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| | <p style="text-align: center;">Constitution, Ethics and Probity Committee</p> <p style="text-align: center;">16 November 2016</p> |
| <p>Title</p> | <p>Constitution Review</p> |
| <p>Report of</p> | <p>Monitoring Officer Head of Governance</p> |
| <p>Wards</p> | <p>N/A</p> |
| <p>Status</p> | <p>Public</p> |
| <p>Enclosures</p> | <p>Appendix A: Public Participation and Engagement Rules Appendix B: HR Regulations Appendix C: Responsibility for Functions Appendix D: Responsibility for Functions, Annex A Appendix E: Article 10 – Decision Making Appendix F: Article 11 – Finance Contracts Land Disposal and Legal Matters Appendix G: Article 9 – Chief Officers Appendix H: Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers Appendix I: Article 12 – Review and Revision of the Constitution Appendix J: Article 13 – Suspension Interpretation and Publication of the Constitution Appendix L: Meetings Procedure Rules Appendix M: Licensing Code of Practice Appendix O: Council Procedure Rules Appendix P: Management of Assets, Land and Property Rules</p> |
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Summary

This report seeks discussion and approval of revisions to the Constitution following the review of elements which require updating and review.

Recommendations

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 P.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council adopted a new Constitution at their annual meeting on 2 June 2014 when a Committee System form of governance was introduced. The system has now been in operation for two municipal years.
- 1.2 The Constitution, Ethics and Probity Committee has met regularly over that period to ensure that they discharge their responsibility to proactively 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.
- 1.3 Since the Committee last met on 30th June 2016 a number of changes have been identified to ensure that the Constitution is updated in accordance with new legislative requirements and best practice.
- 1.4 Specifically the Governance Service has recently reviewed the council's procedures in relation to petitions and e-petitions to ensure that Barnet are consistent with best practice in other authorities and that it is clear to petitioners how their issues will be dealt with. A number of areas have been identified to improve the mechanism of submitting petitions, and also to provide additional information to and support for residents who wish to petition the council.

1.5 The following table represents the changes proposed to sections of the Constitution and the reasons for the changes:

| No. | Section | Reference | Issue Identified | Changes Made |
|-----|---|---|---|--|
| 1 | Public Participation and Engagement Rules | Section 7 – petitions: 7.1 | Clarify the action that will be taken once petitions after 25 signatures have been received. | Add ‘or’ after ‘the relevant Director’... and also add ‘for information’ at the end of the paragraph. |
| 2 | Public Participation and Engagement Rules | Section 7 – petitions: insert after 7.1 | Add more information to assist residents to submit petitions. | At the end of the paragraph add: The address of the Head of Governance is as follows: Head of Governance London Borough of Barnet Building 2, North London Business Park Oakleigh Road South N11 1NP |
| 3 | Public Participation and Engagement Rules | Section 7 – petitions: insert after 7.2 | Insert additional information to assist residents to submit petitions. | The authority’s e-petition facility can be found here: https://barnet.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1 |
| 4 | Public Participation and Engagement Rules | Section 7 – petitions: add paragraph | The council currently has no information on how petitions on external sites, such as change.org, will be addresses. The council has a precedent of accepting petitions from external sites, therefore meaning that it | Add: ‘E-petitions submitted on external websites can be accepted by the council. However, petitions hosted on external websites will need to be submitted by the lead petitioner to the Head of Governance in order for the petition to be accepted. |

| No. | Section | Reference | Issue Identified | Changes Made |
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| | | | would be pertinent to clarify this in the constitution. | |
| 5 | Public Participation and Engagement Rules | Section 7 – petitions: amend paragraph 7.2 | In line with other councils' approaches to petitions, it is recommended that more information is included in the constitution regarding grounds for rejecting a petition. | <p>Add:</p> <ul style="list-style-type: none"> • 'it relates to a named individual or could reveal the identity of a person; • it does not relate to the functions of the council; • it is not clear in what it is asking the council to do; • it is repetitive or deals with an issue that has previously been resolved; • relates to functions that have separate processes for appeal or challenge, such as, but not limited to: council tax banding, non-domestic rates, school admission arrangements etc...' |
| 6 | Public Participation and Engagement Rules | Section 7 – petitions: add after paragraph 7.2 | To clarify the procedure that will be followed if a petition is rejected. | <p>The Head of Governance will make a ruling on whether or not to accept a petition, taking into consideration grounds for rejection as laid out above.</p> <p>In such an occasion where a petition is rejected, the Head of Governance (or his/her representative) will write to the lead petitioner and explain the reasons for rejection.</p> |
| 7 | Public Participation and Engagement Rules | Section 7 – petitions: paragraph 7.4 | To clarify process in line with other proposed changes. | <p>Amend wording to read:</p> <p>“Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.”</p> |

| No. | Section | Reference | Issue Identified | Changes Made | | | | | | | | |
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| 8 | Public Participation and Engagement Rules | Section 7 – petitions: delete old sections 7.6 to 7.11 and replace new sections | Under existing arrangements any petitions that have between 25 – 1,999 signatures are reported to an Area Committee. In practice, the issues raised in some petitions fall outside the terms of reference of an Area Committee and, where this is the case, the Area Committee often refers to petition to the relevant Theme Committee thereby creating an extra stage in the reporting process which can frustrate residents seeking to resolve an issue. To address this, it is recommended that petitions in the 25 – 1,999 threshold be reported to a Residents Forum and that the Forum Chairman resolves to either: take no action; refer the matter to a chief officer to respond to within 20 working days; or refer the matter to the relevant Area Committee (if funding is required). | <p>7.10 Petitions will be reported to the forums below using the following procedures:</p> <table border="1" data-bbox="1218 379 2123 1391"> <thead> <tr> <th data-bbox="1218 379 1630 421">Signatures</th> <th data-bbox="1630 379 2123 421">Forum and Procedure</th> </tr> </thead> <tbody> <tr> <td data-bbox="1218 421 1630 494">0-24</td> <td data-bbox="1630 421 2123 494">No action required.</td> </tr> <tr> <td data-bbox="1218 494 1630 1353">25 – 1,999 Signatures</td> <td data-bbox="1630 494 2123 1353"> <p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> • Take no action; • Refer the matter to a chief officer to respond to within 20 working days; or • Refer the matter to the relevant Area Committee (if funding is required) </td> </tr> <tr> <td data-bbox="1218 1353 1630 1391">2,000 – 6,999 Signatures</td> <td data-bbox="1630 1353 2123 1391">Where the petition relates to the</td> </tr> </tbody> </table> | Signatures | Forum and Procedure | 0-24 | No action required. | 25 – 1,999 Signatures | <p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> • Take no action; • Refer the matter to a chief officer to respond to within 20 working days; or • Refer the matter to the relevant Area Committee (if funding is required) | 2,000 – 6,999 Signatures | Where the petition relates to the |
| Signatures | Forum and Procedure | | | | | | | | | | | |
| 0-24 | No action required. | | | | | | | | | | | |
| 25 – 1,999 Signatures | <p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> • Take no action; • Refer the matter to a chief officer to respond to within 20 working days; or • Refer the matter to the relevant Area Committee (if funding is required) | | | | | | | | | | | |
| 2,000 – 6,999 Signatures | Where the petition relates to the | | | | | | | | | | | |

| No. | Section | Reference | Issue Identified | Changes Made | |
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| | | | <p>It is proposed to reduce the time that Lead Petitioners have to make their representations from 5 minutes to 3 minutes to ensure that the Residents Forum is focussed and progresses through the issues that are required to be considered at the meeting.</p> | | <p>functions and responsibilities of an Area Committee (as detailed in Responsibility for Functions, Annex A) it will be reported to the relevant Area Committee.</p> <p>Where the petition relates to the matters outside the functions and responsibilities outside of the remit of an Area Committee, the petition will be reported to the relevant Theme Committee.</p> <p>The Lead Petitioner will be given five minutes to present the petition to the committee. Following the presentation the Chairman and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</p> <ul style="list-style-type: none"> • Take no action • Refer the matter to a chief officer to provide a written respond to Lead Petitioner within 20 working days; or • Instruct an officer to prepare a report for a future meeting of the Committee |

| No. | Section | Reference | Issue Identified | Changes Made | |
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| | | | | | on the issue(s) raised with a recommended course of action |
| | | | | 7,000 plus Signatures | <p>The petition will be considered by Full Council and the following process will be followed:</p> <ul style="list-style-type: none"> • Lead Petitioner is given five minutes to present the petition; • Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item. • The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take |
| | | | | <p>7.11 Petitions are required to be received 15 days before the Residents Forum, relevant committee meeting or Full Council.</p> <p>7.12 Any hard copy petition received will be published on the Council's website via the Council's e-petition facility and processed by the Council as documented in this section. Updates or responses to petitions will be published on the e-</p> | |

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| | | | | <p>petitions section of the website once an officer has responded or a Forum, Committee or Full Council has received a petition.</p> |
| 9 | Public Participation and Engagement Rules | Section 5.1 Items and Questions at Residents Forums | <p>Full Council on 26 July 2016 passed the following Motion:</p> <p>“Role of Politicians at Residents Forums</p> <p>Council believes that the Residents’ Forum provides an excellent democratic apparatus for members of the public within Barnet to raise local issues according to their choice and engage with Officers regarding those issues.</p> <p>Council wishes to reinforce the concept that Residents’ Forums should be user-friendly and not dominated by politicians, who already have sufficient and direct access to higher echelons of local government.</p> <p>Council therefore calls for the Constitution, Ethics and Probity Committee to look at</p> | <p>Add a new section 5.3 as follows and re-number subsequent sections:</p> <p>“5.3 Councillors, MPs and Assembly Members are not permitted to submit items and questions for Residents Forums, but may be called on to comment on issues. Such comments will be invited entirely at the discretion of the Residents Forum chairman.”</p> |

| No. | Section | Reference | Issue Identified | Changes Made |
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| | | | <p>modifying the constitution to provide that elected politicians – be they councillors, assembly members or MPs – should not be permitted to submit questions or table motions for discussion at Residents’ Forums, although they may still be called upon during such meetings to comment on issues, entirely at the discretion of the Chair’</p> | |
| 10 | Public Participation and Engagement Rules | Section 5 – Items and Questions to Residents’ Forums | <p>It has been identified that when a resident submits multiple items and questions to residents forums that these are considered sequentially. As a consequence, one member of the public have multiple items considered and others will be required to wait a considerable time to have their issue considered. A more equitable approach is proposed to ensure that all residents have an opportunity to address forums.</p> | <p>Add new wording as follows:</p> <p>“At Residents Forums items and questions will be considered in order of receipt. Where a resident has submitted more than one item or question, their second item or question will be considered after all other residents have presented their first item. Issues will continue to be determined in this way until all issues have been considered.”</p> |

| No. | Section | Reference | Issue Identified | Changes Made |
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| 11 | Public Participation and Engagement Rules | Section 7.5 | The current Public Participation & Engagement Rules do not require petitions to be signed by Barnet residents. Members are proposing that providing details of a Barnet address becomes a requirement or petitions will not be accepted. | <p>Add a new section 7.5 as follows:</p> <p>“Petition signatures must be from Barnet residents otherwise they will not count towards the overall signature total. Petitions signatories must provide addresses to enable them to be verified against the Electoral Register.”</p> <p>Add a new restriction in section 7.6 that:</p> <p>“A petition will not be accepted if:...</p> <ul style="list-style-type: none"> • it does not contain the address of signatories;” |
| 12 | HR Regulations | Officer Employment Procedure Rules | In March 2016 the Constitution, Ethics and Probity Committee considered a Members Item relating to chief officer appointments and agreed that committee approval was required for vacant or new post at Assistant Director level and above. Full Council agreed an amendment to the HR Regulations at the meeting on 4 April 2016. However, the HR Regulations do not stipulate which committees can approve (as specified in the Members Item) and the regulations therefore require | <p>Amend section 2.1 (Officer Employment Procedure Rules) of the HR Regulations to read:</p> <p>Sections 2.1.3 to 2.1.5 are subject to the following restriction:</p> <p>*No vacant posts at Assistant Director level or above shall be advertised or recruited to without prior Committee approval and all new posts at Assistant Director level or above shall be created by committee decision (<i>General Functions Committee, Policy and Resources Committee or Urgency Committee</i>) and not by delegated powers.</p> |

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| | | | updating to include those committees | |
| 13 | Responsibility for Functions | Exceptions | Due to the nature of Members Items it could be argued that a Members Item was a key decision as thus be eligible for referral to Full Council. As Members Items are matters for committees to discuss and debate rather than full officer reports with recommendations there is unlikely to be a full assessment of whether a decision is key or not when the Members Item report in the name of the Head of Governance is drafted. On that basis, it is recommended that a restriction be added that prevents Members Items from being referred to Full Council. | Add a new section 6.11 (and re-number the subsequent section) to add: “The seventh exception is that Members Items may not be referred to the parent committee or Council” |
| 14 | Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership | Terms of reference for Area Committees | In line with changes above, to clarify what type of petitions area committees can consider. | Add at end of point 6: “...which relate to the functions of the committee as outlined in (2) above.” |

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| | Boards | | | |
| 15 | Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards | Terms of reference of the Environment Committee, Housing Committee and Licensing Committee | Following consultation with the Service Director Regulatory Service in Re it is recommended that the terms of reference of the Environment Committee, Housing Committee and Licensing Committee be revised to clarify each committee's responsibilities relating to various functions that sit within the remit of Environmental Health and Trading Standards. | Amend the terms of reference of the Environment Committee, Housing Committee and Licensing Committee to clarify the functions that sit within each committees remit as set out in the revised Responsibility for Functions, Annex A document. |
| 16 | Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards | Terms of Reference of the Planning Committee | Section 4.3.8 of the Financial Regulations state that that "For the fees and charges within their remit, theme Committees, Planning Committee and Licensing Committee must approve changes to fees and | Amend the terms of reference of the Planning Committee to include: "To consider for approval fees and charges for those areas under the remit of the Committee." |

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| | | | <p>charges that are above inflation by 2% or more, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.” The terms of reference of the Planning Committee have not been updated to reflect this responsibility.</p> | |
| 17 | <p>Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards</p> | <p>Terms of Reference of the Local Pension Board and Pension Fund Committee</p> | <p>Following a review of the terms of reference of the Pension Fund Committee and Local Pension Board it has been identified that Responsibility for Functions, Annex A does not include all of the functions that sit in the remit of the Local Pension Board as per the terms of reference that the Board agreed at their first meeting in July 2015. The terms of reference of the Board have been updated to include all of the missing functions.</p> | <p>Amend the terms of reference of the Local Pension Board to include the following:</p> <ul style="list-style-type: none"> • “To submit an annual budget to the Pension Fund Committee for approval. • To submit an annual report on the work of the Board to the Pension Fund Committee. • To submit an annual report on the work of the Board to Full Council. • To report any breach of compliance or other significant issues to Full Council.” <p>Amend the terms of reference of the Pension Fund Committee to include the following:</p> <ul style="list-style-type: none"> • To approve the annual budget of the Pension Fund Board. |

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| 18 | Article 10 – Decision Making | New section 10.06 – Decision making by officers | Article 11 as currently drafted does not make reference of decisions taken by officers under delegated powers. In practice, officers have been delegated authority by Council in relation to staffing and operational matters. It is proposed to amend the Article 10 to include a reference to officer decisions. | <p>Amend Article 10 to include a new wording as follows:</p> <p>“10.06 Decision making by Officers</p> <p>Chief officers have delegated authority to make decisions in accordance with the powers delegated by Council via Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers) and the Schemes of Delegation maintained by Chief Officers and published on the council’s website.”</p> |
| 19 | Article 11 – Finance, Contracts, Land Disposal and Legal Matters | Section 11.05 | The Monitoring Officer and Head of Governance are not in possession of a key for the Common Seal of the Corporation. In practice, the Seal is held securely by the Deeds Officer in the Information Management Team. Is therefore proposed that references to the key are deleted. | <p>Amend section 11.05 (Common Seal of the Council) to read:</p> <p>“The Common Seal of the Corporation shall be kept in a safe place by the Deeds Officer.”</p> |
| 20 | Article 11 – Finance, Contracts, Land Disposal and Legal Matters | Sections 11.03 and 11.04 | Article 11 currently includes references to the Head of Legal. As the Council’s legal services are delivered by HB Public Law the council does not have a post of Head of Legal in the officer structure. | Amend sections 11.03 and 11.04 to remove delete references to ‘Head of Legal’ and replace with ‘Monitoring Officer’ |

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| | | | As such, reference to the Head of Legal need to be replaced with the Monitoring Officer who is the council's senior lawyer. | |
| 21 | Article 11 – Finance, Contracts, Land Disposal and Legal Matters | Section 11.05 | References to the post of Deeds Officer are out of date and require updating. | Amend section 11.05 to refer to the 'Records Officer' and not the 'Deeds Officer' |
| 22 | Article 9 – Chief Officers | Section 9.01 | The General Functions Committee on 29 June 2016 approved revisions to the senior management structure to delete the post of Strategic Director for Commissioning. Article 9 requires amendment to delete references to the post. | Delete 'Strategic Director for Commissioning' from Sections 9.01 b), 9.01 d) of Article 9 – Chief Officers |
| 23 | Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers | N/A | The General Functions Committee on 29 June 2016 approved revisions to the senior management structure to delete the post of Strategic Director for Commissioning. Responsibility for Functions, | Delete references to Strategic Director for Commissioning and associated functions and responsibilities from Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers |

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| | | | Annex B, Scheme of Delegated Authority to Officers requires amendment to delete references to the post. | |
| 24 | Article 12 – Review and Revision of the Constitution | Section 12.03 (a) | To reduce the number of minor constitutional amendments being reported to the Constitution, Ethics & Probity Committee and Full Council for review and approval, the Monitoring Officer is proposing that Council delegated him/her authority to make minor amendments to the Constitution in consultation with the Chairman of the Constitution, Ethics and Probity Committee. | Amend section 12.03 (a) to include the following wording: “Where minor amendments to the Constitution are required, the Monitoring Officer is authorised to make the necessary changes following consultation with the Chairman of the Constitution, Ethics and Probity Committee.” |
| 25 | Article 13 – Suspension, Interpretation and Publication of the Constitution | Section 13.01 | Section 13.01 of the Constitution is unclear and is not used in practice. It is recommended that this section be deleted. | Amend Article 13 to include only the following wording – delete all other wording and sections: “13.01 Suspension of the Constitution (a) Limit to suspension. The Articles of this Constitution may not be suspended. Any of the Rules within the Constitution may be suspended by the full Council” |

| No. | Section | Reference | Issue Identified | Changes Made |
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| 27 | Meetings Procedure Rules | Section 2 – Substitute Members | The rationale for requiring substitutions for Area Committees and Area Planning Committees to carry forward into the subsequent adjourned meeting is unclear and it is recommended that the wording relating to this be deleted. | Amend section 2.1 to delete the following wording: “If a meeting is adjourned, the substitution will carry forward into any subsequent adjourned meetings to consider the outstanding item(s).” |
| 28 | Meetings Procedure Rules | Section 7.11 | At a recent Area Planning Committee a member of the public substituted for another member of the public from the same household resulting in one person being able to address a planning committee for up to six minutes. It is proposed to add a restriction to prevent this. | Add wording at the end of section 7.11 as follows: "It is not permissible for a substitution to be made which enables a member of the public to make two representations in respect of a single household." |
| 29 | Licensing Code of Practice | Section 6 – Ward Members | The Licensing Act 2003 was amended to allow Members to make representations to specific licensing applications in their own right. The same requirements in relation to the representations content and submission apply to members representations as they do for other party representations. | Amend section 6.3 as follows: “6.3 Members wishing to speak at a hearing before a Licensing Sub-Committee or to have his/her representations considered in respect of Licensing matters must also: A. Comply with the deadlines for making valid representations applicable to all other parties; OR B. Advise the Chairman, Head of Governance or Governance officer appointed to the sub-committee of their wish to speak |

| No. | Section | Reference | Issue Identified | Changes Made |
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| | | | <p>In addition to this should the Member themselves not have made a valid representation they can speak at a licensing subcommittee should they be nominated to do so by another party who has made their own valid representation.</p> <p>The word 'interested' has been omitted from the suggested amended text due to the change in the Licensing Act 2003 which remove the term 'interested party' from its text and replaced by the term 'other party'.</p> | <p>as a representative of an interested party who has made a valid representation as soon as possible and at least 15 minutes before the commencement of the meeting of the sub-committee.</p> <p>C. Not seek, or accept, or appear to seek or accept, preferential treatment.”</p> |
| 30 | Council Procedure Rules | Section 23.5 | <p>Both Group Leaders support a change to Full Council Procedure Rule 23.5 which, at the moment, requires members to say if they want their motion voted on at the meeting when they submit the motion.</p> <p>The reason for the change is</p> | <p>Add the following wording to the end of section 23.5:</p> <p>“Members should advise the Head of Governance by 10.30am on the second working day before the meeting if they wish their Motion to be voted on at the meeting.”</p> |

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| | | | <p>that the deadline for submission of motions is usually before pre-Council Party Group meetings which is when the Full Council agenda is discussed and decisions are generally made about the approach to the meeting. It would therefore help to change this standing order so that notice about voting on motions at the meeting can be given after the Group meetings have taken place.</p> | |
| 31 | Management of Assets, Property and Land Rules | Section 3.3 | <p>Previously the Management of Assets, Property and Land Rules had separate and associated Management of Property, Assets and Land Procedures which were referenced in the Constitution but did not form part of the adopted constitution. In March 2014 the Constitution, Ethics & Probity Committee updated the Management of Assets, Property and Land Rules to merge the Procedures and the Rules.</p> | <p>Delete section 3.3 of the Management of Assets, Property and Land Rules as follows:</p> <p>“The procedures associated with these Rules are as detailed in the Management of Asset, Property and Land Procedures.”</p> |

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| | | | However, the reference in the Rules to the Management of Property, Assets and Land Procedures was not deleted. It is proposed to delete the reference to the Procedures as this is no longer relevant. | |

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. The Committee are to consider whether changes are required.

4. POST DECISION IMPLEMENTATION

- 4.1 Subject to the committee's approval, the recommendations will form part of a report to Full Council on 13th December 2016 to make final approval.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Barnet 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 Council's Constitution, Responsibilities for Functions, Annex A – the Constitution, Ethics and Probity Committee terms of reference includes responsibility to "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 Council, 26 July 2016, Item 18.2, Administration Motion in the name of Councillor Brian Gordon – Roles of Politicians at Residents' Forums:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=8825&Ver=4>

6.2 Local Pension Board, 25 July 2016, Item 7, Approval and Adoption of the Terms of Reference:
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=753&MId=8475&Ver=4>

6.3 General Functions Committee, 29 June 2016, Item 10, Commissioning Restructure and Associated Senior Management Positions:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=174&MID=8775#A17602>

6.4 Council, 4 April 2014, Item 4.3, Report from Constitution, Ethics & Probity Committee – 24 March 2014:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=7517&Ver=4>