

<p style="text-align: center;"><b>Council Meeting</b> <b>11 September 2012</b></p>
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## **FURTHER SUPPLEMENTAL REPORT OF THE HEAD OF GOVERNANCE**

### **4. LONDON BOROUGH OF BARNET / LONDON BOROUGH OF HARROW JOINT LEGAL SERVICE – CONSEQUENTIAL CHANGES TO THE CONSTITUTION**

- 4.1 Pursuant to a decision of the Cabinet Resources Committee dated 4 April, 2012 and a decision taken by the Director of Corporate Governance in consultation with the Cabinet Member(s) (Executive Function) dated 17 August, 2012 the Council has entered into an Inter Authority Agreement with the London Borough of Harrow for the establishment of a shared legal service.
- 4.2 Under the Council's Constitution certain powers were delegated to the Assistant Director – Legal. At the Council meeting on 17 April, 2012 Council noted that the post of Assistant Director – Legal ceased to exist after 31 March, 2012 and that Ms Sheila Saunders had been appointed Acting Head of Legal on an interim basis and would undertake the constitutional and statutory responsibilities previously undertaken by the Assistant Director – Legal. With the establishment of the shared legal service, those arrangements have come to an end.
- 4.3 The approved arrangement for the Joint Legal Service is that the London Borough of Harrow will discharge this Council's function in respect of the delivery of legal services in accordance with Section 101 of the Local Government Act 1972 and of the Local Government (Arrangements for the Discharge of Functions) (England) Regulations 2000.
- 4.4 Under the terms of the Inter Authority Arrangement the London Borough of Harrow is required to appoint a Senior Officer as the Practice Director of the Joint Legal Service to take day to day management decisions relating to the Service. The London Borough of Harrow Head of Legal has been appointed to this position.
- 4.5 It is necessary to revise certain provisions of the Constitution to reflect these changes so as to authorise the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service to institute, defend or participate in any legal proceedings etc. on behalf of the Council as more particularly set out in Article 14.03 of the Council's Constitution; similarly to authenticate any document necessary to any legal procedure of proceedings on behalf of the Council as more particularly set out in Article 14.04 of the Constitution; to undertake land and property transactions on behalf of the Council in accordance with Paragraph 24 of the Management of Real Estate, Property and Land Rules and to fulfil certain responsibilities pursuant to Paragraphs 4.1.15; 6.8.4; 11.3; 11.3.7.2; 11.3.8 and 12.2 of the Contract Procedure Rules.
- 4.6 Any remaining specific references to the former Assistant Director – Legal will be deleted from the Constitution and the responsibilities assumed by the Director of Corporate Governance who already has reserve powers to exercise any of the powers delegated to the former Assistant Director – Legal.

- 4.7 The reserve powers of the Director of Corporate Governance are to be extended to cover any of the powers delegated to the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service.
- 4.8 Council is asked to confirm that the Head of Legal London Borough of Harrow/Practice Director Joint Legal Service will have powers of delegated authority pursuant to Paragraph 6 of Part 3 of the Council's Constitution – Responsibility for Functions and in accordance with sub-paragraph 6.8 will publish a scheme of specific delegations.

**Recommend:**

1. That the Constitution be revised in Article 14.03; Article 14.04; Paragraph 24 of the Management of Real Estate, Property and Land Rules and Paragraphs 4.1.15; 6.8.4; 11.3; 11.3.7.2; 11.3.8 and 12.2 of the Contract Procedure Rules to give authority to the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service to act on behalf of the London Borough of Barnet as specified therein.
2. That Article 12 of the Constitution (reserve powers of the Director of Corporate Governance) be revised by the deletion of reference to Assistant Director – Legal to be substituted by London Borough of Harrow Head of Legal/Practice Director Joint Legal Service
3. That the Constitution be revised by the deletion of any remaining specific references to the Assistant Director – Legal to be replaced by reference to the Director of Corporate Governance.
4. That Council confirm that the Head of Legal London Borough of Harrow/Practice Director Joint Legal Service will have powers of delegated authority pursuant to Paragraph 6 of Part 3 of the Constitution and be required to publish a scheme of specific delegations hereunder.
5. That the Head of Governance be instructed to make the necessary changes to the Constitution.

**5. CHANGES TO COMMITTEE MEMBERSHIP**

The Conservative group have indicated they wish to make to following change

Budget and Performance Overview and Scrutiny Committee

- Councillor Andrew Strongolou to replace Councillor Eva Greenspan as a substitute Member on the Budget & Performance Overview & Scrutiny Committee.

**RECOMMEND – That Council note that Councillor Andrew Strongolou replaces Councillor Eva Greenspan as a substitute Member on the Committee.**

**6. CANCELLATION OF MEETING**

<b>Committee</b>	<b>Date of Meeting</b>	<b>New date of Meeting</b>	<b>Reason</b>
Cabinet	27/09/12	N/A	The meeting has been cancelled due to lack of business.

**RECOMMEND – That Council note the cancellation of the Cabinet meeting on 27 September 2012.**

**Aysen Giritli**  
**Head of Governance**