

	<p>Council</p> <p>16 December 2014</p>
<p>Title</p>	<p>Report of the Constitution Ethics and Probity Committee</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Annexe A: Report from Constitution Ethics and Probity Committee Appendix A: Meetings Procedure Rules Appendix B: Responsibility for Functions Appendix C: Responsibility for Functions Annex A Appendix D: Public Participation and Engagement Appendix E: Full Council Procedure Rules Appendix F: Article 9 (Chief Officers) Appendix G: Scheme of Delegated Authority to Officers</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance (Acting), 020 8359 2014</p>

Summary

The Constitution, Ethics and Probity Committee at its meeting of 25 November 2014 considered a report on the Constitution, reviewing various sections. Only Full Council may amend the Constitution and therefore Council are recommended to approve the various recommendations of the Committee that would alter the Constitution.

Recommendations

- That Council approve the recommendations contained in the report from the Constitution Ethics & Probity Committee at Annexe A, and the track change versions attached at Appendix A to Appendix G.**

2. That the Interim Legal and Governance Adviser be authorised to implement these revisions and publish a revised Constitution.
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1. WHY THIS REPORT IS NEEDED

- 1.1 The Council adopted a new Constitution at their annual meeting on 2 June 2014 when a Committee System form of governance was introduced. The new system has now completed one full cycle of committee meetings (June – July) and is part way through the second cycle (September – December).
- 1.2 At the Committee meeting held on 25 November 2014, a number of changes were proposed to ensure the smooth running of committees. The report from the Committee (Annexe A) sets out the proposed changes agreed by the Committee for recommendation to full Council for adoption. The actual changes to the sections of the Constitution are then set out in Appendix A and Appendices C to G.
- 1.3 In relation to one matter (minute item 9 (5)), the Committee instructed the Interim Legal and Governance Adviser to prepare amendments to Section 6 (Members' Rights to Refer Matters to Parent Body) of Responsibility for Functions to enable committees to refer matters to a parent body after the debate has ensured and a decision has been taken. The referral to the parent body is to include the details of the reason for the referral to the parent body. Detailed proposals, approved by the Committee Chairman, are set out in Appendix B.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Constitution, Ethics and Probity Committee are required under their terms of reference to proactively review and keep under review all aspects of the Constitution. These proposals were discussed by that Committee and are now recommended to ensure the smooth running of the Council.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Options were put forward to the Committee and the attached report reflects the options chosen for recommendation to Council following discussion and debate.
- 3.2 The option of not changing the Constitution was not recommended as a number of issues had been identified that required amendment or clarification to ensure that the Council operated effectively and in accordance with its statutory requirements.

4. POST DECISION IMPLEMENTATION

- 4.1 The Interim Legal & Governance Adviser and Head of Governance will make arrangements for any changes agreed to be actioned, together with minor drafting and housekeeping changes. The revised Constitution will be published online and for existing hard copies issued to be revised and replaced.
- 4.2 The Constitution Ethics and Probity Committee will continue to proactively keep the Constitution under review and may make further recommendations. Its next meeting is scheduled for 31st March 2015.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Barnet London Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. By keeping the Constitution under review it ensures that the framework in which the Council is governed supports the delivery of corporate priorities and performance.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 There are no resource implications as a result of these proposals.

5.3 Legal and Constitutional References

- 5.3.1 There are no legal issues in the context of this report.
- 5.3.2 Council Constitution, Responsibilities for Functions, Functions of Full Council, Paragraph 1.2: "Only the Council will adopt and change the Constitution, except where otherwise provided in the Constitution or by resolution of the Council".
- 5.3.3 Council Constitution, Responsibilities for Functions – the Constitution, Ethics and Probity Committee terms of reference includes 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".

5.4 Risk Management

- 5.4.1 The process of managing changes to the Constitution through the Constitution Ethics and Probity Committee ensures that the proposals submitted to Council are developed through Member participation and consideration.

5.5 Equalities and Diversity

5.5.1 The decision making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

5.6 Consultation and Engagement

5.6.1 None in the context of this decision.

6. BACKGROUND PAPERS

6.1 None.