

Decisions of the Constitution, Ethics and Probity Committee

16 March 2017

Members Present:-

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

Councillor Richard Cornelius	Councillor Barry Rawlings
Councillor Dr Devra Kay	Councillor Peter Zinkin (In place of Councillor Joan Scannell)
Councillor Ross Houston	

Apologies for Absence:

Councillor Joan Scannell

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 16 November 2016 be approved as a correct record.

2. ABSENCE OF MEMBERS

An apology for absence had been received from Councillor Joan Scannell who was substituted for by Councillor Peter Zinkin.

An apology for late arrival had been received from Councillor Ross Houston.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER

None.

5. PUBLIC QUESTION AND COMMENTS

None.

6. MEMBERS' ITEMS

None.

7. CONSTITUTION REVIEW

RESOLVED that the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in the table below and the track change versions attached at Appendix A to Appendix I.

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
1	Financial Regulations	Page 45	Amend section 4.4.3 of the Financial Regulations to delete 'Performance and Contract Management' and replace with 'Policy & Resources Committee'.	Agreed as per report
2	Article 11 – Finance, Contracts, Land Disposal and Legal Matters	Pages 65 – 68	Delete the current sections 11.04 and 11.05 and replace with revised sections as detailed in the report to the Committee.	Agreed as per report
3	Public Participation and Engagement Rules	Pages 71 – 72	<p>Amend section 6 to include the following restriction:</p> <p>“Public questions, comments and items/questions to residents’ forums are not permitted:...</p> <p>If they relate to a matter submitted by someone who has been deemed to be subject to the Unreasonably Persistent Complainants Policy.”</p>	Agreed as per report
4	Responsibility for Functions	Page 79 – 80	<p>Responsibility for Functions, Section 6.3 – delete existing text and replace with:</p> <p>“The Chairman of an Area Committee may refer applications to the Area Committee Budget to the Environment Committee. When referring the application the Chairman shall provide reasons for the referral.”</p>	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			Amend section 6.4 to remove reference to Area Committees being able to refer matters to a 'relevant committee' by deleting '...or relevant...' in the table.	
5	Responsibility for Functions, Annex A – Terms of Reference of Committees, Sub-Committees and Partnership Boards	Page 84	Amend the terms of reference of the Community Leadership Committee to delete the following: “(14) Determining applications to the Area Committee Budget referred by Area Committees.”	Agreed as per report
6	Meetings Procedure Rules	Page 89	Amend Meetings Procedure Rules to remove reference to “...sponsoring an application...” and changing the deadline for submitting items from 12 days to 10 days. Revised wording to read: “Any Member will be permitted to have one matter only (with no sub-items) on the agenda for an Area Committee where the Member is proposing a drawdown from the Area Committee Budget. Members’ Items submitted for these purposes must be submitted 10 clear working days before the meeting. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.”	Agreed as per report
7	Contract Procedure Rules	Page 105	Section 4.5 – add a new final sentence as follows: “A conflict of interest form is to be issued to all officers, and	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			retained for all officers involved with a procurement exercise.”	
8	Contract Procedure Rules	Page 105	Amend section 5.1.8 as follows: “Ensure that all new Contracts above the published limits, £10,000 , and planned during the forthcoming financial year are clearly identified in their Budget and Annual Procurement Forward Plan (APFP);”	Agreed as per report
9	Contract Procedure Rules	Page 108	Amend section 8.10 as to read as follows: “For Procurements below the EU financial threshold only Suitability Assessment Questions can be asked. This means there can be no SQ stage.”	Agreed as per report
10	Contract Procedure Rules	Page 109	Insert a new Section 9.3 as follows: “Single tender actions for contract awards above the EU financial threshold will only be agreed where one or more of the circumstances set out in rule 9.1 apply. Otherwise approval for single tender actions is only likely to be granted for contracts, including works contracts, below the financial threshold for services and supplies contracts (currently £164,176).”	
11	Contract Procedure Rules	Pages 112 – 113	Add new sections 14.4 and 14.5 as per the report to the Committee	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
12	Contract Procedure Rules	Pages 118	<p>Add new section 17.26 as follows:</p> <p>“17.26 “SQ” means Selection Questionnaire in accordance with Procurement Policy Note (PPN) 8/16 regarding OJEU procurements. Accessibility to the form will be via the procurement portal with expectation that suppliers complete and submit online. In accordance with Public Contract Regulations 2015 these questions are to be in the form of declarations with successful contractor to provide support documents at point of proceeding to contract award.”</p>	Agreed as per report
13	Contract Procedure Rules	Pages 118 – 119	<p>Amend section 17.27 as follows:</p> <p>“Suitability Assessment Question” means a question which relates to information or evidence which the Council requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing. In accordance with Public Contract Regulations 2015 these questions are to be in the form of declarations with successful contractor to provide at point of proceeding to contract award.”</p>	Agreed as per report
14	Contract Procedure Rules	Page 119	<p>Add a new section 17.28 as follows:</p> <p>17.28 “Support to Local Community” refers to support</p>	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			through contract delivery to the communities which exist within London Borough of Barnet and delivery of benefit to these communities. Benefit to include consideration and provision of internships; apprenticeships; long term unemployed returning to work opportunities and support to local schools/community groups.”	
15	Responsibility for Functions, Annex A, Terms of Reference of Committees, Sub-Committees and Partnership Boards	Page 124	Amend the terms of Reference of the Planning Committee to delete the following function: “To receive and comment on any Strategic Planning Pre-Application Briefing.”	Agreed as per report
16	Members Planning Code of Practice	Page 129	Delete section 4.6.	Agreed as per report
17	Members Planning Code of Practice	Page 134	Amend section 7.1, delete section 7.2 and amend wording of section 7.3 as set out in the report to the Committee.	Agreed as per report

RESOLVED that the Committee note the Monitoring Officers use of delegated authority to make minor amendments to the Constitution as set out in the report.

8. CODE OF CONDUCT ALLEGATIONS 2016/17

RESOLVED that the Committee note the update as set out in Appendix A.

9. MEMBERS CODE OF CONDUCT

The Monitoring Officer presented a report which set out a revised Members Code of Conduct which was intended to clarify the circumstances in which Members need to declare interests.

RESOLVED that the Committee recommend the revised Members Code of Conduct as set out in Appendix B be recommended to full Council for adoption, subject to:

- i) Adding a new section 2 (f) to introduce a duty to report safeguarding concerns**
- ii) References to 'City Council' being amended to 'Council'; and**
- iii) Additional text being included after the definitions of pecuniary and non-pecuniary interests as follows: "In the event that Members are unsure as to whether they have an interest and/or the type of interest are advised to consult with the Monitoring Officer."**

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

None.

The meeting finished at 7.52 pm