



## Constitution & General Purposes Committee

6 October 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>	Annex 1 – Report to Health & Wellbeing Board, 29 September 2022 – Future of the Health & Wellbeing Board Appendix A – Extract from Article 7 (Committees, Working Groups and Partnerships) Terms of Reference of Health & Wellbeing Board (Tracked) Appendix B – Extract from Article 7 (Committees, Working Groups and Partnerships) Terms of Reference of Health & Wellbeing Board Appendix C – Extract from Financial Regulations – Fees and Charges (Tracked) Appendix D – Extract from Financial Regulations – Fees and Charges
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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 D.**

### 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 7	Terms of Reference of Health & Wellbeing Board	The Health & Wellbeing Board is due to consider a report which includes changes to their terms of reference at the meeting taking place on 29 September 2022. The rationale for the changes is detailed the report attached at Annex 1.	Detailed changes are set out in Appendices A and B.
2.	Financial Regulations	Fees and Charges	The current wording relating to Fees and Charges states that all fees and charges should be approved as part of the budget. There have been instances when fees and charges need to be reviewed outside of the budget setting process. It is therefore recommended that the wording in section 2.3.6 of the Financial Regulations relating to fees and charges is amended to cover in-year changes.	Add the following wording to section 2.3.6:  “Full Council can approve in-year changes to fees and charges subject to them being reported to the relevant theme Committee or other relevant committee and any requirements relating to public consultation being undertaken.”

## **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 1 November 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".

### **5.5 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>