

Annual Council Meeting

17 May 2005

AGENDA ITEM 13.4.2

SUPPLEMENTAL REPORT OF THE DEMOCRATIC SERVICES MANAGER

7. Representation of the Council on Outside Bodies

Barnet Care Attendant Scheme Management Committee has changed its name and drawn up a revised governing document, as a result of which Council representation is no longer required. Therefore, the vacancies relating to this organisation on Appendix A to my report no longer require to be filled.

Recommend: That the Council notes that Council representation on Barnet Care Attendant Scheme Management Committee is no longer required.

8. Appointment of Standing Committees and a Chairman and Vice – Chairman for each Standing Committee

Introduction

Council on 26 October, 2004, when approving the establishment of a Licensing Committee, agreed to reduce the number of Appeals Committees to one, with effect from the 2005 Annual Meeting.

The Council also on 12 April, 2005, agreed, with effect from the Annual Meeting to

- (i) restructure the Overview and Scrutiny Committees into six Overview and Scrutiny Committees; and
- (ii) introduce a new Audit Committee

Political Balance : Background

The Council must allocate seats on committees and other prescribed bodies so as to give effect to the political balance rules under the Local Government and Housing Act 1989.

The political proportionality rules also apply to those outside bodies dealing with local government matters to which the council appoints three or more representatives. They therefore apply to the Welsh Harp Joint Consultative Committee. The calculation indicates that the allocation must be two Conservative and two Labour. However, the Welsh Harp Joint Consultative Committee is not included in the calculation relating to achieving political balance.

The Council appoints or nominates members to a variety of special statutory bodies, or informal or consultative bodies that are not council committees or sub-committees. The political balance rules do not apply to these bodies.

The consultative bodies established for consultation with staff are also not regarded as council committees subject to the political balance rules. Each has a special composition.

The Regulations provide an exception from the political balance requirements where a committee is established to discharge functions in part of an authority's area, and

- (a) consists entirely of members elected for wards which comprise the area, and
- (b) either the area or its population does not exceed two-fifths of the total for the authority.

This allows the six area planning and environment sub-committees to be constituted on a ward member basis and still comply with the law.

The political group with the majority of seats on the council is entitled to a majority of seats on all the relevant Committees.

Achieving Political Balance

The political balance calculations are based on the following political split. :

Conservatives	:33
Labour	: 24
Liberal	
Democrat	: 6

However, in determining political balance for 2005/06, the issues set out in the introduction to this item must be borne in mind.

With that in mind, the Special Committee (Constitution Review), met on 11 May to consider the issues. Details of the members' attending the meeting and a synopsis of their considerations are set out in Appendix 1.

The Special Committee (Constitution Review) agreed to recommend the Council to adopt the model set out in Appendix B to achieve political balance. The Committee noted that the Labour Group had indicated that their support of this model was conditional upon a member of that Group chairing the Appeals Committee to reflect their majority on that Committee.

Recommendations have still to be made as to the Overview and Scrutiny Committee that will comprise ten members.

As far as the appointment of substitutes are concerned, the Council on 20 April, 2004, agreed to the appointment of two substitutes for each political group for certain committees and Overview and Scrutiny Committees. It is therefore recommended that this principle also applies to the new Audit Committee.

Appendix C also identifies all of the other Council Committees and Panels and their compositions.

Appendix D identifies the bodies to which the political balance calculations do not apply.

The Group Secretaries have been advised of the situation.

Recommend:

- (1) That on the basis that the Council is made up of 63 members comprising three political groups (Conservative 33 members, Labour 24 members, Liberal Democrat 6 members), the allocation of seats on committees subject to the political balance regulations be as set out in Appendix B.**
- (2) That the allocation of seats on Committees and other bodies appointed by the Council and on sub – committees and other bodies appointed by council committees should be in accordance with Appendices C and D**
- (3) That the principle of establishing the appointment of two substitutes for each political group be applied to the Audit Committee.**
- (4) That each political group be invited to nominate members for seats in accordance with the principles set out in (1), (2) and (3) above and the allocations set out in Appendices C and D , and that the Council and Council committees appoint committees, sub – committees and other relevant bodies in accordance with those principles and allocations, subject to the Council’s final decision as to the Overview and Scrutiny Committee that will comprise the 10 – member Committee.**

Non-Council Members of Committees and other Bodies - Nominations

Nominations have been sought for Non-Council Members of Committees and other bodies as indicated below:

First Class Education and Children Overview and Scrutiny Committee

The Council on 13 May, 2003, agreed that with effect from 2004/2005 the period of appointments of voluntary school representatives on the then Education and Children Overview and Scrutiny Committee be for a period of two years.

It is proposed the appointments made on 18 May, 2004, continue for the First Class Education and Children Overview and Scrutiny Committee for the period 2005/2006.

Recommend : That the following be appointed to serve as voting voluntary – aided school representatives on the First Class Education and Children Overview and Scrutiny Committee for 2005/2006 : -
(i)Mr Denis Carey, representative of the Roman Catholic Church;

**(ii) Ms Cathy Goldin, representative of the Persons who Appoint Foundation Governors to Voluntary Aided Jewish Schools ; and
(iii) Ms Gladys Vendy representative of the Church of England.**

Tackling Crime and Housing Overview and Scrutiny Committee

The Constitution provides for two non – voting co-opted tenant representatives to be appointed to this Committee. The Council, on 21 October, 2003, agreed that these appointments should be made by the Barnet Housing Consultative Panel.

Recommend : That the two non – voting co-opted tenant representatives on the Housing Overview and Scrutiny Committee for 2005/2006 be appointed by the Barnet Housing Consultative Panel.

Independent Members of the Standards Committee

The Council at their Annual Meeting on 14 May 2002 appointed four independent people to serve on the Standards Committee, one of whom was appointed as Chairman. Two of the Members subsequently stood down and the Council, on 1 March appointed Mr Stephen Ross to that Committee with immediate effect and Mrs Susan Riddle with effect from 17 May, 2005.

The independent people have all their confirmed their willingness to continue,

Recommend:

- (1) That, Ms Marguerite Argles, JP, Reverend Berndt Koschland, Mrs Susan Riddle and Mr Stephen Ross be appointed to serve as Independent Persons on the Standards Committee for the municipal year 2005/2006.**
- (2) That Reverend Berndt Koschland be appointed Chairman and Ms Marguerite Argles JP be appointed Vice-Chairman for the municipal year 2005/2006.**

9. Calendar of meetings 2005/06

Item 13.4.5 of my report refers to a revised Calendar of meetings for Committees, Sub – Committees, Panels. forums, etc

Since the revised calendar was circulated, one or two anomalies have come to light.

Therefore, the amendments set out in the recommendation are also for the Council's consideration.

Recommend- That the Calendar of meetings, as amended by the following be approved:

- **Alter Teaching JNCC from 23 June to 21 June, 2005**
- **Alter Tackling Crime and Housing Overview and Scrutiny Committee from 9 June to 27 June, 2005**
- **Alter First Class Education and Children Overview and Scrutiny Committee from 28 June to 30 June, 2005.**

- **Alter Audit Committee from 31 October to 10 October - to ensure that all legislation relating to the SAS610 report from the Auditors can be complied with.**

10. Minutes of meeting held on 12 April 2005

Item 3 of the Agenda for this meeting relates to Minutes of the meeting held on 12 April.

Minute 200 relates to Questions to Cabinet Members. Set out below is the complete Supplemental Question 31.

“There is so much waste of cardboard and plastics in the bins. If somebody is able to do something to use it, whereby the council would then increase its recycling rate and help the environment, then that's for the good and that's why I put the question. There has to be some time when this council will have to look at what other boroughs do to recycle plastics and cardboard. So what's wrong with Barnet doing just that and reviewing this? Thank you.”

Recommend- That the Minutes of the meeting held on 12 April be approved by the inclusion of completed Supplemental Question 31 as set out below:

“There is so much waste of cardboard and plastics in the bins. If somebody is able to do something to use it, whereby the council would then increase its recycling rate and help the environment, then that's for the good and that's why I put the question. There has to be some time when this council will have to look at what other boroughs do to recycle plastics and cardboard. So what's wrong with Barnet doing just that and reviewing this? Thank you.”

11. Amendments to the Constitution

I mentioned in Item 4 of my report that consequent upon the Council's decision on the membership of Committees and Sub – Committees, changes would also be required to the following
Part 4 – Rules of Procedure – Section 2 Committee and Sub – Committees – paragraph 1 – Substitute members and quorum.
Overview and Scrutiny Procedure Rules : Table 1

Attached are proposed amendments which have been drafted in accordance with the model recommended by the Special Committee (Constitution Review), dated 11 May, 2005, which are subject to the Council's final decisions on:

- (i) the proposed membership of Committees; and
- (ii) the Overview and Scrutiny Committee that will comprise Members.

Recommend – That subject to the Council's decisions on the proposed membership of Committees and Sub – Committees and on the Overview and Scrutiny Committee that will comprise ten members the amendments to the Constitution as set out in Appendices E and F be approved.

12. Motion in the name of Councillor Salinger

The following has been received:-

That, in accordance with Paragraph 14.1.2 of the Council Procedure Rules the Council Suspend the requirements of paragraph 1 of the Council's Procedure Rules to enable Cllr. Salinger to move the following Motion:

“Council notes the General election results for the three Parliamentary Constituencies in the London Borough of Barnet.

Council congratulates the three successful Candidates in that election, and wishes them well in their work to represent the people of this Borough at Westminster.”

John Marr
Democratic Services Manager

Appendix A

Special Committee (Constitution Review) : 11 May 2005.

Present:

Councillor Victor Lyon, BA (Hons) : Chairman

Councillor Anthony Finn : Vice- Chairman

Councillors :

Mike Freer (substituting for Councillor Joan Scannell)

Daniel Hope

Alison Moore

Phil Yeoman

Apologies were received from Councillors Jack Cohen, Monroe Palmer (substitute) and Joan Scannell.

The Chairman invited Councillor Wayne Casey to address the Committee on behalf of the Liberal Democrat Group.

Constitution Review 2005 : Membership of Committees and Political Balance

The Committee considered the report of the Officers concerned. Also circulated at the meeting was a further paper showing an alternative approach to achieving political balance. Debate ensued. During the debate, the meeting was adjourned for five minutes to enable members to consider the alternative suggestion.

The outcome of the debate was that the Special Committee agreed to recommend the Council to adopt the model set out below to achieve political balance. The Committee noted that the Labour Group had indicated that their support of this model was conditional upon a member of the Group chairing the Appeals Committee to reflect their majority on that Committee.

Committee	No of members	Cons	Lab	Lib Dem
Cab O and S Members	11	6	4	1
O and S Cttee Members	10	5	4	1
O and S Cttee Members	9	5	3	1
O and S Cttee Members	9	5	3	1
O and S Cttee Members	9	5	3	1
O and S Cttee Members	9	5	3	1
General Functions Cttee Members	9	5	3	1
P and E Cttee Members	21	11	8	2

Appeal Cttee Members	15	6	8	1
Audit	11	6	4	1
Total	113	59	43	11
Political balance		59 (59.1)	43(43.0)	11 (10.7)
discrepancy		0	0	0

Appendix B

Committee	No of members	Cons	Lab	Lib Dem
Cabinet Overview and Scrutiny Members	11	6	4	1
Overview and Scrutiny Members	10	5	4	1
Overview and Scrutiny Members	9	5	3	1
Overview and Scrutiny Members	9	5	3	1
Overview and Scrutiny Members	9	5	3	1
Overview and Scrutiny Members	9	5	3	1
General Functions Members	9	5	3	1
Planning and Environment Members	21	11	8	2
Appeals Committee Members	15	6	8	1
Audit	11	6	4	1
Total	113	59	43	11
Political balance discrepancy		59 (59.1)	43(43.0)	11 (10.7)
		0	0	0

Political Balance Allocation on Committees and Sub-Committees

Committee	Total Seats	Conservative	Labour	Liberal Democrat
Cabinet Overview and Scrutiny Committee	11	6	4	1
*Overview and Scrutiny Members	10	5	4	1
*Overview and Scrutiny Members	9	5	3	1
*Overview and Scrutiny Members	9	5	3	1
*Overview and Scrutiny Members	9	5	3	1
*Overview and Scrutiny Members	9	5	3	1
General Functions Members	9	5	3	1
Planning and Environment Members	21	11	8	2
Appeals Committee Members	15	6	8	1
Audit	11	6	4	1
Licensing	8	6	1	
Special Committee to deal with the Constitution	7	4	2	1
Standards Committee	3	1	1	1
Chief Officers Appointments Panel	7	4	2	1
Chief Officers Disciplinary & Capability Investigating Panel	5	3	1	1
Chief Officers Disciplinary Panel	<u>5</u>	3	1	1

* The Overview and Scrutiny Committees are :

- Resources, Performance and Partnerships
- First Class Education and Children
- Cleaner, Greener, Transport and Development
- Supporting the Vulnerable in our Community
- Tackling Crime and Housing

Appointments to the Welsh Harp Joint Consultative Committee are Conservative 2, Labour 2.

Planning and Environment Committee – will have 21 Members which Council can appoint to on a ward basis and achieve political balance. For wards with split representation the allocation of seats will be:-

Underhill Ward	-	1 Conservative Seat
Hale Ward	-	1 Labour Seat

Area Planning and Environment Sub-Committees – one member per ward. For Wards with split representation the allocation of seats will be:-

Underhill Ward	-	1 Conservative Seat
Hale Ward	-	1 Labour Seat

Bodies to which the Political Balance Rules do not apply

Corporate JNCC, Teachers JNCC, Corporate Joint Consultation (Health, Safety & Welfare)	Consultative bodies with agreed constitutions.
Social Services Review Panels (Children and Community Care)	Special statutory bodies appointed by the Democratic Services Manager. Social Services Review Panels are dealt with as an outside body.
Standing Committee for Religious Education	Treated as outside bodies to which appointments are made by the Council
Adoption and Permanency Panel	
School Organisation Committee	A statutory body but not a Committee of the Council – treated as an outside body
Pension Fund Management Advisory Panel	Not a committee, one member from each political group.
Consultative Forums	Not committees.