



# Constitution & General Purposes Committee

7 July 2022

<b>Title</b>	<b>Constitution Review</b>
<b>Report of</b>	Monitoring Officer Head of Governance
<b>Wards</b>	Not Applicable
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	<p>Appendix A – Article 3 (Residents and Public Participation) (Tracked)</p> <p>Appendix B – Article 3 (Residents and Public Participation)</p> <p>Appendix C – Article 4 (The Full Council) (Tracked)</p> <p>Appendix D – Article 4 (The Full Council)</p> <p>Appendix E – Article 7 (Committees, Working Groups and Partnerships) (Tracked)</p> <p>Appendix F – Article 7 (Committees, Working Groups and Partnerships)</p> <p>Appendix G – Article 9 (Chief Officers) (Tracked)</p> <p>Appendix H – Article 9 (Chief Officers)</p> <p>Appendix I – Full Council Procedure Rules (Tracked)</p> <p>Appendix J – Full Council Procedure Rules</p>
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## Summary

Several amendments to the Constitution are proposed as set out in the report and appendices.

## Officers Recommendation

**That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the amended versions attached within at Appendices A to J.**

### 1. WHY THIS REPORT IS NEEDED

- 1.1 The terms of reference of the Committee include responsibility to “proactively 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”.
- 1.2 Detailed changes and the reason for them are as set out in the table below:

No.	Section	Reference(s)	Issue Identified	Changes Proposed
1.	Article 3	New Section	Since May 2021 Area Committees have been delegated budgets (Neighbourhood Community Infrastructure Levy (CIL) funding) which can be used to fund local infrastructure projects. Applications are sponsored by Ward Members but are also usually linked to community groups or local organisations. Article 3 doesn't currently include any provisions to allow representatives from organisations to address Area Committees. It is proposed to add a new section 3.9 to accommodate requests to speak on Neighbourhood CIL funding requests.	<p>Add a new section 3.9 as follows and re-number subsequent sections:</p> <p><b>'3.9 Requests to speak on Neighbourhood Community Infrastructure Levy Funding Applications</b></p> <p>Requests to speak about an application for Community Infrastructure Levy funding at an Area Committee should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting.</p> <p>In addition to any Councillor, a representative from body applying for funding may speak for up to 3 minutes. Committee members will then have the opportunity to question the speaker.'</p>
2.	Article 3	Sections 3.2, 3.3 and 3.6	The Monitoring Officer has proposed that the requirement to provide an address is replaced with providing the road and postcode instead.	Amend sections 3.2, 3.3, and 3.6 to replace 'address' with 'road and postcode'
3.	Article 3	Section 3.4	The section titled 'Public questions or comments are not permitted:' includes a restriction on people who are subject to the Management of Unreasonable Complainant Behaviour Policy. It is proposed to qualify the restriction so that questions or comments are only not permitted if they relate to the subject matter for which the policy was invoked.	<p>Amend wording as follows:</p> <p><b>'Public questions or comments are not permitted:</b></p> <p>If they have been submitted by someone who has been deemed to be subject to the Management of Unreasonable Complainant Behaviour Policy and they relate to the particular subject matter for which the policy was invoked.'</p>
4.	Article 3	Section 3.5	Annual Council on 24 May 2022 agreed to de-commission the three Residents' Forums and to	Amend section 3.5 to read:

			merge their responsibilities with Area Committees including the submission of resident's issues. It is proposed to change the deadline for the submission of issues from five to 10 working days to enable the responses to issues to be published within the Area Committee agenda.	<p>'Issues must be received by the Governance Service by 10am on the tenth working day prior to the meeting for the item to be discussed at the Area Committee. Written responses to local matters will be provided on the fifth clear working day before the Area Committee takes place as part of the Committee agenda. Residents should state their address when submitting an issue.</p> <p>The Area Committee Chair has the discretion to accept issues with less than 10 working days' notice if they deem the matter to be urgent.'</p>
5.	Article 3	Section 3.6	As referred to in 3. above, Residents Forums and Area Committees were merged. It is proposed that the petitions thresholds table in section 3.6 be amended to reflect the previous speaking arrangements at Residents Forum meetings in relation to petitions with 25 – 1,999 signatures (i.e. that Lead Petitioners will be given three minutes to address the committee).	<p>Amend section 3.6, table column (25 – 6,999 signatures) as follows:</p> <p>'For Petitions with 25 – 1,999 signatures, the Lead Petitioner will be given three minutes to present the petition to the Committee. For Petitions with 2,000 – 6,999 signatures the Lead Petitioner will be given five minutes to present the petition to the committee.'</p>
6.	Article 4	Section 4.1	<p>Over time Full Council has created and appointed to several 'Lead Member' and 'Champion' posts including:</p> <ul style="list-style-type: none"> <li>• Lead Member for Strategic Planning and Placemaking;</li> <li>• Lead Member for Policing and Community Safety;</li> <li>• Diabetes Champion;</li> <li>• Natural Environment Champion;</li> <li>• Design and Heritage Champion;</li> <li>• Ageing Well and Mental Health Champion;</li> <li>• Small Business Champion; and</li> <li>• Lead Member for Climate Change</li> </ul>	<p>Amend section 4.1 to add the following as a function of Full Council:</p> <p>'Appointment of Lead Members, Member Champions and Lead Officers for particular subject matters'</p>

			There has been inconsistency regarding appointments to these positions with some being appointed to at Full Council and others in committees. It is proposed in the future that all Lead Members, Member Champions, and Lead Officer positions are appointed to by Full Council.	
7.	Article 4	Section 4.2 (a)	Add Local Implementation Plan as it usually forms part of the policy framework.	Amend section 4.2 (a) to include:  ‘Local Implementation Plan’
8.	Article 7	Section 7.3	Full Council make appointments to committees. Occasionally there are circumstances where neither the committee member nor a substitute member can attend a meeting for various reasons which can result in there being an absence at a meeting. The Monitoring Officer is recommending an amendment to section 7.3 (Appointment of Members to Committees) to enable the Group Leaders to fill vacancies between Council meetings.	Amend section 7.3 to add the following wording:  “If the Group Leaders wish to amend committee memberships between Council meetings, then the Group Leaders may do so by letting the Monitoring Officer or Head of Governance know this in writing and the Monitoring Officer or Head of Governance will report this to the next Council meeting.”
9.	Article 7	Terms of Reference of Policy & Resources Committee	The Corporate Plan should be referred to separately and not linked to Finance.	Create a new section (1) as follows: “To be responsible for developing the Corporate Plan and recommending it to Full Council for adoption” and re-number subsequent sections. Delete ‘Corporate Plan’ from section (2)
10.	Article 7	Terms of Reference of Policy & Resources Committee and theme committees	Following the deletion of the Financial Performance and Contracts Committee at Annual Council on 24 May 2022, several updates are required to the terms of reference of the Policy & Resources Committee (P&R) and themes committees.	Amend the terms of reference of the P&R Committee as follows: <ul style="list-style-type: none"> <li>• Add ‘Revenue and Capital Monitoring’</li> <li>• Add Revenues and Benefits;</li> <li>• Change ‘Information Technology’ to ‘ICT &amp; Digital’</li> <li>• Remove ‘Resident Engagement’ and add ‘general Consultation and engagement policy’</li> </ul>

				<p>not linked to projects under the terms of reference of other committees' to the terms of reference of the Community Leadership &amp; Libraries Committee. <i>(This is not intended to impact of specific consultations related to projects. These will still be determined by the appropriate committee)</i></p> <ul style="list-style-type: none"> <li>• Amend 'Equalities' to 'Equalities, Diversity and Inclusion'</li> <li>• Add 'Contract Monitoring and Management: Cross-organisation overview of contracts with contracts in the terms of reference of another theme committee being scrutinised by that committee'</li> <li>• Add 'Performance Monitoring and Management: Cross-organisation overview of performance with performance in the terms of reference of another theme committee being scrutinised by that committee'</li> </ul> <p>Update to the terms of reference of all theme committees to:</p> <ul style="list-style-type: none"> <li>• Include receiving reports on revenue and capital expenditure and contracts with the updated wording to read "To receive reports on relevant revenue and capital expenditure, contracts, performance information and risk on the services under the remit of the Committee"</li> <li>• Delete references to specific contracts in the terms of reference of those committees</li> </ul>
11.	Article 7	Terms of Reference of Children, Education &	Officers have recommended that care experienced be included in the terms of reference of the committee	Add 'care experienced' to the terms of reference of the committee.

		Safeguarding Committee		
12.	Article 7	Terms of Reference of Environment & Climate Change Committee, Housing & Growth Committee and Area Committees	Following the amendment of the title of the 'Environment Committee' to the 'Environment and Climate Change Committee' at Annual Council on 24 May 2022 there is a requirement to review and update the terms of reference of that committee and other relevant committees (i.e. the Housing & Growth Committee and Area Committees) to ensure that climate change responsibilities are clear across committees. In addition, officers are recommending some additions and clarifications to the terms of reference of both committees.	<p>Amend section (1) of the terms of reference of the Environment Committee as follows:</p> <ul style="list-style-type: none"> <li>• Delete 'street scene' and replace with 'local environment'</li> <li>• Add: Air Quality; Cycling, Walking and Healthy Streets; Biodiversity; Transport and Public Transport; Ground Maintenance; Highways; On-Street and Off-Street before 'Parking'; add and Recycling after 'Waste'; add cemeteries before 'Crematoria and Mortuary'</li> <li>• Delete 'Transport' and replace with 'The Council's Fleet'</li> <li>• Amend 'Parks' to say 'Parks and Open Spaces (including allotments and trees)'</li> <li>• Amend 'Trading Standards and Environmental Health to add '(except Environmental Health functions relating to housing and fire safety)'</li> </ul> <p>Add a new section (2) of the terms of reference of the Environment Committee as follows:</p> <p>Add: Responsibility for the council's response to the climate emergency including:</p> <ul style="list-style-type: none"> <li>• Setting and overseeing implementation of carbon reduction targets, both in relation to the council as an organisation and Barnet as a place</li> <li>• Developing strategies to meet those carbon reduction targets</li> <li>• Developing strategies for the mitigation of the impacts of climate change, both on the council as an organisation and Barnet as a place</li> <li>• Implementing the elements of those strategies that relate to functions listed in (1) above.</li> </ul>

				<p>Amend section (1) of the terms of reference of the Housing &amp; Growth Committee as follows:</p> <ul style="list-style-type: none"> <li>• Add to the section on Housing ‘private sector housing and leasing; housing licensing and enforcement; and HRA Revenue Account and Capital Programme’</li> <li>• Add: Development of Council Lane; Fire Safety; and Economic Development (which incorporates: Employment Strategy; Business Support and Engagement; and Town Centres</li> </ul> <p>Amend section (2) of the terms of reference of the Area Committee as follows: Delete ‘street scene’ and replace with ‘local environment’</p>
13.	Article 7	Terms of Reference of Strategic Planning Committee	Full Council has within its terms of reference ‘Adoption of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders’. The terms of reference of the Strategic Planning Committee need to be corrected to state that the committee will recommend these to Full Council for adoption.	<p>Amend the terms of reference of Strategic Planning Committee as follows:</p> <p>‘Consider Neighbourhood Development Orders and Community Right to Build Orders for recommendation to Full Council for adoption.’</p>
14.	Article 7	Terms of Reference of Constitution & General Purposes Committee	The terms of reference of the committee state that a function of the committee is ‘deciding on chief officer salary or severance packages over £100,000’. Guidance issued under Section 40 of the Localism Act 2011 (Openness and accountability in local pay) states that all salary packages over £100,000 should be approved by Members and not just chief officers’ packages.	Delete ‘chief’ so the text reads ‘Deciding on officer salary or severance packages over £100,000’



15.	Article 7	Membership of Local Pension Board	Section 107 (3) of The Local Government Pension Scheme (Amendment) (Governance) Regulations 2015 states that no elected member of the Pension Fund Committee should be a member of the Local Pension Board.	Add the following to the membership column of the Local Pension Board:  <i>“*Councillors appointed to the Board cannot also sit on the Pension Fund Committee”</i>
16.	Article 7	Membership of the Urgency Committee	Section 7.18 of Article 7 states that the membership of the Urgency Committee is the Leader, Deputy Leader, and Leader of the Opposition. The membership column of the committee needs to be updated to reflect this.	Amend the membership column of the Urgency Committee as follows:  ‘3 (Leader, Deputy Leader and Leader of the Opposition)’
17.	Article 7	Membership of the Safer Communities Partnership Board	Representatives of the Safer Communities Partnership Board have requested that other voluntary sector representatives are able to attend and be represented on the Board.	Add to the membership column of the Safer Communities Partnership Board:  ‘Voluntary Sector Representative (as invited by the Board)’
18.	Article 7	Chairs of Meetings	It is proposed to add a provision that the Vice-Chair can agree changes to committees if the Chair is unavailable.	Amend section 7.10 as follows:  ‘In exceptional circumstances, the Chair or if they are not available the Vice-Chair may change the date or start time of any meeting, cancel or postpone any meeting or call any additional meeting by seeking and gaining the agreement of a majority of Members of the Committee.’
19.	Article 9	Functions of the Monitoring Officer	It is common practice in other local authorities for the Monitoring Officer to have delegated authority to make minor housekeeping amendments to the Constitution.	Add a new section 9.3 (b) as follows:  <b>‘Amendments to the Constitution.</b> The Monitoring Officer has authority to make minor housekeeping amendments to the Constitution following consultation with the Chairman of the Constitution & General Purposes Committee.’

20.	Full Council Procedure Rules	New Section	Officers would like to add the quorum for Full Council to the Full Council Procedure Rules. The quorum is a quarter of the membership in accordance with the provisions of the Local Government Act 1972.	Add a new section 18.9 as follows:  <b>‘Quorum</b> The quorum of Council is a quarter of the membership.’
21.	Article 7	Section 7.19	A Member has requested a review of the Six-Month Rule which currently states:  ‘7.19 The Six-Month Rule shall apply whereby matters dealt with cannot be raised again within this period’  No specific changes have been proposed by the Member and the Committee are therefore requested to consider the request and any possible changes.	No changes proposed
22.	Article 7	Section 7.10	A Member has requested a review of the arrangements for making changes to meeting dates.  ‘7.10 In exceptional circumstances, the Chair may change the date or start time of any meeting, cancel or postpone any meeting or call any additional meeting by seeking and gaining the agreement of a majority of Members of the Committee.’ It has been suggested that the lead member should respond on behalf of the whole delegation after consultation.’  The Committee are requested to consider the request. No specific changes have been proposed.	No changes proposed

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Constitution and General Purposes Committee are required under their terms of reference to proactively review and keep under review all aspects of the Constitution. These proposals are recommended to ensure the smooth running of the Council.

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

- 3.1 The Committee could retain the current Constitution un-amended. This is not recommended as the Constitution needs to be kept under review to ensure that it complies with legislation and best practice.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Subject to the committee's approval, the recommendations will form part of a report to Council on 26 July 2022 to make final approval.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 Barnet 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 Social Value**

- 5.3.1 None in the context of this decision

### **5.4 Legal and Constitutional References**

- 5.4.1 Council's Constitution, Article 7 - the Constitution and General Purposes Committee terms of reference includes responsibility "To 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".

- 5.4.2 [The Local Government Pension Scheme \(Amendment\) \(Governance\) Regulations 2015 No. 57 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2015/57/contents/make)

### **5.5 Risk Management**

- 5.5.1 The process of managing changes to the Constitution through the Constitution and General Purposes Committee ensures that the proposals are developed through Member participation and consideration.

## **5.6 Equalities and Diversity**

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

## **5.7 Corporate Parenting**

- 5.7.1 None in the context of this decision

## **5.8 Consultation and Engagement**

- 5.8.1 None in context of this decision

## **5.8 Insight**

- 5.8.1 None in the context of this decision.

## **6. BACKGROUND PAPERS**

- 6.1 The currently adopted Constitution can be accessed here:  
<http://barnet.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13581&path=0>