

Decisions of the Constitution, Ethics and Probity Committee

25 November 2014

Members Present:-

Councillor John Marshall (Chairman)
Councillor Melvin Cohen (Vice-Chairman)

Councillor Anthony Finn
Councillor Dr Devra Kay
Councillor Alison Moore

Councillor Barry Rawlings
Councillor Joan Scannell

1. MINUTES OF LAST MEETING

RESOLVED – That the minutes of the meeting held on 2 September 2014 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEM- COUNCILLOR BARRY RAWLINGS

The Committee noted the additional information which had been tabled in relation to this item which detailed the legal opinion on the introduction of a call-in mechanism in a committee system form of governance.

At the invitation of the Chairman, Councillor Rawlings introduced his Members' Item.

Having considered the request set out in the Members' Item, the Committee voted on the proposal. Votes were recorded as follows:

In Favour: 3
Against: 4
Abstentions: 0

The proposal set out in the Members' Item was LOST. No further action will be taken in relation to this request.

7. MEMBERS' ITEM - COUNCILLOR DR DEVRA KAY

At the invitation of the Chairman, Councillor Dr Kay introduced her Members' Item.

Having considered the request set out in the Members' Item, the Committee voted on the proposal. Votes were recorded as follows:

In Favour: 3
Against: 4
Abstentions: 0

The proposal set out in the Members' Item was LOST. No further action will be taken in relation to this request.

8. MEMBERS' ITEM - COUNCILLOR ALISON MOORE

At the invitation of the Chairman, Councillor Moore introduced her Members' Item.

Having considered the request set out in the Members' Item, the Committee voted on the three proposals contained therein.

In relation to the request set out in the Members' Item to "Reinstate a Standards Committee with an independent Chair (as well as the Independent Persons) and one representative from each of the three political groups" a Member MOVED that the wording be deleted and replaced with "A review of the Standards Committee be undertaken at the end of the 2014/15 municipal year." The proposal was duly SECONDED. Votes were recorded as follows:

In Favour: 4
Against: 3
Abstentions: 0

RESOLVED that:

1. The Committee agree that a review of the Standards Committee be undertaken at the end of the 2014/15 municipal year.
2. The Committee instruct that any councillor subject to a complaint under the Code of Conduct is allowed access to the Independent Person throughout the process.
3. The Committee instruct that any councillor subject to a complaint under the Code of Conduct is allowed legal representation.

9. CONSTITUTION REVIEW

The Head of Governance (Acting) introduced the report.

Councillor Moore MOVED that the Committee recommend to full Council a reduction in the number of theme committees from eight to six (responsibilities of the Community Leadership Committee to be subsumed into the into the Policy & Resources Committee and the responsibilities of the Housing Committee and Assets, Regeneration & Growth Committee being merged).

Upon being put to the VOTE the proposal was LOST. Votes were recorded as follows:

In Favour: 3

Against: 4

Abstentions: 0

RESOLVED that:

1. The Committee, having considered the changes to the Constitution as set out in Appendices A to D agree that the changes detailed in the tabled below be recommended to full Council for adoption.
2. The Committee instruct officers to make the required amendments to the proposed Constitution for inclusion in the papers for full Council to consider and approve on 16 December 2014.
3. The Committee agree to keep the matters detailed in Section 1.7 of the report under review, subject to the removal of the elements on Section 20.4 of Full Council Procedure Rules and the reduction in the number of committees as referred to in Responsibility for Functions, and subject to the addition of a section in relation to the procedure for Motions for the Adjournment (Section 2(15) of the Full Council Procedure Rules).
4. The Committee note the amendments to Article 9 (Chief Officers) and Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers) as detailed in the report.
5. The Committee instruct the Interim Legal and Governance Adviser to prepare amendments to Section 6 (Members' Rights to Refer Matters to Parent Body) of Responsibility for Functions to enable committees to refer matters to a parent body after the debate has ensured and a decision has been taken. The referral to the parent body is to include the details of the reason for the referral to the parent body. Detailed proposals are to be reported to full Council on 16 December 2014.

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
1	Meeting Procedure Rules	Page 50	Additional wording has been included in Section 7 (Councillors; rights to attend committees or sub-	Agreed as per report

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			committees where they are not a member). Section 7.3 now specifies that non-committee Members have up to 3 minutes to address other committees.	
2	Responsibility for Functions, Annex A, Terms of Reference of Residents Forums	Page 81	Additional wording has been included in Responsibility for Functions, Annex A, Terms of Reference of Residents Forums to include the definition of a local matter.	Agreed as per report
3	Public Participation Rules, Section 4.5	Page 89	Revised section 4.5 to remove the requirement for the public speaking at planning committees to provide written consent to a Governance Officer that they are authorised to speak on behalf of others.	Agreed as per report
4	Public Participation Rules, Section 6.6	Page 91	<p>Amend Section 6.6 i) to refer to the correct section of the Constitution.</p> <p>Revise Section ii) to refer to require petitions to be reported to the next available Residents Forum and state that the relevant Director or Lead Commissioner will provide a written response within 20 working days and the outcome will be reported to the next available Forum.</p>	Agreed as per report
5	<p>Meeting Procedure Rules, Section 2.1</p> <p>Responsibility for Functions, Annex A, Terms of Reference of Area Committees</p>	Page 47	Added wording to Section 2.1 of Meetings Procedure Rules to clarify arrangements for making substitutions to Area Planning Committees and Area Committees	Agreed subject to the deletion of "...as well as political party"

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
6	Meetings Procedure Rules	Page 49	New section 7 added to Meetings Procedure Rules containing details of how urgent late items of business will be managed. All subsequent sections renumbered.	Agreed as per report
7	Full Council Procedure Rules	Pages 96 – 101	Delete reference to Business Items from the following sections of the Full Council Procedure Rules: 8, 9, 10, 11, 12.7, 13, 14, 17.1a, 20.2, 20.5, 21.3, 21.4, 23.1	Agreed as per report
8	Responsibility for Functions, Annex A, Terms of Reference of the Performance & Contract Management Committee	Page 57	Amend the Terms of Reference of the Committee to note rather than approve the Annual Report of The Barnet Group Ltd.	Agreed as per report
9	Public Participation and Engagement Rules, Section 4.5	Page 89	Add a new section 4.9 to enable speakers rights to transfer to the Planning Committee	Agreed as per report

10. ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 8.28 pm