

	<p style="text-align: center;"><b>Council</b></p> <p style="text-align: center;"><b>25 July 2017</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Report of the Constitution Ethics and Probity Committee – Constitution Review</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>Annex 1 – Report to Constitution Ethics and Probity Committee, 29 June 2017</p> <p>Annex 1A – Decisions of the Constitution Ethics and Probity Committee, 29 June 2017</p> <p>Appendix A – Procedure for Handling Complaints (Tracked Changes)</p> <p>Appendix B – Procedure for Handling Complaints (Revised)</p> <p>Appendix C – Responsibility for Functions – Annex B (Scheme of Delegated Authority to Officers)</p> <p>Appendix D – Officer Code of Conduct</p> <p>Appendix E – Financial Regulations (Internal Audit and CAFT elements only)</p> <p>Appendix F – Meetings Procedure Rules (Planning Speaking Rules Only)</p> <p>Appendix G – Article 9 – Chief Officers</p> <p>Appendix H – Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers</p> <p>Appendix I – Contract Procedure Rules</p> <p>Appendix J – Management of Asset, Land and Property Rules</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, <a href="mailto:andrew.charlwood@barnet.gov.uk">andrew.charlwood@barnet.gov.uk</a></p>

## Summary

The Constitution, Ethics and Probity Committee at its meeting of 29 June 2017 considered a report on the Constitution, reviewing various sections. Only Full Council may 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 & Probity Committee at Annex 1A, and the track change versions attached at Appendix A to Appendix F.**
- 2. That Council note the Monitoring Officer's use of delegated authority to make minor amendments to Chief Officers post titles in the Constitution as set out in track change versions attached at Appendix G to Appendix J.**
- 3. That the Monitoring Officer be authorised to implement these revisions and publish a revised Constitution.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Council adopted a new Constitution at the annual meeting on 2 June 2014 when a Committee System form of governance was introduced. During the period June 2014 to April 2017 a number of changes were proposed to the Constitution to ensure the smooth running of committees. These were considered by the Constitution, Ethics and Probity (CEP) Committee and adopted by Full Council.
- 1.2 Following a further cycle of meetings some additional changes have been proposed to address inconsistencies and ensure correct processes are clearly set out. These were considered and agreed by CEP Committee meeting held on 29 June. The report to the Committee (Annex 1) and decisions of the Committee (Annex 1A) set out the proposed changes agreed by the Committee for recommendation to Full Council for adoption. The actual changes to the sections of the Constitution are then set out in Appendices A to F (as amended following consideration by the Committee on 29 June 2017).

### **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Constitution, Ethics and Probity Committee (CEP) is required under its terms of reference to proactively review and keep under review all aspects of the Constitution. The proposals contained in Appendices A to F were discussed by that Committee and are now recommended to ensure the smooth running of the Council.
- 2.2 Following the implementation of a new senior Management Structure (agreed by the General Functions Committee on 3 May 2017) the Monitoring Officer has made a number of updates to the post titles of Chief Officers to ensure that operational decisions can be taken. Council are requested to note that the changes have been made.

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

- 3.1 Options were put forward to the Committee and the attached report reflects the options chosen (as amended by the Committee) 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 Monitoring Officer 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 for existing hard copies issued to be revised and replaced.
- 4.2 The Constitution, Ethics & Probity Committee will continue to proactively keep the Constitution under review and may make further recommendations in the next municipal year.

### **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 None.

### **5.3 Legal and Constitutional References**

5.3.1 Council Constitution, Responsibility for Functions, Functions of Full Council, Paragraph 1.2: "Only the Council will adopt and change the Constitution, except where otherwise provided in the Constitution or by resolution of the Council".

5.3.2 Council Constitution, Responsibilities for Functions – the Constitution, Ethics and Probity Committee terms of reference includes 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".

5.3.3 Council Constitution, Chief Officers "The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public".

5.3.4 Council Constitution, Responsibilities for Functions, Annex A – the Constitution, Ethics and Probity Committee Committee's terms of reference includes "To have responsibility for overseeing the Council's governance arrangements".

### **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.