

Report of Special Committee (Constitution Review)

27 June 2012

Members:-

Cllr Melvin Cohen (Chairman)

Cllr Joan Scannell (Vice-Chairman)

* Richard Cornelius
* Anthony Finn
Alan Schneiderman

* Alison Moore
* Barry Rawlings
Jack Cohen

* Andrew Strongolou
* Claire Farrier
(substituting for Alan
Schneiderman)

* denotes Member Present

4.5.1 HEALTH AND SAFETY JOINT NEGOTIATION AND CONSULTATION COMMITTEE

The Committee agreed the report, subject to Health and Safety reports to General Functions Committee containing a matrix of issues resolved prior to escalation, together with General Functions Committee periodically receiving minutes of Health and Safety Area Committees and reports of Health and Safety statistics. The report considered by the Committee is enclosed at Annex A.

RESOLVED TO RECOMMEND –

1. That Council agree the cessation of the operation of the Corporate Health and Safety Joint Negotiation and Consultation Committee (“CHSJNCC”), the consequential removal of the CHSJNCC constitution from Section 3 (Panels & Consultative Bodies) of the Council’s Constitution (Appendix A to the report) and the introduction of the new consultation arrangements as set out in appendix B to the report.
2. That the Head of Governance be instructed to make the appropriate amendments to the Council’s Constitution.

4.5.2 REVISED CONTRACT PROCEDURE RULES

The Committee agreed to recommend to Council changes to the contract procedure rules. The report considered by the Committee is enclosed at Annex B.

RESOLVED TO RECOMMEND –

1. That the amendments to the Contract Procedure Rules, set out in the report and in Appendix A to the report, be referred to Council for approval.
2. That the Head of Governance be instructed to make the appropriate changes to the Constitution.

4.5.3 STANDARDS ARRANGEMENTS

The Committee considered recommendations for the replacement of the current Standards Committee, noted the new regulations regarding pecuniary interests and agreed an amended code of conduct for recommendation to Council.

The Committee agreed the following amendments to the report and Code of Conduct:

- That the Special Committee (Constitution Review) be renamed ‘ Constitution, Ethics and Probity Committee’
- That paragraph 3, sub-section (1) of the Code of Conduct be amended to read: *As a member or o-opted member of the London Borough of Barnet you have a responsibility to represent the community and work constructively ~~with the Council’s staff and partner organisations~~ to secure better social, economic and environmental outcomes for all.*
- That paragraph 3, sub-section (2) of the Code of Conduct be amended to read: *In accordance with the provisions of the Localism Act 2011, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for the borough’s residents and maintain public confidence in this authority, **and the office you hold.***
- That paragraph 5 of the Code of Conduct related to “bringing your office or authority into disrepute” be deleted and subsequent sections renumbered accordingly.
- That the final sentence of paragraph 10, sub-section (3) of the Code of Conduct be amended to read: *Members are also advised that this should apply in the case of prejudicial interests to any **formal** Party Group meeting or meeting with Officers.*
- That the wording at the end of paragraph 12, subsection (1), (a) be amended to read *unless you have obtained a dispensation as confirmed in writing from your authority’s ~~standards committee~~ Monitoring Officer.*

The report considered by the Committee is enclosed at Annex C. The proposed revised Code of Conduct, taking into account the above amendments made by the Committee, is enclosed at Annex D.

RESOLVED TO RECOMMEND: -

1. That the monitoring/advisory role of the current Standards Committee and the role of satisfying the council’s continuing duty to promote and maintain high standards of conduct for Members and ethical standards in general be transferred to the Special Committee (Constitution Review).
2. That the name of the Special Committee (Constitution Review) be changed to the Constitution, Ethics and Probity Committee in order to reflect the additional role of the Special Committee (Constitution Review) as reflected in recommendation 1 above.
3. That two ‘independent persons’ with the statutory role of giving views on any complaint about the conduct of a member of the authority should be recruitment through public advertisement, with the Independent Members of the existing Standards Committee being invited to apply.

4. That the amendments to the Code of Conduct for Members be approved / recommended to Council.
5. That the Head of Governance makes the necessary revisions to the Council's Constitution.