

	<p><b>Constitution, Ethics and Probity Committee</b></p> <p><b>17 March 2016</b></p>
<p><b>Title</b></p>	<p><b>Committee System and Constitution Review – Summary of Outcomes</b></p>
<p><b>Report of</b></p>	<p>Monitoring Officer</p>
<p><b>Wards</b></p>	<p>None</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Enclosures</b></p>	<p>None</p>
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<p><b>Summary</b></p>	
<p>This report summarises the outcomes of the Committee System and Constitution Review undertaken from July to December 2015 including:</p> <ul style="list-style-type: none"> <li>• Constitutional changes made and proposals developed for Constitution, Ethics &amp; Probity Committee and Full Council consideration</li> <li>• Matters identified for possible future review following the next local elections</li> <li>• Planned work to strengthen systems and processes as a result of findings of the review</li> </ul>	

<p><b>Recommendations</b></p>
<p><b>That the Committee note the outcomes of the review.</b></p>

**1. WHY THIS REPORT IS NEEDED**

1.1 The Council introduced a Committee System of governance in June 2014. A commitment was made at that time to review the Committee System 12

months post-implementation. This review, which included a review of the Council's constitution and decision making process generally, took place from July – December 2015.

1.2 A report on a survey of member and officers views was considered and noted by Constitution, Ethics and Probity (CEP) Committee at its 16 November meeting. It was noted review findings did not provide a mandate for significant change. Key findings noted by CEP Committee at that time were that:

- there was no mandate for significant change
- there were differences of opinion between Members and officers in relation to the delegation of powers;
- improvements needed to be made by officers with Ward Member engagement;
- consideration needed to be given to the reporting of performance information and whether this should go to theme committees as well as the Performance & Contract Management Committee; and
- there was scope to revise the approach to pre-meetings and call-overs depending on the preferences of Members who sat on those committees

1.3 This report now sets out the actions taken following the review. In summary these are:

- i. Some minor amendments to the Constitution have been recommended to CEP Committee in the standing report item on 'Constitution Review'.
- ii. Some areas of focus have been flagged as matters for possible future consideration. A report could be presented to a future CEP Committee meeting at an appropriate time (e.g. following the next local elections).
- iii. Officers have identified that there is opportunity to address some concerns via training / dissemination of information to officers, and work to effect a change in behaviours. The aim would be to ensure there is a consistent understanding of responsibilities, expectations and best practice, and seek to ensure this is implemented in practice.

1.4 The table below sets out the key areas of consideration and actions arising.

<b>Item</b>	<b>Status/ next steps</b>
Level of delegation to officers	<p>CEP Committee noted there were differences of opinion between members and officers in relation to the delegation of powers. The Committee also noted that improvements needed to be made by officers with Ward Member engagement.</p> <p>This has been identified as an area for future consideration following the next local elections. In the interim, work is planned to address concerns by some Members that there is inadequate consultation with Ward Members. This includes communications and development sessions with officers on the importance of early and meaningful engagement where there is significant change proposed or there is a high local interest, and updates to</p>

	<p>support materials such as report template guidance. It is hoped that ensuring there is effective communications with, and involvement of, Members as part of the decision making process will increase Member confidence in the delegated decision arrangements and decision-making more generally.</p>
Where should performance information be reported?	<p>CEP Committee noted that consideration needed to be given to the reporting of performance information and whether this should go to theme committees as well as the Performance &amp; Contract Management Committee.</p> <p>Proposals recommending Theme Committee receive relevant performance information reports are included in the Constitution Review Report to also be considered on 17 March 2016.</p>
Is the current system of pre-meetings and call-overs essential?	<p>CEP Committee noted there was scope to revise the approach to pre-meetings and call-overs depending on the preferences of Members who sat on those committees.</p> <p>Officers will be liaising with Chairmen and Committee Members to implement changes as appropriate, seeking to reduce the number of pre-meetings and call-overs where practicable. This is likely to be a tailored approach bearing in mind Member preferences and advice on the size and significance of agendas / timing of reports.</p>
Standards Regime	<p>The review encompassed all aspects of the Committee System and Constitution and some feedback related to the council's standards regime (then the Group Leaders Panel). However, as it had previously been acknowledged that there was Member dissatisfaction with the Group Leaders Panel which needed to be addressed this was given a greater level of focus in a separate report.</p> <p>CEP Committee considered a report on 'The Standards Regime' at its meeting in November 2015. Recommendations arising from this report were considered and agreed by Council on 8 December 2015. Further appointments to the new Standards Committee were agreed by Council on 26 January.</p> <p>CEP Committee is due to consider further recommendations relating to the appointment of an Independent Chairman to the committee at its 17 March 2016 meeting.</p>
Governance in Children's Safeguarding	<p>Some feedback in the review related to governance arrangements to support children's safeguarding, particularly the role of and support to the Corporate Parenting Advisory Panel (CPAP). The Monitoring Officer, Commissioning Director for Children &amp; Young People and Head of Governance have considered recommendations made following a CPAP self-assessment reported in December 2015.</p>

	<p>Specific recommendations arising from this are included in the Constitution Review report also being considered by CEP Committee on 17 March 2016.</p>
<p>Health &amp; Well-Being Board terms of reference</p>	<p>Some feedback in the review related to arrangements for the Health and Wellbeing Board's Financial Planning Sub-Group. Following discussion with the CCG and officers, the Sub-Group has been reconstituted as a Health and Well-Being Joint Commissioning Executive Group. There has been a clarification around the decision-making authority of the Sub-Group and the revised terms of reference were reported to the Health and Well-Being Board in January 2016.</p>
<p>Do committees have clear terms of reference</p>	<p>The survey asked about the terms of reference for Full Council and each committee. Many respondents made it clear they could comment only in respect of committees they had had experience of. The highest proportion of disagreement was in respect of the Performance &amp; Contract Management Committee (31% of Members did not agree that it has clear terms of reference) and the Area Committees (with 29% of Members disagreeing).</p> <p>Officers are currently not proposing any amendments to Area Committees as a result of the review. It is noted that Area Committees and Residents Forums could be an area for further consideration by CEP Committee at a future date.</p>
<p>Do meetings work well?</p>	<p>The survey invited responses for Full Council and for each committee separately. It was noted that Residents Forums are the meetings which work least well from both Members' and officers' perspective, 37% of Members disagreeing that they work well. 34% of Members also consider that meetings of Full Council do not work well, although no officers share that view.</p> <p>Officers are not currently proposing any action regarding the way in which these meetings operate as a result of the review. It is noted that Residents Fora could be an area for further consideration at a future date, alongside consideration of Area Committees.</p>
<p>Opportunities for public participation and engagement</p>	<p>The survey asked about public questions, comments and petitions. Responses indicated the majority of both Members and officer respondents consider the current system is about right, though some Members were critical of the current system for dealing with petitions.</p> <p>Officers are not currently proposing any amendments regarding these mechanisms as a result of the review. It is noted that petitions may be an area for further consideration at a future date.</p>

<p>Holding the administration to account</p>	<p>The survey results on the referral up mechanism, Member questions at Full Council, Members' items, and Motions to Full Council indicated that the majority of respondents appear to consider the current system is about right, with the referral up mechanism being the area where there is the greatest divergence of views.</p> <p>Officers are not proposing any further amendments regarding these mechanisms as a result of the review. It is noted that the referral up mechanism may be an area for future consideration.</p>
<p>Are there too many committees?</p>	<p>Most Members (60%) agreed that the current system is about right, though about 30% said that there are too many committees and there is scope for some to be merged. 75% of officer respondents said that there are too many committees, with the rest saying that the current system is about right.</p> <p>Officers are not proposing any specific action to reduce the number of committees at this time as a result of the review. However, it is noted that the Monitoring Officer advised the CEP meeting of 16 November 2015 that Full Council had approved print and courier savings of £50,000 and staff savings of £200,000 in the Assurance Group and to achieve these, fewer meetings needed to take place. The Group Leaders undertook to provide group spokespersons to discuss possible savings options with the officer. A list of savings options is being produced to discuss with the lead members.</p>
<p>Are Council Procedure Rules clear?</p>	<p>44% of Members and 41% of officers surveyed thought that the Council Procedure Rules are clear and helpful, outweighing by a small margin those who think that they are confusing or unclear.</p> <p>Officers do not propose any action to change Council Procedure Rules at this time as a result of the review.</p>

## 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. This report notes out a summary of findings and actions taken following the review, to ensure the smooth running of the Council.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Changes recommended, and those not recommended at this time, as a result of the review are outlined in the table above.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 Where amendments to the Constitution have been recommended they have been included in the standing business item 'Constitution Review' report which considers adjustments to the Constitution based on identification of issues or discrepancies identified by Members, Officers or HB Public Law. Post decision implementation is outlined in that report.

### **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 Council's Constitution, Responsibilities for Functions, Annex A – the Constitution, Ethics and Probity Committee terms of reference includes responsibility 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 referring proposed amendments to full council for approval ensures that the proposals 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