

	<p>Council</p> <p>20 October 2015</p>
Title	West London Economic Prosperity Board – Call-in Procedure
Report of	Chief Executive
Wards	All
Status	Public
Enclosures	<p>Appendix A – Proposed changes to the Constitution – Meetings Procedure Rules</p> <p>Appendix B – Proposed changes to the Constitution – Responsibility for Functions Annex A.</p>
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Summary

At its meeting on 28 July 2015 Full Council approved the functions and procedure rules and membership for the establishment of the West London Economic Prosperity Board and instructed officers to develop proposals on a referral mechanism for the joint committee, in consultation with the chairman of the Constitution, Ethics and Probity Committee, to be agreed at the next Council meeting on 20 October 2015. This report sets out the recommendations for the referral mechanism, and attaches proposed changes to the Constitution

Recommendations

- 1. That Council agree the proposed call-in mechanism for decisions made by the West London Economic Prosperity Board, as set out in Appendix A.**
- 2. That Council amend the Constitution as set out in Appendices A and B.**
- 3. That Council recommend to Performance and Contract Management Committee that, in line with this call-in mechanism, it establishes a sub-committee to respond to any items referred to it from the West London Economic Prosperity Board.**

1. WHY THIS REPORT IS NEEDED

- 1.1 On 28 July 2015 Full Council approved the Functions and Procedure Rules for the West London Economic Prosperity Board (EPB) and agreed to set up the section 102 Joint Committee and to amend the constitution to reflect the governance arrangements of the EPB.
- 1.2 Full Council also instructed officers to develop proposals on a referral mechanism for the EPB, in consultation with the Chairman of the Constitution, Ethics and Probity Committee, to be agreed at the next Council meeting on 20 October 2015.
- 1.3 Officers recommend that the referral mechanism for the EPB should be referred to as a call-in procedure in order for the terminology to be consistent with similar mechanisms at other West London boroughs.
- 1.4 This work to develop a call-in procedure for Barnet has now been undertaken and the proposed procedure is attached at Appendix A, with further recommended changes to the Constitution attached in Appendix B.
- 1.5 The call-in procedure has been developed following legal advice, and takes into account the arrangements that exist in the other participating councils which have Executive arrangements and a statutory call-in process. The Performance and Contract Monitoring Committee has been identified as the most appropriate decision making authority for the call-in procedure as it undertakes a scrutiny role, and there would be no conflict in terms of the current membership of that Committee and the membership of the EPB (currently being the Leader and the Deputy Leader as substitute).
- 1.6 The Chairman of the Constitution Ethics and Probity Committee and the Chairman of the Performance and Contract Management Committee have also been consulted on the proposed arrangements.
- 1.7 Should Full Council approve the referral mechanism, for practical purposes it is recommended that the Performance and Contract Management Committee create a Sub-Committee to be convened only for the purpose of consideration of any call-in decisions of the EPB. This would facilitate the convening of a

meeting within the specified timeframe (7 clear working days).

2. REASONS FOR RECOMMENDATIONS

2.1 Paragraph 24.4 of the Function and Procedure rules of the WPB sets out that:

“Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call in procedures of the Participating Borough concerned have been concluded.”

2.2 As Barnet has a Committee system it does not have the statutory call-in procedure as exists in councils operating under an Executive system. There is therefore a need for Barnet to establish a call-in procedure for the EPB in accordance with the process which will be followed by the other participating councils and to comply with the EPB’s Function and Procedure Rules.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 As set out in the report to Full Council, 28 July 2015.

4. POST DECISION IMPLEMENTATION

4.1 If agreed by Full Council the proposed call-in mechanism will be incorporated into the Constitution as set out in Appendices A and B.

4.2 A report will be presented to the next meeting of the Performance and Contract Management Committee which recommends the establishment of a sub-committee to be convened only for the purpose of considering any called-in decisions of the EPB. Subject to the Committee agreeing the recommendation, the Constitution will require further amendment to include a reference to the membership and terms of reference of the Performance and Contract Management Sub-Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 As set out in the report to Full Council, 28 July 2015.

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

5.2.1 As set out in the report to Full Council, 28 July 2015.

5.3 Legal and Constitutional References

5.3.1 Constitution, Responsibility for Functions – sets out the functions of Full Council which include ‘Adopting and changing the Constitution, except where otherwise provided in the Constitution or by resolution of the Council’ and ‘all policy matters and new proposals relating to significant partnerships with external agencies.’

5.3.2 Constitution, Article 7, section 7.03 sets out that “Any Committee appointed by the Council may at any time appoint additional sub-committees and panels throughout the year. Such bodies’ terms of reference and the delegation of powers to them shall be explicit and within the appointing committee’s terms of reference. Any motion proposing to establish a sub-committee must include a reference to the powers that will be delegated by the parent committee and proposals for the membership composition of the sub-committee.” This process would apply for future consideration by Performance and Contract Management Committee of the creation of a Sub-Committee for the purpose of call-in of decisions of the EPB.

5.4 Risk Management

5.4.1 As set out in the report to Full Council, 28 July 2015.

5.5 Equalities and Diversity

5.5.1 As set out in the report to Full Council, 28 July 2015.

5.6 Consultation and Engagement

5.7 As set out in the report to Full Council, 28 July 2015.

6. BACKGROUND PAPERS

6.1 Report to Policy and Resources Committee, 9 July 2015 West London Economic Prosperity Board, item 12:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8346&Ver=4>

6.2 Report to Full Council, West London Economic Prosperity Board, 28 July 2015, item 14.5:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=8339&Ver=4> .