

**MEETING**

**CONSTITUTION, ETHICS AND PROBITY COMMITTEE**

**DATE AND TIME**

**THURSDAY 19TH DECEMBER, 2013**

**AT 6.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

**TO: MEMBERS OF CONSTITUTION, ETHICS AND PROBITY COMMITTEE (Quorum 3)**

Chairman: Councillor Melvin Cohen  
Vice Chairman: Councillor Joan Scannell

**Councillors**

Jack Cohen	Anthony Finn	Alan Schneiderman
Richard Cornelius	Alison Moore	Mark Shooter
	Barry Rawlings	Andrew Strongolou

**Substitute Members**

Robert Rams	Claire Farrier	Rowan Quigley Turner
Lord Palmer	Jim Tierney	Susette Palmer

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Nathan – Head of Governance**

Governance Services contact: Kirstin Lambert 020 8359 2177 [kirstin.lambert@barnet.gov.uk](mailto:kirstin.lambert@barnet.gov.uk)

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES OF LAST MEETING	
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	PUBLIC QUESTION TIME (IF ANY)	
5.	MEMBERS' ITEMS (IF ANY)	
6.	CHANGE TO GOVERNANCE SYSTEM - PUBLIC CONSULTATION - FINAL REPORT	1 - 40
7.	CONSTITUTION DEVELOPMENT	41 - 84
8.	ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT	

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Meeting	Constitution, Ethics and Probity Committee
Date	19 December 2013
<b>Subject</b>	<b>Change to Governance System- Public Consultation- Final report</b>
Report of	Assurance Director Head of Governance
Summary	In developing proposals for a committee system of governance, this Committee instigated a programme of public consultation. The first phase of consultation with the general public and the Citizens Panel was reported to this Committee on 21 October 2013. This item presents the final report on the whole consultation process, including a meeting for all Members of the Council and a public workshop, for the Committee to take into account in the design of a system.

Officer Contributors	Maryellen Salter, Assurance Director Andrew Nathan, Head of Governance
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	Not applicable
Function of	Council
Enclosures	Appendix - The Review of the Council's Governance System and Alternative Options –Consultation findings
Contact for Further Information:	Andrew Nathan 020 8359 7029 <a href="mailto:andrew.nathan@barnet.gov.uk">andrew.nathan@barnet.gov.uk</a>

## **1. RECOMMENDATIONS**

- 1.1 That the Committee comment on the attached final report into the consultation findings.**
- 1.2 That these comments are taken into account as part of the development of options on item 7 on this agenda.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Council, 22 January 2013- item 9
- 2.2 Constitution Ethics and Probity Committee, 8 July 2013- item 6
- 2.3 Constitution Ethics and Probity Committee, 21 October 2013- item 6

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The overriding purpose of a Governance System review is to ensure that the Council's decision making structures operate in a way that best enables the Council to deliver its objectives set out in the Corporate Plan. They should be kept under review to ensure that they provide effective opportunities for resident participation and engagement.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 The consultation mitigates the risk that without public involvement in the design of a scheme, opportunities for democratic engagement are lost and public confidence in the legitimacy of democratic decision making structures is weakened.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 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. This review of the Governance system will help ensure that this is the case and ensure the Council is meeting its equality obligations.
- 5.2 An extensive Equalities questionnaire was included within the first phase of Consultation and analysis has been undertaken of different responses from relevant groups.
- 5.3 The public consultation meeting had a very strong theme of asking participants what more should be done to ensure that the opportunities to learn about, attend and participate in Council meetings are available to all sections of the community.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 A commitment was made at Council that the effect of a move to a new system of governance would be cost neutral. All proposals will be costed to ensure they fit within this envelope.
- 6.2 The cost of the consultation was £9,250 for consultation analysis, printing costs and design of hard copy questionnaires; postage and design for the Citizens Panel survey; and provision of refreshments at consultation meetings. This is funded within existing budgets. Up to £20,000 was earmarked in the Business Plan for consultation.

## **7. LEGAL ISSUES**

- 7.1 The Localism Act 2011 allows Councils to return to a committee form of governance under schedule 2.

## **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

- 8.1 Council Constitution, Part 3, Section 3 – details the functions of the Constitution, Ethics and Probity Committee, which are 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”.
- 8.2 This is not a ‘key decision’.

## **9. BACKGROUND INFORMATION**

- 9.1 Under the Localism Act 2011, local authorities in England operating under executive arrangements have been given power to choose to move to a Committee System form of governance. On 22 January 2013, Council noted “the provisions of the Localism Act allow for changes to the system from an Annual Meeting of the Council for a minimum of five years and asks officers and the Constitution, Ethics and Probity Committee to bring forward proposals to enable early approval of such change to commence operationally from the Annual Meeting 2014”.
- 9.2 This Committee, at its meeting of 8 July 2013, endorsed a Business Case and requested that the project be brought forward to enable Council in January 2014 to consider options. The Business Case included proposals for consultation with the public and wider stakeholders.
- 9.3 An initial consultation was launched on 23 August 2013 which sought residents’ views on their current experience of engaging with the Council’s democratic structures, and on the key principles behind the governance review previously agreed by this committee. The survey was also sent by post to members of Barnet’s Citizens Panel as a control sample.

- 9.4 Full details of how this exercise was conducted and promoted, and the resulting findings, were reported to this Committee on 21<sup>st</sup> October 2013.
- 9.5 A second phase of consultation has taken place on the more specific options considered by this Committee at its last meeting. This comprised:
- an event for all Members of the Council on 28<sup>th</sup> October 2013, which was chaired by the Mayor and attended by 24 Councillors;
  - a public meeting on 20<sup>th</sup> November 2013, which was chaired by the Leader. The meeting received a presentation on the key features of a proposed move to a committee form of governance, consultation findings to date, current public participation rules, and an outline of the remit of the proposed committees.
- 9.6 They were invited to comment through interactive workshops on concerns with the proposed committee structure, whether it addressed the areas of Council responsibility that interested them, how the new structure could be made accessible and easier to understand, and how they could be encouraged to participate in meetings in the new system.
- 9.7 A final Consultation Findings report has been prepared which is attached at Appendix 'A'. This covers the whole of the Consultation process, but includes detailed feedback from both the events listed above, including verbatim comments from the public. The Committee are requested to review and consider this report in the preparation of their proposals.

## **10. LIST OF BACKGROUND PAPERS**

10.1 None.

<b>Cleared by Finance (Officer's initials)</b>	<b>JH</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>LW</b>



# **The Review of the Council's Governance System and Alternative Options Consultation Findings Report**

**December 2013  
Governance Service  
Assurance Group**

## **Section 1**

# **Change of Governance System Consultation**

## **Background**

# CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

## Introduction

Barnet is currently operating an Executive system of governance. Under this system, the majority of decisions in the council are taken by the single-party Executive (or Cabinet) either in the Cabinet meeting or by individual Cabinet Members. The Executive are held to account for their policies and decisions by politically proportioned cross-party Overview & Scrutiny Committees. This system was imposed on the vast majority of councils with the introduction of the Local Government Act 2000.

New legislation (the Localism Act 2011) means local authorities can now choose which governance system they operate from the following options:

- a) Executive Arrangements (such as an elected mayor and Cabinet or a Leader and Cabinet);
- b) A Committee System; or
- c) Alternative Arrangements (as prescribed by the Secretary of State)

In January 2013, the council passed a resolution to call upon the Constitution, Ethics and Probity Committee to devise alterations to the Constitution of the Council and, along with officers, to bring forward proposals to enable early approval of such change to commence operationally from the Council's Annual meeting in June 2014.

A Committee System would result in the abolition of the Executive (Cabinet) and Overview & Scrutiny Committees. Decisions would instead be taken in thematic cross-party politically proportioned committees.

In designing the Committee System, the council are undertaking a two phase consultation process to consider feedback from residents, community and voluntary groups, businesses, other organisations within the borough and those that the council works in partnership with.

This report sets out the detailed findings from Phase I and Phase II of the consultation process.

## **Section 2**

# **Change of Governance System Consultation**

## **Consultation Process and Summary of Key Findings**

# CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

## 1. Summary of approach to the consultation

The Change of Governance System consultation consists of two phases:

- Phase I – survey to ascertain views from residents, community and voluntary groups, businesses, other organisations in the borough and those that the council works in partnership with on their experiences of the current governance system and the principles behind new governance arrangements. To ensure that views collated in the phase I consultation were representative of Barnet’s population, the Citizens Panel were also sent the survey.
- Phase II – two events took place as follows:
  - Elected Member Consultation Meeting – 28 October 2013; and
  - Public Consultation Meeting – 20 November 2013

The purpose of these events was to present findings from the phase I consultation and to test the proposed structure option with the public and councillors.

Key findings from phase I of the consultation process were reported to the Constitution, Ethics and Probity Committee on 21 October 2013 details of which can be accessed via the following link:

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=589&MId=7355&Ver=4>

Below is a summary of the key findings from phase I and phase II of the consultation process. The results will be reported to the Constitution, Ethics and Probity Committee who are responsible for agreeing the preferred committee structure option and recommending this to Full Council for adoption.

This Consultation Findings Report will be published on the ‘Engage Space’ section of the Council website and in the papers for the Constitution Ethics and Probity Committee on 19 December 2013.

## 2. Overall Summary of Key Findings

### 2.1 Change of Governance System Consultation Findings

The Change of Governance System Phase I consultation comprised an online and paper copy survey. Residents views were sought on their experience of participating in the democratic process, barriers to participation, satisfaction with current democratic arrangements, contact with Ward Councillors, understanding of the current governance system, views on governance system design principles and practical issues (as identified in the Consultation Document).

The Change of Governance System Phase II consultation comprised an Elected Member Consultation Meeting on 28 October 2013 and Public Consultation Meeting on

## CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

20 November 2013. These meetings sought views on the committee structures, terms of reference, other practical issues and public participation / engagement.

This report details the collated findings from both phases of the consultation process.

### 2.2 Summary of key findings – Survey

➤ The survey took place between 23 August and 22 September 2013. In total 71 surveys were completed. **Due to the small sample size, views expressed should be treated with caution in the context of this survey.**

➤ In addition to the Survey, members of the Citizens' Panel were sent a copy of the Survey and Consultation Document. This took place between 30 August and 30 September 2013 to create the control sample. In total 504 returns were received by the Citizens' Panel.

➤ Data from the Survey and data from the Citizens' Panel will be presented separately in section 3 (Detailed Findings)

#### ➤ **Headline findings on Participation**

*The majority of both samples had not recently attended a Council meeting. In the case of the Citizens Panel not knowing where and when they were held was a major barrier. Barnet Online was the most common form of communication used by both samples.*

#### ➤ **Headline findings on Satisfaction/Dissatisfaction**

*The Citizens' Panel control sample showed higher satisfaction levels than the Survey sample. The former were most concerned about action not being taken as a result of their participation; the latter were more concerned about the perceived 'political' elements of the system.*

#### ➤ **Headline findings on Key Issues**

*Across both samples, the most common issues that people expected to see determined through a new system were finance and budgeting, planning, education, safety, housing and environmental issues*

#### ➤ **Headline findings on Understanding the Current System**

*In relation to understanding the existing governance arrangements, 32% of the Citizens Panel respondents and 81% of the Survey respondents understood the current arrangements fully or partly. 80% of survey respondents and 32% of Citizens' Panel replies knew who their Ward members were. Email was the most popular method of communication followed by face to face contact.*

*When questioned what would make the decision making process easier to understand, Survey respondents suggested that the biggest areas that needed addressing were to make processes clearer to the public and removing barriers to participation. The Citizens' Panel respondents had a strong emphasis on better communication to inform and explain to residents.*

#### ➤ **Headline findings on Principles**

*All respondents ranked the principles highly, with transparency and accountability featuring as the most important principles.*

# CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

## ➤ **Headline findings on Practical Issues**

*The majority of respondents did not have comments to make on the practical issues. For Survey respondents that did comment, their main themes were facilitating public participation / engagement and retaining elements of scrutiny. For Citizens Panel respondents, the top practical issues were engaging with the electorate and retaining some elements of scrutiny.*

## 2.3 Summary of key findings – Elected Member Consultation Meeting

### ➤ **General Comments**

*Members considered that the cycle of meetings, frequency and work programming needed to be carefully considered*

### ➤ **Committee Structure and Terms of Reference**

*Members requested that a number of practical issues relating to the full Council and the terms of reference and functions of thematic committees be considered in detail.*

## 2.4 Summary of key findings – Public Consultation Meeting

### ➤ **Committee Functions / Operation**

*Participants questioned how the committees would inter-relate with one another and what the composition of committees would be*

### ➤ **Rationale**

*Participants considered that the rationale behind the change in governance system should be articulated, including via promotional material*

### ➤ **Communications**

*Suggestions were made about the promotion of council meetings such as e-mail notifications and press advertisements.*

### ➤ **Accessibility**

*Participants made recommendations about the presentation of information considered by council committees and wanted to see an increased use of Plain English*

### ➤ **Engagement**

*Residents wanted to be assured that their participation in meetings and consultation made any difference to the decisions taken.*

## 3. Recommendation

It is recommended that Constitution, Ethics and Probity Committee consider the information set out in this Consultation Findings Report to inform the structure and operation of the new committee system form of governance.

## **Section 3**

# **Change of Governance System Consultation**

## **Detailed Findings**



# CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

## 1.1. CHANGE OF GOVERNANCE SYSTEM – SURVEY – DETAILED FINDINGS

### 1.1.1 Method

In summary, the survey was administered as follows:

- The consultation was published on the consultation space on the council's website under "Engage Space" with a link to a Consultation Document which outlined the background to the proposed change in governance system, the design principles to guide the new system and proposed structure features (practical issues)
- Respondents' views were fed back via a link to an online survey incorporated on the engage space.
- Paper copies of survey were circulated in:
  - Council offices at North London Business Park, Barnet House, Burnt Oak, Hendon Town Hall; and at the Arts Depot; and
  - Barnet libraries (including community libraries)
- The survey was promoted via the council's social media channels and was supported by a press release to the local media, who gave the project press coverage. In addition, the survey was circulated to local groups (via CommUNITY Barnet) and to key partners (Barnet Clinical Commissioning Group, Barnet and Southgate College, Middlesex University, Brent Cross Shopping Centre, Barnet Group, Metropolitan Police Barnet, Capita and Job Centre Plus)
- The survey was also sent to the Citizens' Panel<sup>1</sup> to create a control sample. To ensure impartiality, the Citizens' Panel data was collated and analysed by Quality Fieldwork, an independent market research company.

### 1.1.2 Questionnaire design

The questionnaire was designed to help understand:

- How frequently residents attend council meetings;
- Barriers to attendance;
- How people find out about council meetings;
- What type of meetings are attended;
- Satisfaction/dissatisfaction with meeting(s) attended;
- What council issues people are most interested in;
- Engagement with Ward Councillors;
- Views on the current governance arrangements;
- Suggestions to improve the new governance system;

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<sup>1</sup> The core panel is made up of 1,704 Barnet residents, selected to be representative of the adult population of the borough in terms of ward, age, gender, ethnicity, housing tenure, faith and disability

## CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

- Views on the principles behind the new governance system; and
- Opinions on the practical issues identified in the Consultation Document.

In order to conduct in-depth segmentation analysis on the results, respondents were also asked:

- to give reasons why they were dissatisfied with opportunities for public participation
- what issues they were interested in or they considered would be most important to address through a dedicated committee
- for views on what would make a new system easier to understand
- for views on how the new system could be made more relevant to residents
- to provide comments on the practical considerations behind a change of governance system
- questions about their demographic profile<sup>2</sup>

### 1.1.3 Response to the survey

In total 71 surveys were completed by members of the public and 504 were completed by the Citizens' Panel.

### 1.1.4 Calculating and reporting on results

The results are based on “valid responses” only (i.e. all those providing an answer which may or may not be the same as the total sample) unless otherwise specified. The base size may therefore vary from question to question depending on the extent of non-response.

### 1.1.5 Overview of views on participation

#### Attendance

Respondents were asked whether they had attended any council committee meetings in the last 12 months.

The majority of those who responded to the online and paper based survey (58.8% / 40 out of 68) had not attended any meetings in the last 12 months.

The vast majority of those who responded to the Citizens Panel survey (92% / 464 out of 504) had not attended any meetings in the last 12 months.

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<sup>2</sup> In-line with the council's equality policy and the 2010 Equalities Act

## CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

### Reasons for not attending meetings

Respondents who had not attended any meetings were provided with a list of reasons for not attending and were asked indicate their reasons for not attending. The results are as follows:

*Online and Paper Based Survey:*

1. Not interested (36% / 16 out of 44)
2. Issues considered not relevant to me (36% / 16 out of 44)
3. Inconvenient time (36% / 16 out of 44)
4. Lack of time (34% / 15 out of 44 responses)
5. Inconvenient location (34% / 15 out of 44 responses)

18% (16 out of 44) of respondents to this question cited 'other' as the most important reason for not attending a meeting. 12 of these respondents provided, if this option was selected, they were given an opportunity to state why they had not attended. The main reason cited (by 25% of respondents to this question) was that there would be no changes as a result of them attending.

*Citizens Panel:*

1. Did not know where the meetings were held (61% / 283 out of 464)
2. Lack of time (48% / 223 out of 464)
3. Inconvenient time (34% / 158 out of 464)
4. Inconvenient location (21% / 97 out of 464 responses)
5. Issues considered not relevant to me (19% / 88 out of 464 responses)
6. Not interested (17% / 79 out of 464 responses)
7. Have attended before but did not find them useful (10% / 46 out of 464 responses)

7% (16 out of 464) of respondents to this question cited other reasons for not attending a meeting, including 'too infirm/ ill health' (3.4%), 'do not know what items were on the agenda/do not know if relevant' (1.9%) and 'do not know if allowed/needed an invitation' (1.7%).

### How those who attended found out about meetings

Respondents that had attended council committee meetings in the last 12 months were asked how they normally found out about council meetings. Detailed results are as follows.

*Online and Paper Based Survey:*

The 41.2% (28 out of 68) of online and paper based survey respondents who attended meetings in the last 12 months were asked how they normally found out about council meetings. The top three results are detailed below:

## CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

1. Barnet Online (33% / 9 out of 27)
2. Other (30% / 8 out of 27) – see detailed responses below
3. Word of Mouth (15% / 4 out of 27)

A summary of the other ways in which respondents found out about council meetings are detailed below:

- Barnet Alliance for Public Services
- Local Community Organisations
- Bloggers / Citizen Journalists

### *Citizens' Panel:*

8% / 40 out of 504 Citizens Panel respondents indicated they attended council committee meetings in the last 12 months. 33 of those gave details of how they normally found out about council meetings, as follows:

1. Barnet Online (23% / 8 out of 33)
2. Barnet Officer (14% / 5 out of 33)
3. From a Barnet publication (14% / 5 out of 33)
4. Leaflet (12% / 4 out of 33)
5. Letter from the Council (7% / 2 out of 33)
6. Word of mouth (7% / 2 out of 33)
7. Councillor (7% / 2 out of 33)
8. Posters (5% / 2 out of 33)
9. Library (4% / 2 out of 33)
10. Council Minutes (2% / 1 out of 33)

### **Types of meetings attended most often**

Respondents were asked how often they had attended different types of council meetings in the last 12 months.

25 (or 18%) of online and paper based survey respondents answered this question.

The four types of meetings most frequently attended by respondents were (in rank order):

1. Full Council (64% / 16 out of 25);
2. Resident's Forums / Area Environment Sub-Committees (60% / 15 out of 25);
3. Overview & Scrutiny (48% / 12 out of 25); and
4. Cabinet / Cabinet Resources Committee (40% / 10 out of 25)

## CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

Of the 40 (8% of total Citizens' Panel respondents) who indicated they had previously attended a council meeting, 33 answered this question. The meetings most frequently attended were:

1. Resident's Forums / Area Environment Sub-Committees (50% / 17 out of 33)
2. Full Council (17% / 5 out of 33);
3. Planning or Licensing (14% / 4 out of 33)
4. Overview & Scrutiny (11% / 3 out of 33);
5. Constitution Ethics and Probity (6% / 2 out of 33)
6. General Functions/ Remuneration Committee (5% / 2 out of 33)

The results were broadly similar for both survey respondents and Citizen's Panel respondents.

### **Satisfaction levels with the meeting attended most recently**

Respondents were asked how satisfied they were with the meeting that they attended most recently. The number of respondents who had recently attended a meeting (in the last 12 months) was not high; 41% of survey respondents, and only 8% of Citizens Panel respondents.

#### *Online and paper based survey respondents:*

24 respondents answered this question. Of those respondents, 70.8% (17) were dissatisfied; 12.5% (3) were neither satisfied nor dissatisfied; and 16.6% (4) were satisfied.

For respondents who had stated that they were dissatisfied, they were requested to provide detailed reasons which are summarised below:

1. Politics / Members – political point scoring, time wasting on irrelevant issues, whipping, poor chairmanship, grandstanding, treating residents with contempt, ineffective scrutiny (53% / 9 out of 17)
2. Questions – cabinet members, committee chairmen or officers not responding to questions from the public or scrutiny members (29% / 5 out of 17)
3. Other – restricting issues to be discussed at resident's forums, scrutiny committees not having any powers (17% / 3 out of 17)

#### *Citizens Panel responses:*

32 (or 6%) of respondents answered this question. Of those respondents 57% were fairly satisfied; 15% were very dissatisfied; 14% were neither satisfied nor dissatisfied, 8% were fairly dissatisfied and 7% were very satisfied.

For respondents who had stated that they were dissatisfied, they were requested to provide detailed reasons which are summarised below:

1. No changes as a result/ concerns and comments were ignored (43% / 7 out of 15 )

## CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

2. Don't know/ can't say (31% / 6 out of 15)
3. It was a disgrace / farcical (13% 2 out of 15)
4. Chairperson incompetent (9% 1 out of 15)
5. Spent too long on minor points/ overly bureaucratic (9% 1 out of 15)
6. Substandard venue/ poor acoustics (8% 1 out of 15)
7. Voting was based on parties not representing constituents (5% 1 out of 15)

### Issues of the most interest

Respondents were asked what council issues they were most interested in.

#### *Online and Paper Based Survey Respondents:*

44 survey respondents (62% of total) answered this question. Responses have been themed and ranked and the findings are set out below:

1. Education / Schools
2. Environment
3. Housing
4. Social Services

#### *Citizens Panel Respondents:*

All 504 of Citizen Panel respondents answered this question. A wide range of responses were received. The most popular issues are set out below:

1. Level of Council Tax / Finance / Financial Planning / Council Expenditure / Budget (19%)
2. Education/ schools (18%)
3. Planning (16%)
4. Parking by shops/ residents permits (15%)
5. Housing (14%)
6. Community Safety (Crime/ vandalism/ anti-social behaviour) (14%)
7. Road maintenance (13%)
8. Waste disposal/refuse collection (10%)
9. Care of environment / conservation (9%)
10. Hospitals/ health (9%)
11. Street cleaning/ litter (8%)

Other popular issues included, pavement maintenance, care for the elderly, parks, policing, support of the high street and traffic.

### 1.1.6 Overview of views on Ward Councillors

Survey and Citizens Panel respondents were questioned whether they were aware of who their Ward Councillors were.

#### *Online and paper based survey respondents:*

## CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

54 respondents (76% of the total respondents) answered this question. Of these, 79.6% were aware of who their Ward Councillor was and 20.4% were not. Of those that were aware, they were questioned how frequently they had contacted their Ward Councillor:

- 31.1% had never contacted them;
- 13.3% had contacted them once;
- 15.6% had contacted them two times;
- 11.1% had contacted them three times; and
- 28.9% had contacted them more than four times.

In relation to the communication method, 50% used e-mail, 30% face to face contact, 10% telephone and 6.7% at a ward surgery.

*Citizens Panel respondents:*

503 respondents (all but one) answered this question. 68% were not aware of who their Ward Councillor was, and 32% were aware. Of those that were aware, they were questioned how frequently they had contacted their Ward Councillor:

- 55% had never contacted them;
- 22% had contacted them once;
- 8% had contacted them two times;
- 7% had contacted them over five times;
- 5% had contacted them three times; and
- 3% had contacted them four times.

In relation to the communication method, 39.2% used e-mail, 22.8% face to face contact, 16.6% telephone, 11.9% letter and 9.5% at a ward surgery

### 1.1.7 Overview of views on current governance system

Respondents were asked about their understanding of the existing governance arrangements. There was a significant difference in responses, with a majority of survey respondents indicating a reasonably good level of understanding, and a majority of Citizens Panel respondents indicating a low level of understanding.

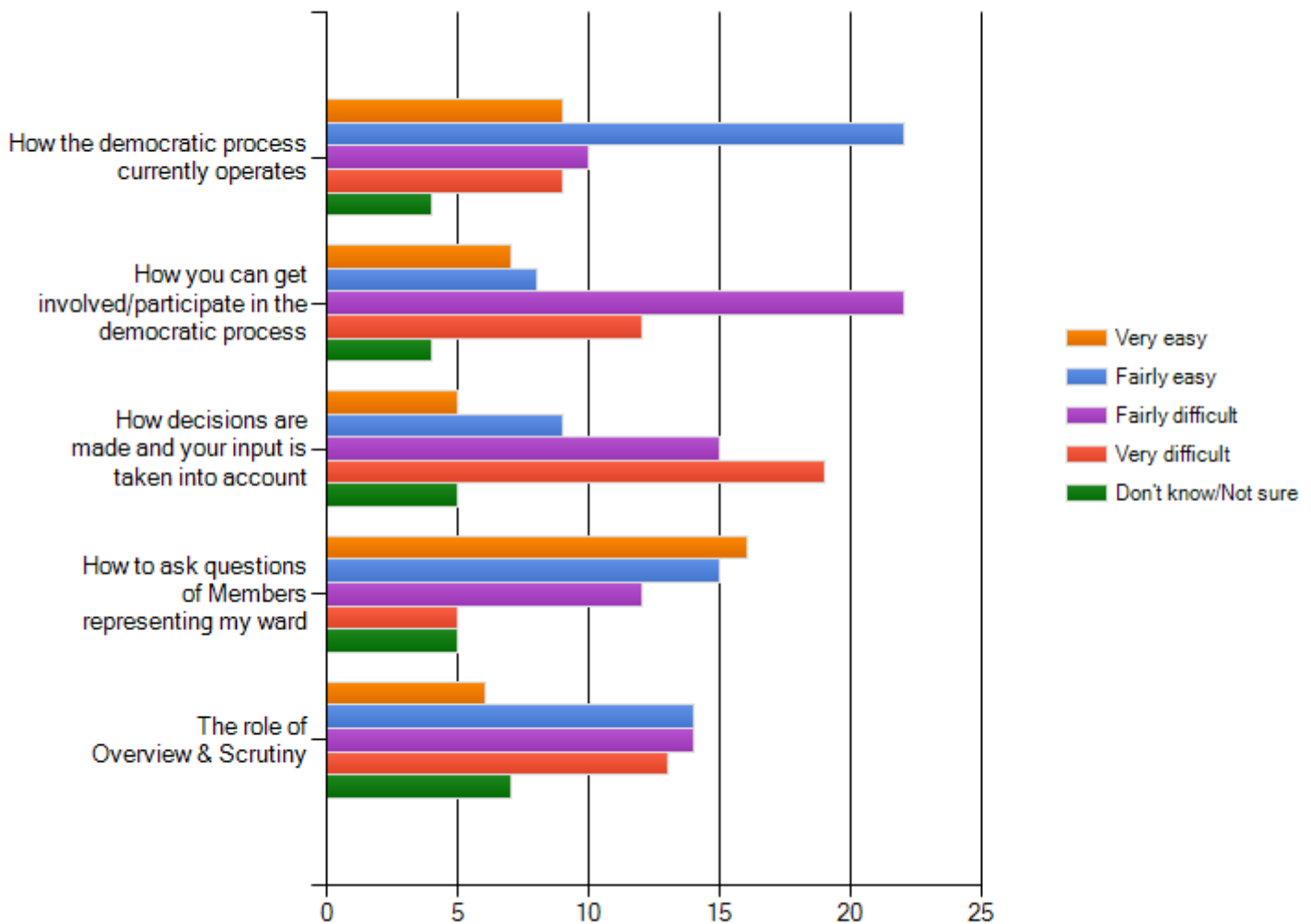
- 54 online and paper based survey respondents (76%) answered this question. Of those, 46.3% stated that they understood the current governance arrangements fully, 35.2% understood them partly and 18.5% were not aware of the current arrangements.
- 497 Citizens Panel respondents (99%) answered this question. Of those, 7% stated that they understood the current governance arrangements fully, 25% understood them partly and 68% were not aware of the current arrangements.

Respondents were asked how easy they found it to understand the current governance system. **Charts 1** and **2** below details responses to these questions:

# CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT

**Chart 1 – Survey Respondents**

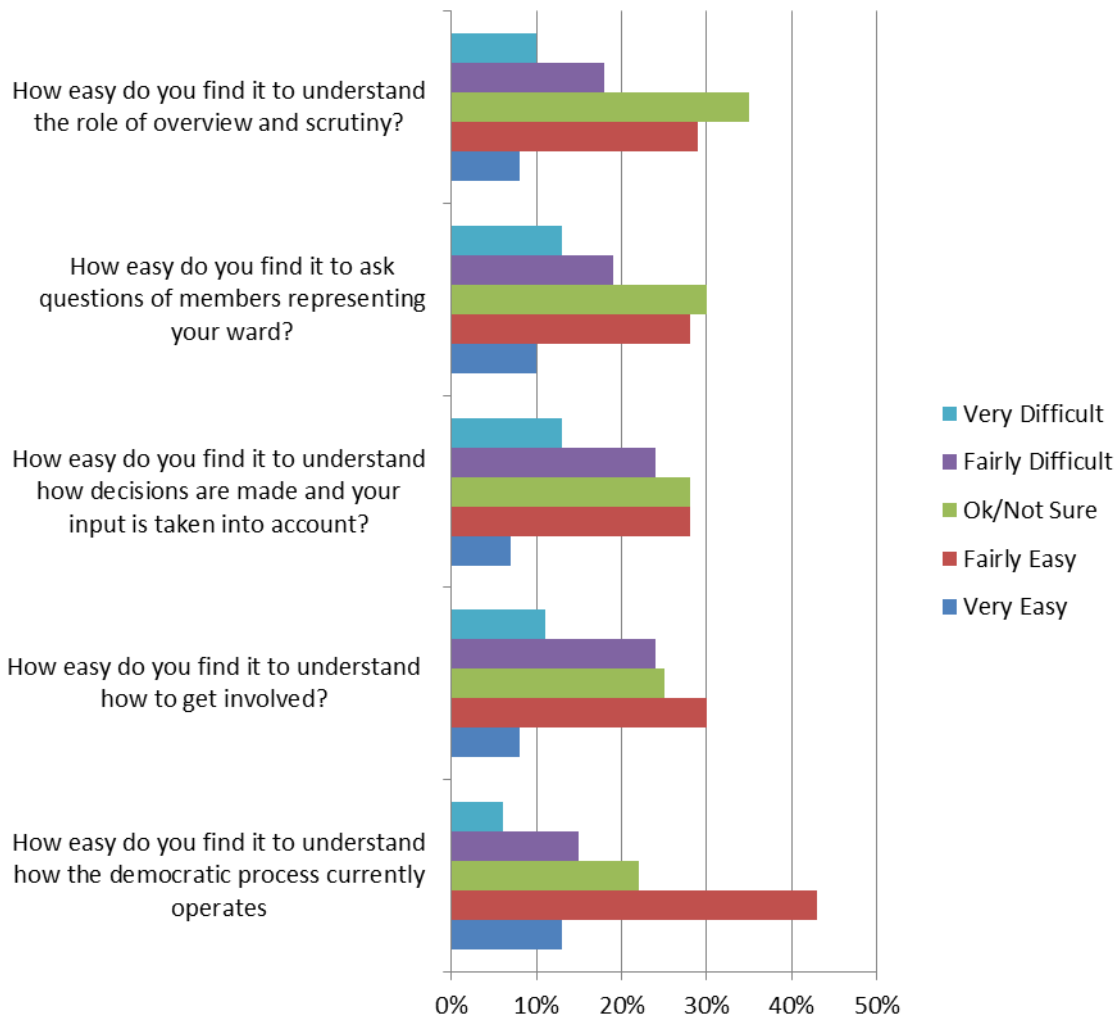
**Please indicate how easy you find it to understand the following elements? (Please choose one option only for each statement)**





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**Chart 2 – Citizens Panel Respondents**



## What would help make a decision making process easier to understand?

Respondents were asked to identify what would assist them to better understand a new decision making process.

31 survey respondents (44%) answered this question. Themes emerging (ranked) are detailed below:

1. Clearer Process – including: increasing opportunities for resident involvement; development of an easy to understand structure; improve openness and transparency; and increasing Ward Councillor involvement in decision making (32% or 10 out of 31 respondents)
2. Remove Barriers to Public Participation – including: complex rules; frequent changes to the rules; questions being ruled out for not addressing the chairman;

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holding meaningful consultations; publicising opportunities to participate; and having less restrictive rules (25% or 8 out of 31)

3. Committee System – including taking decisions through committees where public views can be heard; giving committees and council departments clear names so the public understand their responsibilities/functions; having a clear structure diagram available on the website and on paper, with guidance on participation; a committee system would allow open consideration of policy involving Councillors of opposition party(s); executive model marginalises backbench members; overview and scrutiny is under resourced and limited in the amount of in-depth scrutiny it can undertake (19% or 6 out of 31)
4. Role of Councillors – including: clarity around which councillors are responsible in a committee system; broader councillor representation on committees; more inclusive decision making in a committee system (16% or 5 out of 31)
5. Plain English / Less Jargon – including: council documents and communications in plain, easy to understand language, open door policy (9% or 3 out of 31)
6. Questions - including: public participation rules frequently changing, questions to committee not being answered directly (9% or 3 out of 31)
7. Easy to Understand – including: improve explanations in public documents; better publicity through Barnet First, local venues, press, libraries, noticeboards etc. (6% or 2 out of 31)

All 504 Citizens Panel respondents answered this question. A majority (55%) cited 'don't know/ can't say in their response. A wide variety of other suggestions were given, which have been grouped into three themes as set out below:

1. Better communication – including: keeping residents informed, providing more information about the process and how to get involved, shorter and less technical explanations, illustrate with case studies, provide regular newsletters and online communications/ a web forum/ Q&A facility (54.6% / 275 out of 504)
2. Information about how the process works and improve transparency – including: who is accountable for what, how decisions are challenged and audited and how overview and scrutiny works, organisational chart showing layers of relationships, hold workshops and Q&A sessions (13.3% / 67 out of 504)
3. Make it easier to know who my member is – including: area and ward specific meetings around the borough, liaison direct with the member/face to face discussion, have a Ward Councillor who is approachable and contactable (11.4% 57 out of 504)

### 1.1.8 Overview of views on future governance arrangements

The Consultation Document set out the key design principles behind the new governance arrangements. Respondents were asked for their views on the guiding principles (i.e. how important or unimportant they felt the principles behind the new system were). Respondents of both the survey and the Citizens Panel were highly

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supportive of all of the principles as set out below. Each of them were viewed as very or fairly important by at least 73% of respondents.

### **Principle 1 – Transparency**

Continuing to have an open and transparent decision making process:

Continuing to make meeting papers and background material available in a way that is useful and understandable:

### **Principle 2 – Accountability**

Ensuring that accountability is recognised as central to our approach to improvement and performance management:

Responding constructively when the council receives suggestions for change:

Ensuring that a system exists to review and keep up to date the Constitution and a process for problem solving around community issues:

### **Principle 3 – Inclusivity and Engagement**

Continuing to engage in a meaningful discussion with service users and other stakeholders about plans, policies and decisions:

Being clear about how service users and other stakeholders can influence plans, policies and decisions in advance, through public participation and engagement:

### **Principle 4 – Durability and Flexibility**

Ensuring that any system of governance is designed so as to aid timely decision making, being flexible to the needs of public and private sector partnership working:

Ensuring the governance system can endure any changes as government policy evolves:

Ensuring any change in the system of governance is cost efficient:

Respondents were asked if the Council should consider any other principles to guide the design of the scheme:

- Of the survey respondents 40.8% (20) said yes; 16.3% (8) said no; and 42.9% (21) said don't know/not sure. Of those that responded yes, they were asked to provide suggestions for other principles. Broad themes emerging (in rank order) are detailed below:
  1. Openness / Transparency / Independence / Scrutiny
  2. Public – information, inclusive decision-making, taking into account views
  3. Culture – changing the system will not necessarily result in more inclusive decision making

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- Of the Citizens Panel respondents 48% said not sure, 33% said no, and 18% said yes. Of those that said yes (104 respondents), they were asked to provide suggestions for other principles. While 16% indicated 'don't know/ can't say', others provided suggestions with the top broad themes listed below:
  1. Engage and consult with the public and listen to the electorate (18% / 19 out of 104)
  2. Honest representation and integrity (14% / 15 out of 104)
  3. Accessibility for all (8% / 8 out of 104)
  4. Retain overview and Scrutiny / Review (8% 8 out of 104)
  5. Include minority views (6% / 7 out of 104)
  6. Allow enough time for consultation / Be practical but timely (6% 7 out of 104)

### 1.1.9 Overview of views on practical issues

The Consultation Document outlined a number of practical issues that needed to be addressed in designing the new structure and sought views on the following:

- Role of the Full Council
- Committees Terms of Reference
- Committee Membership
- Size of Committees
- Role of Chairmen
- Overview & Scrutiny
- Call-in Arrangements
- Task and Finish Groups
- Delegations and Urgency Procedures

Respondents were asked if they had any views on the practical issues.

*Online and paper based survey responses:*

60.5% (26) survey responses stated no, with 36.5% (17) stating yes. Those that had answered yes were asked to provide comments or suggestions on the practical issues. Responses have been themed and are summarised below:

Public Participation – council should take a balanced view – consultations may be dominated by a few; make efforts to engage all residents; develop a resident engagement strategy (4)

Scrutiny – some elements of scrutiny should be retained (in-depth review) which could be achieved by sub-committees of the main committee; task and finish groups should focus on issues of public concern; retain call-in arrangements (4)

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Culture – should focus on local issues at full council; senior officers are never held to account; performance related pay for councillors (3)

Delegations – retain elements of urgent provisions providing those decisions are subject to scrutiny/review by a committee (2)

Private Companies – services being provided by private companies limits the role of the council (2)

System – committees will be politically balanced meaning the majority party can force decisions through; old style committee system is outdated (2)

Rationale – provide the rationale behind the change in governance system (1)

### *Citizens Panel:*

Of the 90% (456) Citizens Panel responses, 73% stated 'don't know/can't say' to the question of whether they had any views on the practical issues. 27% provided a variety of comments and suggestions, the higher rated of which are summarised below:

Listen to the electorate/truly engage (4.5% / 23/504)

Overview and Scrutiny Panel essential / Useful check (4.3% / 23/504)

Ensure it is cost effective (3.6% 19/504)

Fair and efficient looking system / going in right direction (3.2% 17/504)

Decision making must be timely/ not bogged down by bureaucracy / politics (3.1% 17/504)

An open committee system would include residents as well as councillors / actively engage the community (2.8% 14/504)

Accountability/ make the members liable for decisions (2.6% 13/504)

Transparency/ openness (2.4% 12/504)

Co-Opt experts in the field / consult with relevant parties/ specialist committees (2.1% 11/504)

Work must be policed/ there must be disclosure (2% 11/504)

Declare member interests/ no bias/ conflicts (1.7% 9/504)

Ensure committees are politically representative/cross party (1.4% 7/504)

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## 2.2 CHANGE OF GOVERNANCE SYSTEM – ELECTED MEMBER CONSULTATION MEETING – DETAILED FINDINGS

### 2.2.1 Method

All Members were invited to attend an Elected Member Consultation Meeting on 28 October 2013 to discuss the proposed committee system model of governance.

### 2.2.2 Event Design

In advance of the event, all Members were sent an Executive Summary of the progress made in relation to the Change of Governance System Project and a copy of the options paper that was considered by Constitution Ethics and Probity Committee on 21 October 2013 and endorsed by that Committee as a basis for further consultation.

The Elected Member Consultation Meeting was chaired by the Mayor. The Head of Governance delivered a presentation which outlined:

- Current governance system (executive/scrutiny)
- Proposed committee system structure and terms of reference
- Role of full council
- Relationships between committees
- Scrutiny committees and task & finish group work
- Delegated decision making and urgency provision
- General purpose committees
- Partnership boards
- Public participation and engagement
- Role of chairmen
- Members Allowances
- Next steps

A total of 24 Councillors from all of the party groups attended the meeting.

### 2.2.3 Detailed Findings

#### **General Comments**

1. Determine whether thematic committees meet within each full council meeting cycle; committee decisions would be required to link with the full council meeting cycle. Frequency of meetings needed to be carefully considered to avoid committees meeting which had insufficient business.
2. Site visits to other local authorities that adopted a committee system highlighted that forward planning and a strong timetabling framework would be essential to the effective operation of a committee system structure.

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## *Committee Structure and Terms of Reference*

### Education and Libraries

3. Determine whether Education and Libraries would be responsible for school places planning
4. Determine whether Adoption and Looked after Children would come under Education and Libraries.
5. Co-opted Members for Education Matters (statutory provision) would continue for Education and Libraries

### Assets, Regeneration and Growth

6. Determine whether Assets, Regeneration and Growth would include Museums
7. Consider including Culture in the remit of Assets, Regeneration and Growth
8. The Asset Management Strategy (sale or retention of property and assets) was considered to be a core function of Assets, Regeneration and Growth

### Housing

9. Determine whether Environmental Health should come within the remit of the Housing Committee due to the relationship with housing standards

### Performance & Contract Management

10. Determine whether Barnet Homes should report to Performance & Contract Management or Housing Committee
11. Members considered that Performance & Contract Management would be crucial in administrating external and internal commissioning arrangements. Scheduling of this committee needed to be carefully considered.

### Social Care & Safeguarding

12. Consider the interrelationship between the Health & Well-Being Board and the Health Overview & Scrutiny Committee.
13. Determine whether the Public Health element of Social Care & Safeguarding should sit within the remit of the Health Overview & Scrutiny or the Health & Well-Being Board. There was concern that the current Safeguarding Overview & Scrutiny Committee had very wide terms of reference and it was questioned whether the Social Care & Safeguarding Committee had the capacity to give due attention to all matters within its remit.

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14. Determine whether the Corporate Parenting Advisory Panel should become a sub-committee of a thematic committee
15. Determine whether Safeguarding should be within the remit of the Policy & Resources Committee given corporate importance across authority

### Community Leadership

16. Consider the relationship of Community Leadership Committee to the Policy & Resources Committee given the strategic importance of issues within its remit (relationship with other councils, central government and the community).
17. Consider linkages between the Community Leadership Committee and the Barnet Partnership Board.
18. Determine relationship between Community Leadership Committee and structures/bodies representing the council's strategic interests at a central, regional and sub-regional level
19. Determine whether all pooled budgets would be in the remit of the Community Leadership Committee (e.g. Section 75 Agreements for Health and Social Care services)

### Environment

20. Consider whether Parks should be moved from the remit of the Environment Committee due to its wide remit
21. Determine whether sub-committees or area committees should deal with small public works matters

### Area Sub-Committees

22. Members supported Area Sub-Committees having allocated budgets. The detailed procedure for using allocated budgets would need to be clearly defined to ensure clarity and a fair and considered distribution of resources. In addition, the lines of accountability between Residents Forums, Area Sub-Committees and other committees would need to be clearly defined.
23. Consideration should be given to the accessibility (times and venues) and number of Resident Forums and Area Sub-Committees

### Full Council

#### *Council Questions*

24. Consider whether a mechanism is required to refer a committee decision up to full Council with the following mechanisms to be explored:



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- a. Contentious decisions should always made by the full Council.
  - b. Proposed a provision for four members (in a committee of 10) or the committee chairman to refer an item up to full Council
  - c. Proposed that only minority reports could be referred up to Council
  - d. Members must have all papers relating to items referred up to Council even if they weren't on original committee
25. Determine the arrangements for 'Question to the Leader and Committee Chairmen' at the full Council meeting. Detailed consideration to include:
- a. Ensuring a balance of allowing and preserving Members' rights to question decisions, particularly where decisions made by one committee may have wide ramifications, while avoiding the potential for having time for other essential Council business curtailed
  - b. A reduced requirement of Council questions under a committee system (20 minutes of questions proposed)
  - c. Reviewed full Council questions procedure after one year

### *Relationships with Committees*

26. Thematic committees will respond to full Council in accordance with the limitations of their delegated powers
27. Determine whether there would be joint committee meetings for cross-cutting issues or whether the Policy & Resources Committee would take a coordinating role to decide where an item should go. Consider whether another solution might be to give an identified group of Members the authority to make cross-cutting decisions.

### Scrutiny Committees

28. Consider whether Community Safety and Flood Risk Management could be incorporated into the terms of reference of thematic committees (e.g. Community Safety within remit of Community Leadership Committee; Flood Risk Management with remit of Environment Committee). Alternatively consider whether both functions could be included within the remit of the Policy & Resources Committee.
29. Consider whether thematic committees could establish 'Task & Finish Groups' or other working groups to enable more in depth investigation of problematic areas and issues where required.
30. Consider whether committee agendas could be split into decision and information items to enable Members could continue 'scrutiny-type' activities.

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### Delegated Decision Making

31. Determine arrangements for delegated decision making and the process for urgent decisions. Options for consideration to include:
  - a. Delegated authority to a sub-group of Committee Members of members (odd number; chairman, vice-chairman and one other) to discuss/agree an item. Majority to determine decision
  - b. Officer delegations should not be any more extensive than current arrangements and there should be channels for officers to informally seek a political steer
  - c. Develop two or three defined options for the new constitution to provide multiple procedures for urgent decisions to be taken depending on the situation

### Partnership Boards

32. Determine future role and membership of the Health and Well Being Board and consider relationship with other components of the council's structure. Current membership is a mixture of Members, officers and the NHS Barnet Clinical Commissioning Group. It was recommended that the Board should be approached for their views on how they might be best incorporated into the new committee structure, and that other council models should also be reviewed.
33. Ensure that the Health and Well Being Board has a key role in Public Health and Health & Social Care integration

### Public Participation and Engagement

34. Determine whether public questions should be asked at the beginning of a meeting in an allocated timeslot or asked before the relevant agenda item.
35. Consider whether the public should be allowed to raise any issue relevant to the terms of reference of the committee rather than just in relation to an item on the agenda
36. Consider the length of time available for public comments (3 minutes was considered appropriate). A balance between allowing for public participation and committee businesses needed to be achieved
37. Determine whether there should be public questions at full Council
38. Consider whether there should be multiple supplementary questions
39. Consider methods for encouraging public participation at meetings from a more representative group of residents
40. Consider whether public speaking time could be segmented to ensure that all interested parties have an opportunity to speak

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41. Ensure officer presentations are concise to assist in managing meetings
42. Ensure an open and transparent approach to meetings to make them accessible. Administrative efficiency is secondary.
43. Consider issue of unfinished business and 10pm cut off time.

### Other Comments

44. Determine how it will be determined whether this structure will have a positive impact on residents by January 2014?
45. Consider the geographical location for Residents Forums as some may be inaccessible.

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## 3.1 CHANGE OF GOVERNANCE SYSTEM – PUBLIC CONSULTATION MEETING – DETAILED FINDINGS

### 3.1.1 Method

The Public Consultation Event was promoted as follows:

- The council issued a press release on 22 October 2013 inviting residents to attend the public consultation meeting.
- An e-mail was circulated to approximately 3,000 residents who had registered on Barnet Online and had consented for the council to contact them. This e-mail was also sent to residents on the Residents Forums e-mail distribution list. CommUNITY Barnet also promoted the event via their newsletter on 8 November 2013.
- The event was promoted via the council's social media channels (twitter and Facebook).
- Participants were sent the Phase I Consultation Findings Report and Public Participation & Engagement Rules in advance of the meeting to provide context to the items under consideration at the event.

### 3.1.2 Event Design

The event provided an opportunity for residents to give their views on the proposed committee structure and public participation / engagement.

The Leader of the Council and Head of Governance delivered a presentation which outlined:

- The current governance system (executive/scrutiny)
- The context behind the proposed committee system
- The outline structure of proposed committee system
- Public participation – current rules

### 3.1.3 Facilitated Workshops

42 residents registered to attend the public consultation meeting. A total of 22 residents and 9 Councillors attended. Participants were allocated to tables and were asked to participate in facilitated workshop discussions themed around the following four questions:

- Do you have specific comments and concerns on the proposed committee structure?
- Does it address the areas of Council responsibility that interest you?
- What are your views on how we can make the new structure accessible and easier to understand?
- How can we encourage you to participate in meetings in the new system?

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Participants were provided with copies of the new committees proposed terms of reference.

The facilitated workshop discussions were hosted by Governance Service Officers and other council officers who have experience in workshop facilitation.

Under each question, participants were requested to consider the question and then write their individual responses to each question. Facilitators then requested that the group discuss their individual responses and consider the responses of other participants. The group were then encouraged to come to a consensus view regarding which two issues they felt were the most important under each question. The top issues were then reported back to the Leader of the Council and other event participants in feedback session.

The purpose of this exercise was to enable all participants to record their views under each question and for these to then be prioritised in a group context to provide 'top responses'. This process enabled all responses to be recorded and then ranked to provide a weighting.

The format above was not prescriptive and was only designed to give structure to the discussion, not to limit the discussion or debate on the proposed committee system. If participants considered that the facilitated workshop structure was too rigid, they were nonetheless encouraged to record their views for incorporation into the Findings Report.

Comments made under each question have been *recorded verbatim*, ranked and themed under different headings. Comments or questions that groups ranked as their top answers are recorded in **bold**. Comments or questions that do not directly relate to the question asked are recorded in [square brackets].

### CHANGE OF GOVERNANCE SYSTEM PUBLIC CONSULTATION EVENT – DETAILED FINDINGS

#### 3.1.4 Question 1 – Do you have specific comments and concerns on the proposed committee structure?

Terms of Reference / Structure / Operation

**Not sure which committee deals with subject interested in (e.g. would a decision to close library be Policy & Resources or Education & Libraries)**

**Who is ultimately responsible for decisions?**

**There appears to be no clear link between the committees and local areas other than in residents' forums?**

**Where do members of the public fit in?**

**Plethora of committee groups, scope for time passing**

Will this change make it simple for residents to access council facilities?

Will it cost more than the current system?

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Would want the public still to be able to ask questions and make comments as to all the committees' agenda items

Too many committees will make the council unable to engage with the public

The structure is about jobs for councillors, not about making decisions more transparent or relevant for local communities

How do we keep the cost down?

Committee structure – concerns regarding: overlapping; duplication of work carried out; and waste

If decision impacts in one area, will there be a committee to represent only that area?

I agree to a move to this sort of committee structure rather than the present cabinet structure

Is there a complaints procedure if the relevant committee is not addressing the issues properly: What are the remedies? What are the penalties?

Agree that we need to revert to the committee system but a significant degree of sub-division of those committees by local communities is a necessary pre-condition

Concerns: A committee system is better, more democratic, but less money to go around

I like the new idea, at least independent. Covers the range of parties

How many people are going to be in the committee, will smaller parties be represented?

How many people will be on the new committee?

Where is Adults in the committees?

Will assets/regeneration committee include Capita?

### Rationale/ Explanation of Proposals / Supporting Information

#### **Need Pros and Cons of the proposed change explained**

##### **An excellent development**

##### **Not enough information on proposed system, -want more free ranging conversation, -vener of information**

##### **Lack of time for consultation to be meaningful**

Where is the room for any of our input in this new system building?

What is so good about the committee system? Not clear

How does this system ensure greater localism?

Where is the feedback from the Leader's Executive Forum event? Still nothing has been heard

For any change – the benefits are not clear

What is wrong with the current system? Has it all been investigated? And how is the new system going to solve the old problems specifically?

Cabinet system manipulates the opposition's ability to speak. Will the committee system be any better? Allowing all Member contributions?

Committee structure – more democratic as it has cross-party input

These are not the right questions. These documents should have been provided in advance

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Not enough information on the proposed system to determine whether or not it would be an improvement on the existing system, and insufficient time was allocated this evening to discuss this

Don't know the new committees

There has been insufficient time, explanation and discussion for us to consider these proposals and make informed comments

### Committee Composition / Membership

How will councillors be selected for committees? Will having specific skills put them on committee or exclude others?

All members of all committees must be shown to be familiar with the issues and documents and actively participate

Ideally, committees should include independent representatives of the public

Will the committee of 10 councillors decide themselves, or will all councillors vote?

### Scrutiny

Scrutiny committees must consider all areas and should be represented by opposition members. Scrutinise all fields, especially financial

The Cabinet system is more realistic and better for consistency of policing and decision taking. The failure of the present system is the weakness of scrutiny

Scrutiny committees should scrutinise all aspects of a decision: finance; process; impact on community; and equalities issues

Not sure that committee system will reach decisions quicker, be more efficient, than present system. Scrutiny committee should only scrutinise due process, not all subjects

### **3.1.5 Question 2 – Does it address the areas of Council responsibility that interest you?**

#### Rationale

**Simple explanation of what council does and controls. In 3 minutes, someone should be able to explain the leaders and structures**

**On the surface it covers areas we are interested in, but not enough information to make an informed decision**

Do not know enough about the committees to make a comment

It would be useful to have a broad overview of responsibility in order to see if any areas are covered

Yes, but cannot see what is missing.

Cannot see anything missing

Not wide enough or sufficient consultations

There hasn't been enough time for consultation

Seemingly

Not sure – need to see it working to see where the gaps are

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### Specific Areas of Responsibility

No planning

Contractual relationships and relationships with service committees

Planning strategy and policy, new governance proposed for links between development management and committee

How will contractor be held accountable and how will the service be managed?

Governance is independent – scrutiny of decisions

Budget – spending

How it will improve residents access to the council and other services as a whole?

Would like to see the areas of public services delineated in detail

Education/library

My concerns are on monitoring Capita and other multi-national contractors

[The fire engines are very annoying, causing traffic delays and noise]

[More parking spaces, more books in the libraries and automatic machines for maps of Barnet. Where to go and where to find a location?]

[Environment – keep streets clean. Public bins turned into recycle bins. Give College Farm Park animals protection at night.]

[Make ways for ambulances and fire services so they are not always on the roads]

### **3.1.6 Question 3 – What are your views on how we can make the new structure accessible and easier to understand?**

#### Communication Methods / Plain English

**Write letter to all residents inviting them to join email group for council meetings**

**Access to paper documents**

**Press ads for forthcoming council meetings**

**To make it more accessible, sort out the website. It is a nightmare trying to find reports**

**Easy English, Sign Language, Something for the blind, different languages**

**Asian/African/European**

**Better communication and more information available on these proposals**

Less jargon, shorter reports, less bull...longer notices time for papers

Make it local split by constituency

The proposed structure is too complicated, multi headed to keep up with

Press – proper announcements at local meetings and places

Road trips and not relying on the website

Of the 180,000 households, how do we reach them? Perhaps a calendar or leaflet should be added to any council tax bill or any other letter/bulk mail

Web casting

Local other groups – timing of meetings

News bulletin: available locally, given to residents associations.



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Twitter / Facebook / Library / Council Buildings / GP Surgery / Hospitals, in plain English and other languages

Provide the information in detail and in plain English – publicise it (accessibility) widely, use that useless First Barnet to do this job

Barnet First, newsletters, local paper and community groups

Better communication

Wider advertising

Barnet First – explain how members of the public can attend and comment in council magazine Barnet First

Accessible – advertise on current council material (e.g. bills, electoral roll) to promote the forums for discussions.

Improve the website, write committee reports in plain English and cut the film-flam political messages; be objective

Not relying on just one method of communication (e.g. internet, website) but using multi channels – wrap around, free newspapers, road shows and libraries

Ward Councillors & surgeries getting the message out

### Improve Consultations

Easy for autistic people – groups or forums, magazines

For each type of case there should be one policy, not different decisions for each case

Improve the consultations with the public

Wider and more regular consultations with the residents

### **3.1.7 Question 4 – How can we encourage you to participate in meetings in the new system?**

#### Public Engagement

#### **Actually influencing or just token participation?**

#### **Communication**

Easier ready available guidance and allowing comments

People will participate if they feel it makes a blind bit of ...

Get councillors to spend more time engaging with their local ward residents

Change the culture of the council to one that embraces and welcomes participation

Value the comments

Do we (“I”) make a difference?

Knowing how to participate

Where I feel it would make a difference is being listened to – how are results measured?

Inform more widely about councillors’ surgeries, times and who they are

Explain system via online content

Communication, promote participation

Not listening to public opinion

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Make a video explaining the structure and the difference between the structures- It is very complicated, most people don't understand the committee or executive structure, or how it will work

System is too complicated for ordinary citizens to understand

### Meeting Logistics

**Forum at 7 pm not 6.30 pm. Publish notes after meeting not talk and nothing**  
**Allow attendants to meet on separate night (week later) to resident's forum. The forum agenda to be published in advance**

Better chairing! And less political point scoring

Increase number of speakers, planning meetings to 3 and time allocated to 5 minutes

Provide local place for the meetings which will have easy access

Process- Can this be changed so informal meetings can take place on the agenda

Move them around (venues) – not all the way in Hendon where it is hard to get to

### Advertising Meetings / Events

How do we communicate with residents about events:

- Libraries
- Door to door leaflet
- Colleges, universities and schools
- Surgeries and hospitals
- Leaflets at home for house bound residents

Text messages, Emails and Automated Voicemail. Certain radiobroadcast and TV news

Local web-based network to inform and update people- messaging weekly

Advertise on main webpage of library computers

Barnet House / HTH notice boards

Newspapers, ads, information

Simplification as communication page in newspapers for meetings, news issues

The website needs to be easy to manoeuvre, easy to understand, easy to search for information (e.g. leisure and activities is difficult to search)

Accessibility to smaller meetings throughout the borough in church halls

Don't just publish the meetings on the website, put notices up around the borough

Notices in newspapers weekly regarding who to contact for complaints and which council meetings

### Flexibility of Participation Rules

Participation: allow proxy speakers / questions when an individual is unable to attend

Allow more time for public participation at committee meetings

Limit the number of questions individuals can make at public meetings

In a representative democracy individual participation is not essential. It is the quality of the representative that is important

Can the Council change the deadline for submitting sending questions?

Participation rules should permit a referendum (low threshold)

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Perhaps the threshold of signature members on petitions should be lowered! So Cllr Thomas denounced 8,000

Continue to be able to submit papers without access to the internet

Question procedure- only one supplementary question allowed

The higher the number of petitions, the more likely the Council is to dismiss them

### Engagement with Different Demographic Groups

Make a big effort to get younger members of the public engaged

Education in schools, part of road show

Ensure appropriate support for older residents

Support older people to maintain their independence, council should support those people

### Resident's Forums Suggestions

To put your views and presentation on the residents committee through email

Widen residents forums remit

Expand residents forums – encourage people along – coffee and chat meetings – keep it open and less structured

Participation would be enabled and encouraged through localisation of sub-committees to local communities, through forums and networks

## 3.2 CHANGE OF GOVERNANCE SYSTEM PUBLIC CONSULTATION MEETING –KEY THEMES

Key themes emerging are detailed below:-

### 1. Committee Functions / Operation:-

Participants questioned how the linkages between the committees would be managed. In particular, participants sought more information on links between the Policy & Resources Committee, thematic committees and local/area forums, and which committee would be responsible for decisions. A number of queries were raised about the appointment to committees and representation of the political parties on committees.

### 2. Rationale:-

Participants considered that the rationale behind the change in governance system had not been sufficiently articulated. It was suggested that some short promotional material should be developed to explain and promote the new system. In addition, participants stated that they were unable to make comments on the proposed structure as the detailed structure was only circulated at the Public Consultation Event.

## **CHANGE OF GOVERNANCE SYSTEM – CONSULTATION FINDINGS REPORT**

### **3. Communications:-**

A number of comments were made about the promotion of council meetings and public participation opportunities. Participants considered there should be more active multi-channel promotion of council meetings (local press, Barnet First, local forums, council offices/notice boards, other public buildings, bills and statements etc.) and an improvement in the promotion of committee information on the website.

### **4. Accessibility:-**

Participants considered that reports to committees should be written in more accessible language (Plain English) and that meetings should be held in different locations to encourage attendance.

### **5. Engagement:-**

Participants questioned whether participating in meetings or public consultations actually had any influence over the decisions taken by the council.

Meeting	Constitution, Ethics and Probity Committee
Date	19 December 2013
<b>Subject</b>	<b>Constitution Development</b>
Report of	Assurance Director Head of Governance
Summary	A review of the Constitution is taking place with a view to moving to the Committee style of governance. In order to undertake that review Member guidance is required on aspects where there are options available to the Council. This paper sets out the issues and options for discussion.

Officer Contributors	Maryellen Salter, Assurance Director Andrew Nathan, Head of Governance
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	Not applicable
Function of	Council
Enclosures	Appendix A – Constitution Sections Appendix B – Terms of Reference of proposed Committees Appendix C – Urgent Procedures Appendix D – Council Procedure Rules Appendix E – Public Participation Rules
Contact for Further Information:	Andrew Nathan 020 8359 7029 <a href="mailto:andrew.nathan@barnet.gov.uk">andrew.nathan@barnet.gov.uk</a>

## **1. RECOMMENDATIONS**

- 1.1 That the Committee comment on the options contained within this report for inclusion in the drafting of the Constitution.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Council, 22 January 2013- item 9
- 2.2 Constitution Ethics and Probity Committee, 8 July 2013 - item 6
- 2.3 Constitution Ethics and Probity Committee, 21 October 2013- item 7

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The overriding purpose of a Governance System review is to ensure that the Council's decision making structures operate in a way that best enables the Council to deliver its objectives set out in the Corporate Plan.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 The process of managing the change of governance system through the Constitution Ethics and Probity ensures that the proposals developed meet the needs of key stakeholders, and minimises the risk that the system may not achieve the desired outcomes determined at the start of the project.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 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. This review of the Governance system will help ensure that this is the case and ensure the Council is meeting its equality obligations.
- 5.2 An extensive Equalities questionnaire was included within the first phase of Consultation of the change in system of governance and an analysis has been undertaken of different responses from relevant groups.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 A commitment was made at Council that the effect of a move to a new system of governance would be cost neutral. All proposals will be costed to ensure they fit within this envelope.
- 6.2 The costs incurred to date (end of November 2013) are £9,105. This is funded from current budgets.

## **7. LEGAL ISSUES**

- 7.1 The Localism Act 2011 allows Councils to return to a committee form of governance under schedule 2.

## **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

8.1 Council Constitution, Part 3, Section 3 – details the functions of the Constitution, Ethics and Probity Committee, which are 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”.

8.2 This is not a ‘key decision’.

## **9. BACKGROUND INFORMATION**

9.1 Under the Localism Act 2011, local authorities in England operating under executive arrangements have been given power to choose to move to a Committee System form of governance. On 22 January 2013, Council noted that the provisions of the Localism Act allow for changes to the system from an Annual Meeting of the Council for a minimum of five years and resolved to ‘ask officers and the Constitution, Ethics and Probity Committee to bring forward proposals to enable early approval of such change to commence operationally from the Annual Meeting 2014”.

9.2 This Committee, at its meeting of 8 July 2013, endorsed a Business Case and requested that the project be brought forward to enable Council in January 2014 to consider options. The Business Case included proposals for consultation with the public and wider stakeholders. The results of the consultation phases 1 and 2 are included elsewhere within the agenda.

9.3 Section 9KC of the Localism Act requires that a resolution of a local authority is required in order for the authority to make a change in governance arrangements. As soon as practicable after passing such a resolution a local authority must:

(a) secure that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at its principal office for inspection by members of the public

9.4 Any decision made by Full Council on the 21<sup>st</sup> January 2014 will therefore need to ensure that the principles of the change to a Committee system are available for inspection and it is proposed that it will be in the form of the Constitution that the Council intends to adopt. These overall principles will be subject to amendments until the Annual Meeting in June 2014 if the decision is taken to move to a Committee system.

9.5 It is therefore important that the detail is worked up for the Committee system. Officers have started the process of comparing the current Constitution to a model Constitution for authorities operating a committee system and highlighting the issues that require Member discussion. The following sections represent a number of issues that need consideration prior to drafting of the Constitution for decision at the 14<sup>th</sup> January 2014 meeting of this C ommittee.

## Overall Structure

9.6 The current structure is understandable to a wide range of stakeholders who currently use it. Broadly the structure is as follows:

Section 1

Summary and explanation

Section 2

Articles of the Constitution

Section 3

Responsibilities for Functions

Section 4

Standing Orders, procedure rules, public participation and engagement rules, contract procedure rules and financial regulations

Section 5

Codes, protocols and handbooks

Section 6

Members allowance scheme

9.7 Due to the level of change expected through-out the Constitution it is suggested that where ever possible the structure is retained for ease of understanding and accessibility to current users. Members are asked to endorse this approach.

## Procedure Rules

9.8 Through-out the current Constitution there are a number of procedure rules, outside the (Full) Council Procedure Rules, that essentially say the same thing. To ensure consistency amongst the conduct of each Committee under the emerging governance system it is proposed to keep the Full Council procedure rules separate and then combine all other procedure rules into one document. Members are asked to endorse this approach.

## Sections of the Constitution

9.9 The sections of the Constitution will be reviewed against the following principles:

- Follow current procedures except where there is a clear case for change
- Avoid duplication

9.10 Appendix A notes the sections of the Constitution and the required Member decisions/steer for redrafting the detail of the Constitution.

### (1) Articles

9.11 The current Articles contain a lot of information that is repeated elsewhere within the Constitution. It is therefore necessary to consider whether (1) these are necessary at all or (2) can be scaled down significantly to include only those items not elsewhere within the Constitution. Members are asked to comment on these options.

### (2) Area Committees

9.12 It is proposed that Area Committees can be delegated a range of functions from themed committees, for all matters that are suitable for devolution to a sub-Borough level, not only environmental issues as currently.



- 9.13 To assist the Area Committees in exercising these powers and achieving better outcomes for local areas, it is suggested that Policy and Resources earmark £100,000 from the Capital programme for each Area Committee to consider proposals for capital expenditure within their respective remit.
- 9.14 Policy and Resources Committee would agree a framework for how this budget is managed and the process for submitting potential projects. The scheme would be reviewed after one year and reviewed, and possibly expanded if it is proving successful.
- 9.15 The Terms of Reference included within Appendix B includes the Area Committees.

**(3) Urgent Decisions**

- 9.16 A decision is required for provision drafted into the Responsibility for Functions section in relation to taking urgent decisions. These have been included in Appendix C for discussion and recommendations.

**(4) Full Council**

- 9.17 Appendix D makes suggestions on how the Full Council will be run procedurally to take into account the changing nature of motions as a result of moving to the Committee system. It also reflects that changes will be required to the current process of questions to the Leader and the Cabinet, and there may well be more decisions referred up from Committees as a result of the reference up functions within the Responsibilities for Functions section of the Constitution, that it is proposed to retain within the Committee system of governance. Options available to replace the current procedures are noted in Appendix D.

**(5) Public Participation and Engagement Rules**

- 9.18 As a result of the Consultation process there were some points noted for consideration within the Public Participation and Engagement Rules. As a result of moving to the Committee system there will be a need to ensure that the business is conducted to time for each meeting's agenda, allowing for the fact that there will be cross party membership on all Committees. Suggestions have been made for the Committee to consider in Appendix E.

**10. LIST OF BACKGROUND PAPERS**

- 10.1 None.

<b>Cleared by Finance (Officer's initials)</b>	<b>JH</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>LW</b>

The following Table represents the sections of the current Constitution and the issues requiring decision:

No.	Section	Issue	Decision Required
1	Article 1 – Constitution	Nothing specific regarding the Executive Model therefore review to ensure consistent at the end of the process.	N/A
2	Article 2 – Members of the Council	Nothing specific regarding the Executive Model therefore review to ensure consistent at the end of the process.	N/A
3	Article 3 – Citizens of the Council	These need to refer to the Public Participation Rules to ensure readability of the Constitution.	This minor amendment will be included within the redraft of the Constitution.
4	Article 4 – The Full Council	<p>To avoid duplication and future proofing the document it is suggested that the role of Full Council and that statutory aspects thereof should only sit in one place, namely Responsibility for Functions, to ensure readability and understandability.</p> <p>Article 4 is to retain definitions relevant for reading across the Constitution, such as budget and policy framework and listing plans and strategies requiring approval.</p> <p>Currently the following are required by law to be adopted by Full Council:</p> <ul style="list-style-type: none"> <li>• Safer Communities Strategy</li> <li>• Sustainable Community Strategy</li> <li>• Development Plan Documents comprising the Local Plan</li> </ul>	Appendix B has the Statutory Role of full Council listed for review.

No.	Section	Issue	Decision Required
		<ul style="list-style-type: none"> <li>• Adoption of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders</li> <li>• Statement of Licensing Policy (under the Licensing Act 2003)</li> <li>• Statement of Gambling Licensing Policy (under the Gambling Act 2005)</li> </ul>	
5	Article 5 – Chairing the Council	Nothing specific regarding the Executive Model therefore review to ensure consistent at the end of the process.	N/A
6	Article 6 – Overview and Scrutiny Committee	Proposed to be deleted and .the Terms of Reference for the Health Overview and Scrutiny Committee are included within the Responsibility for Functions, and it will be covered by the overall Meeting Procedure Rules.	Health Overview and Scrutiny Committee is included within Appendix B for consideration by the Committee.
7	Article 7 – Executive	This will need deleting, but will need to be replaced with an Article that sets out the committees and sub-committees and how they are created and appointed to.	The Article will be drafted for consideration by the Committee in January 2014.
8	Article 8 – Regulatory and Other Committees	Nothing specific regarding the Executive Model therefore review to ensure consistent at the end of the process.	N/A
9	Article 9 – Area Committees, Forums and LSP	<p>It is proposed that the Area Committees and Forums are included within the new Article 7 setting out committees and sub-committees, and within the Responsibility for Functions.</p> <p>The Local Strategic Partnership (LSP)– the majority of responsibilities for the LSP are carried out by the Barnet Partnership Board. However this is not a formal Committee</p>	The Committee is asked to consider whether the Article is required and whether the contents can be included with in the Responsibility for Functions redraft.

No.	Section	Issue	Decision Required
		Structure. It is proposed that the LSP should be transferred to the Responsibility for Functions section of the Constitution.	
10	Article 10 Joint Arrangements	These powers will need to be exercised by Council, not the Executive.	The Committee are asked to note that the Constitution will be redrafted deleting the references to the Executive.
11	Article 11 – Chief Officers	There are no expected changes to this section as a result of moving to the Committee system of governance. A consistency check will be carried out at the end of the redraft.	N/A
12	Article 12 – Decision Making	<p>As well as replacing references to the Executive, there are some changes of wording that are proposed. Most significant is the inclusion of additional requirements for committee reports to show:</p> <ul style="list-style-type: none"> <li>• consideration of any alternative options</li> <li>• the giving of reasons for the decision and the proper recording of those reasons.</li> <li>• This will ensure compliance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</li> </ul>	Committee is asked to consider whether they would like any amendments to revise inclusions to Committee reports.
13	Article 13 – Finance, Contracts, Land Disposal and Legal Matters	Minor amendments required to remove references to the Executive.	N/A
14	Article 14 – Review and Revision of the	It is suggested that this Article describes the system in governance in place and the mechanism to change this under	Committee are asked to endorse these additions and amendments to the

No.	Section	Issue	Decision Required
	Constitution	<p>the Localism Act once a decision has been made to move to the Committee form of governance – i.e. 5 years from the date of decision.</p> <p>Minor error noted in referring to the Article 12 as being the Chief Officers whereas it is Article 11.</p>	Article.
15	Article 15 – Suspension, interpretation and publication of the Constitution	No changes expected, review at the end of the redraft to ensure Consistent numbering.	N/A
16	Responsibility for Functions	<ul style="list-style-type: none"> <li>• Major changes to take out reference to Executive and to the ‘consideration of local choice’ (where authorities determined which were Executive or Council functions).</li> <li>• Moving the Environment functions of the current Planning and Environment to the Environment Committee</li> <li>• Incorporating Terms of reference of the new Committees</li> <li>• Removing Cabinet portfolios, and replacing with terms of reference of the new committees, ensuring all relevant functions are re-allocated</li> </ul>	<p>The Committees is asked to consider the new Terms of References for the proposed new Committees in Appendix B.</p> <p>Officers are currently ensuring all responsibilities are mapped to Committees, any subsequent changes to the draft terms of reference will be notified at the next Constitution, Ethics</p>

No.	Section	Issue	Decision Required
		<ul style="list-style-type: none"> <li>• Removing the general powers reserved to Cabinet and specific strategies and reallocating to Full Council or Committees</li> <li>• Include new urgency provisions</li> </ul>	<p>and Probity Committee.</p> <p>The Committee is asked to note.</p> <p>The Committee is asked consider the options for urgency procedures in Appendix C.</p>
17	The Council	<p>Changes to Section 2 to reflect changes to agenda of business for Full Council in Appendix D.</p> <p>Minor changes of wording, eg Section 16 'Member's Dissent' would be more accurately called 'Right of Vote to be recorded'</p> <p>Changes to rules on Part 3 and 4 (rules of debate) to reflect the options in Appendix D.</p> <p>Procedure for Cabinet's budget report will need review.</p>	<p>The Committee is asked to consider the proposals for Full Council agendas in Appendix D.</p> <p>The Committee is asked to consider the proposals for business items/motions s in Appendix D.</p> <p>The views of the Committee are requested on whether this be retained with minor changes to reflect the fact there will no longer be a Cabinet or Scrutiny, or whether this special</p>

No.	Section	Issue	Decision Required
			procedure is no longer required and adoption of the budget be treated in the same way as other recommendations from Committees to Council.
18	Committees and Sub Committees (Meetings Procedures)	<p>The list of Committees, with membership and quorum, will need to be updated, reflecting the proposed committees and terms of reference at Appendix B.</p> <p>The procedure for referring up items from a Committee to Council as outlined in Appendix D will need to be included within Section 12 (reports of Committees to Council or parent body)</p> <p>Relevant sections of the Executive Procedure Rules and Overview and Scrutiny Procedure Rules (included at sections 22 and 23 below) will need inclusion.</p>	<p>The Committee's decision on Committee Terms of reference will govern changes to this section</p> <p>The views of the Committee are sought on the referral upward procedures as outlined in Appendix D.</p>
19	Public Participation and Engagement	<ul style="list-style-type: none"> <li>• This is a major issue as there is no separate section on 'Public Participation' in the Model Constitution –the majority of relevant sections are embedded in Council Procedure Rules.</li> <li>• The views of the Working Group are requested on whether this section should still be separate, or incorporated into Council meeting procedures.</li> <li>• In any event some separate document should be required which shows the public their democratic rights</li> </ul>	<p>The views of the Committee are requested on whether this should continue to be a separate section, or embedded into meeting procedures.</p> <p>The views of the Committee are requested on options for public participation as included at Appendix E.</p>

No.	Section	Issue	Decision Required
		<p>in one place.</p> <p>Options for changes to participation rules that have arisen through discussion by Members are attached at Appendix 'E'.</p>	
20	Access to Information Rules	<ul style="list-style-type: none"> <li>• Much of the existing sections relate to requirements on Executive business and the rights of Scrutiny. These will need deleting (subject to Legal advice on the extent to which these apply in a committee system).</li> <li>• In addition, the Model Constitution seems more comprehensive- e.g. it expands information on categories of exempt information by including qualifications and explanations</li> </ul>	The views of the Committee are requested on whether to follow the Model Constitution, or to retain the existing rules, suitably updated to reflect the fact there will no longer be an Executive/Scrutiny system.
21	Budget and Policy Framework Procedure Rules	Broadly similar but references to Executive replaced by Council	N/A
22	Executive Procedure Rules	These will be deleted but there are some sections- e.g. on Leader's conflict of interest, principles of decision making and consultation need to be integrated within other procedure rules	N/A
23	Overview and Scrutiny Procedure Rules	<ul style="list-style-type: none"> <li>• These will be deleted, other than those elements specifically relating to the Health OSC, which if necessary will be incorporated within Meetings Procedures Rules.</li> <li>• The Terms of reference of existing Scrutiny Committees have been embedded where relevant in the proposed</li> </ul>	Committee is asked to note these changes to be incorporated into the final model.



No.	Section	Issue	Decision Required
		<p>new Committees and their terms of reference at Appendix B- specifically Performance and Contracts Committee.</p>	
24	Financial Regulations	<p>These will need to be amended to take out references to Cabinet and replace by either Full Council or a Committee that has financial management within its remit. It is expected that the Policy and Resources Committee will recommend the Medium Term Financial Strategy for Full Council approval.</p> <p>The reference to the Executive would need to be replaced by reference to a Committee.</p> <p>There are various aspects of financial decision making delegated to officers and once they reach a threshold in monetary terms they then go to either Cabinet or Cabinet Resources Committee for decision. These will need to redrafted to include the relevant Committee whose remit it now comes under.</p>	<p>The detail will need to be worked on to come back to the Committee after broad responsibilities are determined for the proposed Committees, however the Committee is asked to note the expected changes.</p>
25	Contract Procedure Rules	<p>These rules will need to be revised to ensure that they included consistent referencing between sections as they refer to other parts of the Constitution.</p> <p>In addition, as the role of the Cabinet Member will not exist under the Committee structure a number of contracts requiring authorization and acceptance will either require officer decision or a Committee decision over a certain threshold. It is proposed that for contracts ranging from £173,000 to £500,000 an officer full delegated powers report in consultation with the Chairman</p>	<p>The Committee is asked to comment on the principles to reviewing the Contract Procedure Rules a redraft will return for consideration in early 2014.</p>

No.	Section	Issue	Decision Required
		of Performance and Contract Management Committee and/or the Chairman of the relevant theme committee; and for contracts over £500,000 the Performance and Contract Management Committee to agree acceptance.	
26	Code of Procurement Practice	As for the Contract Procedure Rules.	N/A
27	Management of Assets, Property and Land Rules	<p>All items currently affecting Assets, property and Land rules over £100,000 currently go to Cabinet Resources Committee.</p> <p>Where there is currently a provision for the Cabinet Member decision the Committee will need to determine if a provision is drafted to allow officer decision in consultation with the Chairman of the Committee.</p>	<p>The Committee will need to determine where decisions will be made in relation to Assets, Property and Land either to be:</p> <ul style="list-style-type: none"> <li>• Assets, regeneration and Growth Committee or</li> <li>• Policy and Resources.</li> </ul> <p>Committee are asked to discuss the provision for officer decision, as there is currently within the rules, for threshold currently allocated to Cabinet Members so long as it is in consultation with the Chair of the relevant Committee.</p>
28	HR Regulations	It is not expected that there will be any significant changes to these rules as result of the change to a Committee system. These will be reviewed after the first phase of review.	N/A
29	Members Code of Conduct	Minor changes to delete reference to Executive.	N/A

No.	Section	Issue	Decision Required
30	Members Planning Code of Practice	As these are currently Council functions it is not expected to have significant changes and will be reviewed after the first phase of redrafting for consistency purposes.	N/A
31	Members Licensing Code of Practice	As these are currently Council functions it is not expected to have significant changes and will be reviewed after the first phase of redrafting for consistency purposes.	N/A
32	Officer Code of Conduct	It is not expected that there will be any changes to the Officer Code of Conduct as a result of the change in governance system. However this section will be reviewed after the main changes are redrafted for consistency purposes.	N/A
33	Protocols for Member Officer Relations	It is not expected that there will be any changes to these protocols as a result of the change in governance system. However this section will be reviewed after the main changes are redrafted for consistency purposes.	N/A
34	Code of Corporate Governance	The Model Constitution has a more simplified version, and does not include information on “How the Council meets the 6 core principles of good governance as set out by CIPFA and SOLACE.”	It is recommended that the Code of Corporate Governance is maintained in its current detail. It will be redrafted at the end of the year to ensure it properly described the new system of governance.
35	Officer Scheme of Delegation	Aspects of Officer delegations are included within the Responsibility for Functions.	It is recommended that Officer Delegations are include within the Responsibility for Functions. This would enable a layperson to understand

No.	Section	Issue	Decision Required
			whether a Committee or an Officer has authority to take decisions, and would ensure that it is kept in one place.
36	Member Allowances Scheme	The Member Allowance Scheme may need to be amended to reflect responsibilities of new Committees.	None at this stage.

## **APPENDIX B DRAFT TERMS OF REFERENCE OF PROPOSED COMMITTEES**

### **FULL COUNCIL**

Only the full Council will exercise the following functions:

- 1.1 Approving the strategic financing of the Council, upon recommendations of the Policy and Resources Committee, including:
  - 1.1.1 Determination of the financial strategy;
  - 1.1.2 Approval of the Budget;
  - 1.1.3 Approval of the capital programme;
  - 1.1.4 Setting the Council Tax;
  - 1.1.5 Determination of fees and charges where authority to set these has not been delegated; and
  - 1.1.6 Determination of borrowing limits.
- 1.2 Adopting and changing the Constitution, except where otherwise provided in the Constitution or by resolution of the Council.
- 1.3 Approving and adopting the Policy Framework (as described in Article 4).
- 1.4 Approving matters which require a decision that represents a significant departure from any existing strategy, policy or budget previously agreed by the Council.
- 1.5 Receiving reports and recommendations from the Health Overview and Scrutiny Committee, Health and Well Being Board and any other Committee.
- 1.6 All policy matters and new proposals relating to significant partnerships with external agencies and local authority companies.
- 1.7 Agreeing and amending the terms of reference of Committees, deciding on their composition and making appointments to them.
- 1.8 Appointing representatives to outside bodies, unless that appointment has been delegated by the Council.
- 1.9 Delegating significant functions to other local authorities or their executives and deciding whether or not to accept such a delegation from another local authority.
- 1.10 Adopting a Members' Allowance Scheme.
- 1.11 Changing the name of the Borough.
- 1.12 Electing Chairs and Vice-Chairs of Committees.
- 1.13 Conferring the title of Freeman of the Borough
- 1.14 Confirming the appointment of the Head of Paid Service.

1.15 Determining any delegation to Officers which does not fall within the scope or terms of reference of any Committee.

1.16 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills.

1.17 All other matters which, by law, must be reserved to the Council.

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The following are proposed Committees:

<b>POLICY and RESOURCES</b>													
Member Composition	Leader, Deputy Leader and the remainder of the composition to be made up in accordance with proportionality												
Size of Committee	The exact size will depend on political proportionality however ideal size is between 10-12												
Frequency of Meetings	6 – 8 per annum depending on business required to be transacted												
Role of Committee	An overarching Committee of the Council with responsibility for the overall strategic direction and leadership of the Council.												
Responsibilities	<p>(1) To be the principal means by which advice on strategic policy and plans is given and co-ordinated and to recommend to Full Council, as necessary, on strategic issues. This is to include:</p> <ul style="list-style-type: none"> <li>• Approval of the Corporate Plan</li> <li>• Council’s Capital and Revenue Budget setting (subject to Full Council) and Medium Term Financial Strategy</li> <li>• Ensuring effective Use of Resources and Value for Money</li> </ul> <p>(2) To be responsible for the overall strategic direction of the Council including the following specific functions/activities:</p> <table border="1" data-bbox="533 1162 1390 1740"> <tbody> <tr> <td>Customer Care, Communications and Resident Engagement</td> <td>Strategic Partnerships</td> </tr> <tr> <td>Equalities, Diversity and Community Cohesion</td> <td>Local Development Framework and associated documents (for adoption by Full Council)</td> </tr> <tr> <td>Internal Transformation programmes</td> <td>Local Taxation- Billing, Collection and Recovery</td> </tr> <tr> <td>Write off of debt</td> <td>Insurance</td> </tr> <tr> <td>Treasury Management Strategy and Activity</td> <td>Information Technology provision</td> </tr> <tr> <td>Housing Benefit, Council Tax Support and Welfare programmes</td> <td></td> </tr> </tbody> </table> <p>(3) To submit recommendations to the Council in the event of a difference of opinion arising between committees upon a matter which falls within the terms of reference of more than one committee.</p>	Customer Care, Communications and Resident Engagement	Strategic Partnerships	Equalities, Diversity and Community Cohesion	Local Development Framework and associated documents (for adoption by Full Council)	Internal Transformation programmes	Local Taxation- Billing, Collection and Recovery	Write off of debt	Insurance	Treasury Management Strategy and Activity	Information Technology provision	Housing Benefit, Council Tax Support and Welfare programmes	
Customer Care, Communications and Resident Engagement	Strategic Partnerships												
Equalities, Diversity and Community Cohesion	Local Development Framework and associated documents (for adoption by Full Council)												
Internal Transformation programmes	Local Taxation- Billing, Collection and Recovery												
Write off of debt	Insurance												
Treasury Management Strategy and Activity	Information Technology provision												
Housing Benefit, Council Tax Support and Welfare programmes													

(4) To be responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council.

(5) To consider and take any necessary action upon proposals for new legislation, Bills before Parliament, Acts of Parliament and other proceedings before Parliament affecting or likely to affect the interests of the Borough or its inhabitants generally where not the specific concern of any other committee(s). The promotion of Bills and Provisional and Statutory Orders in Parliament shall be dealt with by the Council.

(6) Approve the budget, business plan and Annual Report of the Barnet Group Ltd

If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.

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**PERFORMANCE and CONTRACT MANAGEMENT**

Member Composition	Chairman appointed, may be appropriate to be the Deputy Leader, and decision required on the use of Vice Chairs in the Committee system		
Size of Committee	10 according to proportionality and number of Committees		
Frequency of Meetings	6 per annum		
Role of Committee	To maintain general oversight of performance and operational working of the Council.  Quarterly Performance Monitoring of Council Delivery Units (internal and external) against Corporate Plan objectives		
Responsibilities	<p>(1) Overall responsibility for quarterly budget monitoring, including monitoring trading position and financial strategy of Council Delivery Units</p> <p>(2) Monitoring of Performance against agreed financial and performance targets by External providers- including CSG; Re; the Barnet Group; HB Public Law; and NSL.</p> <p>(3) Receive and scrutinise contract variations and change requests in respect of the above contracts</p> <p>(4) To make recommendations to Policy and Resources and Theme Committees on relevant policy and commissioning implications arising from the scrutiny of performance of Delivery Units and External Providers</p> <p>(5) Specific responsibility for the following functions within the Council:</p> <table border="1" data-bbox="533 1305 1370 1451"> <tr> <td>Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs)</td> <td>Risk Management</td> </tr> </table> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs)	Risk Management
Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs)	Risk Management		

## THEME COMMITTEES

The role of the ‘theme committees’ is to establish strategy and policy across their areas of expertise, and commission for better outcomes using the full variety of providers- Council Delivery Units, external providers, and public service partners.

<b>CHILDREN, EDUCATION, LIBRARIES and SAFEGUARDING</b>	
Member Composition	Chairman appointed and decision required on the use of Vice Chairs in the Committee system. Requirement to have a Lead Member for Children’s Services.
Size of Committee	10 according to proportionality and number of Committees
Frequency of Meetings	6 per annum
Role of Committee	<p>Raise and enhance Education standards across the Borough.</p> <p>To create better life chances for all children and young people, championing their causes and promoting opportunity.</p> <p>To ensure the Council’s safeguarding responsibilities are met in relation to Children.</p> <p>Promotion of libraries (incl. community libraries).</p>
Responsibilities	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Planning the adequate provision of school places in the Borough</li> <li>• Investment in educational infrastructure to meet the needs of the Borough’s learners</li> <li>• Development and enhancement of the Library Service</li> <li>• Development of cultural activities</li> <li>• To be responsible for those powers, duties and functions of the Council in relation Children’s Services:</li> </ul> <p>(2) Lead the Council’s responsibilities under the Children Act 2004 and Education and inspection Act 2007</p> <ul style="list-style-type: none"> <li>• Oversee effective support for young people in care; and enhance the Council’s corporate parenting role</li> <li>• Oversee the multi-agency Youth Offending Team</li> <li>• Oversee the effective provision of support across partners for the well-being of vulnerable families - including the Troubled Families programme</li> </ul> <p>(3) Approve the Children and Young People Plan and associated sub strategies promoting the following areas:</p> <ul style="list-style-type: none"> <li>• Education</li> <li>• Inclusion</li> <li>• Child Poverty</li> <li>• Early Intervention and Prevention</li> </ul> <p>(4) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and</p>

	<p>Resources.</p> <p>(5) To ensure that the Council’s safeguarding responsibilities are taken into account.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>
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**ADULTS and SAFEGUARDING**

Member Composition	Chairman appointed and decision required on the use of Vice Chairs in the Committee system		
Size of Committee	10 according to proportionality and number of Committees		
Frequency of Meetings	6 per annum		
Role of Committee	<p>Ensuring the well-being of people in later life, empowering them to lead active and independent lives.</p> <p>Promoting choice and independence for all service users and carers</p> <p>Safeguarding the well-being of all service users who may be vulnerable.</p> <p>Promote active and healthy lifestyles for all people</p>		
Responsibilities	<p>(1) Specific responsibilities include: To be responsible for those powers, duties and functions of the Council in relation to Adults and Communities including the following specific functions:</p> <ul style="list-style-type: none"> <li>Promoting the best possible Adult Social Care services</li> </ul> <p>(2) Work with partners on the Health and Well Being Board to ensure that social care, interventions are effectively and seamlessly joined up with public health and healthcare and promote the Health and Well Being Strategy and its associated sub strategies.</p> <p>(3) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee</p> <p>(4) Specific responsibilities to include:</p> <table border="1" data-bbox="512 1341 1402 1415"> <tr> <td>Leisure Services.</td> <td>Grants to Voluntary Sector within the remit of the Committee</td> </tr> </table> <p>(5) To ensure that the Council’s safeguarding responsibilities are taken into account.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	Leisure Services.	Grants to Voluntary Sector within the remit of the Committee
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**ENVIRONMENT**

Member Composition	Chairman appointed and decision required on the use of Vice Chairs in the Committee system
Size of Committee	10 according to proportionality and number of Committees
Frequency of Meetings	6 per annum
Role of Committee	To ensure the Borough’s attractive environment, public realm and transport infrastructure is effectively designed and managed to meet the needs of today and the challenges of the future.

Responsibilities	(1) To include specific responsibilities for commissioning the following:																		
	<table border="1"> <tr> <td>Street Scene including pavements and all classes of roads</td> <td>Parking provision and enforcement</td> </tr> <tr> <td>Road Safety</td> <td>Street Lighting</td> </tr> <tr> <td>Transport and traffic management- including agreement of London Transport Strategy-Local Implementation Plan</td> <td>Refuse and recycling</td> </tr> <tr> <td>Street Cleaning</td> <td>Waste Minimisation</td> </tr> <tr> <td>Waterways</td> <td>Allotments</td> </tr> <tr> <td>Parks and Open Spaces</td> <td>Fleet Management</td> </tr> <tr> <td>Trees</td> <td>Cemetery and crematorium and Mortuary</td> </tr> <tr> <td>Trading Standards</td> <td>Contaminated land and all statutory nuisances.</td> </tr> <tr> <td>Commons registration and town and village greens including powers of protection and enforcement</td> <td>Flood Risk Management (scrutiny aspect)</td> </tr> </table>	Street Scene including pavements and all classes of roads	Parking provision and enforcement	Road Safety	Street Lighting	Transport and traffic management- including agreement of London Transport Strategy-Local Implementation Plan	Refuse and recycling	Street Cleaning	Waste Minimisation	Waterways	Allotments	Parks and Open Spaces	Fleet Management	Trees	Cemetery and crematorium and Mortuary	Trading Standards	Contaminated land and all statutory nuisances.	Commons registration and town and village greens including powers of protection and enforcement	Flood Risk Management (scrutiny aspect)
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	Trading Standards	Contaminated land and all statutory nuisances.																	
	Commons registration and town and village greens including powers of protection and enforcement	Flood Risk Management (scrutiny aspect)																	
	(2) Council highways functions (including highways use and regulation, access to the countryside, arrangements and extinguishment of public rights of way) which are limited to																		
<ul style="list-style-type: none"> <li>• creating, stopping up and diverting footpaths and bridleways</li> <li>• asserting and protecting public rights to use highways</li> <li>• removing things deposited on highways which cause nuisance</li> </ul>																			
(3) Gaming, entertainment, food and miscellaneous licensing in so far as not otherwise the responsibility of the Licensing Committee or the Licensing Sub-Committee																			

	<p><i>Health and Safety regulation (otherwise than as an employer).</i></p> <p>(4) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee</p> <p>(5) Specific responsibilities to include:</p> <ul style="list-style-type: none"><li>• Grants to Voluntary Sector within the remit of the Committee</li></ul> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>
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<b>ASSETS, REGENERATION and GROWTH</b>	
Member Composition	Chairman appointed and decision required on the use of Vice Chairs in the Committee system
Size of Committee	10 according to proportionality and number of Committees
Frequency of Meetings	4 per year
Role of Committee	<p>To create the right environment for economic growth to ensure Barnet is a successful place where people want to live and work and businesses can develop and thrive.</p> <p>To ensure the asset strategy is aligned effectively to the development of the borough.</p> <p>Ensuring housing supply and provision that meets the Borough's needs.</p>
Responsibilities	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Develop and oversee a Regeneration Strategy</li> <li>• Develop strategies which maximise the financial opportunities of growth- e.g. New Homes Bonus, localisation of business rates</li> <li>• Promote skills and enterprise and approve a Skills Enterprise and Employment Strategy</li> <li>• Engagement with the business community and measures to support local business</li> <li>• Oversee major regeneration schemes- including those of key social housing estates</li> <li>• Town Centre regeneration programmes</li> <li>• Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council</li> <li>• Neighbourhood Plans (for adoption by Full Council)</li> </ul> <p>(2) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee</p> <p>(3) Specific responsibilities to include:</p> <ul style="list-style-type: none"> <li>• Grants to Voluntary Sector within the remit of the Committee</li> </ul> <p>(4) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>

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HOUSING	
Member Composition	Chairman appointed and decision required on the use of Vice Chairs in the Committee system
Size of Committee	10 according to proportionality and number of Committees
Frequency of Meetings	4 per year
Role of Committee	Ensuring housing supply and provision that meets the Borough's needs.
Responsibilities	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Housing Strategy (incorporating Homelessness Strategy)</li> <li>• Work with Barnet Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing</li> <li>• Commissioning of Environmental Health</li> </ul> <p>(2) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee</p> <p>(3) Specific responsibilities to include:</p> <ul style="list-style-type: none"> <li>• Grants to Voluntary Sector within the remit of the Committee</li> </ul> <p>(4) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>

COMMUNITY LEADERSHIP	
Member Composition	Chairman appointed and decision required on the use of Vice Chairs in the Committee system
Size of Committee	10 according to proportionality and number of Committees
Frequency of Meetings	4 per year
Role of Committee	To work with and influence other public, private and voluntary partners in the delivery of services that meet the needs of the Borough's residents
Responsibilities	<p>Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Grants to Voluntary Sector within the remit of the Committee</li> <li>• Responsibilities for the Registration and Nationality Service</li> </ul> <p>(1) To oversee arrangements for cross partner co-operation including any pooling of budgets e.g. Community Budgets</p> <p>(2) To maintain good community relations with Barnet's diverse communities ensuring that all communities have the opportunity to participate fully in the Borough's affairs</p> <p>(3) To represent Barnet's strategic interests in dealings with sub-regional, regional and national Government and influence relevant tiers of Government</p> <p>(4) To contribute to achieving better outcomes in the Safer Communities Strategy through CCTV, fighting crime and anti-social behaviour, combating graffiti flytipping and other environmental crime, action against Domestic Violence and any other relevant Council activity.</p> <p>(5) To work together with partners on the Barnet Safer Communities Partnership including Police, Fire and Criminal Justice Agencies to help make Barnet a safer place.</p> <p>(6) Provide scrutiny aspect of Community Safety</p> <p>(7) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>If any report comes within the remit of more than one committee,</p>

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## AREA SUB COMMITTEES

There are three Area Committees – Finchley and Golders Green, Chipping Barnet and Hendon.

AREA SUB-COMMITTEES	
Member Composition	1 member for each ward and 1 substitute for each.
Size of Committee	7 based on number of wards. The proportionality 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.
Frequency of Meetings	4 per year
Role of Committee	Members represent Electoral Wards in their area. Area Sub-Committees are in place to listen and act on local issues within their remit or to refer to appropriate Committees where appropriate.
Responsibilities	<ol style="list-style-type: none"> <li>1. Consider matters raised at Residents Forums and determine how they are to be taken forward, including whether to request a report for a future meeting, refer to an Officer and/or ward councillors</li> <li>2. Discharge any functions, within the budget and policy framework agreed by P and R, of the theme committees that they agree are more properly delegated to a more local level. These include but are not limited to: <ul style="list-style-type: none"> <li>• <i>Town Centre Regeneration and Management</i></li> <li>• <i>Sewers, drainage, public conveniences, water courses</i></li> <li>• <i>Refuse collection, litter, cleansing, waste and recycling</i></li> <li>• <i>Parks, open spaces, nature reserves, allotments, recreation and leisure facilities</i></li> <li>• <i>Libraries and Culture</i></li> <li>• <i>Cemeteries and Crematoria</i></li> <li>• <i>Recommending the creation of Conservation Areas to Environment Committee</i></li> <li>• <i>Day to day environmental issues and management of land on Council Housing estates</i></li> <li>• <i>Local highways and safety schemes</i></li> </ul> </li> <li>3. Considering any proposals for Neighbourhood Planning under the 2011 Localism Act and proposing plans to the Assets, Regeneration and Growth Committee.</li> <li>4. Administer any local budget delegated from Policy and Resources Committee for these sub-committees.</li> <li>5. Powers to deal with small public works</li> </ol> <p>Area Sub-Committees should not deal with issues that are specifically</p>

	within the remit of other committees (e.g. Licensing), that should be exercised at a Borough wide level or that are outside the budget and policy framework.
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## Statutory Requirements

<b>HEALTH and WELL BEING BOARD</b>	
Member Composition	Three Members, Director of Public Health, Barnet and Harrow Director for People (Director for Children’s Service), Adults and Communities Director; Barnet Clinical Commissioning Group- Board members x 3; Barnet Clinical Commissioning Group- Chief Officer; and Barnet Healthwatch representative and NHS England.
Size of Committee	12 Each member will be able to nominate a substitute member if they are unable to attend. The flexibilities given in the Local Authority (Public Health, Health and Well-Being Board and Health Scrutiny) Regulations 2013(SI 218) to disapply elements of the 1972 Local Government Act have been used to: Waive requirement for proportionality Allow voting rights to members other than Members of the Council.
Frequency of Meetings	Minimum 6 per year
Role of Committee	To improve the health and well-being and narrow the gaps in health inequalities for the residents of the borough. To ensure the voice of the patient is heard.
Responsibilities	<ol style="list-style-type: none"> <li>1. To jointly assess the health and social care needs of the population with NHS commissioners, and apply the findings of a Barnet joint strategic needs assessment (JSNA) to all relevant strategies and policies.</li> <li>2. To agree a Health and Well-Being Strategy for Barnet taking into account the findings of the JSNA and performance manage its implementation to ensure that improved outcomes are being delivered.</li> <li>3. To work together to ensure the best fit between available resources to meet the health and social care needs of the population of Barnet (including children), by both improving services for health and social care and helping people to move as close as possible to a state of complete physical, mental and social well-being. Specific resources to be overseen include money for social care being allocated through the NHS; dedicated public health budgets; and Section 75 partnership agreements between the NHS and the Council.</li> <li>4. To consider all relevant commissioning strategies from the CCG and the NHS Commissioning Board and its regional structures to ensure that they are in accordance with the JSNA and the HWBS and refer them back for reconsideration</li> <li>5. To receive assurance from all relevant commissioners and providers on matters relating to the quality and safety of services for users and patients</li> <li>6. To directly address health inequalities through its strategies and have a specific responsibility for regeneration and development as they relate to health and care. To champion the commissioning</li> </ol>

	<p>of services and activities across the range of responsibilities of all partners in order to achieve this.</p> <ol style="list-style-type: none"><li>7. To promote partnership and, as appropriate, integration, across all necessary areas, including the use of joined-up commissioning plans across the NHS, social care and public health.</li><li>8. To receive the Annual Report of the Director of Public Health and commission and oversee further work that will improve public health outcomes.</li><li>9. Specific responsibilities for:<ul style="list-style-type: none"><li>• Overseeing public health</li><li>• Developing further health and social care integration</li></ul></li></ol>
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<b>HEALTH OVERVIEW and SCRUTINY COMMITTEE</b>	
Member Composition	10 Members of the Council, co-opted members, as necessary
Size of Committee	10
Frequency of Meetings	Minimum 6 per year
Role of Committee	Carry out the statutory requirements of health scrutiny within the Borough.
Responsibilities	<p>1. To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service (NHS) and NHS bodies located within the London Borough of Barnet and in other areas.</p> <p>2. To make reports and recommendations to Council, Health and Well Being Board, the Secretary of State for Health and/or other relevant authorities on health issues which affect or may affect the borough and its residents.</p> <p>3. To receive, consider and respond to reports, matters of concern, and consultations from the NHS Barnet Health and Wellbeing Board, Health Watch and/or other health bodies.</p> <p>5. To scrutinise and review promotion of effective partnerships between health and social care, and other health partnerships in the public, private and voluntary sectors.</p> <p>6. To make recommendations as necessary to the Council for the formation of Joint Overview and Scrutiny Committees in accordance with the provisions of the Section 21 of the Local Government Act 2000 as amended by the Health and Social Care Act 2001 and Health and Social Care Act 2012.</p>



### Urgency Provisions

#### **Under the Local Government Act 1972 section 101— Arrangements for discharge of functions by local authorities:**

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—

(a) **by a committee, a sub-committee or an officer of the authority;** or

(b) by any other local authority.

In turn under S101(2) a committee can make arrangements to discharge its functions through a subcommittee or an officer.

The provisions in relation to urgency are merely arrangements to discharge functions if particular circumstances exist i.e. in cases of urgency.

The Member working group has noted a preference to have Committee made up of three (3) Members to consider urgent matters. Therefore, if in particular circumstances there are times to do this through a committee made up of the 3 members specified, then that is acceptable. It does not matter that the decision is within another committee's terms of reference as in the particular circumstances (i.e. urgency) the arrangements for discharge of the function is through the committee consisting of these 3 members.

Whilst the Member Working Group preference is acceptable within the law, it may limit the durability of the system in that, where a matter may be so urgent that there is not time to call a committee, it would be appropriate to have another option available.

In cases where the matter is so urgent that there is not time to call a committee, then arrangements can be made to discharge the functions through an officer, usually the Chief Executive. In order to retain member involvement, it is usual for the decision to be made in consultation with specified members e.g. the Leader, the Chairman of the appropriate committee and others as defined and to have arrangements for reporting the decision and circumstances after the event.

As Members can have more than one option available for use in the case of urgent items the Committee is asked to consider drafting two options for inclusion within the Committee system. Included are some examples of urgent decision options included within other local authorities Constitutions.

## Examples of Urgent Decisions

### Sutton:

#### URGENT ACTION

1 Where a matter is considered by the Chief Executive to be so urgent that it cannot be left until the appropriate Committee to make a decision the responsible Strategic Director is authorised to perform all functions within the duties and powers of that Committee in accordance with provisions set out in this Standing Order.

2 The responsible Strategic Director is authorised, subject to the concurrence of the Leader or, in his/her absence, the Deputy Leader together with the Chair or, in his/her absence, the Vice-Chair of the relevant committee, to perform all functions within the powers and duties of that Committee in any case of urgency in which the prompt performance of any of the Council's functions is desirable and necessary, subject to the action taken being reported to the next meeting of the Committee concerned.

### Nottinghamshire:

#### OPTION A – URGENT DECISIONS BY COMMITTEE

1. Where the agenda for the relevant committee has been published, an urgent item may be added to the agenda if it meets the urgency criteria set out in paragraphs 3 and 4. Democratic Services and the chairman of the committee will require an explanation before authorisation is given.

2. Every effort must be made to circulate the urgent report to Councillors at least 24 hours before the meeting.

3. The urgent report will be made available for public inspection as soon as possible.

#### OPTION B – CALLING AN ADDITIONAL MEETING

4. The issue may be of such significance that it may be more appropriate to call an additional meeting. The procedure for calling additional meetings is set out in the Council Procedure Rules at paragraph 9 and the Committee Procedure Rules at paragraph 4.

#### OPTION C – DECISION BY THE CHIEF EXECUTIVE

5. The Chief Executive may take a decision which is normally reserved to committee or another officer, where he believes that the decision is urgent, after first:

a. taking into account the guidelines set out in paragraphs 3 and 4 above; and

b. where possible, seeking the views of the following in respect of the proposed decision:-

- the Leader of the Council,
- the chairman and the vice-chairman of the relevant committee with authority
- to take the decision, and
- the leader(s) of opposition group(s).

c. The Chief Executive will take into account any views he considers are relevant.

The decision is the Chief Executive's alone.

d. The decision together with the reasons why it was urgent must be recorded in writing. The record of urgent decisions will be held by Democratic Services and will be made available for inspection.

e. Following the decision, a report will be submitted to the next available relevant committee meeting explaining:

- the decision;
- the reasons for it; and
- why the decision was treated as a matter of urgency.

f. In the absence of the Chief Executive, his responsibilities under this procedure are delegated to a Corporate Director and all references to the Chief Executive under this procedure will also apply to that person.

## **REPORT ON USE OF THE URGENCY PROCEDURE**

6. In addition to any reports submitted to the relevant committee, twice yearly a report will be presented to Policy Committee detailing the number of occasions these provisions have been used and the reasons for their use.

### **South Gloucestershire:**

#### **1) CHIEF OFFICERS' ACTION – URGENT MATTERS**

Under this Standing Order the appropriate chief officer(s) are given delegated power to take a decision which would normally be taken by committee provided that:

- (a) the matter is urgent and the decision is within Council policy;
- (b) the action is taken after consultation with the lead members (or their nominee if unavailable) of the relevant committees.
- (c) the consultation with the relevant committee lead members takes place in liaison with the Monitoring Officer, other chief officers as appropriate and the Chief Financial Officer.
- (d) the action is reported by the Monitoring Officer to the next available meeting and the appropriate committee for information.
- (e) If, on being consulted, any lead committee member so requests, the Monitoring Officer shall convene a meeting of an Urgency Sub-Committee to deal with the business to which the consultations related. Alternatively, they may require the matter to be considered by the committee concerned.

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**COUNCIL PROCEDURE RULES**

**Introduction**

With the introduction of a committee system of governance, some changes will be necessary to the role of Full Council and some options are set out here for the Committee’s consideration.

At present an ordinary Council meeting is in four parts:

<b>Part</b>	<b>TITLE</b>	<b>CURRENT DETAILS</b>	<b>POSSIBLE CHANGES</b>	<b>REVISED FORMAT</b>
1	Statutory Formalities- 15 minutes		No change proposed.	Statutory formalities- 15 minutes
2	Question Time-30 mins or until 7:45pm	Questions to the Leader and Cabinet	Suggest this is retained (and with existing deadlines), but as questions to the Leader. The Leader may choose to allocate questions to a named Committee Chairman who will answer.	Questions to Leader- 30 minutes
3	Business for Debate- 90 mins	Administration item: 30 minutes Opposition item: 30 minutes Non-Executive Business Items (30 mins) (in order of receipt, but if more than one item submitted. Council will decide the item for debate).	In a Committee system where Members of all parties have the opportunity to debate policy at a committee in public, there should be less need for this provision.  The presumption would be that the majority of these items could be discussed at the relevant committee, using Members rights to submit agenda items if necessary.  However there may be matters that do not fall within a specific committee remit, or which affect the well-being of the Borough more generally.  It is therefore proposed that members should be permitted to submit motions on such matters, and that there should	Motions: 45 mins

4	Statutory Council Business -30 mins	Petitions: organiser and member responding Reports from Cabinet Reports from Overview and Scrutiny Committees Reports from other Council Committees Reports of Officers Questions to Council reps on Outside Bodies	be the opportunity to discuss up to two motions at each meeting, for 20 minutes each. Reports from Cabinet and Overview and Scrutiny Committees will no longer happen. However there will be an increased number of reports from Committees, where their Terms of reference require them to make recommendations to Full Council. In addition there may be decisions referred up to Council for debate under the referrals process (see below)	Statutory Council business: 60 minutes <ol style="list-style-type: none"> <li>1. Petitions</li> <li>2. Reports from Council Committees</li> <li>3. Referrals from Members of Committee Decisions</li> <li>4. Reports of Officers</li> <li>5. Questions to reps on Outside Bodies</li> </ol>
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#### **Powers to refer**

Members were supportive of a facility for Members of the new Committees to be able to refer Committee decisions up to Full Council. These will need to be agreed and added to the referral provisions for the existing Council Committees (at Section 6 of Responsibility for Functions). It is suggested that for each of these committees, the minimum number of Members who can refer a matter up to Council for further consideration is 4, or 50% of the committee minus one if the Committee is of 8 members or fewer.

## PUBLIC PARTICIPATION RULES

The views of the Committee are requested on whether any changes are required to Public Participation Rules. Barnet's rules give the public substantial opportunities to participate- greater for example than in the Model Constitution- and it is clear from consultation on the Governance system that those who have responded have an appetite to be further involved.

At the same time, the rationale behind moving to a committee system is to give all Members from different parties the opportunity to debate matters for decision through a committee. There needs to be a balance between offering opportunities for participation and building in sufficient meeting time for the Committee to debate its business.

The following suggestions have been canvassed during the process of developing options and a steer is required from the Committee on whether to pursue further:

- To allow 30 minutes in total for public questions and comments (at present 30 minutes, or 20 questions if that occurs first is allowed for questions, with no specific time allocated for comments);
- To reduce the time for each individual comment from 5 minutes to 3 to allow as wide a range of people as possible to participate;
- To allow a facility for members of the public to submit written comments (within the same deadlines as for questions and comments) which would be published as an addendum to a report;
- To allow questions or comments at Full Council<sup>i</sup>;

Three other points should be noted:

1. It is envisaged that the improvements already made by the Committee to Resident Forums, together with the ability of the Forums to refer matters to Area Committees which will now have a wider remit, will provide additional opportunities for participation through the Forums.
2. In any event, the Governance Service will seek to promote the available participation opportunities as widely as possible to residents who may be interested.
3. The rules for public speaking on planning matters are separate and are proposed to remain unchanged at this stage.

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<sup>i</sup> In addition, where there had previously been public questions/comments on an item considered by committee which is later referred up to Council, those questions and comments will appear in the minutes.

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