

|                         | Constitution, Ethics and Probity<br>Committee<br>2 <sup>nd</sup> September 2014   |  |
|-------------------------|---|--|
| Title                   | Constitution Review   |  |
| Report of               | Assurance Director  |  |
| Wards                   | None  |  |
| Status                  | Public  |  |
| Enclosures              | Appendix A: Introduction<br>Appendix B: Article 3<br>Appendix C: Article 7<br>Appendix D: Article 9<br>Appendix E: Article 10<br>Appendix F: Article 12<br>Appendix G: Responsibility for Functions<br>Appendix H: Responsibility for Functions Annex A<br>Appendix I: Responsibility for Functions Annex B<br>Appendix J: Full Council Procedure Rules<br>Appendix K: Meeting Procedure Rules<br>Appendix L: Public Participation and Engagement Rules<br>Appendix M: Access to Information Rules<br>Appendix N: Budget and Policy Framework<br>Appendix P: Asset Land and Property Rules<br>Appendix Q: HR Regulations<br>Appendix R: Protocol for Member-Officer relations |  |
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**Summary** This report seeks discussion and approval of revisions to the Constitution based on the first cycle of meetings under the Committee system of governance.

## Recommendations

1. That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the track change versions attached at Appendix A to Appendix R.

#### 1. WHY THIS REPORT IS NEEDED

1.1 The Committee system has had one cycle of meetings and as a result it has been observed how the Constitution works in practice and there are a number of changes proposed as a result to ensure the smooth running of Committees. 1.2 The following table represents the changes proposed to the section of the Constitution (in addition to minor factual corrections and typos) and the reasons for the changes

| No. | Section   | Reference                       | Issue Identified   | Changes Made  |
|-----|---|---------------------------------|--|---|
| 1   | Introduction to the Appendix A<br>Constitution<br>Pages 43<br>to 48 |                                 | Citizens Rights Section does not include latest<br>constitutional provision for written questions to Full<br>Council<br>Minor matter - In the Explanatory Notes, the reference to      |   |
|     |   |                                 | the working day ending at 11pm it should however end at midnight.  | Change explanatory note to 12am rather than 11pm.                         |
| 2   | Article 3- Citizens and the Council                                 | Appendix B<br>Pages 49<br>to 50 | The reference to exclusion of press and public from<br>meetings could imply that the whole of a meeting is<br>closed to the public, not just when exempt items are being<br>discussed. | At 3.01 (b) add the words 'part of' to 'the meeting is held in private'   |
| 3.  | Committees, Sub-<br>Committees, Area Pages 51 Co                    |                                 | Local Strategic Partnership is referred to in the<br>Constitution as a non-statutory body; however in fact this<br>is an advisory Committee with co-opted Members.                     | Remove the term "non-statutory body" and replace with advisory Committee. |
| 4.  | Article 9- Chief<br>Officers  | Appendix D<br>Pages 53          | Duplication- it is unnecessary to list the specific functions<br>that the Assurance Director can exercise on behalf of the<br>Head of Legal or Head of Governance, as these are        | List of functions removed.  |

| No. | Section                          | Reference  | Issue Identified   | Changes Made                                   |
|-----|----------------------------------|------------|--|--|
|     |                                  | to 56      | already listed in Responsibility for Functions- Scheme of  |  |
|     |                                  |            | Delegation to Officers.                                    |  |
| 5.  | Article 10- Decision             | Appendix E | Paragraphs 10.04 and 10.05 are insufficiently clear on     | Amendments made to clarify which Procedure     |
|     | Making                           | Pages 57   | what Procedure Rules apply, and the difference between     | Rules apply in particular situations.          |
|     |                                  | to 58      | Full Council Procedure Rules and Meeting Procedure         |  |
|     |                                  |            | Rules.   |  |
| 6.  | Article 12- Review               | Appendix F | Procedures to be followed to change governance system      | Within 12.01 further procedure added to        |
|     | and Revision of the Constitution | Pages 59   | - this section still refers to changes from the Executive  | change to a Cabinet system from a Committee    |
|     | Constitution                     | to 60      | Leader and Cabinet system to the Committee System,         | system.  |
|     |                                  |            | and so needs to be updated following the authority's       |  |
|     |                                  |            | transition to the Committee system.                        |  |
| 7   | Responsibility for               | Appendix G | Whilst having the power to appoint the Head of Paid        | Amend 1.14 of the Full Council Functions to    |
|     | Functions                        | Pages 61   | Service Council also have a power to dismiss the Head of   | include dismissal of the Head of Paid Service. |
|     |                                  | to 68      | Paid Service, through the process described in the HR      |  |
|     |                                  |            | Regulations.   |  |
|     |                                  |            | The section in Paragraph 5.3 refers to Article 7 of the    |  |
|     |                                  |            | previous Constitution, in which Area Environment Sub-      |  |
|     |                                  |            | Committees exercised Executive in addition to Council      | Amend Para 5.3 to remove outdated reference    |
|     |                                  |            | functions and included provisions for Joint Meetings of    | and incorporate new para within Terms of       |
|     |                                  |            | Committees, and the relevant sections in that article. The | Reference of Area Committees under Annex A.    |
|     |                                  |            | issue about demarcation of boundaries is covered by a      |  |

| No. | Section | Reference | Issue Identified  | Changes Made  |
|-----|---------|-----------|---|---|
|     |         |           | <ul> <li>slight amendment in the description of Area Committees under their Terms of reference to make it clear they can only act on matters within their boundary.</li> <li>Paragraph 6.2 and 6.3 describe a process whereby the Chairman of the Area Committee or a specified number of Members of a Committee or Sub-Committee can refer the matter up to Full Council or its parent committee. The legal advice however is that this referral must occur before the decision has been taken at the relevant committee. In addition, 6.2 needs to make clear that any referral that is made must be within the terms of reference of the committee to which it is referred.</li> </ul> | Amend 6.2 and 6.3 to state that the referral<br>must occur before the Committee has made a<br>decision on the recommendation. An<br>amendment to 6.2 is also proposed to ensure<br>that a referral can only be made where it is<br>within the committee's terms of reference. |
|     |         |           | Paragraph 6.6 and 6.8 need slight amendment to reflect<br>the fact that, as they are no longer sub-committees, Area<br>Planning Committees can refer, rather than refer <i>up</i> ,<br>matters to the Planning Committee. These must be<br>matters that are within the Terms of Reference of the<br>Planning Committee, albeit these are broadly defined in<br>terms of town and country planning.<br>Paragraph 6.8 refers to referring up and the last row   | Reference to 'referring up' changed to<br>'referring where within Terms of reference' at<br>6.6 and 6.8.  |

| No. | Section                                 | Reference                        | Issue Identified   | Changes Made   |
|-----|---|----------------------------------|--|--|
|     |   |                                  | states all other committees can refer up with 4 members<br>where the Committee has more than 10 members – there<br>is effectively no procedure where there is less than 10.  | Replace Membership of 10 or more with 9.   |
| 8   | Responsibility for<br>Functions Annex A | Appendix H<br>Pages 69<br>to 100 | i) All petitions that contain between 2,000 and 6,999 signatures currently go to Policy and Resources Committee and then are allocated to the relevant Theme Committee. This has the effect of delaying consideration of the issue.  | Propose that each theme Committee has<br>added to its terms of reference the ability to<br>consider petitions relevant to its remit.   |
|     |   |                                  | ii). Contract Procedure Rules give theme committees a role to approve authorisation and acceptance of a procurement process but these are not made explicit within the Terms of References of the Theme Committees. As such it is recommended to add into each Theme Committee the specific reference to their procurement authority, in the context of the Contract Procedure Rules and the thresholds set out there. | Add for each theme Committee 'Authorise<br>procurement activity within the remit of the<br>Committee and any acceptance of variations or<br>extensions if within budget in accordance with<br>the responsibilities and thresholds set out in<br>Contract Procedure Rules.' |
|     |   |                                  | iii) Responsibilities for Neighbourhood Plans (as introduced by the 2011 Localism Act) are currently   | Terms of reference of Policy and Resources,<br>Assets Regeneration and Growth, Planning  |

| No. | Section | Reference | Issue Identified   | Changes Made                           |
|-----|---------|-----------|--|--|
|     |         |           | divided between several bodies:  | Committees and Area Committees amended |
|     |         |           | <ul> <li>Planning Committee – responsible for designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning</li> <li>Assets, Regeneration &amp; Growth – responsible for Neighbourhood Plans (for adoption by Full Council)</li> <li>Area Committees – responsible for considering any proposals for Neighbourhood Planning under the 2011 Localism Act and proposing plans to the Assets, Regeneration and Growth Committee.</li> </ul> | accordingly.                           |
|     |         |           | Responsibility for statutory plans ie the Local<br>Development Framework (renamed as the Local Plan)<br>rests with Policy & Resources Committee.   |  |
|     |         |           | It would be more appropriate to rationalise the number of<br>committees that consider Neighbourhood Development<br>Plans. It is suggested that Planning Committee should<br>determine Neighbourhood Area and Forum designations<br>and Neighbourhood Development Orders, while Policy<br>and Resources approve development of statutory Local  |  |

| No. | Section | Reference | Issue Identified   | Changes Made   |
|-----|---------|-----------|--|--|
|     |         |           | Plan and Neighbourhood Plans, to enable a joined up<br>approach to spatial planning policy. There would be no<br>additional role for Assets Regeneration and Growth nor<br>Area Committees.<br>iv) General Functions Committee- includes the terms of<br>reference to appointing representatives on outside bodies<br>and appointing representatives on school governing<br>bodies. Under Responsibility for Functions, function 1.8 of<br>Full Council is to 'appoint representatives to outside<br>bodies'. In addition it has been custom and practice for<br>school governing body appointments to be made either at<br>GFC or at Full Council, which meets more frequently. In<br>these circumstances, and to ensure clarity, it is proposed<br>that these be removed from the Terms of Reference of<br>GFC with Full Council having sole responsibility. | These two responsibilities deleted from GFC terms of reference, and Full Council responsibilities clarified that outside bodies includes school governing bodies, at 1.8 of Responsibility for Functions (Appendix G). |
|     |         |           | v) The report to Council on 15 July 2014 amended the existing powers for the Health Overview and Scrutiny Committee (OSC) to establish Joint Health OSCs with other Boroughs for NHS services that cross Borough boundaries, to allow Council to exercise those powers.  | Text amended to clarify that both HOSC and Council can establish a Joint Health OSC.   |

| No. | Section                          | Reference  | Issue Identified   | Changes Made                                  |
|-----|----------------------------------|------------|--|---|
|     |                                  |            | The recommendation needs clarifying to allow Council to        |   |
|     |                                  |            | have this power in addition to, and not instead of, the        |   |
|     |                                  |            | HOSC's powers. It was already agreed at Council that           |   |
|     |                                  |            | only Council could appoint members to these bodies.            |   |
|     |                                  |            | vi) The reference to the nature of the Local Strategic         | Text amended.                                 |
|     |                                  |            | Partnership has been amended for the same reason as in         | Text amended.                                 |
|     |                                  |            | Article 7 above.   |   |
|     |                                  |            | vii) Budget responsibilities of theme committees are           |   |
|     |                                  |            | ambiguous as they currently stand. Based on the financial      |   |
|     |                                  |            | regulations in place and the terms of reference of the         | New terms of reference for each theme         |
|     |                                  |            | Policy and Resources Committee, it is suggested that           | Committee to cover submitting proposals on    |
|     |                                  |            | Theme Committees include a reference that they have            | the Committee's budget for the following year |
|     |                                  |            | responsibility to deliver services within their areas of       | and making clear that any changes to budget   |
|     |                                  |            | responsibilities within their agreed budget, but have to       | and proposals for fees and charges must go to |
|     |                                  |            | recommend to Policy and Resources any other matter             | Policy and Resources.                         |
|     |                                  |            | relating to budgets including budget proposals for the         |   |
|     |                                  |            | following year, fees and charges proposals, virements or       |   |
|     |                                  |            | underspends and overspends on their budget.                    |   |
| 9.  | Responsibility for               | Appendix I | (i) It is proposed that in addition to the current delegations | Add to delegated authority of the Monitoring  |
|     | Functions – Officer<br>Scheme of | Pages 101  | of the Monitoring Officer to authorise payments of up to       | Officer after to authorise payments of up to  |

| No. | Section            | Reference | Issue Identified    |                      |                       | Changes Made                                    |
|-----|--------------------|-----------|---------------------|----------------------|-----------------------|---|
|     | Delegation Annex B | to 124    | £5,000 in settleme  | nt of maladministrat | ion, to make it clear | £5,000 in settlement of maladministration       |
|     |                    |           | that this is before | e any finding by th  | ne Ombudsman, in      | "before any finding by the Ombudsman, in        |
|     |                    |           | accordance with S   | ection 92 of the Lo  | cal Government Act    | accordance with Section 92 of the Local         |
|     |                    |           | 2000.               |                      |                       | Government Act 2000".                           |
|     |                    |           | (ii) Each Theme     | Committee has wi     | thin their terms of   | Under the Scheme of Delegation insert           |
|     |                    |           | reference "grants t | to the voluntary sec | ctor within the remit | delegations of the Deputy Chief Operating       |
|     |                    |           | of the Committee",  | but there has been   | no de minimis level   | Officer (Deputy Section 151 Officer) to include |
|     |                    |           | set or a delegation | n to officers for sm | all amounts. It has   | approving issuance of grants to the voluntary   |
|     |                    |           | been proposed tha   | t the Deputy Chief ( | Operating Officer be  | sector for amounts up to £5,000.                |
|     |                    |           | delegated the res   | sponsibility to app  | rove grants up to     |   |
|     |                    |           | £5,000. This prop   | posed level is base  | ed on the following   |   |
|     |                    |           | numbers of grants   | being assessed ye    | ear on year and the   |   |
|     |                    |           | values:             |                      |                       |   |
|     |                    |           | Range               | Number of grants     | Number of grants      |   |
|     |                    |           |                     | assessed             | assessed              |   |
|     |                    |           |                     | 2012/13              | 2013/14               |   |
|     |                    |           | £0 - £500           | 1                    | 0                     |   |
|     |                    |           | £501 - £1000        | 2                    | 3                     |   |
|     |                    |           | £1,001 - £2,000     | 2                    | 1                     |   |

| No. | Section | Reference | Issue Identified   |                       |                      | Changes Made                                     |
|-----|---------|-----------|--|-----------------------|----------------------|--|
|     |         |           | £2,001 - £5,000  | 8                     | 7                    |  |
|     |         |           | £5,001 – £10,000   | 12                    | 12                   |  |
|     |         |           | Total  | 25                    | 23                   |  |
|     |         |           | The proposal of  | officers approving    | grants less than     |  |
|     |         |           | £5,000 will mean a                                       | pproximately half w   | ill be approved by a |  |
|     |         |           | Committee.   |                       |                      |  |
|     |         |           | (iii) Section 1.10 se                                    | ets out delegated p   | owers in respect of  |  |
|     |         |           | virements, in cons                                       | ultation with the Co  | ommittee Chairman    | Under Section 1.10 replace 'the Committee        |
|     |         |           | concerned. In Fin  | ancial Regulations    | it states that this  | Chairman concerned' with 'the Chairman of        |
|     |         |           | power is exercised                                       | d in consultation wi  | th the Chairman of   | Policy and Resources Committee'                  |
|     |         |           | Policy and Resources Committee. It is proposed to        |                       |                      |  |
|     |         |           | change section 1.10 to ensure consistency with Financial |                       |                      |  |
|     |         |           | Regulations.   |                       |                      | Under Section 1.11 deletion of two bullet points |
|     |         |           | (iv) Section 1.11 se                                     | ets out some powers   | s of the Section 151 | on powers of Section 151 Officer in              |
|     |         |           | Officer over land a                                      | and property transa   | ctions. These have   | consultation with Chairman of Assets             |
|     |         |           | not been updated t                                       | to reflect the thresh | olds included within | Regeneration and Growth Committee                |
|     |         |           | the Asset, Land an                                       | d Property Rules th   | at were revised and  |  |
|     |         |           | agreed by Counc  | il in the constitut   | ional review. It is  |  |
|     |         |           | suggested that this                                      | s section is deleted  | to avoid duplication |  |
|     |         |           | and ensure consist                                       | ency of future upda   | tes.                 |  |

| No. | Section                         | Reference                         | Issue Identified  | Changes Made  |
|-----|---------------------------------|-----------------------------------|---|---|
|     |                                 |                                   | (v) Likewise, the table of powers delegated to the Chief<br>Operating Officer (COO)/Director of Finance includes a<br>section on powers in respect to Assets, Land and<br>Property where the thresholds are out of date. It is<br>proposed this section remains but only sets out the<br>general powers and refers to the Asset, Land and   | Fourth row from top in COO delegation<br>amended to take out reference to specific<br>thresholds and say that this power must be<br>exercised in accordance with the powers set<br>out in the Asset, Land and Property Rules and<br>legislation relating to Best Consideration. |
|     |                                 |                                   | Property Rules as the source for setting out the exact<br>rules and thresholds. Again this will ensure consistency in<br>future by only updating in one place.  |   |
| 10. | Full Council<br>Procedure Rules | Appendix J<br>Pages 125<br>to 136 | <b>Timetabling</b> Provision for adjournment motions was agreed by Council in April 2014. It was ambiguous whether the provision that no such motions can be discussed after 10.00pm could be overridden by the Mayor's powers to extend the meeting beyond 10.00pm so it has been made explicit that this is not the case. The powers of the Mayor, or person presiding, to extend the time is currently only set out in Meeting Procedure Rules, and so for completeness and easy reference a | Clarification that adjournment debates cannot<br>take place after 10.00pm even if the Mayor has<br>extended the time for business.<br>Additional para 2.2 cross-refers to Meeting<br>Procedure Rules to set out the Mayor's powers  |

| No. | Section | Reference | Issue Identified  | Changes Made   |
|-----|---------|-----------|---|--|
|     |         |           | section has been added to these rules at 2.2.   |  |
|     |         |           | Decisions   |  |
|     |         |           | Currently it is not included within the Constitution that<br>decisions shall be taken by a majority of those Members<br>present and voting (although this is the practice), except<br>where statute requires a higher threshold, such as a<br>requirement for a nem com vote to depart from<br>proportionality. | It is proposed to add to 15.2 "Decisions shall<br>be taken by a majority of those members<br>present and voting except where specific<br>provisions in this Constitution provide<br>otherwise.". |
|     |         |           | Rules of debate   |  |
|     |         |           | Rule 20.3 allows for reports of Committees to be debated<br>by opening up by the Chairman or Vice Chairman of the<br>relevant Committee and allowing for one more speaker i.e<br>the Leader of each of the other groups, or another<br>member of their group.   | The Committee is asked to consider whether providing a cap on the number of speakers is appropriate.   |
|     |         |           | Rule 21 does not specify the time available for each<br>speaker on other items of Council business (eg reports<br>from Committees or Officers). A suggested set of timings<br>is included which codifies existing custom and practice,  | The Committee is asked to consider the suggested amendment at Rule 21.2 which sets out timings.  |

| No. | Section                    | Reference                         | Issue Identified  | Changes Made   |
|-----|----------------------------|-----------------------------------|---|--|
|     |                            |                                   | while still allowing the Mayor discretion.  |  |
|     |                            |                                   | Whilst Council has discretion as to its Standing Orders, it<br>is normal for SOs to provide that the mover of a motion<br>may accept an amendment put forward by another<br>member, and remain the mover of the motion, but that<br>where an amendment is carried against the mover, then<br>the mover of the amendment becomes the mover of the<br>substantive motion, and so has the right to sum up at the<br>end of the debate. | The Committee is asked to discuss whether 20.4 should be changed to ensure that the mover of the substantive motion has the right to end the debate. |
|     |                            |                                   | The order of business at Full Council is discretionary. To<br>aid in the running of the meeting it is proposed that the<br>Questions to the Leader be changed to be first on the<br>agenda after the formalities.   | Part 3 – Questions to the Leader becomes Part 2, and Part 2 Statutory Council Business now becomes Part 3.   |
| 11. | Meeting Procedure<br>Rules | Appendix K<br>Pages 137<br>to 146 | Clarify under Members Rights – Member items for the<br>agenda whether a Member's entitlement to one item of<br>business would include any notice of motion referred by<br>Council. This is to ensure that an item referred from Full<br>Council to a Committee does not count as a Member<br>Item.<br>Rule 12 refers to the circumstances where a referral is   | Add under 6.1 "A referral from Full Council will<br>not count as a Member Item for the purposes<br>of this rule".                                    |

| No. | Section   | Reference           | Issue Identified   | Changes Made  |
|-----|---|---------------------|--|---|
| No. | Section<br>Public Participation<br>and Engagement | Appendix L          | made to a Committee or Council. It refers to situations<br>where a referral may occur. The provisions in general are<br>confusing and need revision in the light of the new<br>committee system. For example, there is a reference to<br>Planning Committee and General Functions Committee<br>which dates back to the old constitution. The<br>circumstances in which referrals may take place are set<br>out in clause 6 of part 15 and duplication is not advisable.<br>It is therefore suggested that this section should simply<br>refer to clause 6 and require that the original report<br>should be submitted to the Committee or Council as<br>appropriate.<br>Should Committee agree the proposed change set out | Much of this rule has been deleted and the<br>remainder amended slightly to leave a flexible<br>clause to provide that reports are submitted to<br>the relevant meeting along with any<br>recommendations made.       |
|     | and Engagement                                    | Pages 147<br>to 152 | above to refer petitions (of 2000-6999 signatures) directly<br>to theme committees rather than Policy and Resources<br>Committee, then the procedure in Section 6.9 will be<br>streamlined to reflect the fact that the Committee<br>considering the issue will be empowered under its Terms<br>of Reference to take its own decision on how to respond.<br>In addition there is no current procedure in the<br>Constitution for Committees to establish Task and Finish   | requirement for relevant Committee Chairman<br>to attend, since it will be within that<br>Committee's Terms of Reference in any event,<br>and to set out accurately the options available<br>to the Committee to act. |

| No. | Section                             | Reference                                      | Issue Identified   | Changes Made  |
|-----|-------------------------------------|--|--|---|
| No. | Section Access to Information Rules | Reference<br>Appendix M<br>Pages 155<br>to 162 | Issue Identified<br>Groups or Panels (This does not prevent Members<br>establishing an informal working group to inform the<br>options presented should the Committee request Officers<br>to bring forward a report on the matter to a future<br>committee).<br>The reference in the heading to the Local Authorities<br>(Executive Arrangements) (Meetings and Access to<br>Information) (England) Regulations 2012 is no longer<br>required, following the transition to a Committee system.<br>Section 13 - Members' additional rights of access –<br>Members also have a common law "need to know" in<br>respect of any information held by the Council which they<br>need to have access to in order to be able to discharge<br>their functions as a Councillor effectively. Members must<br>state the reason why they need the information when<br>requesting it.<br>In addition, when inspecting documents that a Councillor<br>has a right to inspect there are some procedures that | Changes MadeDeletion of Task and Finish Group or Panel as<br>a possible response to petition.Remove reference to Local Authorities<br>(Executive Arrangements) (Meetings and<br>Access to Information) (England) Regulations<br>2012 from the list of references.Add to 13.1 the following: "Members have a<br>common law right of access to council<br>documents based on a "need to know". When<br>making a request Members should clearly<br>state the reason why they need the information<br>they have requested.Add after 13.5 the following as paragraph 13.6: |
|     |                                     |  | has a right to inspect there are some procedures that<br>would be useful to guide Members and Officers on how<br>that might occur. These guidelines are not set out in the   | Where it is not appropriate to send a Member a document on the grounds it is confidential or exempt the following procedures will be adopted for inspection, keeping in mind  |

| No. | Section                        | Reference                         | Issue Identified  | Changes Made  |
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|     |                                |                                   | law; they are discretionary and stand as a protocol for that inspection process.  | <ul> <li>paragraph 13.3:</li> <li>Members should have access to the information for supervised reading.</li> <li>This means that the Member must attend mutually agreed council premises to read the documents.</li> <li>A paper or electronic copy will not be supplied in these cases nor will photocopying be pemitted.</li> <li>An officer with sufficient understanding and experience to answer any questions should be present, as should a lawyer</li> <li>In some circumstances Members may be asked to sign confidentiality agreements</li> </ul> |
| 14  | Budget and Policy<br>Framework | Appendix N<br>Pages 163<br>to 166 | The budget and policy framework needs to be amended<br>to set out the specific role for theme committees in budget<br>preparation as they present ideas and options to Policy<br>and Resources Committee for final approval.<br>The Budget and Policy Framework still refers to the | Add within section 3 "procedure for policy<br>development" the following:<br>"(c) Policy and Resources will take into<br>consideration consultation and proposals from<br>theme committees."<br>Remove section 4 and renumber remaining   |

| No. | Section                          | Reference                         | Issue Identified   | Changes Made  |
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|     |                                  |                                   | Leader (Part 4 adoption of the budget and policies within<br>the statutory framework) which is more appropriate for the<br>Executive Model of governance.  | sections.   |
|     |                                  |                                   | The Budget and Policy Framework (section 7) allows in<br>year changes to the statutory policy framework in some<br>circumstances. This does not fit in with the intention for<br>this to be restricted to Council. Provision for urgent<br>decisions is already catered for in section 6   | Remove the latter part of Section 7.  |
| 15. | Financial Regulations            | Appendix O<br>Pages 167<br>to 192 | The financial regulations are silent on the role of Theme<br>Committees in the budget process. It is suggested that a<br>statement is added on their role in producing proposals<br>for the Policy and Resources Committee.  | <ul><li>Add in "Annual Budget Setting" the following:</li><li>4.3.3 "Theme Committees will work up proposals for Policy and Resources Committee consideration".</li></ul> |
| 16. | Asset Land and<br>Property Rules | Appendix P<br>Pages 193<br>to 204 | It is suggested that references to the Senior Responsible<br>Officer (the senior officer responsible for client side<br>management of estates) be replaced by a reference to<br>Approved Officer, which would follow the definition in<br>Contract Procedure Rules of a Director, Assistant Director<br>or Head of Service with relevant responsibilities). This<br>allows this power to be exercised by more than one<br>person, for example either the Assistant Director or the | Definition at Para 13 and Tables 1 and 2 changed.   |

| No. | Section                                  | Reference  | Issue Identified   | Changes Made                                  |
|-----|--|------------|--|---|
|     |  |            | Head of Estates.   |   |
|     |  |            | The implication of this is that there is also a single   | Descriptions of Officers in Annex A and B     |
|     |  |            | authorisation process for transactions of up to £10,000  | changed, and Rows A and B in Table 1          |
|     |  |            | and £25,000, simplifying the Constitution.   | become a single row.                          |
| 17. | HR Regulations                           | Appendix Q | Disciplinary Action - the Chief Executive and the  | Under 2.1.6 (a) second column add "The Head   |
|     |  | Pages 205  | Monitoring Officer should have the specific power to   | of Paid Service has the power to appoint a    |
|     |  | to 210     | appoint a Designated Independent Person.   | Designated Independent Person. Where the      |
|     |  |            |  | process involves the Head of Paid Service the |
|     |  |            |  | Monitoring Officer shall have this power".    |
| 18. | Protocol for Member<br>Officer Relations | Appendix R | The Code Is endorsed by all Group Leaders so needs<br>amending to reflect that there are now only two Political<br>Groups. | Signatories changed.                          |
|     |  | Pages 211  | Section 2.4 includes a description of scrutiny work - the  |   |
|     |  | to 224     | nature of work is still broadly true but an amendment  | Text added.                                   |
|     |  |            | 'holding the committee and officers and other public   |   |
|     |  |            | services' would more accurately reflect the specific   |   |
|     |  |            | Overview and Scrutiny arrangements that still survive now  |   |
|     |  |            | that an Executive form of governance has been replaced   |   |
|     |  |            | by a committee form of governance.   |   |

#### 2. REASONS FOR RECOMMENDATIONS

2.1 The Constitution, Ethics and Probity Committee are required under their terms of reference to proactively review and keep under review all aspects of the Constitution. These proposals are recommended to ensure the smooth running of the Council.

#### 3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None considered. The options proposed in this report have been put forward as a result of experience so far in operating the Constitution, for the Committee to consider whether changes are required.

#### 4. POST DECISION IMPLEMENTATION

4.1 The recommendations will form part of a report for Full Council to make final approval.

#### 5. IMPLICATIONS OF DECISION

#### 5.1 **Corporate Priorities and Performance**

5.1.1 Barnet London Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. By keeping the Constitution under review it ensures that the framework in which the Council is governed supports the delivery of corporate priorities and performance.

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

5.2.1 There are no resource implications as a result of these proposals.

#### 5.3 Legal and Constitutional References

- 5.3.1 There are no legal issues in the context of this report.
- 5.3.2 The Council's Constitution under Responsibilities for Functions the Constitution, Ethics and Probity Committee terms of reference includes "proactively to review and keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council".

#### 5.4 **Risk Management**

5.4.1 The process of managing changes to the Constitution through the Constitution Ethics and Probity Committee ensures that the proposals are developed through Member participation and consideration.

### 5.5 Equalities and Diversity

5.5.1 The decision making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

### 5.6 **Consultation and Engagement**

5.6.1 None in the context of this decision.

#### 6. BACKGROUND PAPERS

6.1 None.