

Decisions of the Constitution, Ethics and Probity Committee

30 June 2015

Members Present:-

Councillor John Marshall (Chairman)
Councillor Melvin Cohen (Vice-Chairman)

Councillor Richard Cornelius Councillor Barry Rawlings
Councillor Alison Moore Councillor Joan Scannell
Councillor Claire Farrier
(substituting for Councillor
Devra Kay)

Apologies for Absence

Councillor Dr Devra Kay

1. MINUTES OF LAST MEETING

RESOLVED – that the minutes of the meeting held on 31 March 2015 be approved as a correct record, subject to the amendment of minute item 7 (Constitution Review) no. 4 as detailed below:

| No. | Section | Changes contained within document | Recommendation on to Full Council |
|-----|---|--|-----------------------------------|
| 4. | Responsibility for Functions, Pension Fund Compliance Statement | <p>Amended section 1.2 of the Pension Fund Compliance Statement to include a reference to the Local Pension Board</p> <p>Add to new section 2.3 to include the council's responsibilities in relation to the Local Pension Board to reflect Option 1. as approved by the General Functions Committee on 23 March 2015.</p> <p>Add a new section 2.4 to detail the responsibilities of the Local Pension Board.</p> | Agreed as per report |

2. ABSENCE OF MEMBERS (IF ANY)

An apology for absence was received from Councillor Devra Kay. Councillor Claire Farrier attended as substitute.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

There were none.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

There was none.

5. PUBLIC QUESTION AND COMMENTS (IF ANY)

There were none.

6. MEMBERS' ITEMS (IF ANY)

There was none.

7. CONSTITUTION REVIEW

The Head of Governance introduced the report.

The Committee noted that the Local Strategic Partnership (Barnet Partnership Board) was not scheduled to meet during the 2015/16 municipal year, and queried whether a meeting needed to be arranged, or the Board disbanded. The Director of Assurance agreed to clarify whether there is a statutory duty for the Board to meet and report back to the committee this board.

Councillor Alison Moore MOVED an amendment to the proposed change to Meeting Procedure Rules, Membership and Quorum, to retain the existing quorum of 3 members for the Urgency Committee.

Upon being put to the VOTE the amendment was declared LOST. Votes were recorded as follows:

| | |
|-------------|---|
| In Favour | 3 |
| Against | 4 |
| Abstentions | 0 |

RESOLVED – That the Committee recommend to Council that the quorum of the Urgency Committee is two members.

Following consideration of the report the Chairman moved to the vote on the remaining recommendations.

The votes were recorded as follows:

| | |
|-----------|---|
| In Favour | 4 |
| Against | 0 |

RESOLVED –

1. That the following changes be added to the table and Appendices for reporting to Council:
 - a. An amendment to Responsibility for Functions, Annex A, to clarify that the General Functions Committee has responsibility for
 - i. Endorsing the calendar of meetings prior to Annual Council approval; and
 - ii. Agreeing Members Diaries.
 - b. An amendment to Responsibility for Functions, Annex A, to remove the reference to ‘...and substitutes appointed by Council’ from the Licensing Committee terms of reference, as there are no substitute members on Licensing Committee.
 - c. An amendment to Responsibility for Functions, Annex A, to clarify that Residents Forum Chairmen must give reasons when determining in what way an issue will be dealt with.
 - d. An amendment to Responsibility for Functions, Exceptions (paragraph 6.5) to change the word ‘significant’ to ‘key’ and further amendment to the Constitution to ensure there is explicit reference to the meaning of a key decision, as defined under the Act.
2. That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this the table below and the track change versions attached at Appendix A to Appendix I.
3. That the Director of Assurance clarifies whether the Council is obligated to have a Local Strategic Partnership.
4. That the matrix of issues for consideration at the next meeting be updated to include explicit reference in Public Participation Rules to note that Chairmen have the ability to consider the acceptance of public questions received after the deadline (of 10am on the second clear working day before the meeting), to address cases where a report may have been published late, and the public not had opportunity to view it prior to the questions deadline.

| App No. | Section | Reference (papers submitted to Committee) | Changes contained within the document | Changes recommended to Full Council |
|---------|---------|---|---------------------------------------|-------------------------------------|
| | | | | |

| App No. | Section | Reference (papers submitted to Committee) | Changes contained within the document | Changes recommended to Full Council |
|-------------|---|---|--|-------------------------------------|
| A | Article 7 (Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership) | Page 25 | Amend Article 7 to include a reference to the powers that will be delegated by the parent committee and proposals for the membership composition of the sub-committee. | Agreed as per report |
| B | Responsibility for Functions, Members Rights to Refer Matters to Parent Body | Page 27 | <p>Create a new section 6.5 to introduce exceptions to the referrals process, subject to the deletion of the word 'significant' and replacement with 'key'</p> <p>Re-number subsequent sections.</p> <p>Create a section 6.10 relating to urgent decisions.</p> <p>Amend section 6.11 to refer to the Chief Officer Appointment Panel.</p> | Agreed as per report |
| B C D | <p>Responsibility for Functions, Pension Fund Compliance Statement</p> <p>Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards)</p> <p>Responsibility for Functions,</p> | Page 27 | <p>Delete the Pension Fund Compliance Statement from Responsibility for Functions. Add content to:</p> <p>Annex A of Responsibility for Functions to create the terms of reference of the Pension Fund Committee and Local Pension Board; and</p> <p>Annex B of Responsibility for Functions .</p> | Agreed as per report |

| App No. | Section | Reference (papers submitted to Committee) | Changes contained within the document | Changes recommended to Full Council |
|---------|--|---|--|---|
| | Annex B (Scheme of Delegated Authority to Officers) | | | |
| C | Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards) | Page 37 | Amend the Membership column of the Children, Education, Libraries & Safeguarding Committee to include a representative of SACRE | Agreed as per report |
| C | Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards) | Page 37 | Add to the terms of reference of the Environment Committee responsibility for approving the annual programme of highways and footways works. | Agreed as per report |
| C | Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards) | Page 37 | Amend the terms of reference of Residents Forums as proposed, subject to the additional requirement that Residents Forum Chairman must give reasons when determining the way in which an issue will be dealt with. | Agreed as per report, subject to the additional text referred to. |
| C | Responsibility for Functions, Annex A | Page 37 | Committee terms of reference to refer to: <ul style="list-style-type: none"> To approve revisions to | Agreed as per report |

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|---------|--|---|--|-------------------------------------|
| | (Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards) | | <p>the Internal Audit Charter; and</p> <ul style="list-style-type: none"> • To approve decisions relating to the appointment and removal of the Chief Audit Executive <p>Delete from the Audit Committee membership column reference to independent members term of office being co-terminus with Council.</p> | |
| | Responsibility for Functions, Annex A (Membership and Terms of Reference of Committees, Sub-Committees and Partnership Boards) | | <p>Health & Wellbeing Board to refer to:</p> <ul style="list-style-type: none"> • The Better Care Fund; • NHS England; and • To explore partnership work across North Central London where appropriate. <p>Add to the membership column of the Health & Wellbeing Board: Independent Member of the Adult's and Children's Safeguarding Boards (Non-Voting Member)</p> | Agreed as per report |
| C G | Responsibility for Functions, Annex A Financial Regulations | Page 37 Page 113 | <p>Delete in Responsibility for Functions, Annex A reference in theme committees terms of reference to making recommendations to the Policy & Resources Committee on fees and changes.</p> <p>Amend section 4.1.1 of the Financial Regulations</p> | Agreed as per report. |
| D | Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers) | Page 73 | Responsibility for Functions, Annex B to add '...and individuals...' | Agreed as per report |

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|----------------|---|--|--|--|
| F | Public Participation and Engagement Rules | Page 107 | Agree deletion of sections 6.6 and 6.7. Re-number subsequent sections | Agreed as per report |
| E | Meetings Procedure Rules | Page 97 | Amend quorum of Urgency Committee to reduce from 3 to 2. | Agreed as per report |
| E | Meetings Procedure Rules | Page 97 | Delete reference to 'Remuneration Committee' and replace with 'Chief Officer Appointment Panel' | Agreed as per report |
| E | Meetings Procedure Rules | Page 97 | Add new section 18 relating to Filming and Recording of Meetings | Agreed as per report |
| F | Public Participation and Engagement Rules | Page 107 | Amend section 2.1 to include the wording that "Questions must detail which agenda item the question relates to." | Agreed as per report |
| F | Public Participation and Engagement Rules | Page 107 | Amend the deadline for submitting public questions to include 'clear' before working day | Agreed, as per report |
| G | Financial Regulations | Page 113 | Amend sections 4.2.6, 4.4.9, 4.4.10, 4.4.11 and 4.4.12. Add new section 4.4.13. Re-number all subsequent sections. | Agreed as per report |
| H | Contract Procedure Rules | Page 139 | Amend section 11 to include a new section 11.2 relating to individual placements for children and adults | Agreed as per report |

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| I | HR Regulations | Page 157 | <p>Delete reference to Lead Commissioners and replace with Commissioning Directors</p> <p>Delete references to Remuneration Committee and replace with Chief Officer Appointment Panel</p> <p>Add wording to Section 2.1.7 relating to Full Council having responsibility for dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.</p> | Agreed as per report |

8. THE STANDARDS REGIME

The Monitoring Officer introduced the report. Following discussion the Committee:

RESOLVED – To defer consideration of the item until the next meeting of the Committee, with further discussions to take place between the Groups, and further examination of options by the new Director of Assurance.

9. ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 8.08 pm