

	<p style="text-align: center;"><b>Constitution and General Purposes Committee</b></p> <p style="text-align: center;"><b>22 October 2018</b></p>
<b>Title</b>	<b>Constitution Review</b>
<b>Report of</b>	Monitoring Officer Head of Governance
<b>Wards</b>	N/A
<b>Status</b>	Public
<b>Enclosures</b>	Appendix A– Article 7: Extract. Committees, Forums, Working Groups and Partnerships (Tracked) Appendix B – Chief Officers (Tracked)
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<b>Summary</b>	
<p>Following the comprehensive review of the Constitution which was completed in May 2018 a number of housekeeping amendments are proposed as set out in the report and appendices.</p>	

<b>Officers Recommendation</b>
<p><b>That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the amended versions attached at Appendix to Appendix B.</b></p>

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

- 1.1 The terms of reference Committee include 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”.
- 1.2 Detailed changes and the reason for them are as set out in the table below:

No.	Section	Reference	Issue Identified	Changes Made
1.	Article 7 (Committees, Furums and Partnerships)	Terms of Reference of the Health and Wellbeing Board (HWB)	<p>The terms of reference of the Barnet Health and Wellbeing Board currently do not include membership for voluntary and community sector representatives (non-voting). In most other authorities, voluntary and community sector representatives are non-voting members appointed by Local Authority as they represent a significant local stakeholder that plays such an important role in improving local population's health and wellbeing.</p> <p>NHS England plays an important role in delivering some of the local services however HWB Board agenda is not relevant in its entirety to their business and therefore they failed to engage on a regular basis. We therefore propose to remove NHS England from core membership and add them as extended membership, to be invited as and when relevant.</p> <p>Vice-Chair of the Health and Wellbeing Board is CCG Chair, as prescribed by the Act (s194(2)(f)).</p> <p>Health and Wellbeing Board represents a strategic partnership across local health and</p>	<p>Add to HWB Board Terms of reference:</p> <ul style="list-style-type: none"> <li>• Barnet's voluntary and community sector representative (non-voting member)</li> <li>• Remove NHS England from core membership</li> <li>• Add a reference to Vice Chair being CCG Governing Body Chair, as prescribed by the Act</li> <li>• Add: "To provide collective leadership and enable shared decision making, ownership and</li> </ul>

No.	Section	Reference	Issue Identified	Changes Made
			care economy and, as such, has a responsibility for collective leadership, joint decision-making, shared responsibilities and accountability. This partnership's role is to provide strategic oversight (rather than performance management) on health and care offer locally, promote joint working, joint commissioning as well as joint bidding process for external resources.	<p>accountability.”</p> <ul style="list-style-type: none"> <li>• Rewording of few paragraphs to reflect strategic and joint responsibilities across partnershi</li> </ul>
2.	Article 7 (Committees, Forums and Partnerships)	Terms of Reference of the Community Leadership and Libraries Committee	<p>The terms of reference of the Community Leadership and Libraries Committee currently include responsibility for ‘.....grants to the voluntary sector.’</p> <p>The Council currently seeks to determine applications within 6-8 weeks of receipt depending upon any issues that might arise during the assessment process, a broadly realistic timeframe in the case of smaller grant requests dealt with under delegated powers. The processing time of applications seeking a larger grant is usually longer, subject, as it is, to the frequency of meetings of CLLC and the proximity of such to when an application is received. This is unfavourable to the larger applications who may have a waiting time of up to time 6 months from when application is recived to a decision made.</p>	<p>Remove from the terms of reference of the Constitution &amp; General Purposes Committee:</p> <p>“...and grants to the voluntary sector.”</p>

No.	Section	Reference	Issue Identified	Changes Made
			It is proposed that Members delete this from the terms of reference of the committee and agree to extend the Director of Finance (Section 151 Officer) delegated powers to encompass all awards from the corporate grants on the basis that the chairman of CLLC will continue to be consulted on all recommendations.	
3.	Article 9 – Chief Officers	9.4 Functions of the Chief Finance Officer / Section 151 Officer	It is recommended that Article 9 (Chief Officers) be amended to include within the responsibilities of the Functions of the Chief Finance Officer / Section 151 Officer writing of debt.	Add the following to  <b>“Debt Manangement</b> . The Chief Finance Officer will in consultation with HB Public Law write off debt amounts up to and including £5,000”

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Constitution and General Purposes 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 The Committee could retain the current Constitution un-amended. This is not recommended as the Constitution needs to be kept under review to ensure that it complies with legislation and best practice.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Subject to the committee's approval, the recommendations will form part of a report to Full Council on 30 October 2018 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, Article 7 - the Constitution and General Purposes Committee terms of reference includes responsibility "To 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 and General Purposes 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 The currently adopted Constitution can be accessed here:  
<http://barnet.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13581&path=0>