



Council

17 October 2023

Title	Constitution Review
Date of meeting	17 October 2023
Report of	Monitoring Officer
Wards	All
Status	Public
Urgent	No
Appendices	<p>Appendix A – Part 2B and 2C – Terms of Reference of Committees</p> <p>Appendix B – Part 4I – Members Allowances Scheme</p> <p>Appendix C – Part 3A – Council Procedure Rules</p> <p>Appendix D – Part 3B and 3B1 – Executive Procedure Rules</p> <p>Appendix E – Part 3C – Committee Procedure Rules</p>
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Summary

Following engagement with the Constitution Review Working Group, several amendments to the Constitution are proposed as set out in the report and appendices.

Recommendations

1. The Council approve the Constitution amendments as set out in Appendices A to E.
2. That Council authorise the Head of Governance to implement these revisions and publish a revised Constitution.

1. Reasons for the Recommendations

- 1.1 The Terms of Reference of Council state that “Only the Full Council can exercise the following functions: 1.1 adopting and changing the Constitution.”

1.2 A meeting of the Constitution Review Working Group took place on 27 September 2023 where the prospective changes in the table below were discussed with Members.

No.	Section	Reference(s)	Issue Identified	Changes Proposed
1.	<p>Part 2B and 2C – Terms of Reference of Committees</p> <p>Part 4J – Members Allowances Scheme</p>	<p>Section 12.7</p> <p>Sections 1.4, 4, 5, 6 and 9</p>	<p>Governance Officers have been working with Adults & Health to create two additional Adviser posts for the Adults & Health Overview & Scrutiny Sub-Committee. These Members would attend all meetings of the Sub-Committee to ensure representation of both older residents and those with disabilities in decision-making.</p> <p>It is proposed that there would be one for adults and one for health who would:</p> <ul style="list-style-type: none"> • Provide a perspective of residents with lived experience on health and social care matters at Adults and Health Overview and Scrutiny Sub-Committee. • Act as a link between the resident Involvement Board in adult social care and the Adults and Health Overview and Scrutiny Sub-Committee. This will be by attending and reporting to both Involvement Board and Sub-Committee meetings. They may also attend task and finish groups set up through the Sub-Committee dealing with health and social care matters. • Hold the London Borough of Barnet and the health and social care community to account through constructive contributions at meetings. <p>A change is proposed to the Members Allowances Scheme to include Advisers alongside Co-Opted and Independent Members to allow them to receive an allowance of £127 per meeting or training attended.</p>	<p>Amend section 12.7 (Membership of the Adults & Health Overview & Scrutiny Sub-Committee) to read as follows: “12.7.1: 8 Members and 2 Advisers (one for matters relating to adult social care and one for matters relating to health). Council will appoint 2 substitute Members from each group.”</p>

			<p>Full Council will need to agree to the creation of these posts, then make appointments to them at a future meeting.</p> <p>Committee Procedure Rules, Section 33 (Scrutiny Sub-Committees), section 33.9 states that: “The sub-committees may appoint advisers to the sub-committees. Such advisers will not be members of the sub-committees and cannot vote.”</p>	
2.	<p>Part 3A – Council Procedure Rules</p> <p>Part 3B and 3B1 – Executive Procedure Rules</p> <p>Part 3C – Committee Procedure Rules</p>	<p>Sections 10 and 13</p> <p>Section 13</p> <p>Section 16</p>	<p>Following consideration of the first deputations at Council in July and Cabinet in September, it is recommended that the arrangements are varied slightly as detailed to enable them to be managed more effectively at meetings.</p>	<p>Amendments proposed as tracked changes.</p>
4.	<p>Committee Procedure Rules</p>	<p>Section 29 – Special Rules for Planning Committees</p>	<p>On 2 May 2023, Council agreed changes to the Committee Procedure Rules to introduce a procedure to be followed in circumstances where a committee is minded to overturn an officers recommendation to refuse a planning application. The rule stated:</p>	<p>Add at the end of Section the following text:</p> <p>“(For avoidance of doubt Planning Committees A and B may defer the matter to either another meeting of their committee or to another meeting of the Strategic Planning Committee. Avoiding as much as possible the matter being deferred to multiple committees).”</p>

		<p>“29.4 Where an application is recommended for refusal by the Chief Planning Officer but the Planning Committee or Strategic Planning Committee is minded to approve (‘grant’) the application, the application will be deferred to the next meeting of the Planning Committee or Strategic Planning Committee to enable re-notification to take place and give an opportunity for objectors to the application and the applicant to attend the subsequent meeting and make representations and for a rehearing of the application to take place.”</p> <p>This procedure was used for the first time at planning committees in July and September. Members have agreed some revisions to the procedure to improve how it operates in practice.</p>	
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2. Alternative Options Considered and Not Recommended	
2.1	Council 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.
3. Post Decision Implementation	
3.1	The 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.
3.2	The Constitution Review Working Group will continue to proactively keep the Constitution under review and may make further recommendations to Council.
4. Corporate Priorities, Performance and Other Considerations	
Corporate Plan	
4.1	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
Sustainability	
4.2	N/A
Corporate Parenting	
4.3	N/A
Risk Management	
4.4	N/A
Insight	
4.5	N/A
Social Value	
4.6	N/A
5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)	
5.1	There are no resource implications as a result of these proposals.
6. Legal Implications and Constitution References	
6.1	The Terms of Reference of Council state that “Only the Full Council can exercise the following functions: 1.1 adopting and changing the Constitution.”

7. Consultation

7.1 A meeting of the Constitution Review Working Group took place on 27 September 2023 where the prospective changes were discussed with Members.

8. Equalities and Diversity

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

9. Background Papers

9.1 Council Constitution: [Agenda for Constitution on Tuesday 11th July, 2023 \(modern.gov.co.uk\)](https://www.moderngov.co.uk/agenda-for-constitution-on-tuesday-11th-july-2023)