

	<p><b>Council</b></p> <p><b>23 September 2014</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Report from the Constitution Ethics and Probity Committee</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Head of Governance</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Annexe A- Report from Constitution Ethics and Probity Committee                  Appendix A: Introduction                  Appendix B: Article 3                  Appendix C: Article 7                  Appendix D: Article 9                  Appendix E: Article 10                  Appendix F: Article 12                  Appendix G: Responsibility for Functions                  Appendix H: Responsibility for Functions Annex A                  Appendix I: Responsibility for Functions Annex B                  Appendix J: Full Council Procedure Rules                  Appendix K: Meeting Procedure Rules                  Appendix L: Public Participation and Engagement Rules                  Appendix M: Access to Information Rules                  Appendix N: Budget and Policy Framework                  Appendix O: Financial Regulations                  Appendix P: Asset Land and Property Rules                  Appendix Q: HR Regulations                  Appendix R: Protocol for Member-Officer relations</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Andrew Nathan, Head of Governance, 020 8359 7029</p>

<p><b>Summary</b></p>
<p>The Constitution, Ethics and Probity Committee at its meeting of 2 September 2014 considered a report on the Constitution, reviewing various sections. Only Full Council may</p>

amend the Constitution and therefore Council are recommended to approve the various recommendations of the Committee that would alter the Constitution.

## **Recommendations**

- 1. That Council approve the recommendations contained in the report from the Constitution Ethics and Probity Committee at Annexe A, and the track change versions attached at Appendix A to Appendix R.**
- 2. That the Assurance Director be authorised to implement these revisions and publish a revised Constitution.**

### **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. The Constitution Ethics and Probity Committee at its meeting on 2 September 2014 considered a report that reviewed possible changes and has made a series of recommendations. It is for Full Council to approve any revisions to the Constitution.
- 1.2 The report from the Committee (Annexe A) sets out the proposed changes agreed by the Constitution Ethics and Probity Committee for recommendation to Council. The actual changes to the sections of the Constitution are then set out in Appendices A to R.
- 1.3 On one matter (paragraph 13.6 of Appendix M) the Committee did not make a recommendation but instructed Officers to prepare suitably revised wording for Full Council to consider. This has been included within the Appendix.

### **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 were discussed by that Committee and are now recommended to ensure the smooth running of the Council.

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

- 3.1 Options were put forward to the Committee and the attached report reflects the options chosen for recommendation to Council following discussion and debate.
- 3.2 The option of not changing the Constitution was not recommended as a number of issues had been identified that required amendment or clarification to ensure that the Council operated effectively and in accordance with its statutory requirements.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 The Assurance Director and Head of Governance will make arrangements for any changes agreed to be actioned, together with minor drafting and housekeeping changes. The revised Constitution will be published online and existing hard copies issued and replaced.
- 4.2 The Constitution Ethics and Probity Committee will continue to proactively keep the Constitution under review and may make further recommendations. Its next meeting is scheduled for 25<sup>th</sup> November 2014.

#### **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, Functions of Full Council, Para 1.2- 'only the Council will adopt and change the Constitution, except where otherwise provided in the Constitution or by resolution of the Council'.
- 5.3.3 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 submitted to Council 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.