

<u>MEETING</u>
COUNCIL
<u>DATE AND TIME</u>
TUESDAY 28TH JULY, 2015
AT 7.00 PM
<u>VENUE</u>
HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
11.3	Report from Constitution, Ethics and Probity Committee, 30 June 2015 - Constitution Review – Amendment in the name of Councillor Alison Moore	1 - 2
11.4	Report for the Environment Committee, 11 June 2015 - Moving Traffic Contraventions – Amendment in the name of Councillor Alan Schneiderman	3 - 4
12.2	Report of the Monitoring Officer	5 - 8
14.	Amendments to Motions	9 - 12

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Amendment to the Report of the Constitution Ethics and Probity Committee in the name of Cllr Alison Moore: **AGENDA ITEM 11.3**

1. Delete the new paragraph 6.5 (page 4 of the report) and renumber paragraphs 6.6 – 6.11 (pages 4 and 5 of the report) to 6.5 – 6.10 respectively.

2. Either
 - a) delete the change to the quorum of the Urgency Committee so that it remains at 3Or
 - b) amend the quorum of 2 to state that they should be of different political parties

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Agenda Item 11.4 - Moving Traffic Contraventions

AGENDA ITEM 11.4

Amendment in the name of Cllr Alan Schneiderman:

Add additional Recommendation 3:

Council instructs officers to focus its enforcement activity of moving traffic offences on making Barnet roads safer rather than income generation. After assuming responsibility for enforcement, officers should carry out ongoing monitoring to ensure that all unclear, missing or incorrect signs and lines are quickly rectified to avoid penalty notices being issued unfairly.

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	AGENDA ITEM 12.2
	<p>COUNCIL</p> <p>28 July 2015</p>
Title	Report of Monitoring Officer
Report of	Monitoring Officer
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Davina Fiore (Monitoring Officer) Ext: 020 8359 6373 Email: davina.fiore@barnet.gov.uk

Summary
This item presents the report of the Monitoring Officer in respect of a dispensation granted to Councillor Dean Cohen.

Recommendation
That Council note the action taken by the Monitoring Officer in granting the dispensation for this meeting as set out in this report.

1. WHY THIS REPORT IS NEEDED

1.1 Members must observe the provisions of the Localism Act 2011 and under the Code of Conduct, in regard to disclosure of disclosable pecuniary interests (DPIs) and non-pecuniary interests. Section 33 of the Act provides for dispensations to be granted to enable those with a DPI to be able to speak and/or vote in circumstances in which:

- So many members of the decision making body have DPIs in a matter that it would impede the transaction of the business;

- That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - That the authority considers that the dispensation is in the interests of persons living in the authority's area;
 - That the authority considers it is otherwise appropriate to grant a dispensation.
- 1.2 At the meeting of Council on 15 July 2014 it was agreed that the Monitoring Officer be delegated authority to consider and if appropriate grant such dispensations, which would be reported back to the relevant decision-making body.
- 1.3 An application to stay, speak and vote has been made by Councillor Dean Cohen in respect of agenda item 14, Motion in the name of Cllr Kathy Levine, on Abbotts Depot.
- 1.4 Councillor Dean Cohen is declaring a disclosable pecuniary interest in that in a business capacity, he acts for a client who occupies part of the Oakleigh Road South site.
- 1.5 The Monitoring Officer has confirmed that, under her delegated authority as Monitoring Officer, she has considered the application against the tests set out in the Localism Act and Members' Code of Conduct and concluded that, given the political balance of the Council, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter, and has therefore granted a dispensation for this item.

2. REASONS FOR RECOMMENDATIONS

The Monitoring Officer has considered the application against the tests set out in the Localism Act and Members' Code of Conduct and concluded that, given the political balance of the Council, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 N/A

4. POST DECISION IMPLEMENTATION

4.1 The Councillors will participate in the discussion of agenda items and can vote at Council in accordance with any dispensations granted.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 None.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 None.

5.3 Legal and Constitutional References

5.3.1 The Localism Act 2011 sets out the current provisions in respect to declaration of Members interests. Section 33 sets out the circumstances in which applications can be made for dispensation to speak and/or vote on a matter in which a member has a Disclosable Pecuniary Interest.

5.3.2 Constitution: Members Code of Conduct – sets out how these provisions apply to elected Members in Barnet

5.3.3 Constitution- Responsibility for Functions- Scheme of Delegated Authority to Officers: Council has delegated authority to the Monitoring Officer to consider requests for and where appropriate grant dispensations under Section 33 of the Localism Act 2011, with any dispensation granted being reported to the Committee where the dispensation is being granted.

5.4 Risk Management

5.4.1 Formal consideration of requests for dispensation minimises the risk that the Council has not followed lawful procedures in respect of members' interests.

5.5 Equalities and Diversity

5.5.1 None specifically arising from this report.

5.6 Consultation and Engagement

5.6.1 None specifically arising from this report.

6. BACKGROUND PAPERS

- 6.1 Council - 15 July 2014 - item 10.9 - report of the Monitoring Officer:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=7813&Ver=4>

Amendment in the Name of Cllr Barry Rawlings:

1st paragraph: Delete 2nd and 3rd sentence. Add 'Council also notes this is similar to the promise he made and failed to keep in the last parliament.'

2nd paragraph: Add new 3rd sentence. "Council is dismayed to learn that the Chancellor based this figure on the budget underspend in 2012/13, the first year of transferring Public health to Local authorities, when in Barnet there were several vacancies and new posts that were filled in-year, and not on the 2013/14 figures, thus breaking the Conservative manifesto pledge to protect Health spending."

3rd paragraph: Delete 'and welcomes' and add " Council urges the Leader of the Council to write again to argue against a cut that not only breaks a manifesto commitment but undermines the early intervention and prevention strategy vital to the NHS five year plan to which the Government has committed itself.

4th paragraph: delete entire paragraph.

Amended Motion to read:

Public Health Funding

Council notes the Chancellor's plan to eliminate the UK's budget deficit during this Parliament and the mandate given for this at the General Election. Council also notes this is similar to the promise he made and failed to keep in the last parliament.

Council is, however, concerned by proposals for an in-year cut to Public Health funding. A £200m cut across the Country equates to about 7% of the total Public Health budget. It is unclear how this cut would be apportioned, but effected on a pro rata basis could see a reduction in excess of £1m for Barnet. Council is dismayed to learn that the Chancellor based this figure on the budget underspend in 2012/13, the first year of transferring Public health to Local authorities, when in Barnet there were several vacancies and new posts that were filled in-year, and not on the 2013/14 figures thus immediate breaking the Conservative manifesto pledge to protect Health spending.

This would create significant challenges. In addition, whilst increases in the prevalence of sexually transmitted diseases and TB further emphasise the necessity for vital preventative work, Barnet is already, per head, the third lowest funded Authority in London at the same time as experiencing rapid population growth in both young and older residents.

Council notes the fact that the Leader has already written to the Chancellor, the Health Secretary and the Secretary of State for Communities and Local Government, arguing against a blanket cut. Council urges the Leader of the Council to write again to argue against a cut that not only breaks their manifesto commitment but undermines the early intervention and prevention strategy vital to the NHS five year plan to which the Government has committed itself.

Under Full Council Procedure Rule 23.5: If my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.

**Administration Motion: in the name of Cllr Gabriel Rozenberg
Extending Sunday trading hours**

Amendment in the name of Cllr Kath McGuirk:

Delete all after “Council welcomes...” and replace with:

“Council notes that the stated aim of this Government is to improve the UK’s productivity and to make Britain a more productive and enterprising country. This Council is proud that we are one of the most diverse boroughs in the country and believes that hardworking individuals and families of all backgrounds should benefit from growth in our national and local economy.

This Council believes there are many ways in which we can increase productivity, but are concerned that the relaxation of the Sunday Trading Laws will:

- Have an impact on hardworking families, particularly women;
- Have an impact on small businesses who, under existing legislation and according to their size (less than 280 m² or 3,000 sq ft) can already trade longer than the 6 hours on a Sunday.

This Council further believes there are better ways of improving productivity, such as:

- Building more affordable homes;
- Investing in our local town centres;
- Investing in apprenticeships for SMEs;
- Protecting local transport;
- Opposing cuts to tax credits that will have an impact on many of those who work in retail and the service industry.

Council recognises that free parking at Brent Cross has already impacted on small businesses in Barnet and believes that extending the hours of Sunday trading will advantage larger chains and could spell the death knell for the many small traders who already rely on Sunday trading.

Council asks the Leader to respond to the coming consultation opposing the relaxation of the Sunday trading laws that could threaten the future of our valued small traders.

Under Full Council Procedure Rule 23.5: If my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.

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