

Decisions of the Constitution and General Purposes Committee

9 April 2019

Members Present:-

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

Councillor Geof Cooke Councillor Barry Rawlings
Councillor Richard Cornelius Councillor Sarah Wardle
Councillor Alison Moore

1. MINUTES

RESOLVED that the minutes of the Committee held on 17 January 2019 be approved as a correct record.

2. ABSENCE OF MEMBERS

None.

3. DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS

Member	Item	Interest Declared
Councillor Barry Rawlings	8 – Constitution Review Terms of Reference of the Safer Communities Partnership Board	Non-Pecuniary interest by virtue of the fact that Councillor Rawlings does some work for CommUNITY Barnet who are represented on the Board.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ANNOUNCEMENT BY THE CHAIRMAN

The Chairman announced that the items list below were being withdrawn from the agenda. The items would be given more detailed consideration before being brought back to future meeting of the Committee.

	No.	Section	Reference
4.	Full Council Procedure Rules	Sections 18.7 – 18.8	A provision for public questions to the Leader at Full Council has been in-situ for several years. There have been no public questions to the Leader at an ordinary council meeting since this provision was

			added. It is therefore recommended that this provision be deleted.
12.	Article 7 (Committees, Forums, Working Groups and Partnerships)	Terms of Reference of Area Planning Committees	Barnet has a relatively low threshold for the number of objections which trigger an application being referred to committee for determination. Consequently, two out of the three area planning committees usually have a high volume of planning applications to be determined. For example, the Finchley & Golders Green Area Planning Committee regularly receives between 10 and 20 applications per meeting. It is proposed that the threshold be increased from 5 to 10 objections.

6. PUBLIC QUESTION AND COMMENTS

Details of the questions asked and the answers provided were published and circulated at the meeting.

Mr Levy addressed the Committee, in relation to his public comment submitted below

Constitution Review (Appendix B)

"I have found that where the Chairman of a Residents Forum instructs an officer to provide information within 20 days (item 3.5), it is currently often unsatisfactory because;

- i. if information is not provided within 20 days, it can then be very protracted to obtain the information because then officers have no further deadline to fulfil; and if this provision is used to obtain a response or part response to a tabled question that was not provided in time for the printed response/meeting, then;
- ii. other interested residents will not see the response and will have to inquire separately to obtain the information;
- iii. the resident loses the opportunity to address the Forum with the light of the deferred response until six months have elapsed, which may mean waiting for another 9-12 months.

I am therefore seeking that the following text be considered for insertion into the Constitution, Appendix B, 3.5:

1. After "within 20 days to provide an additional response", add "; if this occurs or if an officer has undertaken to follow up with such full response, this response shall also be printed in the final draft and published minutes of that Forum, captioned as a NOTE, within the minuting of that agenda item"
2. At end of paragraph beginning "The Six Month rule", add "An exception is that where additional time following a Residents Forum is required to provide a full response to an issue tabled at a particular Forum, the same resident will promptly be advised that (s)he may speak for 3 minutes in response to that response at any

subsequent Residents Forum for the same area within the six month period following the said Forum, or appoint another Barnet resident to do so, other than a Councillor, MP or Assembly Member. At least three working days' notice must be given of such intention to speak; the original issue and proceedings to date shall be appear in full in the agenda and noted as a deferred item; and the Chairman will determine the issue in the same manner as other issues at the Forum, see below, save that (s)he shall seek to avoid duplication within the six-month period."

Following Mr Levy's representation the Committee agreed that the proposal is referred to officers for consideration and that a report with proposed amendments is brought back to the next meeting of the Committee [**ACTION Head of Governance**]

7. MEMBERS ITEM (IF ANY)

None.

8. CONSTITUTION REVIEW

The Committee noted the items that had been withdrawn by the Chairman at item 5 above.

The Head of Governance presented the Constitution Review report.

Following consideration of the report **the Committee RESOLVED to:**

Recommend to Council that the Constitution be amended to incorporate the changes detailed in the report and in the amended versions the sections set out in Appendix A to F subject to the following amendments:

- 1. Appendix C - Article 7 - Committees, Forums, Working Groups and Partnerships – Trade Unions, revise proposed wording as follows:**

"When considering a report on staffing matters, a representative of the trade unions may submit a request to speak and/or be questioned by the Committee with the consent of the Chairman, before a decision is made. Each representative will have up to 3 minutes to address the Committee."

- 2. Appendix B - Article 3 - Residents and Public Participation – Section 3.5 - defer the following proposed amendment for further consideration;**

"Public questions and comments are not permitted:...

- If they are received from people who are not Barnet residents;

- 3. Appendix A - Article 2 - Members of the Council (Councillors) Section 2.3 (g) – add the following;**

- Where a Member has a pecuniary interest in an application they are precluded from 'calling in' that application

9. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND - ELECTORAL REVIEW OF BARNET COUNCIL - DRAFT RECOMMENDATIONS

The Chief Executive presented the report which set out the LGBCEs draft recommendations of the new electoral arrangements for Barnet. In summary, the raft recommendations propose that:

- Barnet's council size should remain at 63 councillors - as at present.
- Barnet should move to having 25 wards - four more than there are now.
- The 63 Councillors will represent; 14 three-councillor wards, 10 two-councillor wards and 1 one-councillor ward
- The boundaries of all wards will change, none will stay wholly the same.

Member's raised a number of queries on the above, with regards to understanding the constitutional implications these changes will have on:

- Planning and Area Committees which are currently appointed to on the basis of ward
- Ensuring fair representation for the single ward member.

The Chief Executive agreed to ensure that the officers response to the LGBCE would capture the proposal implications for committees and other bodies that are constituted on an area basis.

Following consideration of the report **the Committee RESOLVED:**

1. **That the Committee note the Local Government Boundary Commission for England consultation timescales.**
2. **That the Committee notes the officers approach to responding this stage of the Electoral Review consultation and are asked to offer any feedback on the practical and technical aspects of the proposals, to inform officers submission.**

10. LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (LGSCO) AND HOUSING OMBUDSMAN SUMMARY OF UPHELD COMPLAINTS REPORT - 2018/19

The Monitoring Officer presented the report which provided a summary of the upheld complaints determined by the Local Government & Social Care Ombudsman (LGSCO) and Housing Ombudsman during 2018/19.

The report further set out the full details of the LGCSO decision relating to an upheld complaint.

Following consideration of the report **the Committee RESOLVED to:**

1. **To note the summary of upheld decisions by the LGSCO and Housing Ombudsman during 2018/19 (Appendix A).**
2. **To note and consider the LGSCO upheld complaint (Case ID 17000409) – Appendices B and C.**

11. CAMPAIGN FOR FREEDOM OF INFORMATION - REPORT ON FOI GOOD PRACTICE IN LONDON BOROUGH

The Chief Executive presented the report which set out the findings of a recent report by the Campaign for Freedom of Information on Freedom of Information (FOI) performance and good practice in London Boroughs.

Various elements of the report referred to best practice examples with Barnet Council being cited as one of the leading local authorities in this area. The report also included an update on Barnet's FOI performance in 2018/19.

The Committee wished to convey their thanks and congratulations to the officers involved in achieving this recognition.

Following consideration of the report **the Committee RESOLVED to:**

1. To note the report, and the recognition from CFI of the positive and effective approach Barnet has taken in order to be an exemplar of FOI good practice.
2. To note the council's commitment to maintaining continuous improvement in this regard, as evidenced by current high levels of performance

12. COMMITTEE FORWARD WORK PROGRAMME

The Committee noted the Forward Work Programme.

13. ANY ITEM(S) THAT THE CHAIRMAN DECIDES IS URGENT

None.

14. VOTE OF THANKS

With this being the last meeting of the municipal year 2018/19, the Vice-Chairman and the Committee thanked the Chairman, for his hard work and the fair manner in which he has conducted the meetings of the Committee over the past year

Councillor Cohen thanked both Members for their work and officers for their support

The meeting finished at 8.05 pm