)	7.15pm – 7.45pm	
2.1	Questions to the Leader and Cabinet		To be circulated separately
Part 3	Members’ Motions (60 minutes) Motions in the order in which notice has been given	7.45pm – 8.45pm	
3.1	Councillor Dan Thomas – Local Spending Reports		10
3.2	Councillor Helena Hart – Major Trauma and Stroke Services at the Royal Free Hospital		11
3.3	Councillor Alan Schneiderman – Icelandic Banks		12
	Break	8.45pm – 9.00pm	
Part 4	Policy Development (60 minutes)	9.00pm – 10.00pm	
4.1	Administration Policy Item (30 minutes) Education Provision for 16-19 Year Olds		13
4.2	Opposition Policy Item (30 minutes) Sheltered Housing		14

Part 5	Statutory Council Business (40 minutes)	10.00pm – 10:40pm	
5.1	Reports from Cabinet		
5.2	Reports from Other Committees		
5.2.1	Report of the Special Committee (Constitution Review) - 17 March 2009		15 - 16
5.2.2	Report of the Resources, Performance and Partnerships Overview and Scrutiny Committee – 25 March 2009		To follow
5.3	Reports of Officers		
5.3.1	Democratic Services Manager		17
	Reports exempted from the call-in process because they are urgent		
5.3.2	Director of Resources and Director of Planning, Housing and Regeneration		To follow
5.3.3	Monitoring Officer		
Part 6	Accountability (20 minutes)	10.40pm – 11.00pm	
6.1	Comments on the work of the Cabinet (10 minutes)		
6.2	Questions to representatives on outside bodies (10 minutes)	None	

David Seabrooke, Democratic Services Manager
Building 4, North London Business Park, Oakleigh Road South, New Southgate, N11 1NP

MINUTES

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at Barnet House, N20 0EJ, on Tuesday, 3 March 2009.

PRESENT:

- *The Worshipful the Mayor (Councillor John Marshall)
- *The Deputy Mayor (Councillor Mukesh Depala)

COUNCILLORS:

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

*denotes Member present

168. PRAYER (Agenda Item 1.1)

The Mayor's Chaplain offered prayer.

169. APOLOGIES FOR ABSENCE (Agenda Item 1.2)

Apologies for lateness were received for Jeremy Davies and for absence for Councillor Kate Salinger and Councillor Anita Campbell.

170. MINUTES OF MEETING HELD ON 27 JANUARY 2009 (Agenda Item 1.3)

- **RESOLVED – That the decision of the meeting held 27 January 2009 be approved.**

171. SUSPENSION OF COUNCIL PROCEDURE RULES

The Worshipful the Mayor, duly seconded, moved, under the provisions of Council Procedure Rule 14, that Council Procedure Rule 3.2 be suspended to allow 30 minutes for Part 1 business, as this included the election of the Mayor Designate for the year 2009/10.

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

RESOLVED – That Council Procedure Rule 3.2 be suspended to allow 30 minutes for Part 1 business as this included the election of the Mayor Designate for the year 2009/10.

173. OFFICIAL ANNOUNCEMENTS (Agenda Item 1.4)

The Worshipful the Mayor expressed his sorrow in formally announcing the death of former Councillor Malcolm Passingham. Mr Passingham was a ward Member for Brunswick Park and served on Barnet Council for its inception in 1964 until 1968.

The Worshipful the Mayor was also sorry to announce the death in January of Mr Ed Prentice, husband to Councillor Wendy Prentice. When Councillor Prentice served as Mayor of the London Borough Barnet from 2004/05, Mr Prentice was the Mayor's escort. The Worshipful the Mayor described Mr Prentice as a man of great charm and a true gentleman. The Worshipful the Mayor, on behalf of the Council, expressed sympathy to Councillor Prentice and her family at this sad time.

The Council paid a standing tribute to Mr Passingham and to Mr Prentice, the late husband of Councillor Wendy Prentice.

174. DECLARATIONS OF PERSONAL AND PREJUDICIAL INTERESTS (Agenda Item 1.5)

The following personal and non – prejudicial interests were declared, relating to Agenda Item 5.1, Report of Cabinet held on 23 February 2009 – Council Budget and Council Tax 2009/10, with the Members concerned participating in the discussions and vote:

- Councillor Brian Coleman as he is a Member of the Greater London Assembly which had set the Mayor's precept which would form part of the local Council Tax.
- Councillor Mukesh Depala whose son is a client of the Council's Children's Social Services Department.
- Councillor Lynne Hillan whose mother is in sheltered housing and in receipt of a high cost care package from the Council's Adult Social Services Department.

- Councillor Joan Scannell whose mother in sheltered housing and is in receipt of a care package from the Council's Social Services Department.

The following personal and prejudicial interests were declared relating to Agenda Item 5.1, Report of Cabinet held on 23 February 2009 – Council Budget and Council Tax 2009/10, with the Member concerned leaving the chamber and not taking part in the discussions and vote in respect of the Grants element of the Budget:

- Councillor Barry Rawlings as he works for a charity that could apply for a Council grant.
- Councillors Brian Salinger whose son is a client of the Council's Adult Social Services Department.
- Councillor Brian Salinger also declared a personal but non prejudicial interest as his son in law is a senior member of staff involved in drawing up the budget.

175. BUSINESS REMAINING FROM LAST MEETING (Agenda Item 1.6)

None.

176. MAYOR DESIGNATE 2009/2010 (Agenda Item 1.7)

Upon the Mayor calling for nominations for election of Mayor of the London Borough of Barnet for 2009/10:

Councillor Mike Freer, duly seconded by Councillor Richard Cornelius moved that Councillor Brian Coleman be proposed for the appointment as Mayor of the London Borough of Barnet at the Annual Meeting of the Council on 19 May 2009.

Councillor Claire Farrier, duly seconded by Councillor Kath McGuirk moved that Councillor Linda McFadyen be proposed for the appointment as Mayor for the London Borough of Barnet at the Annual Meeting of the Council on 19 May 2009.

Upon being put to the vote, the nomination for Councillor Linda McFadyen was declared lost. Upon being put to the vote the nomination in the name of Councillor Brian Coleman declared carried.

RESOLVED – That Councillor Brian Coleman be formally proposed and seconded at the Annual Meeting of the Council on 19 May 2009 for appointment as Mayor.

Councillor Coleman thanked those present for the confidence shown him and undertook to do his very best in his term of office as Mayor of the London Borough of Barnet. He announced that Councillor Hugh Rayner had consented to be his deputy.

177. SUSPENSION OF COUNCIL PROCEDURE RULES

The Worshipful the Mayor, duly seconded, moved, under the provisions of Council Procedure Rule 14, that Council Procedure Rules 45, 46 and 48 be suspended to permit the Leader of the Council, Councillors Alison Moore, Jack Cohen and Matthew Offord to speak for a time in excess of five minutes, and four minutes in the case of Councillor Offord, on the motion for the reception of the report of Cabinet held on 23 February, 2009 (Agenda Item 5.1, Council Budget and Council Tax 2009/10) and the amendments at Agenda Item 5.4.3 of

the Supplemental Report of the Democratic Services Manager. Upon being put to the vote, the motion was declared carried.

RESOLVED – That Council Procedure Rules 45, 46 and 48 be suspended to permit The Leader of the Council, to speak for up to 25 minutes, Councillor Alison Moore to speak for up to 20 minutes, Councillor Jack Cohen to speak for up to 15 minutes and Councillor Matthew Offord to speak for up to 10 minutes on Agenda Items 5.1 and 5.4.3

178. REPORT OF CABINET, 23 FEBRUARY, 2009 – COUNCIL BUDGET AND COUNCIL TAX 2009/10 (Agenda items 5.1 and 5.4.3):

The report of the Cabinet meeting held on 23 February 2009, with the following recommendations, was received:

RESOLVED TO RECOMMEND -

- 1. That Council agrees to the prudential borrowing as set out in Appendix B**
- 2. That the minimum level of General Fund balances should be £15m after taking account of all matters set out in the Chief Finance Officer's report on reserves and balances (paragraphs 9.38 to 9.73).**

Revenue Budget and Council Tax

- 3. That the forecast revenue outturn for the year 2008/09 and the estimates of income and expenditure for 2009/10 be approved.**
- 4. That it be noted that the Chief Finance Officer under his delegated powers has calculated the amount of 136,605 (band D equivalents) as the Council Tax base for the year 2009/10 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992.**
- 5. That the following amounts be now calculated by the Council for the year 2009/10 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-**
 - (a) £855,621,400 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;**
 - (b) £610,844,490 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act;**
 - (c) £244,776,910 being the amount by which the aggregate at 5(a) above exceeds the aggregate at 5(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;**
 - (d) £92,708,066 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant or additional grant increased or reduced (as appropriate) by the amount of the sums which the Council estimates will be transferred in the year from:- its collection fund to its general fund and;
 - (i) its collection fund to its general fund and;****

(ii) its general fund to its collection in accordance with Sections 97(3) and (4) and 98(4) and (5) respectively of the Local Government Finance Act 1988;

(e) £1,113.20 being the amount at 5 above less the amount at 5(d) above, all divided by the amount at 4 above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year 2009/2010;

London Borough of Barnet Valuation Bands (£)

A	B	C	D	E	F	G	H
742.13	865.82	989.51	1,113.20	1,360.58	1,607.96	1,855.33	2,226.40

being the amounts given by multiplying the amount at 5(e) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which is in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

6. That it be noted that for the year 2009/10 the Greater London Authority has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

Greater London Authority Valuation Bands (£)

A	B	C	D	E	F	G	H
206.55	240.97	275.40	309.82	378.67	447.52	516.37	619.64

7. That, having calculated the aggregate in each case of the amounts at 5(e) and 6 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2009/10 for each of the categories dwellings shown below: -

Council Tax for Area (£)

A	B	C	D	E	F	G	H
948.68	1,106.79	1,264.91	1,423.02	1,739.25	2,055.48	2,371.70	2,846.04

8. (i) That in accordance with Section 38(2) of the Act the Chief Executive be instructed to place a notice in the local press of the amounts set under recommendation 7 above pursuant to Section 30 of the Local Government Finance Act 1992 within a period of 21 days following the Council's decision.

Housing Revenue Account and Rents

1.9 That the Housing Revenue Account estimates for 2009/10 be approved.

10. That, with effect from 1 April 2009:-
- (a) The rent of all Council dwellings, with the exception of those included under Recommendation 11, be changed in line with the proposals outlined in this report, producing an average increase of 6.2%
 - (b) That the rents of all properties relet for whatever reason be moved upwards to the formula rent. Where formula rent is below actual rent no reduction will be made.
 - (c) That service charges for all tenants of all flats and maisonettes based on the services they receive be increased to the following charges (per week, 48 week basis):-

Caretaking	£5.44
Caretaking Plus	£7.03
Block Lighting	£0.87
Grounds Maintenance	£0.56
Quarterly Caretaking	£1.09
 - (d) That a new service charge of £0.72 per week (48 week basis) be introduced for all tenants of flats and maisonettes who receive communal digital TV services be introduced, subject to the results of consultation
 - (e) That there is an increase of 5% on the charge for space and water heating.
11. That, with effect from 1 April 2009: -
- (a) The basic rents of dwellings in the Council's equity sharing scheme at Moorlands Avenue, NW7 be amended in line with rent restructuring
 - (b) The net rents of dwellings in the equity share scheme at Friern Hospital be amended in line with rent restructuring.
- The maximum increase in (a) and (b) above will be 5.5% plus £2 (pro rata to the rented share).
12. That, with effect from 1 April 2009, the rents of Council garages be increased by 4%.
13. That the Chief Executive be instructed to take the necessary action including the service of the appropriate Notices.

Treasury Management, Capital Prudential Code and Borrowing Limits

14. The Prudential Indicators set out in Appendix C to the Leader's report be recommended for approval to Council and that the Chief Finance Officer be authorised to raise loans, as required, up to such borrowing limits as the Council may from time to time determine and to finance capital expenditure from financing and operating leases subject to:
- (i) the appropriate provision having been made in the estimates for 2009/10;

- (ii) authorisation (where necessary) of the expenditure by the appropriate Government Department;
- 15. Agree the Annual Minimum Revenue Provision as set out and recommended in Appendix C to the Leader's report.
- 16. To note that deposits with major UK banks will not be protected by the Credit Guarantee Scheme.

Capital

- 17. That the capital programmes be approved, and that the Chief Officers be authorised to take all necessary action to implement them.
- 18. The Chief Finance Officer be authorised to adjust capital project budgets in 2009/10 throughout the capital programme after the 2008/09 accounts are closed and the amounts of slippage and budget carry forward required are known.
- 19. That where slippage results in the loss of external funding and a new pressure being placed on prudential borrowing, the relevant Director report on options for offsetting this impact by adjusting other capital projects.

Contracts

- 20. That authorisation be given to allow tenders to be sought for contracts listed in Appendix G to the Leader's report.

Medium Term Financial Strategy (MTFS)

- 21. That it be noted that the current annual level of prudential borrowing cannot be sustained long term, and that Cabinet must also seriously consider using significant capital receipts generated in future years to repay borrowing rather than fund further expansion of the capital programme (paragraph 9.112).
- 22. Cabinet is asked to approve the following: -

Consultation on changes to the fairer Charging Policy

That a public consultation be carried out on the changes to the fairer charging policy as proposed below:

- a) Increasing the current charge for Homecare from £13.70 (2008/09 price) to £16.00 per hour.
- b) Removing the maximum charge ceiling for Homecare currently £342.50 (2008/09 price).
- c) To cap the Disability Related Expenditure allowance at £20.00 per week except in exceptional circumstances.
- d) To revise the basis for charging for Respite Care as per residential accommodation.
- e) To introduce charging for the Homecare element of Supported Living Packages.

- f) **The introduction of charging against a personal (individualised) budget which is set following a Community Care Assessment for people assessed as not requiring residential or nursing care. The charge against the personal budget will include all community support and services i.e. including Day Care and not be just set against those listed as separate chargeable services.**

Amendments in the names of Councillor Alison Moore and Councillor Jack Cohen were moved and duly seconded. Debate ensued. During the debate of this item Councillor Mike Freer, moved that the question now be put (to the vote), this was duly seconded by Councillor Brian Coleman. Upon being put to the vote the motion was carried.

RESOLVED – That the question now be put (to the vote). Councillor Freer exercised his right to reply according to the Constitution.

Upon being put to the vote, the amendment in the name of Councillor Alison Moore was declared lost.

Upon being put to the vote, the amendment in the name of Councillor Jack Cohen was declared lost.

Councillor Brian Salinger moved a Motion that the elements of the budget relating to Adult Social Services be take separately. Upon being to the vote the motion was declared lost.

RESOLVED – That the report and the recommendation of Cabinet, February 2009, be approved, with the inclusion of the Adult Social Services elements of the Budget.

Councillor Brian Salinger left the meeting.

The Mayor indicated that he would take a separate vote on those elements of the budget that related to Grants. Upon the substantive motion being put to the vote it was:

RESOLVED –

- (i) **That the report and the recommendations of the Cabinet be approved, with the exception of the Grants.**

Councillor Barry Rawlings left the meeting.

- (ii) **That the grants element of the budget be approved.**

179. REPORT OF THE CHIEF OFFICER APPOINTMENT PANEL – CHIEF EXECUTIVE – 13 FEBRUARY 2009 (Agenda Item 5.3.1)

RESOLVED – That the appointment of Mr Nick Walkley as Head of Paid Service be confirmed.

180. MEMBERS' ALLOWANCES SCHEME 2009/10 (Report of the Democratic Services Manager – Agenda Item 5.4.1)

RESOLVED –

- (i) **That, having regard to the recommendation of the Independent Remuneration Panel, the Members' Allowance Scheme for the year 2009/10 be approved for the period 1 April 2009 to 31 March 2010.**

- (ii) **That the Democratic Services Manger make the appropriate amendments to the Council's Constitution that will cover the travel allowances for this year and the scheme next year.**

181. MISCONDUCT PROCEDURE – CONSEQUENTIAL AMENDS TO THE APPEALS COMMITTEE FUNCTIONS (Agenda Item 5.4.2)

RESOLVED - That the Democratic Services Manager be instructed to arrange for that part of the Council's Constitution setting out the Appeals Committee's responsibilities (Part 3- Responsibility for Functions) to be amended by the deletion, of bullet point 3 referring to staffing appeals.

182. OBSERVER STATUS FOR CHIEF EXECUTIVE OF BARNET PRIMARY CARE TRUST AT EXECUTIVE MEETINGS (Agenda Item 5.4.4)

RESOLVED - That the Democratic Services Manager be instructed to arrange for Article 7 of the Council's Constitution to be added to provide for the arrangements as set out above.

The Meeting Closed at 9.01p.m.

Council: 7 April 2008

Motion 3.1: Councillor Dan Thomas

Local Spending Reports

Under Standing Order Part 4, Section 1, 31.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the council meeting.

Council notes the Government's lack of support for transparency in all public sector bodies.

Council believes that it is vital that Central Government public sector spending be transparent in order that money can be directed efficiently to where it is most needed.

Council notes that the Department of Communities and Local Government is holding a consultation on the publishing of Local Spending Reports (as contained in the Sustainable Communities Act) and requests Cabinet respond with the following concerns;

- That the consultation now issued on local spending reports proposed only to include local authorities and primary care trusts and to exclude all other public bodies
- That this in contravention of the expressed assurances of the Minister in the Committee stage of the Bill

and calls for the publication of Local Spending Reports to include the expenditure of all public agencies.

Council: 7 April 2009

Motion 3.2: Councillor Helena Hart

Major Trauma and Stroke Services at the Royal Free Hospital

Under Standing Order Part 4, Section 1, 31.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.

Council notes Healthcare for London's ongoing Consultation on the future of Major Trauma and Stroke Services in London.

Council is appalled that the "Preferred Option" for the Major Trauma Networks (MTNs) excludes The Royal Free Hospital as a Major Trauma Centre despite admitting that its bid was exactly equal to that of St. Mary's (their preferred Option) on both clinical standards and their ability to meet future requirements by 2012. This is also despite the very strong support The Royal Free has received both from other hospitals in the network and the support we know it enjoys from Barnet patients.

Council is equally aghast that The Royal Free was also not selected in the recommendations for the Hyper Acute Stroke Units (HASUs). Council notes this is despite Healthcare for London plainly stating that "The Royal Free would give better travel times" than their preferred choices.

Should these preferred Options on both Stroke and Trauma be implemented, Council believes the extremely large numbers of both current and future residents of Barnet who would rely on these vital services would be put at risk.

Council is also extremely concerned that the removal of these vital services from the Royal Free - and the continuance of the many and varied specialities required to support them - could lead to a gradual erosion of the long term viability of a much respected and well used Hospital which plays such a pivotal role in the provision of acute hospital services for the people of this Borough.

Council therefore calls on the Chief Executive to write to Healthcare for London urgently calling for an immediate rethink of the decision to exclude the Royal Free from the list of Preferred Options for Major Trauma Centres and from its recommendations for the location of Hyper Acute Stroke Units.

Council: 7 April 2008

Motion 3.3: Councillor Alan Schneiderman

Icelandic Banks

Under Standing Order Part 4, Section 1, 31.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the council meeting.

Council notes the failures highlighted in the scrutiny working group report on deposits in Icelandic Banks.

Council believes that the role of Cabinet Member for Resources is too large to be combined with the role of Leader of the Council, and asks the Leader to consider separating the roles, and revise Cabinet portfolios and the Leader's scheme of delegation accordingly.

Council: Tuesday 7 April 2009

Administration Policy Item: Councillor Fiona Bulmer

The Government is due to transfer provision for 16-19 year olds from the Learning and Skills Council to the London Borough of Barnet. The provisions for this are contained in the Apprenticeships, Skills, Children and Learning Bill currently passing through Parliament.

Given that powers and responsibilities are set to be passed to Borough level, it is necessary that such a shift is adequately funded and that Local Authorities are empowered to develop their own policies tailored to the needs of the population in their areas.

Accordingly, Council recommends that:

- 1) The Chief Executive is requested to write to the Secretary of State for Education and Skills, calling for the transfer of responsibilities to be properly funded, and requesting that Councils be permitted to develop their own policies.
- 2) Requests Cabinet compile a blueprint for the provision of 16-19 year olds education in the Borough in anticipation of the transfer of responsibilities.

Council: Tuesday 7 April, 2009

Opposition Policy Item: Councillor Barry Rawlings

Sheltered Housing

Council believes that elderly residents in sheltered housing in Barnet deserve the support of their local authority.

Council therefore asks Cabinet to reconsider their proposal to scrap on-site wardens in sheltered housing.

Report of the Special Committee
(Constitution Review)
17 March 2009

Members:

*Councillor Melvin Cohen LLB (Chairman)
Councillor Mike Freer (Vice-Chairman)

Councillors:

*Jack Cohen	*Richard Cornelius	*Robert Rams
*Linda McFadyen	*Alison Moore	(substituting for Mike Freer)
Matthew Offord	*Joan Scannell	*Alan Schneiderman
*Daniel Webb		

CONSTITUTION REVIEW 2008/9 (Reports of the Assistant Director of Resources and Director of Corporate Governance – Agenda Items 6, 7, 8, 9, 10, 11 and 12)

The Committee met on 7 October 2008, 10 February 2009, 24 February 2009 and 17 March 2009 to consider aspects of the Council's Constitution, which had been raised by both officers and Members as matters requiring review. The matrix of changes considered and the action sheets relating to the Committee's 7 October 2008, 10 February 2009 and 17 March 2009 meetings are attached as Appendices 1, 2 and 3.

The action sheets and recommendations to Council for the Special Meeting held on 24 February 2009 to discuss Overview and Scrutiny: new arrangements and the subsequent extra meeting to be held on 21 April 2009 will be reported to Council on 19 May 2009.

On 17 March 2009 the Committee considered reports on all the matters on which the Committee considered they should make recommendations for change to the Council in April.

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

RESOLVED TO RECOMMEND:

(1) That the amendments to the Constitution agreed on 7 October 2009, 10 February 2009 and 17 March 2009 as detailed in the appendices to this report and as indicated below be approved:

Matrix Ref:	Constitution Ref:	Para(s)	Appendix to this report
1	Executive Procedure Rules		A1
3	Section 4 Public Participation	5.14	A2
4	Section1 – The Council	11.1	A3
6	Article 1	1.03	A4

6	Summary & Explanation		A5
6	Article 12	Various	A6
6	Section 2 – 1.2 – Committees and Sub-Committees	Various	A7
6	Access to Information Procedure Rules	Various	A8
7	Section 4 Public Participation	2.3.6	A2
8	Section 1 The Council	4(a)	A3
12 – 32 34 – 42 44 - 47	Financial Regulations	Various	A9
33	Part 5 - Code of Corporate Governance	New section	A10
43	Contract Procedure Rules	Various	A11
48	Article 14	14.05	A12
52	Financial Regs Part 1 Sect 3	Para 3.12 and 3.13	A9
53	Financial Regs Part 2 Sect 6	Para 6.14	A9

(2) That with effect from 19 May 2009, the changes to the Constitution listed below, and as set out in the appendices to this report as indicated, be approved and adopted:

1. Executive Procedure Rules (Appendix A1)
2. Section 4, Public Participation (Appendix A2)
3. Section 1, The Council (Appendix A3)
4. Article 1 (Appendix A4)
5. Summary and Explanation (Appendix A5)
6. Article 12 (Appendix A6)
7. Section 2, Para 1.2 - Committees and Sub-Committees (Appendix A7)
8. Access to Information Procedure Rules (Appendix A8)
9. Financial Regulations (Appendix A9)
10. Part 5, Code of Corporate Governance (Appendix A10)
11. Contract Procedure Rules (Appendix A11)
12. Article 14 (Appendix A12)

(3) That the Democratic Services Manager be instructed to make the appropriate changes to the Constitution.

Council Meeting

7 April 2009

REPORT OF THE DEMOCRATIC SERVICES MANAGER

AGENDA ITEM 5.3.1

1. 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 decision has been implemented.

In the cases listed below, the Chairman of the Cabinet Overview and Scrutiny Committee agreed that the decisions proposed were reasonable in all the circumstances, were urgent and therefore had consented to the proposed decisions being exempted from call-in:

- (i) The Leader of the Council on the 27 February 2009 approved Treasury Management Strategy 2008/09, to increase the deposit counterparty limits. The next meeting of the Cabinet Overview and Scrutiny Committee is not until 29 April, and , if called-in, the action proposed could not be implemented until then. The delay would seriously prejudice the Council's and the public's interests because failure to increase the counterparty limits for the Debt Management Office (DMO) account now would result in a breach in the revised 2008/09 Treasury Management Strategy approved by Cabinet on 23 October 2008 and subsequently amended by Delegated Powers Report 712.
- (ii) The Cabinet Resources Committee on the 5 March approved the urgent commencement of a procurement project to replace the Council's PERICLES system used for Council Tax, Business Rates and Benefits. This urgency is further exacerbated by the fact that for the procurement to go live, the process of such a system/conversion/migration will take at least a year and it is crucial that an appropriate software system to deal with Benefits, Council Tax and Business Rates is in place.
- (iii) The Leader of the Council and the Cabinet Members for Environment and Transport approved on 5 March 2009 the amending of the formatting and tariff charge errors contained with the report Fees and Charges for Environment Transport agreed by the Cabinet Resources Committee on 19 January 2009. The corrections need to be made urgently in order to be able to make the traffic orders and implement the changes in a timely manner. The interests and of the Council and the public would be harmed if the decision was called in to the next meeting of Cabinet and Overview Scrutiny Committee on 29 April 2009.

David Seabrooke
Democratic Services Manager