

Report of the Special (Constitution Review) Committee 6 April 2005

Members:

* Councillor Victor Lyon (Chairman)

Councillors:

* Jack Cohen	* Alison Moore
* Daniel Hope	* Joan Scannell
* Anthony Finn	* Phil Yeoman

* denotes Member present

Constitution Review 2005

The Committee met on 2 and 14 March and 6 April to consider aspects of the Council's Constitution, which had been raised by both officers and members as matters requiring review.

On 6 April the Committee considered reports of the Heads of Service concerned on the matters on which the Committee considered they should make recommendations for change to Council, a review of the scope and number of Overview and Scrutiny Committees, and were reminded of the matters on which they had agreed to take no action or were being dealt with by another method.

The reports of the Heads of Service concerned were to be circulated separately to all Members of the Council.

The Committee having

- (i) amended the Action Sheet for the meeting held on 14 March the clarification that the report relating to proposals that the Licensing Panel of Chairman be increased and that the membership be selected from the Licensing Committee;
- (ii) noted the summary of the matters on which they had agreed that no recommendation should be made to Council or were being dealt with by a different route;
- (iii)

- agreed to the Heads of Service concerned reporting to the Annual Meeting of the Council on the size of Committees, including political balance implications;
- noted that all political group Leaders would be consulted on the proposals prior to submission to the Annual Meeting
- agreed that any consultations with members of the Committee could take place by email and that a Special Meeting of the Committee would only be called if necessary prior to the Annual Meeting

RESOLVED TO RECOMMEND-

- (1) **That the changes to the sections/parts of the Constitution listed below and as set out in detail in Appendix A to the Report be approved:-**

Article 9 – The Standards Committee

Article 12 – Table of Chief Officers

Article 14 – Finance Contracts, Land Disposal and Legal matters

Part 3 - Responsibility for Functions
Part 4, Section 3 – Panels and Consultative Bodies
Part 4, Section 4 – Public Participation
Financial Regulations –

- **Part 1 Financial Management**
- **Part 2 Financial Administration**

- (2) That:-**
- (i) subject to the Cabinet Resources Committee agreeing to increase the Members' Allowances budget by £2,333 , the number of members comprising the Licensing Panel of Chairman be increased to six and that membership be selected from the Licensing Committee;**
 - (ii) the Council make the further appointment**
 - (iii) the Cabinet Resources Committee, on 28 April, be requested to increase the Members' Allowances budget.**
- (3) That, with effect from the 2005 Annual Meeting of the Council:-**
- (i) the new Overview and Scrutiny structure comprise one Cabinet Overview and Overview Committee and five standing Overview and Scrutiny Committees, as follows, closely aligned to the Corporate Plan priorities:**
 - **Resources, Performance and Partnerships**
 - **First Class Education and Children**
 - **Cleaner, Greener, Transport and Development**
 - **Supporting the Vulnerable in our Community**
 - **Tackling Crime and Housing**
 - (ii) the Terms of Reference for the new Overview and Scrutiny structure be as set out in Appendix B to this Report;**
 - (iii) in relation to “call – in”, a system of strengthened “specification of items for debate” which will involve members specifying written reasons for items they wish closely to scrutinise at the Cabinet Overview and Scrutiny Committee be approved.**
- (4) That, with effect from the 2005 Annual Meeting of the Council, the introduction of a new, stand alone Audit Committee in the Council's Committee structure, with Terms of Reference as set out in Appendix C to this report be approved.**
- (5) That the Democratic Services Manager be instructed to make the appropriate changes to the Council's Constitution.**

The meeting finished at 8.20pm

APPENDIX A

Amendments to the Constitution

Arising from the report of the Special Committee, 8 December, 2004

Article 9 – The Standards Committee

(Section revised Cl. 12 April 2005)

References: Section 53-55 and Section 81(5) Local Government Act 2000

9.01 Standards Committee

The Council meeting will establish a Standards Committee.

9.02 Composition

- (a) The Standards Committee will be composed of at least:-
 - Three councillors (not including the Leader), comprising one from each political group
 - Four persons who are not councillors
- (b) Independent Members will be entitled to vote at meetings.
- (c) One of the Independent Members will chair the Committee.

9.03 The Standards Committee will have the following roles and functions.

- (a) Promoting and maintaining high standards of conduct by councillors, co-opted members and faith and parent governor representatives.
- (b) Assisting councillors, co-opted members and faith and parent governor representatives to observe the Local Code of Conduct for Members.
- (c) Advising the Council on the adoption and revision of the Local Code of Conduct for Members.
- (d) Monitoring the operation of the Local Code of Conduct for Members.
- (e) Advising, training or arranging to train councillors, co-opted members and faith and parent governor representatives on matters relating to the Local Code of Conduct for Members.
- (f) Granting dispensations to councillors, co-opted members and faith and parent governor representatives from requirements relating to interests set out in the Local Code of Conduct for Members.
- (g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.
- (h) Following consideration of such reports to take any action prescribed by regulations made by the Secretary of State against any Member or co-opted Member who is the subject of any such report.
- (i) Appointing a Sub-Committee of no less than three persons (including at least three independent Members) drawn from the Standards Committee to carry out any of the roles and functions set out in paragraphs [g] and [h] above.
- (j) To consider and make recommendations to the Council, as necessary, on ethical issues affecting the Council as a whole.

Article 12 – table of Chief Officers

12.01 Management Structure

(a) General. The full council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) Chief Officers. The full council may engage persons for the following posts, who will be designated chief officers:

Table of Chief Officers

Chief Executive
Director of Environment
Director of Community Services/Deputy Chief Executive
Director of Children's Services
Director of Resources
Head of Environment and Neighbourhood
Head of Highways and Design
Head of Planning
Borough Treasurer
Chief Internal Auditor
Head of Housing
Head of Adult Services
Borough Solicitor
Head of Children & Families (Director of Social Services)
Head of Cultural Services
Head of Education (Chief Education Officer)

(c) Head of Paid Service, Monitoring Officer and Chief Finance

Officer. The council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service works with Members and Strategic Directors to deliver the council's themes.
Borough Solicitor	Monitoring Officer
Borough Treasurer	Chief Finance Officer

Such posts will have the functions described in Article 12.02-12.04 below.

(d) Structure. The Head of Paid Service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 Functions of Head of Paid Service

(a) Discharge of functions by the council. The Head of Paid Service will report to full council on the manner in which the discharge of the council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) Restriction of functions. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

References:

Section 4 and 5, Local Government and Housing Act 1989

- (c) The Head of Paid Service has authority over all other chief offices so far as is necessary for efficient management and for carrying out the council's functions.

12.03

Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full council or to the Executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards offices and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (h) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the council, in particular through the provision of legal advice and advice on probity and good administration.
- (i) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

References:

(Section 5), Local Government and Housing Act 1989
Sections 60, 64-66, Local Government Act 2000
Chapters 8 and 9, DETR Guidance

12.04

Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full council or to the Executive in relation to an executive function and the council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the council is about to enter an item of account unlawfully.
- (b) **Estimates and resources.** In accordance with the Local Government Act 2003 to advise on robustness of estimates level of resources. Council
20/4/2004
- (c) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.
- (d) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.
- (e) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (f) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.05

Deputy to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06

Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07

Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Article 14 – Finance, Contracts, Land Disposal and Legal Matters

(Section revised May 2003)

References:

Section 135, 151, 223 and 234, Local Government Act 1972

Part VIII, Local Government Finance Act 1988

14.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of the Constitution.

14.03 Legal Proceedings

The Borough Solicitor is authorised to institute, defend or participate in any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Borough Solicitor considers that such action is necessary to protect the Council's interests.

The Borough Solicitor has delegated powers to authorise officers to appear in court on the Council's behalf.

14.04 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Borough Solicitor or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £75,000, entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Subject to the Contracts Procedure Rules, such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least one officer.

In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be

1. the Chief Executive
2. the Borough Solicitor
3. any Chief Officer of the Council concerned with the matter to which the document relates: or
4. any officer authorised in writing by such Chief Officer.

14.05 Common Seal of the Council

Common Seal

The Common Seal of the Corporation shall be kept in a safe place and be secured by two different locks. The Mayor shall have the custody of the key of one lock and the Borough Solicitor shall have the custody of the key of the other.

Sealing and Execution of Documents

The Chief Executive, the Borough Solicitor or the Head of Committee Administration shall have authority:-

1. to affix the Common Seal to any deed or document in the presence of the:-
 - Mayor or the Deputy Mayor; or
 - The Leader of the Council; and
2. to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.

Members and Officers to Sign Documents Executed under Seal

All deeds, instruments and writings which may require the Common Seal to be affixed shall also be signed after the sealing by the:-

1. Mayor or the Deputy Mayor; or
2. Leader of the Council; and the
3. Chief Executive; or
4. Borough Solicitor; or
5. Deputy Borough Solicitor
6. Democratic Services Manager.

Facsimiles of Common Seal

The following categories of documents may be authorised by a facsimile of the Common Seal of the Council and the printed names or facsimiles of the signatures of the Mayor and the Borough Solicitor. The facsimiles or printed names must be authenticated by entries in the book referred to below and initialled by the Chief Executive, Borough Solicitor or the Head of Committee Administration:-

1. stock certificates and transfers;
2. grants of rights of burials;
3. superannuation fund documents.

Record of Sealing of Documents

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Chief Executive, Borough Solicitor or the Head of Committee Administration in a book to be provided for the purpose.

14.06 Disposal of land and real property

Every disposal of land and real property made by the Council will comply with the Disposal of Land and Real Property Rules set out in Part 4 of the Constitution.

Part 3

Responsibility for Functions

Responsibility for Functions

(Section revised Council 12 April 2005)

References: *Chapter 5, Guidance
The Local Authorities (Functions and Responsibilities) (England)
Regulations 2000
Section 13, Local Government Act 2000*

Explanatory Note

1. The Local Government Act 2000 divides the functions of the local authority between the full Council (and its Committees) and the Executive. The Council is no longer the body responsible for all the activities of the local authority in the borough.

The Council's statutory duties are now broadly:

1. Approval of the budget and statutory policy framework.
2. Constitutional and quasi-legislative functions.
3. Dealing with applications for licences, approvals, consents, permissions (including planning permission) and registrations; and related regulation and enforcement action.

All other functions of the local authority are functions of the Executive, i.e. the Leader and Cabinet, and cannot be exercised by the Council (Section 13 (10) Local Government Act 2000).

This Part of the Constitution is the Scheme of Delegation that sets out the detailed arrangements for the allocation and discharge of responsibilities.

2. The principles of the Scheme of Delegation are that functions are delegated from the Council and the Executive to subordinate bodies and persons by exception rather than specifically.

This Part of the Constitution, therefore, also sets out the decisions that are reserved to specific decision takers and cannot be taken by subordinate decision takers.

3. It is a general legal principle that although delegation involves conferring authority on subordinate bodies and individuals, this does not mean that the delegator gives up the authority to act or take decisions. That general principle is expressly recognised in Section 15(9) of the Local Government Act 2000:-

"Any arrangements made by virtue of this section by an executive leader, executive member or committee for the discharge of any functions by an executive, member, committee or officer are not to prevent the executive leader, executive, member or committee by whom the arrangements are made from exercising those functions".

1. ALLOCATION OF LOCAL CHOICE FUNCTIONS

Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the local choice functions that can be allocated to the Executive or to the Council or to Council Committees. The following table shows which body is responsible for each of these. The bodies are described in the table in section 2.

Function	Decision making body
1. Any function under a Local Act.	1. The Executive

Function	Decision making body
2. Determining an appeal against any decision made by or on behalf of the authority where there is a right of appeal to a Council Committee. (This excludes matters where statutory arrangements exist).	2. Appeals Committee
3. The appointment of housing benefit review boards.	This is no longer a function of the local authority
4-6. Making arrangements for appeals against exclusion of pupils, school admission and appeals by governing bodies.	4-6. The Council but delegated to the Head of Committee Administration.
7-8. Do not apply.	
9. Conducting best value reviews.	9. The Executive has the legal duty, which it will discharge through the approval of an action plan. The Improvement Overview and Scrutiny Committee will oversee a review and evaluate and analyse the findings.
10-15. Any function relating to contaminated land and statutory nuisances.	10-15 Planning and Environment Committee with delegation to Area Committees and Officers.
16. & Planning and other information 17. notices.	16. & Planning and Environment 17. Committee, with delegation to Area Committees and Officers, except in so far as the notice relates to an executive function.
18. Highways agreements.	18. Planning and Environment Committee, with delegation to Area Committees and Officers, except in so far as the agreement relates to an executive function.
19. Appointments.	19. The Council, with delegation to the General Functions Committee.

2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations sets out the Council functions that are not allocated to the Executive. The following table sets out the body responsible for these.

Many decisions are taken by Officers or Sub-Committees under delegated powers. Delegation to Officers is set out in section 6 below. The division of responsibility between Planning and Environment Committee and the Area Committees is also set out below.

(Note: amendments relating to a single Appeals Committee are to take effect as soon as practicable following implementation of the new licensing regime on 7 February 2005)

Body responsible	Functions	Membership
Council	Council can discharge all non-executive functions but most are delegated to committees or officers.	All members of the Council.
Council acting as the Licensing Authority	Agreeing and reviewing the Statement of Licensing Policy.	All Members of the Council
Licensing Committee	All functions under the Licensing Act 2003 and associated Regulations, not otherwise delegated to the Licensing Sub-Committee	15 Non-executive Councillors, based on overall political proportionality of the Council.
Licensing Sub-Committee	All functions under the Licensing Act 2003 and associated Regulations, as delegated to it by the Licensing Committee	<p>Three Members of the Licensing Committee, to include one from the Panel of six Chairmen appointed by that Committee.</p> <p>The Head of Committee Administration selects Members to form the Licensing Sub-Committee as required, having regard to Member availability and the areas that they represent.</p> <p>The Head of Committee Administration arranges suitable hearing times.</p>
Appeals Committee	<p>Determining an appeal or application where there is a right of appeal to a Council committee. This does not include matters which are the responsibility of the Licensing Committee or the Licensing Sub-Committee, nor does it include special statutory appeal or review bodies. It does include:-</p> <ul style="list-style-type: none"> • Applications and appeals relating to Sex Shops, Sex Cinemas and Sex Encounter Establishments • Staffing appeals relating to grading (but not the placing of individuals in a career grade), dismissal and relegation (including by centrally employed teaching staff) 	<p>Each Committee comprises 8 councillors, plus 2 substitutes for each member, from the same political group.</p> <p>The Head of Committee Administration selects each Committee in turn having regard to member availability and the areas that they represent.</p> <p>The Head of Committee Administration arranges daytime or evening meetings to suit the wishes of appellants.</p>

Body responsible	Functions	Membership
	<ul style="list-style-type: none"> • Appeals relating to renovation, disabled facilities, home repair assistance and common parts facilities grants • Statutory complaints against school governing bodies • Appeals under the housing right to compensation scheme. 	
<p>Planning and Environment Committee</p>	<p>1. Town and country planning and development control including tree and hedgerow protection.</p> <p>The following functions are reserved to the Committee and cannot be discharged by an Area Committee or officer.</p> <ul style="list-style-type: none"> • planning applications which involve a significant departure from the statutory development plan; • applications on behalf of the Council or where the Council has an interest in the development; • applications within the categories of development which must be referred to the Mayor of London; and • matters of significance to the entire borough or where major issues extend across geographic boundaries of sub-committees. <p>(Reports on all the matters reserved to the Committee shall be made direct to the Committee and not through an area sub-committee.)</p> <p>2. Contaminated land and all statutory nuisances.</p> <p>3. Commons registration and town and village greens.</p> <p>(Which may include considering the recommendations of a non-statutory inquiry chaired by an independent person).</p>	<p>21 councillors, with a substitute member for each ward.</p>

Body responsible	Functions	Membership
	<p>4. Highways use and Regulation, access to the countryside, arrangements and extinguishment of public rights of way.</p> <p>(Explanatory note: The Council's highways functions are limited to:</p> <ul style="list-style-type: none"> • creating, stopping up and diverting footpaths and bridleways • asserting and protecting public rights to use highways • removing things deposited on highways which cause nuisance <p>All other highway functions are Executive functions.)</p> <p>5. Gaming, entertainment, food and miscellaneous licensing in so far as not otherwise the responsibility of the Licensing Committee or the Licensing Sub-Committee</p> <p>6. Health and Safety regulation (otherwise than as an employer).</p>	
<p>Area Planning Sub-Committees (3)</p>	<p>To discharge the council's functions, within the boundaries of their areas, in accordance with council policy and within budget, that relate to town and country planning and development control, including tree and hedgerow protection.</p> <p>This excludes the functions reserved to the Planning and Environment Committee.</p> <p>(Explanatory note – consideration of planning applications by Area Planning Sub-Committees: The work of the Area Planning Sub-Committees consists mostly of determining applications for planning applications. Delays in determining applications will jeopardise the Council's ability to meet national performance criteria and impact adversely on the interests of applicants and affected residents. One cause of such delays is the deferral by sub-committees of planning applications for further information or for members to undertake site visits. To minimise this there is a general presumption that:</p>	<p>1 councillor for each ward in the area, with a substitute member for each ward.</p>

Body responsible	Functions	Membership
	<ul style="list-style-type: none"> • Chairmen of Area Planning Sub-Committees should arrange for site visits to be made in advance of the Sub-Committee meeting, particularly where the proposals appear to be contentious or they are of major importance to the area; • Sub-Committee members who have queries on applications will raise them either at the site visit, or, in any event, as soon as possible before the meeting at which they will be considered 	
Area Environment Sub-Committees	<p>To discharge the council's functions, within the boundaries of their areas, in accordance with council policy and within budget, apart from matters of significance to the whole borough or crossing sub-committee boundaries that relate to:</p> <ul style="list-style-type: none"> • Highways use and regulation <p>(Explanatory note: The Council's highways functions are limited to:</p> <ul style="list-style-type: none"> • creating, stopping up and diverting footpaths and bridleways • asserting and protecting public rights to use highways • removing things deposited on highways which cause nuisance <p>All other highway functions are Executive functions.)</p> <ul style="list-style-type: none"> • Contaminated land and control of pollution and all statutory nuisances • Management of air quality • Gaming, entertainment, food and miscellaneous licensing (but not hearing individual appeals or applications which are the responsibility of the Licensing Committee, the Licensing Sub-Committee or the Appeals Committee) 	1 councillor for each ward in the area, with a substitute member for each ward.
Standards Committee	<p>Promoting and maintaining high standards of conduct by members and co-opted members. Assisting them to observe the Council's code of conduct, and advising and training them on it. Advising the Council on the Code and monitoring its operation. Consider ethical issues affecting the Council as a whole.</p>	3 non-executive councillors (one from each political group), with three substitute members (also one from each political group), and 4 independent co-opted members.

Body responsible	Functions	Membership
Chief Officers Appointments Panel	<ol style="list-style-type: none"> 1. To interview candidates for the Head of Paid Service and recommend an appointment to the Council. 2. To interview and appoint Directors and Chief Officers. 3. Annually to appraise the performance of the Chief Executive. 	7 councillors including at least the Leader of the Council (or another member of the Executive).
Chief Officers Disciplinary and Capability Investigating Panel	Subject to the Officer Employment Procedures Rules in Part 4 of the Constitution, to act as an investigating committee for the purposes of the disciplinary and capability procedures for the Chief Executive and officers recognised by the council as a Director or Chief Officer, and to suspend such officers for the purposes of the investigation.	5 councillors.
Chief Officers Disciplinary Panel	Subject to the Officer Employment Procedure Rules in Part 4 of the Constitution, to take any disciplinary action and action under the capability procedure in respect of the Chief Executive and officers recognised by the council as a Director or Chief Officer, up to and including dismissal.	5 councillors including at least the Leader of the Council (or another member of the Executive) (membership must be different from any investigating panel).
<p>General Functions Committee</p> <p>Meets as and when required but in practice functions discharged by officers.</p>	<p>All other Council functions that are not reserved to Council including</p> <ul style="list-style-type: none"> • Appointing representatives on outside bodies • Staff matters (i.e. salaries and conditions of service) • Election administration and electoral registration • pensions and superannuation • payments for maladministration in cases where the council has discretion and a payment has not been recommended by the Ombudsman or a court. • Approval of Statement of Accounts 	7 councillors

Body responsible	Functions	Membership
Pension Fund Management Advisory Panel Note: This is an informal body and not a Council Committee.	To advise officers on all matters relating to the use, management and investment of the superannuation fund including matters relating to the appointment and removal of Fund Managers, and major changes in benchmarks for investment. To make recommendations to the General Functions Committee on any matters where a member-level decision is necessary.	3 councillors (one from each political group).

3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

General

- 3.1 All the local authority functions that are not mentioned in the first two tables, or reserved to Council in Article 4, are executive functions. These are the responsibility of
- Individual members of the Executive (the Leader and members of the Cabinet)
 - The Cabinet Meeting
 - Cabinet Committees
 - Area Sub-Committees (see 3.10 below)
 - Joint Committees (see Article 11)
 - Officers (see section 6 below)

Cabinet Members

- 3.2 Set out below is a table in the first column of which are listed the names, addresses and wards of Cabinet Members. The second column sets out each Cabinet member's functions and the third column summarises what has been delegated.

Executive Member and Portfolio	Responsibilities	Delegation
Cllr Victor Lyon 10 Charnwood Place Whetstone London N20 0PE Totteridge Ward LEADER	The Leader	The Leader may discharge any function of the Executive.
Cllr. Christopher Harris 124 Britten Close, London, NW11 7HF Golders Green Ward CHILDREN	To lead on budget and policy formulation and implementation in relation to children. In particular, to enhance the Council's corporate parenting role and to champion the causes of all children in the London Borough of Barnet, optimising opportunities to reduce and remove disadvantage.	The general powers delegated to Cabinet Members are set out below. Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.

Executive Member and Portfolio	Responsibilities	Delegation
	<p>Includes Children's Social Services and the Youth Offending Team and the advantages offered by working with other agencies to secure a seamless approach to all aspects of children's services. To drive forward the Youth Justice Plan and ensure its approval annually, by full Council. Also to be involved in, and promote, discussions in relation to any matters within the portfolio.</p>	
<p>Cllr Katia David 16 Oakleigh Oark South Whetstone London N20 9JU</p> <p>High Barnet Ward</p> <p>CULTURE, COMMUNITY ENGAGEMENT AND HR</p>	<p>To lead on budget and policy formulation and implementation in relation to culture, community engagement, customer care and the effective management of human resources. In particular, to build upon the Council's leadership role in embracing diversity and inclusiveness, removing inequality and promoting the London Borough of Barnet's reputation as a centre of cultural excellence and activity for all and to encourage tourism. To allow staff to reach their full potential to the benefit of the Council and to promote a culture of learning and achievement.</p> <p>Promotion of all aspects of the arts (includes libraries, learning and museums), including events held on council land (including parks) and in council buildings, ensuring that each person and group in the community has opportunities for involvement.</p> <p>Set the strategic direction for the development of effective community involvement in all aspects of the Council's work.</p> <p>Development of effective HR planning, policies and initiatives.</p> <p>To be involved in, and promote discussions in relation to any matters contained within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to</p> <ul style="list-style-type: none"> • Area Sub-Committees as set out in paragraph 3.10 below. • Officers, in consultation with the Cabinet Member, as set out in Paragraph 6 of Part 3 of the Constitution.

Executive Member and Portfolio	Responsibilities	Delegation
<p>Cllr. John Marshall 66 Sandringham Gardens London N12 0PJ</p> <p>Garden Suburb Ward</p> <p>EDUCATION AND LIFELONG LEARNING</p>	<p>To lead on budget and policy formulation and implementation in relation to education and lifelong learning. In particular, to raising and enhancing standards, ongoing education and services to schools, Early Years Provision and the Youth Service. Positively to encourage integration of all schools within the London Borough of Barnet into the community to achieve the best possible opportunities for education and lifelong learning.</p> <p>All matters associated with schools (Community, Voluntary and Foundation) and the teaching and development of children and young persons and the optimising of opportunities to further the same (including pre-school preparation).</p> <p>Positively to encourage and promote adult education to minimise literacy and numeracy problems in adults and to offer opportunities for developing and enhancing their skills and to further this via the current Lifelong Partnership contract with Barnet College, and to encourage other institutions which provide such opportunities.</p> <p>Also to be involved in, and promote discussions in relation to any matters within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
<p>Cllr. Matthew Offord 6 Cousins Court Alwyn Gardens NW4 4XW</p> <p>Hendon Ward</p> <p>ENVIRONMENT AND TRANSPORT</p>	<p>To lead on budget and policy formulation and implementation in relation to the environment and transport. In particular, promoting the reputation of the London Borough of Barnet as a clean and green borough, with a transport infrastructure designed to meet the needs of today and the challenges of the future.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to</p> <ul style="list-style-type: none"> • Area Sub-Committees as set out in paragraph 3.10 below. • Officers, in consultation with the Cabinet Member, as set out in Paragraph 6 of Part 3 of the Constitution.

Executive Member and Portfolio	Responsibilities	Delegation
	<p>Also to promote the better integration of privately rented properties into the borough's housing framework, including the distribution of grants, as necessary, for the adaptation of private properties, to further care in the community.</p> <p>All matters relating to the development and management of the environment, including:</p> <ul style="list-style-type: none"> • the street scene including pavements and all classes of roads; • parking provision • refuse and recycling • graffiti removal • waterways • parks and open spaces • trees (includes public highways, council housing estates and in parks) • allotments • transport and transport initiatives. <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	
<p>Cllr. Brian Salinger 32 The Ridgeway London N11 3LJ</p> <p>Oakleigh Ward</p> <p>HOUSING NEIGHBOURHOODS AND COMMUNITY SAFETY</p>	<p>To lead on budget and policy formulation and implementation in relation to housing and housing benefits, neighbourhoods, environmental health and community safety, and licensing, other than matters relating to the Licensing Act 2003.</p> <p>In particular working with the ALMO, Housing Associations and other providers, to secure the optimum provision and associated environmental, neighbourhood development and social facilities for all those members of the community not living in private accommodation, or for those who require public sector housing.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to</p> <ul style="list-style-type: none"> • Area Sub-Committees as set out in paragraph 3.10 below. • Officers, in consultation with the Cabinet Member, as set out in Paragraph 6 of Part 3 of the Constitution.

Executive Member and Portfolio	Responsibilities	Delegation
	<p>The development, promotion and management of all aspects of community safety and to foster a healthy environment, including policies and practices to ensure that the community are not subjected to unscrupulous traders.</p> <p>All matters related to public sector housing and neighbourhood development, and environmental health and trading standards.</p> <p>Working with representatives of the diverse communities of the borough, police, business, voluntary other sectors to promote community safety and awareness.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	
<p>Cllr. Mike Freer 23 Claverley Grove Finchley London N3 3DG</p> <p>Finchley Church End Ward</p> <p>PERFORMANCE, PARTNERSHIPS AND BEST VALUE</p>	<p>To lead on budget and policy formulation and implementation in relation to performance, partnerships and best value.</p> <p>In particular the effectiveness and value in performance of council services, risk management, Asset Management Plan, IT and the distribution of all grants, except those relating to the adaptation of properties in the private sector, after consultation with appropriate portfolio holders. The development of partnerships to further the Council's Community and Corporate Plans and an effective communications and consultation structure.</p> <p>To secure the most beneficial terms for services and goods provided to the council.</p> <p>All aspects of performance and delivery of council services, and to instigate such interventions as required, including consultation with the Cabinet Member for Resources, as necessary, to secure best value.</p>	<p>The general powers delegated to Cabinet Members are set out below. In addition this cabinet Member may approve grants to voluntary organisations, up to £20,000 per annum.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>

Executive Member and Portfolio	Responsibilities	Delegation
	<p>To ensure effective consultation on and communication of the council's key objectives through the strategic management of the print unit, web site, marketing and other initiatives.</p> <p>To be involved at the earliest stages in discussions and consultations for the acquisition and disposal of land and services for recommendation to the Cabinet Member for Resources. To have responsibility for all partnerships, including the Local Strategic partnership. To ensure the securing of the best possible terms for the provision of goods and services to the Council by a robust procurement process.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	
<p>Cllr Melvin Cohen 146 Broadfields Avenue Edgware HA8 8SS</p> <p>Golders Green Ward</p> <p>REGENERATION AND DEVELOPMENT</p>	<p>To lead on budget and policy formulation and implementation in relation to regeneration and development.</p> <p>In particular, building and property construction and related matters, economic and strategic development, town centre regeneration, and development plans, policies and opportunities for the enhancement and enrichment of the London Borough of Barnet.</p> <p>To include all aspects of development and development control, Building Control and the Design Asset Team. Naming and numbering of streets and properties.</p> <p>In consultation, as necessary with the Cabinet Member for Performance, Partnerships and Best Value to promote partnerships and opportunities for the economic development of the borough.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to</p> <ul style="list-style-type: none"> • Area Sub-Committees as set out in paragraph 3.10 below. • Officers, in consultation with the Cabinet Member, as set out in Paragraph 6 of Part 3 of the Constitution.

Executive Member and Portfolio	Responsibilities	Delegation
<p>Cllr Anthony Finn 4 Cheyne Walk Hendon London NW4 3QJ</p> <p>Hendon Ward</p> <p>RESOURCES</p>	<p>To lead on budget and policy formulation and implementation in relation to resources, in particular finance.</p> <p>To include the exploration of investment opportunities, in consultation as necessary with the Cabinet Member for Performance, Partnerships and Best Value.</p> <p>The monitoring of the council's budget and to instigate such interventions as necessary to ensure spending is kept within the limits determined by council.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>In addition this Cabinet Member has the power to agree virements up to £250,000 in consultation with Cabinet Resources Committee and to accept the highest bid on a proposed property disposal subject to that bid not exceeding £1,000,000 and no more than 10% below the estimated disposal value.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
<p>Cllr. Fiona Bulmer 14 Sellwood Drive Barnet Herts EN5 2RL</p> <p>Underhill Ward</p> <p>SOCIAL CARE AND HEALTH</p>	<p>To lead on budget and policy formulation and implementation in relation to social care.</p> <p>In particular, promoting the best possible adult social services and seamless care in the community by working with and optimising all opportunities offered by the health authorities and other providers to further these aims.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>

- 3.3 Cabinet Members general powers may be summarised as
1. To discharge the executive functions that fall within their portfolio, whether or not they are also delegated to officers except for matters specifically reserved to Council, Cabinet or cabinet committees.
 2. To consider consultation documents, other than those referred to the Executive and, in consultation with the appropriate officers determine whether the Council's response needs to be approved by them or by the appropriate Director or Chief Officer.
 3. To authorise inviting tenders for and acceptance of tenders or quotations in accordance with the Contract Procedure rules. Acceptance must be following consultation with the Cabinet Member for Resources or the Leader in cases where the Cabinet Member for Resources is the appropriate portfolio holder.

4. To approve any non-statutory plan or strategy requiring approval by the Executive and not reserved to the Cabinet for decision in paragraph 3.8.

- 3.4 Except in cases of urgency, they will not normally take delegated decisions if they
- involve something other than the implementation of an annual Performance Management Plan or a decision previously taken by Council, Committee or Cabinet.
 - are key decisions as defined in Article 13 of the Constitution.

Explanatory Note

This covers urgent (not emergency) decisions that were not anticipated within the budget or PMP but nevertheless relate to everyday business, not major changes/decisions outside the approved budget and 11 statutory plans.

Example: school heating system fails at the beginning of the autumn term.

Cabinet Committees

3.5 Cabinet Committees may discharge the executive functions that fall within their terms of reference, whether or not they are also delegated to officers, except for matters specifically reserved to Cabinet. The Rules in Part 4 of the Constitution may reserve certain decisions to cabinet committees.

3.6 The Cabinet Committees are:

Committee	Functions	Membership
Resources	<p>Capital and revenue finance, forecasting, monitoring, borrowing and taxation.</p> <p>To consider reports on treasury management strategy and activity, including creating and maintaining a Treasury Management Policy Statement.</p> <p>Grants and loans from all sources to voluntary organisations. (Grants above £50,000 are reserved to the Cabinet)</p> <p>Monitor the trading position of appropriate council services, carry out debt analysis and look at income sources and charging policies.</p> <p>To write off debt.</p> <p>To determine external or cross-boundary trading limit.</p>	<p>Councillor Anthony Finn (Chairman)</p> <p>Councillor Mike Freer</p> <p>Councillor Victor Lyon</p> <p>Councillor Matthew Offord</p> <p>Councillor Melvin Cohen</p>

Committee	Functions	Membership
	<p>To agree exceptions to standing orders, all decisions relating to approved lists and agreed national registers, authorise post tender negotiations and accept tenders which are not the lowest.</p> <p>To agree externalisation contracts including any proposal to appoint external cash investment managers.</p> <p>Approval of schemes not in performance management plans but not outside the Council's budget or policy framework.</p> <p>All matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the council.</p>	
<p>Equalities and Social Inclusion</p>	<p>To develop a social inclusion strategy for the Borough.</p> <p>To oversee the promotion and delivery of the council's social inclusion strategy.</p> <p>To develop and approve equalities policies, strategies and practice across the council in relation to both employment and service delivery.</p> <p>To consider in detail service equalities audits and to monitor the implementation of equalities audits action plans.</p> <p>To continue to support and review the integration of equalities in the Best Value Review process.</p>	<p>Councillor Katia David (Chairman) Councillor Melvin Cohen Councillor Anthony Finn Councillor Brian Salinger</p>

Committee	Functions	Membership
	<p>To ensure the effective implementation of new legislation as it relates to the Council's policy and practice eg Disability Discrimination Act 1995, Human Rights Act 1998, Race Relations Amendment Act 2000 etc.</p>	
ICT	<p>To develop and recommend to Cabinet for adoption an e-Government strategy and associated ICT policies and strategies</p> <p>To submit to Cabinet each year detailed proposals for all council ICT expenditure in the coming year for consideration as part of the budget and forward plan process.</p> <p>To monitor the implementation of the e-Government and ICT strategies.</p> <p>To co-ordinate and decide priorities for the development of e-government and ICT systems and projects to achieve the council's modernisation objectives in accordance with the approved strategies.</p> <p>All matters relating to the purchase or leasing of ICT equipment and software, provided that it is in accordance with the approved e-Government and ICT strategies and the Council's budget and policy framework.</p> <p>To oversee the performance of the IT service and the balance between internal and external service provision.</p>	<p>Councillor Mike Freer (Chairman) Councillor Anthony Finn Councillor Katia David Councillor Victor Lyon</p>

Committee	Functions	Membership
	For ICT contracts, to agree exceptions to standing orders, all decisions relating to approved lists and agreed national registers, authorise post tender negotiations and accept tenders including those which are not the lowest.	

Cabinet

3.7 The Cabinet Meeting may discharge any executive functions whether or not they are also delegated to officers.

3.8 The following decisions are reserved to the Cabinet meeting

- Those so reserved in the Rules in Part 4 of the Constitution
- Considering an executive function delegated to an area environment sub- committee referred to it for a decision.
- Considering policy initiatives, initiating new policy proposals and determining the way in which policy reviews will be carried out.
- Determining responses to consultation documents on proposals which could result in the council having to provide a new service, discontinue an existing one or change service provision in such a way that there are budgetary implications.
- Determining whether meetings relating to non-key decisions will be held in public or private.
- Agreeing budget virements of up to £2.5m and applications of up to 50% of the latest estimated general fund of housing revenue account balances and to make recommendations to Council on virements over these amounts and those over £100,000 where the amount is more than 10% of the budget head.
- Grants to voluntary organisations above £50,000.
- Considering recommendations made to them by overview and scrutiny committees.
- A decision to adopt, or recommend to Council for adoption, a plan or strategy reserved to Cabinet as listed below, or the Council's budget and virement limits.

This includes the following:

Statutory Framework Policies – For Council Decision

- Best Value Performance Plan
- Children's Services Plan
- Community Plan
- Crime and Disorder Reduction Strategy (incorporating Drug and Alcohol Team Strategy)
- Education Development Plan
- London Transport Strategy – Local Implementation Plan
- Plans and strategies comprising the UDP
- Youth Justice Plan
- Single Education Plan (from 2005)
- Statement of Licensing Policy under the Licensing Act 2003 (for Council decision, acting as Licensing Authority)

Plans and Strategies for Cabinet Decision

- ◆ Corporate Plan
- ◆ Food Law Enforcement Service Plan
- ◆ Housing Strategy
- ◆ Homelessness Strategy
- ◆ Adult Learning Plan
- ◆ Behaviour Support Plan
- ◆ School Organisation Plan
- ◆ Equalities Policy
- ◆ Race Equality Scheme
- ◆ Rights of Way Improvement Plan
- ◆ Waste Plan
- ◆ Accessibility Plan
- ◆ Civil Contingencies Plan (subject to confirmation)
- ◆ Local Development Framework and Supplementary Planning Guidance (subject to confirmation)

Non-statutory plans and strategies for approval by the Executive and not listed above will be approved by the relevant Cabinet member.

3.9 In taking decisions the Executive must act within the law and the Council's Constitution.

Area environment sub-committees

3.10 Area environment sub-committees as well as discharging council functions (see Part 3, Section 2 – Responsibility for Council Functions) perform functions that are the responsibility of the Executive as set out below.

Body responsible	Functions	Membership
Area Environment Sub-Committees	<p>To discharge the Executive's functions, within the boundaries of their areas, in accordance with council policy and within budget, apart from matters which are the responsibility of the Licensing Committee or Licensing Sub-Committee or matters which are of significance to the whole borough or crossing sub-committee boundaries that relate to:</p> <ul style="list-style-type: none"> • Highways use and regulation not the responsibility of the Council <p>(Explanatory note: The Council's highways functions are limited to: - creating, stopping up and diverting footpaths and bridleways - asserting and protecting public rights to use highways - removing things deposited on highways which cause nuisance. All other highways functions are the responsibility of the Executive.)</p> <ul style="list-style-type: none"> • Town centre regeneration and management, including the operation of council markets 	1 councillor for each ward in the area, with a substitute member for each ward.

Body responsible	Functions	Membership
	<ul style="list-style-type: none"> • Private sewers, drains, public conveniences, land drainage and water courses • Refuse collection, cleansing, litter, waste and recycling • Day-to-day promotion, management and development of: <ul style="list-style-type: none"> - parks, open spaces, allotments, recreation and leisure facilities; - libraries, museums, arts and tourism facilities • Local nature reserves, sites of special scientific interest and other controlled areas • Day-to-day environmental issues and management of land on council housing estates • Cemeteries and crematoria • Making recommendation to Cabinet on the designation of conservation areas 	

4. LIMITATIONS ON DELEGATION TO COUNCIL COMMITTEES AND SUB-COMMITTEES

- 4.1 Committees and sub-committees of the Council (or the Council acting as Licensing Authority) are authorised to discharge all functions within their terms of reference with the exception of:
- Those matters referred to in the above tables
 - Decisions reserved to the Council meeting in Article 4 of the Constitution
- 4.2 The Area Planning Sub-Committees can take decisions within their terms of reference provided they are not within the list of matters reserved to the Planning and Environment Committee, or contrary to Council policy or outside budget.
- 4.3 Area environment sub-committees may take decisions within their terms of reference provided they are not matters which are the responsibility of the Licensing Committee or the Licensing Sub-committee or matters of significance to the whole borough, contrary to Council policy (or contrary to the Statement of Licensing Policy) or outside budget and subject to the limitation for deciding matters crossing sub-committee boundaries as set out in Article 10 of the Constitution.

5. MEMBERS' RIGHTS TO REFER MATTERS TO PARENT BODY

- 5.1 Any committee listed in the following schedule may decide to report on any matter to Council and any sub-committee may report to its parent committee. In such cases the decision is reached by the usual process, such as a majority vote. The report may make recommendations or seek instructions.
- 5.2 A chairman of an area sub-committee may refer the sub-committee's recommendations up to the parent committee.

- 5.3 A specified number of members of a committee or sub-committee (see the table below) may require that a matter on which the committee or sub-committee had proposed to take action is referred up to the next meeting of the Council or the parent committee to which the committee or sub-committee would ordinarily report, subject to the exceptions set out in 5.5, 5.6 and 5.7 below.
- 5.4 In such a case:-
- 5.4.1 for committees, the action the committee had proposed to take will be recommended to the Council;
- 5.4.2 for sub-committees, the action the sub-committee had proposed to take will be recommended to the committee;
- 5.4.3 no action shall be taken on the matter in the meantime.
- 5.5 The first exception is that no matter that has been the subject of a decision by the Council or, in the case of sub-committees, the parent committee in the previous six months may be referred up.
- 5.6 The second exception is Area Planning Sub-Committees, no matter relating to the regulatory and enforcement functions of the Council relating to town and country planning and the control of buildings and new streets may be referred up.
- 5.7 The third exception is the Planning and Environment Committee, no matter relating to the regulatory and enforcement functions of the Council relating to town and country planning may be referred up to the Council meeting.

Committee/Sub-Committee	No. of members required to support a reference	Council/parent committee
Planning and Environment	6	Council
Area planning sub-committees	2	Planning and Environment
Area environment sub-committees (council functions)	2	Planning and Environment
Area environment sub-committees (executive functions)	2	The Executive
General Functions Committee	3	The Council

- 5.8 Where area environment sub-committees are discharging executive functions a reference up can only be to the Executive.
- 5.9 This provision shall not apply to the Licensing Committee, the Licensing Sub-Committee, the Appeals Committees, Overview and Scrutiny Committees and Chief Officers Appointments, Investigating and Disciplinary Panels.

6. POWERS DELEGATED TO OFFICERS

General Powers

- 6.1 Chief Officers (ie the Chief Executive, Directors and Heads of Service as listed in Article 12) can take decisions, in consultation with the Cabinet Member concerned:

- to discharge the functions allocated to them or dealt with by them or their staff, except for matters specifically reserved to Executive Members, Cabinet meeting, Cabinet Committees, Committees or Council.
- in all matters where they have managerial or professional authority
- to authorise and accept quotations for contracts up to £75,000 for approved schemes with sufficient estimate provision.
- to agree settlements of up to £1,000 subject to budget and audit trails.
- to agree financial settlement where recommended by the Ombudsman or a Court.
- without exception, in cases of emergency.

Explanatory Note

This covers emergency decisions that were not anticipated within the budget or PMP but nevertheless relate to everyday business, not major changes/decisions outside the approved budget and 11 statutory plans.

Example: school heating system fails during mid-winter, or a school roof collapses today.

- 6.2 They may use whatever means they consider appropriate to discharge those functions, including
- incurring expenditure and collecting income
 - engaging and deploying staff
 - deploying other resources within their control
 - placing contracts and procuring other resources within or outside the Council.
- 6.3 Besides having delegated powers to deal with executive matters, specific chief officers have powers to deal with regulation, licensing and enforcement matters which are functions for which the Council is responsible, or for which the Council, acting as Licensing Authority, is responsible.
- 6.4 Before any delegated powers report is signed by a Chief Officer he or she must consider whether the issues involved are likely to raise significant levels of public concern or comment or give rise to policy considerations. Where this is the case, the matter must be referred to the appropriate Cabinet Member as to whether or not it is appropriate to use the delegation. All delegated powers reports must indicate that this process has been undertaken.
- 6.5 All Directors and Chief Officers will draw up a list of specific powers delegated to them which is published on the internet.

Specific Powers

- 6.6 In addition, in consultation with the Cabinet member concerned:
- Strategic Directors have the power to agree virements up to £100,000 between Budget Heads, and
 - Heads of Service, the power to agree virements up to £100,000 within a budget head.
- 6.7 The Borough Treasurer has the powers set out in the Financial Standing Orders and in particular:
- To agree to revenue or capital expenditure not provided for within the control budget being incurred if the Borough Treasurer is satisfied that it is wholly reimbursable to the Council, or compensatory savings have been identified. In all circumstances the expenditure must be consistent with performance management plans.
 - To take the most appropriate form of borrowing from the approved sources, and to make the most appropriate form of investments in approved instruments.

- Subject to a report being submitted to Resources Cabinet Committee on the action taken, to write off debt up to £5,000, in consultation with the Borough Solicitor.

6.8 The following Officers also have the powers indicated:

- the Borough Treasurer to make grants to voluntary organisations up to £2,000 per annum.
- the Director of Economic and Community Development, in consultation with the Cabinet Members for Resources to make decisions about:
 - leases of not more than 30 years,
 - licences and easements,
 - to acquire land for under £5,000 and
 - to dispose of interests in property for consideration not exceeding £100,000 plus proper fees.

Restrictions and Conditions

6.9 Directors and Chief Officers will not take decisions that are reserved to another decision making body under this constitution, and in particular

- they will only take Key Decisions as defined in Article 13 of the Constitution, or which do not involve the implementation of an annual Performance Management Plan or a decision previously taken by Council, Committee or Cabinet, if it is impractical for the relevant Executive Member to do so
- they will only take decisions that are reserved to Council or Cabinet under this Constitution in an emergency and if it is lawful for them to do so.

6.10 When exercising delegated powers officers must act within the law and the Council's constitution, and follow Council policy (including the Statement of Licensing Policy) and the lawful instructions of Council Committees, Licensing Authority Committees, and the Executive. If exceptionally they need to depart from Council policy or those instructions, they must report to the relevant body as soon as possible.

6.11 Key decisions taken by officers will be published and recorded in accordance with the Access to Information Procedure Rules. Other decisions taken by officers must be recorded and made available to members of the Council either as individual or summary decisions published on the Members Internet or as a performance indicator reported to an Overview and Scrutiny Committee.

6.12 They may authorise other officers to exercise these powers in practice, but they are taken in their name and they remain their responsibility.

6.13 Emergency action taken under delegated powers must be reported to the relevant body as soon as possible.

7. JOINT ARRANGEMENTS

The following are the joint arrangements for the discharge of functions which are the responsibility of the Executive:

- London Boroughs Grants Scheme under Section 48 Local Government Act 1985.
- Transport Committee for London agreement dated 15 January 1998.
- Association of London Government agreement dated 1 April 2000.

Section 4 – Public Participation

(Section Revised Council 12 April 2005)

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Explanatory Note – petitions, public comments and questions

The public may make representations at meetings in three ways:-

1. Question time – the first 30 minutes of committee and sub-committee meetings are reserved for question time. Members of the public may send in a written question about two weeks before the meeting and the Chairman will answer the question at the next meeting;
2. Petitions – If a group of residents are concerned about a council service or a decision that is about to be made, they may send the Council a petition. The petition will be considered by the committee, sub-committee or forum dealing with the issue; or
3. Public comments – If a group of residents are concerned about a decision that is about to be made, they may nominate someone to speak on their behalf to the committee or sub-committee dealing with the matter, or at an area forum. They may also speak about planning applications at the Area Planning Sub-Committees or area forums.

Area sub-committees and forums

The Council has a number of Environment Sub-Committees covering different areas of the borough, together with area forums. The Environment Sub-Committees make decisions on local issues, except planning issues. (*see area Planning Sub-Committees below*). The purpose of the area forums is to consult and involve local people in local issues.

Where there is a need to consult local people on a particular issue before the Environment Sub-Committee makes a decision, the area forums will be the main consultative mechanism. Therefore, all public comments, petitions etc will normally be considered at the area forum and, when an issue is to be considered by the environment sub-committee, a summary of the forum's views will be reported to the Environment Sub-Committee before it makes its final decision. All members of the sub-committee and ward councillors will also be members of the area forums.

In this way, the area forum will be able to consider the collective views of a particular area. Unless circumstances have changed significantly, it will be rare for the Environment Sub-Committee to consider further representations from individual members of the public once it has heard the collective views of local people at an area forum meeting.

There will also be a number of other mechanisms for consulting the public on policy issues and about reviews of services.

Area Planning sub-committees

Each area will also have an Area Planning Sub-Committee which will consider local planning applications. Normally, the sub-committee will consider individual representations on planning applications but occasionally planning issues may be considered by the forum.

Cabinet and Cabinet committee meetings

Whilst meetings of the Executive are excluded from these provisions, the Leader (or in the Leader's absence the member chairing the Cabinet) and the chairman of a Cabinet committee has discretion to issue invitations to speak at Cabinet and Cabinet committee meetings where he or she considers it appropriate upon application.

Application should be made to the Leader's Office at the Town Hall, Hendon, NW4 4BG by 10am on the second working day before the day of the meeting.

NOTE ON THE CONDUCT OF LICENSING HEARINGS

All Hearings relating to the Authority's functions under the Licensing Act 2003 will be conducted within the framework and requirements of the Hearings Regulations made by the Secretary of State under that Act. It should be noted that the Act and Regulations make detailed provision for the hearing of representations in relation to licensing applications which will apply in the conduct of this Authority's licensing hearings. Accordingly, such hearings, and any business of the Licensing Authority, are excluded from the following procedure rules relating to public participation in Council Committees and Sub-Committees.

Petitions, question time and public comments - rules

1. Excluded meetings

These Rules do not apply to

- The Council meeting
- The Council acting as Licensing Authority, the Licensing Committee or the Licensing Sub-Committee
- Appeals Committee
- Chief Officers Appointments, Investigating and Disciplinary Panels
- Pension Fund Management Advisory Panel
- Meetings of the Executive and its Committees or any other public meetings at which executive decisions are taken apart from Area Environment Sub-Committee meetings (but see Explanatory Note above).

2. General rules

- 2.1 The matter must be relevant to the relevant body's powers and duties or to the borough.

- 2.2 Any matter that may involve the disclosure of exempt or confidential information will be considered in private session (*as defined in the Access to Information Procedure Rules in Part 4 of the Constitution.*)
- 2.3 The following may not be considered:
- 2.3.1 requests from or in connection with the aims and activities of a political party;
 - 2.3.2 if the matter would result in the release of information to which the public does not have access, and which would prejudice effective enforcement action of any kind;
 - 2.3.3 any matter where there is a right of appeal against any decision of the Council, whether to a Council appeals committee or panel, the courts, a tribunal, a review body or a government minister;
 - 2.3.4 matters which are defamatory, abusive or offensive;
 - 2.3.5 submissions from any legal or professional representatives acting as such (except on planning applications – Rule 6.9).
 - 2.3.6 requests from council employees or their trade unions on employment matters, all of whom have other processes for accessing decision takers.
 - 2.3.7 requests from members of the council, members of Parliament, the member for the GLA and members of other public bodies except at the discretion of the chairman of the body who may give consent where he or she considers it appropriate. Where the Chairman exercises such discretion, the speaker will speak in addition to any of those members of the public speaking in accordance with the provisions of Rule 3.
- 2.4 If the relevant committee or sub-committee has established a forum or other consultative body, the Head of Committee Administration may decide that the consultative body should consider the matter first. If so, the consultative body shall consider the petition, joint letter or hear any public comments or questions and the committee or sub-committee shall consider a written summary.

3. Rules for public comments and questions only

- 3.1 No more than four persons shall be heard on any single item of business or topic (including any person applying for consent or permission of any kind).
- 3.2 Where public comments relate to an application, the applicant will have a right to reply immediately after the public comments.
- 3.3 Public comments and questions may not be considered:
- 3.3.1 on any matter which has been the subject of a decision by the Council or any committee, or sub-committee in the previous six months, unless there has been a material change in the circumstances;
 - 3.3.2 on any matter where public comments have previously been made to a sub-committee or committee and it was known at that time by those making comments that the matter would be referred to committee or Council for a decision, unless legally necessary;
 - 3.3.3 from any person applying to the Council for consent or permission of any kind, except in response to public comments
- 3.4 Where a person wishes to speak on a matter which is already before the committee for decision, the speaker shall always have the opportunity of being heard before a decision is reached on the item.

4. Petitions and joint letters and procedure

- 4.1 Any petition or joint letter signed by 25 people or more who live or have businesses in the borough will be submitted to the next meeting of the committee or sub-committee or forum within whose terms of reference it falls, together with an officer's report.
- 4.2 Petitions or joint letters must be delivered to the Head of Committee Administration. If a member or officer of the Council receives a petition or joint letter, he or she must pass it immediately to the Head of Committee Administration. The Head of Committee Administration will arrange for the relevant chief officer to report the petition or joint letter to the next ordinary meeting of the relevant committee, sub-committee or forum.
- 4.3 The Head of Committee Administration shall notify the lead petitioner, if known, of the date of the meeting that will consider the petition or joint letter.

5. Public question time and procedure

- 5.1 Anyone who lives or has a business in the borough may ask the Chairman of any committee, or sub-committee, a question on any matter within its terms of reference. Questions will be dealt with strictly in order of receipt, but a second question submitted by an individual (other than a supplementary question permitted under Paragraph 5.7) will not be dealt with until all first questions submitted from members of the public have been dealt with. Similarly a third question from an individual will not be dealt with until all "second questions" have been dealt with and so on. This Standing Order does not apply to Council meetings.
- 5.2 The time allowed for questions to the Chairman shall be limited to 30 minutes or a maximum of 20 questions, whichever occurs first.
- 5.3 The Chairman shall reply in writing to any questions not dealt with at the meeting within 14 working days from the date of the meeting.
- 5.4 Questions must be asked and answered without discussion, but the Chairman may decline to answer a question and his/her decision shall be final.
- 5.5 The Chairman will normally decline to answer any question, which is about an individual or which is about current or imminent litigation.
- 5.6 An answer may take the form of:-
 - 5.6.1 a direct oral answer; or
 - 5.6.2 a written answer to the questioner where information is in a publication or a reply cannot be given orally.
- 5.7 The questioner may ask one supplementary question to the original question. These do not count towards the limit of 20 questions.
- 5.8 The Head of Committee Administration shall send copies of all written replies and the questions to which they relate to all members of the committee for information. The number of questions that the Chairman has answered or declined to answer will be recorded in the minutes.

6. Public comments at meetings and procedure

- 6.1 Any committee or sub-committee may consider allowing anyone who lives or has a business in the borough or is affected by a decision to talk to it on matters within its terms of reference. This must relate to an item of business being considered by the committee or sub-committee.

- 6.2 If more than four requests to speak have been received and approved, those wishing to speak will be asked to agree amongst themselves which of them should address the committee. If they are unable to agree, the committee will decide which four people they shall hear. An applicant will always have the right to respond to objectors' oral representations.
- 6.3 The Chairman, who may vary the order of business, will determine the order in which public comments are to be heard at any meeting.
- 6.4 The representative of the public shall speak immediately following the officers' presentation of the item of business, to which the comments relate.
- 6.5 Each speech shall be limited to a maximum of five minutes (three minutes for planning applications – Rule 6.8), save for any time spent in replying to questions put by members. The speaker shall be allowed to speak without interruption. Any response from an applicant shall be limited in the same way.
- 6.6 Following all the speeches, any response from applicants present and any questions which may be put by members, the committee or sub-committee shall proceed to debate and determine the item of business under consideration and shall not hear any further representations or comment from any speaker or applicant.

Additional Rules for planning applications only:

- 6.7 The following additional rules apply to public comments on planning applications at the Planning and Environment Committee or an area planning sub-committee.
- 6.8 Each speech shall be limited to a maximum of three minutes.
- 6.9 Four speakers shall be allowed, to include where there are objectors the applicant or the applicant's representative named on a planning application, except:
 - 6.9.1 multiple applications for the same site shall be treated as one application for public speaking purposes and a maximum of four speakers shall be permitted on the applications combined;
 - 6.9.2 where the applicant does not wish to speak the number of speakers shall be restricted to three objectors only.

7. Notification of requests to speak and ask questions

- 7.1 Any request to speak at a meeting (other than on a planning application – see below) and the reasons for it, or a question (exact wording), must be received by the Head of Committee Administration, in writing,
 - (i) in the case of requests to speak, by no later than 10am on the 2nd working day before the day of the meeting;
 - (ii) in the case of questions, by 10am on the 7th working day before the meeting.

The request or question must be delivered by post, hand, fax or e-mail.

- 7.2 The Head of Committee Administration shall decide the appropriate body that should consider the request or question and shall approve the requests to speak under his delegated powers.
- 7.3 As soon as is practicable before the meeting, the Head of Committee Administration shall notify any person wishing to speak or to ask a question of the date of the committee, sub-committee or panel or forum where it will be considered.

7.4 Notification for planning applications only

The request to make comments on a planning application shall be notified, in writing, to the relevant area planning officer no later than 10 am on the second working day before the day of the meeting.

The area planning officer shall inform the person who submitted the planning application and those wishing to make comments of the date of the meeting at which the application will be considered and representations are to be heard.

8. Circulation of questions and requests to make comments

8.1 Details of the questions to be asked at the meeting or requests to talk at the meeting will not be set out on the agenda.

Questions

Three clear days before the meeting the Head of Committee Administration shall:

- 8.1.1 circulate written details of any questions to be asked to members of the committee or sub-committee; and
- 8.1.2 place copies on deposit for public inspection.

Requests to make comments

On the working day before the meeting the Head of Committee Administration shall:

- 8.1.3 circulate, via e-mail, details of any requests to speak at the meeting to members of the committee or sub-committee; and
- 8.1.4 place copies on deposit for public inspection.

8.2 Where a matter relates solely to a particular ward the Head of Committee Administration shall invite the members for that ward to the meeting at which the public comments will be heard, if practicable. This invitation will be delivered by e-mail. This Standing Order does not apply to questions.

Section 3 – Panels and Consultative Bodies

(Section revised Cl. 12 April 2005)

Contents

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| 1. Consultative Bodies |
| 2. Other boards and panels |
| 3. Other advisory or consultative bodies |

1. Consultative bodies

The Council has established consultative bodies for the purpose of consultation with the trades unions, and determined their constitution and terms of reference. They do not discharge statutory functions and are not Council committees. Their Constitutions are attached as Appendices 1, 2 and 3. Their membership is set out below:

Body	Council Members	Substitute Members	Substitute Members
Corporate Joint Negotiation and Consultation Committee	14	3	14
Teachers Joint Negotiation and Consultation Committee	10	6	Up to 14
Corporate Joint Consultation (Health, Safety and Welfare) Committee	6	6	10

2. Other boards and panels

- 2.1 The Head of Committee Administration is authorised to appoint, nominate and convene boards and panels for specific statutory purposes.

Explanatory note – substitute members

This standing order enables the Head of Committee Administration to make all the necessary arrangements for bodies which are set up by the Council, which:

- Are not effectively external bodies to which the Council nominates members; and
- Are not committees or sub-committees.

These bodies are:

- (1) The following boards and panels appointed by the Head of Committee Administration under delegated powers:
 - Social Services Review Panels (Children and Community Care)
- (2) School Admission and Exclusion Panels are nominated by the Head of Committee Administration under delegated powers.
- (3) The following bodies which are treated as outside bodies to which appointments are made by the Council:
 - Standing Council for Religious Education
 - Adoption and Permanency Panel

- 2.2 The Council shall appoint members to the School Organisation Committee, which is a statutory body but not a committee of the Council, at its Annual Meeting or when vacancies arise.

3. Other advisory or consultative bodies

The Council and its committees and sub-committees can establish other informal advisory or consultative bodies, which are not Council committees or sub-committees.

<u>Panel</u>	Membership	Substitute Members	Quorum
Pension Fund Management Advisory Panel	3	3 (1 for each political group)	Not applicable

Financial Regulations (Revised Council 12/4/05)

Financial Regulations govern the way the council undertakes financial forward planning, annual budget setting, budget monitoring and closing of the accounts. These aspects are set out in Part 1 (Financial Management).

Financial Regulations also govern the way day to day financial administration is conducted and financial controls are exercised. These aspects are set out in Part 2 (Financial Administration).

Financial Regulations are supported by other elements of the Council Constitution, in particular:-

- Scheme of Delegation
- Budget & Policy Framework Procedure Rules
- Contract Procedure Rules
- Rules on the Disposal of Land & Property.

Part 1 – Financial Management

- 1 Financial Forward Planning
- 2 Annual Budget Setting
- 3 Budget Management & Monitoring
 - Latest Approved Budget
 - Budget Monitoring
 - Central Contingency
 - Reporting to Members
 - Authorisation of Non-Budgeted Expenditure
- 4 Further Responsibilities of Heads of Service
 - Budget Monitoring
 - External Funding
 - Full Year Effects
 - Impact on Other Services
 - Partnership Working
 - General Requirements
- 5 Closing of Accounts & Statement of Accounts
- 6 Treasury Management Framework

1 FINANCIAL Forward Planning

- 1.1 The Borough Treasurer, in consultation with the Cabinet Member with responsibility for Resources, will maintain a Financial Forward Plan that covers a period of at least four financial years, including the current financial year.
- 1.2 The Financial Forward Plan will be reported in conjunction with the annual budget, council tax and rent proposals to Cabinet and Council. Further updates may be reported during the year.
- 1.3 The Financial Forward Plan will cover revenue and capital budgets, and will highlight proposals for directing resources to achieving Corporate Plan priorities.
- 1.4 In respect to resources, the Financial Forward Plan will take account of the following:-
 - forecasts of formula grant;

- anticipated changes in specific grants and subsidies;
- increases in fees and charges, and the introduction of new charges;
- interest earnings (net);
- levels of reserves and balances;
- increased income from rents and council tax.

- 1.5 In respect to expenditure, the Financial Forward Plan will take account of the following:-
- full year effects of previous decisions;
 - changes in responsibility arising from new or amended regulations, net of increased income from associated new fees and charges;
 - re-direction of resources to achieving Corporate Plan priorities and targets;
 - forecast changes in service demand;
 - forecasts of inflation, pay awards and interest rates;
 - efficiency savings;
 - planned service reductions.
- 1.6 The Financial Forward Plan may be a mixture of estimates and targets. The status of all figures will be clearly set out, together with associated risks.

Note : For the Financial Forward Plan to be a comprehensive expression of the Council's future net expenditure plans, it would be unreasonable to expect only firm estimates of expenditure and income to be included.

Clearly, all estimates have a varying degree of confidence associated with them (e.g. estimates of Formula Grant three years ahead are likely to be more speculative), but there are also instances where Council might want to set targets (not estimates) and reflect these in the Financial Forward Plan so that it can provide residents, local businesses and partners with a more detailed picture of its future intentions.

Some items will be a mixture of estimates and targets, e.g. efficiency targets, where a certain level of savings can be included as a reasonable estimate of the outcome of known changes in business processes, with a higher level being included as a target.

Risks associated with both estimates and targets need to be clearly set out.

2. ANNUAL BUDGET SETTING

- 2.1 The Executive will publish a draft budget and performance management plans for consultation, usually after the Provisional Local Government Finance Settlement has been announced. Arrangements for budget consultation will be determined by the Executive
- 2.2 The Borough Treasurer will set the council taxbase for tax-setting purposes before 31 January of the preceding financial year, and notify precepting and levying bodies of this figure by this date. The Borough Treasurer will, at the same time, notify all Council Members.
- 2.3 The Executive will finalise its recommendations to Council on the budget, council tax and rent levels taking account of the results of budget consultation. This will normally be in February, following announcement of the Final Local Government Finance Settlement.

- 2.4 The Executive's recommendations to Council must be made in time for Council to set the budget and council tax before 11 March of the preceding financial year to the financial year to which the recommended budget and council tax relate.
- 2.5 The budget that the Executive recommends to Council must be based on reasonable estimates of expenditure and income, and take account of:-
- outturn forecasts for the current year;
 - guidance from the Borough Treasurer on the appropriate level of reserves, balances and contingencies;
 - financial risks associated with proposed budget developments, reductions and ongoing projects;
 - affordability of prudential borrowing over the period of the council's financial forward plan;
 - recommendations from the external auditor on matters such as the level of reserves and provisions.
- 2.6 The budget recommended by the Executive to Council will incorporate the latest projection of income from fees and charges.
- 2.7 Heads of Service may approve changes to fees and charges annually where the change is broadly in line with inflation. The date for annual increases need not be 1 April.
- 2.8 Cabinet Resources Committee may approve changes to fees and charges that are significantly different from inflation, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.

3. BUDGET MANAGEMENT & MONITORING

Latest Approved Budget

- 3.1 The latest approved budget for a service or capital project is the budget determined by Council prior to the start of the year, as amended by approved variations throughout the year (e.g. virements, returns to the central contingency and allocations from it).
- 3.2 The Borough Treasurer is responsible for maintaining the latest approved budget.
- 3.3 It is envisaged that the Scheme of Virement for revenue and capital budgets will be determined by the Leader as part of the scheme of delegation. If this is not the case, the Borough Treasurer must determine a scheme in consultation with the Cabinet Member with responsibility for Resources.
- 3.4 Commitment of capital expenditure will be subject to the Borough Treasurer confirming that sufficient resources are available.

Budget Monitoring

- 3.5 Heads of Service have no authority to overspend revenue or capital budgets, or under-recover income budgets under their control, and are responsible for monitoring their budgets to ensure this situation does not arise.
- 3.6 Forecast overspends of less than £50,000 on a service revenue budget or capital project budget will be reviewed as part of normal budget monitoring arrangements.
- 3.7 Forecast overspends of £50,000 and above on a service revenue budget or capital project budget must be notified to the Borough Treasurer immediately, regardless of whether the overspend can be contained within the overall service or capital programme budgets.

- 3.8 Having notified the Borough Treasurer of a forecast revenue or capital budget overspend, the Head of Service must submit proposals to the Borough Treasurer for offsetting the forecast overspend, together with an assessment of the impact these corrective actions will have on service delivery and performance targets. Approval to these budget variations will be in line with the Scheme of Virement (see 3.3).
- 3.9 Heads of Service are required to notify the Borough Treasurer of all underspends, over-recovery of income or windfall benefits arising within their revenue and capital budgets, which must in the first instance be returned to central contingencies.

Central Contingency

- 3.10 The Borough Treasurer will determine which budget developments are to be held within the central contingency.
- 3.11 Allocations from the central contingency relating to planned developments will be approved by the Borough Treasurer, in consultation with the Cabinet Member for Resources, following the receipt from a Head of Service of a fully costed proposal to incur expenditure that is in line with planned development (including full year effect). Where there is a significant increase in the full year effect, the contingency allocation must be approved by Cabinet Resources Committee.
- 3.12 Allocations from the central contingency for unplanned expenditure up to £250,000, including proposals to utilise underspends previously generated within the service, will be approved by the Borough Treasurer in consultation with the Cabinet Member with responsibility for Resources.
- 3.13 Allocations for unplanned expenditure over £250,000 must be approved by Cabinet Resources Committee.

Note : The requirement for Cabinet Resources Committee to approve contingency allocations in certain circumstances in 3.10 and 3.11 above is to ensure that proposals for new expenditure are in accordance with Corporate Plan priorities or are otherwise unavoidable.

Reporting to Members

- 3.14 The Borough Treasurer will make regular reports to Cabinet Resources Committee on revenue and capital budget monitoring, including performance against prudential indicators and the continued affordability of capital expenditure funded from prudential borrowing.
- 3.15 Reports on the revenue budget will normally include:-
- a revised forecast outturn;
 - progress in achieving budgeted savings;
 - the position on budgets that were overspent (or income budgets not achieved) in the previous financial year;
 - advice from the Borough Treasurer on whether action is required to address any diminution in reserves and, if necessary, proposals and/or options for action that needs to be taken.
- 3.16 These reports will make recommendations for varying the Latest Approved Budget (revenue and capital) in the following circumstances:-
- allocations from the central contingency for unplanned expenditure over £250,000 (see 3.12), or for planned expenditure where there are significant full year effects (see 3.11);

- underspends and windfall benefits returned to the centre (see 3.9);
- increases in service revenue budgets where overspends are considered unavoidable and cannot be contained within the overall budget managed by a Head of Service;
- variations in capital project budgets.

3.17 These reports will also include the revised forecast outturn variations on revenue and capital budgets where recommendations have not been made to amend the Latest Approved Budget.

Authorisation of Non-Budgeted Expenditure

3.18 In cases of urgency or emergency, the Chief Executive may approve revenue or capital expenditure in excess of the latest approved budget.

3.19 The Borough Treasurer may approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that:-

- the expenditure is wholly reimbursable to the Council; or
- compensatory savings have been identified; and
- there are no significant full year effects.

In all circumstances, the expenditure must be consistent with the Corporate Plan and performance management plans.

4. FURTHER RESPONSIBILITIES OF HEADS OF SERVICE

Budget Monitoring

4.1 Heads of Service must establish local arrangements for monitoring revenue and capital budgets within their services.

4.2 Heads of Service must put in place local management information systems, where appropriate, to supplement information obtained from the corporate financial systems.

Note : Local arrangements should be designed to increase control over the commitment of expenditure since financial information systems in the main reflect decisions already taken. The development of non-financial information is often very effective (e.g. regular reviews of staffing levels compared to budgeted turnover expectations and numbers of agency staff employed to cover vacancies). A good understanding of average/unit costs within a service, combined with good monitoring of "throughput" can also enhance budget monitoring.

4.3 Heads of Service should establish Cost Centre Management Schemes that clarify day to day responsibility for budget monitoring and management within their services, and identify who has authority to take all budget management decisions in the absence of the Head of Service. These schemes should be copied to the Borough Treasurer.

External Funding

4.4 External funding covers bids to Government and other organisations that are offering funding for projects that meet certain criteria. It also covers contributions being sought from participating organisations and individuals.

4.5 Heads of Service must provide the Borough Treasurer will details of all bids for external funding. In particular, the following information must be provided:-

- how the bid supports achievement of Corporate Plan targets;
- whether the bid is for capital and/or revenue funding;

- revenue and capital matched funding contributions required from the council, and how these will be identified;
- revenue and capital matched funding contributions required from other organisations and individuals, how these amounts will be secured, and the risks associated with them;
- where the bid is for revenue funding;-
 - whether this is to support existing levels of activity or enhanced / new activities;
 - proposals for reducing the activity OR incorporating it in the base budget once the external funding is exhausted;
- where the bid is for capital funding :-
 - whether an asset will be created, and if so, how this fits in with the council's Asset Management Strategy;
 - how the ongoing cost of maintaining the asset will be funded;
 - whether the asset can / will be disposed of at a later date.

4.6 Heads of Service may not normally commit expenditure on projects requiring matched funding contributions if the external funding has not been confirmed. There may be instances, however, where the risk of proceeding is considered appropriate to the benefits that the council / borough will derive if the activity or project proceeds. In these instances, the Head of Service should seek approval of Cabinet Resources Committee to commit expenditure ahead of external funding being confirmed.

4.7 Heads of Service must advise the Borough Treasurer of all grant and subsidy notifications as soon as they are received. Where the amount notified is greater than the budget, the excess will be deemed a windfall and must in the first instance be returned to the central contingency. Where the amount notified is less than the budget, the Head of Service must notify the Borough Treasurer of proposals for containing any potential overspend.

4.8 Heads of Service must ensure that all conditions associated with external funding attributed to their revenue and capital budgets are met.

Full Year Effects

4.9 In preparing all estimates of expenditure and income, Heads of Service must give proper consideration to full year effects of their proposals. Where appropriate, financial risk assessments and exit strategies should be prepared in advance of committing expenditure.

Note : Problems with full year effects can arise in a variety of circumstances, including:-

- *restructures and regradings*
- *pilot projects*
- *bids for external funding*
- *allocating specific grants or other funding*
- *tender evaluation*
- *submitting tenders for external work*
- *forecasting overspends.*

Impact on Other Services

4.10 Before a Head of Service makes a decision that could affect the budget of another Head of Service they must first consult with the other Head(s) of Service.

Partnership Working

- 4.11 Before entering into a partnership with another organisation that involves pooling some of the council's revenue and/or capital budgets, the Head of Service must undertake a risk assessment to ensure adequate controls are designed and embedded before finalising the partnership arrangements.

General Requirements

- 4.12 Heads of Service must consult the Borough Treasurer at an early stage on any current or future matter or decision that has financial implications.

5. CLOSING OF ACCOUNTS & STATEMENT OF ACCOUNTS

- 5.1 The Borough Treasurer is responsible for making arrangements for closing the accounts and producing the annual Statement of Accounts, as well as all matters relating to their audit and public inspection.
- 5.2 The Statement of Accounts will be prepared in accordance with the CIPFA Code of Accounting Practice, which includes the deadline for their production and the requirement to include a Statement on Internal Control (SIC).
- 5.3 Heads of Service must provide the Borough Treasurer with information required to close the accounts and complete all grant and subsidy claims.
- 5.4 In closing the accounts, the Borough Treasurer may amend the funding of individual services and capital projects if this is to the council's financial benefit.

Note : Projects may be approved during the year, to be funded from particular sources (e.g. capital receipts, prudential borrowing, grants, s.106 monies). Circumstances may change during the year such that it is to the council's advantage to amend the method of funding, e.g. if a capital receipt is achieved late in the financial year that was not anticipated until the following year, it may be advantageous to utilise that receipt instead of undertaking the planned level of prudential borrowing.

- 5.5 The Annual Audit Letter from the Audit Commission includes the external auditor's report and opinion on the audit of the accounts, as well as comments and recommendations on the council's financial standing, the legality of financial transactions and internal financial control. This will be reported to Cabinet, together with an appropriate action plan, after which it will be referred to the Audit & Resources Overview & Scrutiny Committee for further consideration.

6. TREASURY MANAGEMENT FRAMEWORK

- 6.1 The Council adopts the key recommendations contained in "The Prudential Code for Capital Finance in Local Authorities - Interim Guidance & Notes Supplement" (CIPFA, February 2004), "Treasury Management in the Public Services: Code of Practice" (CIPFA, 2001) and any subsequent recommended good practice by CIPFA.
- 6.2 Cabinet Resources Committee will create and maintain a Treasury Management Policy Statement (TMPS), stating the policies and objectives of its treasury management activities.
- 6.3 The Borough Treasurer will create and maintain suitable Treasury Management Practices (TMPs), setting out the manner in which the Authority will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

6.4 Cabinet Resources Committee will receive reports on its treasury management policies, practices and activities, including an annual strategy and plan in advance of the year, and an annual report after its close in the form prescribed in the TMPs. These reports will incorporate the prudential borrowing limits and performance indicators.

Part 2 – Financial Administration

- 1 Introduction
- 2 Accounting
- 3 Internal Audit
- 4 Corporate Anti-Fraud Team
- 5 Banking Arrangements
- 6 Security of Assets
- 7 Imprest Accounts
- 8 Income
- 9 Insurance
- 10 Investments, Borrowing, Capital Financing & Trust Accounts
- 11 Ordering of Goods, Works & Services
- 12 Payment of Accounts
- 13 Salaries, Wages & Pensions
- 14 Travelling, Subsistence, & Financial Loss Allowance
- 15 Amenity & Unofficial Funds

1. INTRODUCTION

- 1.1 These Financial Management Rules apply to all financial transactions of the Council with the exception of schools with delegated budgets, which have their own set of financial regulations.
- 1.2 They are designed to safeguard the interests of the Council and individual officers by setting out clear procedures to be followed under the various sections.
- 1.3 This should be used in conjunction with other points of the constitution, legal requirements and other codes of practice which may be issued under 1.5 of this section.
- 1.4 The Borough Treasurer or Chief Internal Auditor, after discussion with the relevant Chief Officer, may report any breach of this Code to the Cabinet Meeting or Cabinet Resources Committee.
- 1.5 These Financial Management Rules may be supplemented at any time by other codes of practice or instructions issued by the Borough Treasurer.

2. ACCOUNTING

- 2.1 All accounting arrangements across the council shall be in a manner approved by the Borough Treasurer, taking into account best practice guidance issued by relevant external bodies, such as CIPFA and the Audit Commission.
- 2.2 There must be adequate separation of duties to ensure that no one officer is able to handle any financial transaction from start to finish without there being some mechanism for independent checking. By finish is meant the completion of the accounting for the transaction.

3. INTERNAL AUDIT

- 3.1 Under the Accounts and Audit Regulations 1996 the Council has a statutory obligation to have an adequate and effective system of internal audit. The Chief Internal Auditor has the delegated authority for providing and maintaining this service.

Objective & Scope

- 3.2 The Internal Audit Service is an independent, objective assurance and consulting activity designed to add value and improve the council's operations. It helps the council achieve its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management control and governance processes.
- 3.3 The objective of internal auditing is to assist officers and Members in the effective discharge of their responsibilities. To this end, internal auditing furnishes them with assurance, analyses, appraisals, recommendations, counsel, and information concerning the activities reviewed. This objective includes promoting effective control at reasonable cost.
- 3.4 The scope of internal auditing encompasses the examination and evaluation of the adequacy and effectiveness of the organisation's system of internal control and the quality of performance in carrying out assigned responsibilities. Internal auditors:-
- review the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information;
 - review the systems established to ensure compliance with those policies, plans, procedures, laws, regulations and contracts which could have a significant impact on operations and reports, and should determine whether the organisation is in compliance;
 - review the means of safeguarding assets and, as appropriate, verify the existence of such assets.
 - appraise the economy and efficiency with which resources are employed.
 - review operations or programmes to ascertain whether results are consistent with established objectives and goals and whether the operations or programmes are being carried out as planned.

Independence

- 3.5 Internal Audit is independent of the activities audited. Internal Auditors are independent when they can carry out their work freely and objectively. Independence permits internal auditors to render the impartial and unbiased judgements essential to the proper conduct of audits. It is achieved through organisational status and objectivity.
- 3.6 The organisational status of the internal auditing service permits the accomplishment of its audit responsibilities. The Chief Internal Auditor is responsible to the Borough Treasurer, Chief Executive and Audit & Resources Overview & Scrutiny Committee, thereby promoting independence and ensuring a broad audit coverage, adequate consideration of audit reports, and appropriate action on audit recommendations.
- 3.7 Objectivity is an independent mental attitude which internal auditors maintain in performing audits. Internal auditors do not subordinate their judgement on audit matters to that of others. Drafting procedures for systems, and designing, installing and operating systems are not audit functions. Performing such activities impairs audit objectivity.

Responsibility & Authority

- 3.8 Internal Audit is an integral part of the organisation and functions under the policies established by management and the council.
- 3.9 The purpose, scope, authority and responsibility of the internal auditing service is defined in a formal charter. The charter makes clear the independence of the internal auditing service and emphasises that it must not be restricted when carrying out its responsibilities.

- 3.10 Any suspected irregularity involving any asset, or the exercise of any function, of the Council must be reported by the appropriate Chief Officer to the Chief Internal Auditor to inform the overall assurance that can be delivered. The primary responsibility for the prevention, detection and investigation of fraud lies with line management.
- 3.11 The Chief Internal Auditor and Borough Treasurer, or authorised representative, shall have authority to:-
- enter any Council land or premises;
 - have access to all records, documents, correspondence and assets of the Council;
 - receive such explanations as are necessary concerning any matter under examination, and
 - require any employee of the Council to produce cash, stores or any other Council property under his or her control
- 3.12 The Council's Chief Officers shall have regard to the principles of risk management, and to the Council's risk management policy. It is the responsibility of Internal Audit to review the adequacy and effectiveness of the council's arrangements for risk management and to produce an Annual Statement of Internal Control.

4 Corporate Anti-Fraud Team

Under Section 151 of the Local Government Act 1985 the Council has a statutory obligation to ensure the protection of public funds and to have an effective system of prevention and detection of fraud and corruption. The Head of the Corporate Anti-Fraud Team (CAFT) has the delegated authority for providing and maintaining this service.

Objective & Scope

The CAFT is an independent, objective activity designed to add value and improve the council's operations. It helps the council achieve its objectives by bringing a systematic, disciplined approach to investigation evaluating and improving the effectiveness of fraud prevention and detection and the subsequent prosecution of individuals and organisations where appropriate.

The objective of the CAFT is to assist officers and Members in the effective discharge of their responsibilities. To this end, the CAFT furnishes them with assurance, analysis, appraisals, recommendations, counsel, and information concerning the activities it is required to become involved with. The objective includes promoting fraud awareness across the authority.

The scope of the CAFT encompasses both the investigation and examination of the effectiveness of the council's systems of fraud control when subject to breach. In carrying out assigned responsibilities, Investigation Officers:-

- review the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information;
- provide protocols and systems which ensure accurate reporting of any such fraud (including "Whistleblowing" and a "Fraud Hotline"), create and promote policies, plans, procedures, law, regulations and guidance which have a significant impact on the organisation;
- provide an effective, efficient and value for money investigation service;
- provide the organisation, its employees and business partners with a comprehensive guide in areas such as money laundering and other legislation relating to the proceeds of crime.

Independence

CAFT officers are independent when they can carry out their work so act freely and objectively. Independence permits Investigators to render the impartial and unbiased judgements essential to the proper investigation and conclusion of fraud.

Responsibility & Authority

The primary responsibility for the prevention detection and deterrence of fraud lies with Heads of Service. This responsibility includes ensuring that staff and partners are aware of both the implications of fraud and the risks of fraud across their service area. The primary responsibility for the investigation of any suspected fraud found in a service area lies with the CAFT. All details must be immediately forwarded to the CAFT, to preserve the chain of evidence linked to such investigations within the law.

The Head of the CAFT is the officer designated by the Secretary of State under the provisions of the Social Security & Administration Act 2001 to act as Authorised Officer (Warrant Holder) in the obtaining of data prescribed within the Act which may otherwise be protected, in connection with the prevention and/or detection of a crime.

The Head of the CAFT is also the Barnet responsible officer for the authorisation of arrest and prosecution of offenders including deciding on any appropriate sanction action available within the law. The officer is responsible for ensuring that all investigations are conducted in accordance with the Criminal Procedures & Investigations Act (CPIA) the Police & Criminal Evidence Act (PACE), Human Rights and Regulation of Investigative Powers Act (RIPA) including the authorisation of surveillance powers.

Any suspected irregularity involving fraud/corruption within any function of the Council or its partner organisations or suppliers and contractors must be reported to the CAFT. Responsibility for the subsequent investigation of potential fraud and corruption lies with the CAFT.

The Head of the CAFT, the Borough Treasurer, or other authorised representative, shall have authority to:-

- enter any Council land or premises;
- have access to all records documents correspondence and assets of the Council;
- receive such explanations as are necessary concerning any matter under examination, and
- require any employee of the Council to produce cash, stores or any other Council property under his or her control
- interview any and all individuals in connection with investigations including interviews in accordance with the Police & Criminal Evidence Act (on tape).

5. BANKING ARRANGEMENTS

- 5.1 The Borough Treasurer must approve all banking arrangements across the council, and must be satisfied over the safe keeping of all controlled banking stationery.
- 5.2 Cheques drawn on the Council's main bank accounts shall be authorised by the pre-printed title "Borough Treasurer, London Borough of Barnet".
- 5.3 Cheques above certain financial limits set by the Borough Treasurer shall be manually countersigned by those designated officers set out in writing by the Borough Treasurer.

6. SECURITY OF ASSETS

General

- 6.1 Heads of Service are responsible for the proper security of all buildings, stocks, furniture, equipment and cash etc. within their service. The Chief Executive shall exercise a co-ordinating role on security issues and shall be consulted where it is felt that security is inadequate or in special circumstances.
- 6.2 Maximum limits for cash holdings shall be set by the Borough Treasurer, which may not be exceeded without prior authority.
- 6.3 All keys to safes and the like items shall be carried on the person of the officer responsible. Heads of Service shall keep a record of key holders. Any loss of keys shall be reported to the Head of Service.
- 6.4 Heads of service are responsible for the proper security and privacy of all information held in computer systems under their control, and for ensuring that these systems are can only be accessed by authorised personnel.

Land & Property

- 6.5 The Chief Valuer shall maintain an indexed register (terrier) of all properties owned by the Council (except houses and flats provided under the Housing Acts).
- 6.6 This record will show the purpose for which the property is held, its location, extent and plan reference, and details of interest and rents payable and tenancies granted.
- 6.7 The Borough Solicitor shall have secure custody of title deeds.

Other Assets

- 6.8 Heads of Service must maintain inventories of all assets employed in their service, and make arrangements for these to be checked at least annually.
- 6.9 Any surpluses/deficits in excess of a figure set by the Borough Treasurer shall be reported to him/her. The Borough Treasurer shall agree the action to be taken in relation to these differences, including, if necessary reporting to the Cabinet Meeting or Cabinet Committee.
- 6.10 Council assets may only be used for council business, and may only be removed from council premises with the consent of the Head of Service. The officer removing the asset then becomes responsible for the safekeeping of the asset.
- 6.11 All Council assets shall, wherever possible, be security marked.
- 6.12 Heads of Service are responsible for the sale or disposal of assets employed in their service, and for accounting for these transactions. All disposals in excess of £6,000 (or a higher figure that is consistent with capital accounting regulations) are to be notified to the Borough Treasurer.

Stocks & Stores

- 6.13 Heads of Service are responsible for the safekeeping of stocks and stores held and shall not allow levels held to exceed reasonable levels. All records, returns and accounts shall be held in a form approved by the Borough Treasurer and returns will be submitted as and when required.

- 6.14 Stores shall only be issued against properly authorised requisition notes, which shall be received by the person collecting the goods.
- 6.15 Unused items returned to stores shall be recorded on a stores return note.
- 6.16 The condition of stocks shall be checked on a regular basis by the Officer responsible for them.
- 6.17 Heads of Service must ensure that stock items above a value determined by the Borough Treasurer are checked at least once each financial year.
- 6.18 All surpluses or deficits identified during stock takes shall be entered onto an adjustment record and the appropriate Head of Service, with the agreement of the Borough Treasurer, may write-off deficiencies or bring surpluses into account.
- 6.19 The Borough Treasurer or authorised representative may have access to all stock and stores and may make such checks as thought necessary.

7. IMPREST ACCOUNTS

- 7.1 The Borough Treasurer must authorise all imprest accounts.
- 7.2 The imprest account holder must:-
- provide a certificate showing the state of the account, when requested by the Borough Treasurer;
 - only reimburse expenditure up to a limit set by the Borough Treasurer;
 - obtain receipts for all payments made, which should be proper VAT receipts wherever possible;
 - properly account for VAT in all float reimbursements;
 - not allow the account to be overdrawn and shall arrange for reimbursement at regular intervals;
 - not pay any salaries or wages from the account;
 - not pay income into the account;
 - provide the Borough Treasurer with a full account for the advance when ceasing to be the imprest account holder.

8. INCOME

- 8.1 Officers should encourage payment in advance or at point of service delivery wherever possible, and minimise the amount of credit given to customers.
- 8.2 All records relating to income due to the Council, accounts raised, and receipts issued shall be in a format agreed by the Borough Treasurer.
- 8.3 Officers responsible for controlled stationery must keep it secure.
- 8.4 Methods of payment must be agreed by the Borough Treasurer.
- 8.5 The Borough Treasurer may authorise payment by instalments if full payment cannot be obtained immediately.
- 8.6 Officers receiving monies shall keep an accurate and chronological account of all receipts and bankings.

- 8.7 Monies received must be banked on the day of receipt wherever possible, and not later than the next working day. All amounts paid in must be referenced to enable subsequent identification of the accounts to which they relate. All cheques, postal orders etc. shall be crossed with the crossing stamp provided.
- 8.8 No deductions may be made from monies received.
- 8.9 Internal transfers of official money shall be acknowledged in the records of the service concerned by the signature of the receiving officer.
- 8.10 Heads of Service must notify the Borough Treasurer of all monies due to the Council under contracts, leases or other agreements and the cessation of use or change of user affecting this income.

Invoicing & Debt Recovery

- 8.11 Officers responsible for raising invoices must ensure that VAT has been properly accounted for and that the debt is recorded in a format approved by the Borough Treasurer.
- 8.12 Officers responsible for the collection of amounts invoiced should only put forward amounts for write-off after all appropriate steps to recover the debts have been exhausted.
- 8.13 A review of every debt should be undertaken at least quarterly.

9. INSURANCE

- 9.1 The Borough Treasurer is responsible for arranging adequate insurance cover for the Council and keeping comprehensive records of all risks covered.
- 9.2 Heads of Service must notify the Borough Treasurer immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks. The Borough Treasurer will at least annually provide Heads of Service with a statement of existing insurances for verification.
- 9.3 Any incident which could give rise to an insurance claim must be promptly notified to the Borough Treasurer by the relevant officer, who shall also inform the Police if appropriate.
- 9.4 The Borough Treasurer will handle all insurance claims, in conjunction with the Borough Solicitor and/or the insurance company if proceedings are issued.
- 9.5 The Borough Treasurer will examine all new, or amendments to existing policies as required in respect to contractors, mortgagors or other persons in which the Council has an interest.
- 9.6 Officers must consult the Borough Treasurer and Borough Solicitor in all cases where the Council is requested to give an indemnity.
- 9.7 Officers in receipt of a motor vehicle allowance must produce registration documents, insurance policy, certificate of insurance and test certificate if required by the Borough Treasurer. Insurance policies must be comprehensive and cover use on official business.

10. INVESTMENTS, BORROWING, CAPITAL FINANCING & TRUST FUNDS

- 10.1 All investments, except bearer securities, controlled by the Council shall be made in the Council's name or in the name of nominees approved by the Cabinet Meeting or Cabinet Committee.
- 10.2 All securities shall be held securely by the Council's bankers, the Borough Treasurer or custodians approved by the Cabinet Meeting or Cabinet Committee.
- 10.3 All borrowing and, whenever possible all trust funds, shall be in the name of the Council.
- 10.4 The Borough Treasurer shall be the Council's registrar of stocks and bonds and shall maintain records of all monies borrowed and lent.
- 10.5 Officers acting as trustees by virtue of their official position shall deposit all securities etc. which relate to the trust with persons authorised by the Borough Treasurer unless the deed provides otherwise.
- 10.6 All relevant legislation and limits set by the Cabinet Meeting or Cabinet Committee shall be complied with.

11. ORDERING OF GOODS, WORKS & SERVICES

- 11.1 Procurement of goods, works and services must be in accordance with Contract Procedure Rules.
- 11.2 Heads of Service must have systems in place to ensure that only authorised officers are allowed to place orders, and that orders are only raised when there is sufficient budget available.
- 11.3 Processes for ordering goods, works and services must be in accordance with arrangements approved by the Borough Treasurer.

12. PAYMENT OF ACCOUNTS

- 12.1 Methods of payment (e.g. cheque, BACS) must be agreed by the Borough Treasurer.
- 12.2 The names of officers authorised by Heads of Service to certify invoices must be notified in advance to the Borough Treasurer. When certifying invoices for payment these officers must first check that:-
- the works, goods or services to which the account relates corresponds to those shown on the relevant official order or that one of the exemptions set out in the Contracts Procedure Rules applies;
 - the works, goods or services to which the account relates have been received or satisfactorily carried out and have been examined or approved;
 - the prices, additions, calculations, discounts, other allowances and VAT are correct, and that the invoice is a proper VAT invoice;
 - the expenditure has been properly incurred (official order raised, committee authority given), there is budgetary provision and the expenditure has been correctly coded;
 - the appropriate entries have been made in inventories, stores records or stock books;
 - the invoice has not previously been passed for payment.
- 12.3 To enable the council to comply with the Late Payment of Commercial Debts Act, no amended invoices will be accepted. Heads of Service must:-
- return an invoice to the supplier and seek a new invoice with a revised date, whenever:-

- the invoice is dated prior to receipt of goods, works or services and this is contrary to the agreed payment terms;
- the invoice is incorrect;
- when certifying an invoice for payment that was initially disputed, record on the certification form the date on which the invoice was actually validated.

12.4 Invoices that are not produced in an acceptable format will not be passed for payment. This includes invoices that do not comply with VAT Regulations.

12.5 Heads of Service should explore the possibility of early payment discounts with all suppliers of goods, works and services. This must be done within the context of the overall Procurement Strategy.

12.6 Heads of Service, prior to authorising payments in advance, must undertake a risk assessment of the supplier or service provider defaulting. All payments in advance in excess of £100,000 must be notified to the Borough Treasurer.

13. SALARIES, WAGES & PENSIONS

13.1 All appointments shall be made in accordance with the terms and conditions of the Council and the approved establishments, grades and rates of pay.

13.2 The Head of Human Resources shall calculate and pay all remuneration, pensions, compensation and other emoluments to current and former employees or shall approve and control alternative arrangements for this.

13.3 School Governing Bodies shall be responsible for assessing teachers' remuneration and the Head of Human Resources shall maintain teachers' salary and pensions.

13.4 Heads of Service must provide to the Head of Human Resources:-

- the names and specimen signatures of all officers authorised to sign personnel records;
- relevant details of appointments, leavers and any other change of circumstances that may affect payment or the nature of duty of any of their staff;
- details of absences due to sickness, accidents on or off duty, special leave without pay or other paid leave or absence;
- certified time-sheets for staff paid at hourly or weekly rates, at intervals and in the format determined by the Head of Human Resources.

13.5 At regular intervals the Head of Human Resources shall require that each pensioner shall provide a life certificate and statement of any employment which may affect the payment of pension. An undertaking to notify the Head of Human Resources should such employment be taken up shall also be obtained.

13.6 Salaries and wages shall normally be paid direct to the employee's bank account. Pensions and gratuities shall be at the discretion of the Head of Human Resources. All payments shall be made direct to the person concerned unless that person authorises otherwise.

13.7 Payment will normally only be made on the normal date except in respect of holidays or the person leaving the Council before that date. The Head of Human Resources has discretion to make an advance in exceptional circumstances.

13.8 The Head of Human Resources will periodically circulate a list of all salaried staff for Heads of Service to verify.

14. TRAVELLING, SUBSISTENCE & FINANCIAL LOSS ALLOWANCE

- 14.1 All claims for payment of car allowances shall be properly certified and in a format approved by the Borough Treasurer. The names of certifying officers and specimens of their signatures shall be forwarded to the Borough Treasurer.
- 14.2 The certification of any claim shall mean that the certifying officer is satisfied that the journeys were authorised, expenses were properly and necessarily incurred and that the allowances should be paid by the Council.
- 14.3 The Borough Treasurer shall make payments of travelling or other allowances to Members of the Council (including co-opted Members), or its Committees or the Executive or its bodies, or members of the public who attend other Council bodies who are entitled to make such claims. All claims shall be made on the approved form.

15. AMENITY & UNOFFICIAL FUNDS

- 15.1 Amenity or Unofficial Fund relates to all sums of money other than those which are required to be paid into the Council's General Account (or such other account so authorised by the Borough Treasurer) or Trust Fund monies outside the authority of the Council.
- 15.2 All accounts shall be opened by the Borough Treasurer and their names shall include the name of the Borough and the establishment concerned.
- 15.3 Provided the Borough Treasurer approves and is satisfied with accounting and security arrangements, separate accounts need not be opened for funds of small amounts.
- 15.4 The head of each establishment which sets up such a fund shall inform the relevant Head of Service of its existence (and the Governing Body in the case of schools without delegated budgets).
- 15.5 Responsibility for the administration of the fund shall rest with the head of the establishment and with such other member(s) of staff as that person shall decide.
- 15.6 Expenditure from the fund shall be at the discretion of the establishment head in conjunction with other member(s) of staff as felt necessary.
- 15.7 Cheques shall be signed and countersigned by the head and deputies of the establishment. All transactions above a limit set by the Borough Treasurer shall be signed by at least two authorised officers.
- 15.8 Auditors shall be appointed by the head of the establishment and the fee (if any) shall be charged to the fund. Where the turnover of the fund exceeds an amount set by the Borough Treasurer, the fund must be audited by auditors approved by that officer. The Borough Treasurer shall have the right to inspect the accounts.
- 15.9 At the end of each financial year the head shall submit an audited summary of the fund to the Borough Treasurer (and Governing Body if appropriate).

THE NEW TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY

CABINET OVERVIEW AND SCRUTINY COMMITTEE

Membership

11 Non-executive Councillors subject to a further report at the Annual Meeting

Terms of Reference

1. Scrutinising Cabinet and other Executive decisions as appropriate before they are implemented by means of the call-in arrangements in Rule 16 of the Overview and Scrutiny Procedure Rules.

RESOURCES, PERFORMANCE AND PARTNERSHIPS OVERVIEW AND SCRUTINY COMMITTEE

Membership

7 Non-executive Councillors

Terms of Reference

To perform the scrutiny role in relation to:

1. The overall performance, effectiveness and value for money of council services, including the planning, implementation and outcomes of all corporate improvement strategies;
2. The effectiveness of the council's partnerships in furthering the council's community and corporate plans, communication and public consultation;
3. The robustness of Best Value reviews and implementation of Best Value improvement plans;
4. The council's Information and Communications Technology systems including e-government, investment, implementation and service delivery.
5. Scrutinising the Council's annual budget process, reviewing and scrutinising its performance in relation to budget management, and assisting the Council in developing the three year budget strategy.
6. The financial management of resources available to the council including property and asset acquisitions and disposals, reviewing the council-wide property and asset strategy and the capital investment programme.
7. The promotion of customer care and the development of community involvement with all aspects of the Council's work;
8. The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

Additionally, and in so far as relating to matters within its remit, to perform the overview and scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety

FIRST CLASS EDUCATION AND CHILDREN OVERVIEW AND SCRUTINY COMMITTEE

Membership

7 Non-executive Councillors

3 voting voluntary-aided school representatives

2 voting parent governor representatives

Terms of Reference

To perform the overview and scrutiny role in relation to:

1. The Council's functions as an education authority including raising and enhancing standards in schools, services to schools, Early Years Provision and the Youth Service for clients up to the age of 19;
2. The provision of opportunities for ongoing education, skills development and training including adult education and literacy;
3. Services for children, young people and their families including Children's Social Services, the Council's corporate parenting role, the Youth Offending Team and the Youth Justice Plan.
4. Local NHS services and health-related issues which impact upon the health of Barnet children and young people aged up to 18, in accordance with the powers granted under Section 7 of the Health and Social Care Act 2001.
5. Cultural and recreational services including sports and leisure facilities, libraries, arts, museums, countryside sites and public events;
6. Any other:
 - non-educational issues relevant to supporting vulnerable children and young people in Barnet or improving their life chances, directly or in partnership with others;
 - issues relevant to the provision and development of first class education and lifelong learning in Barnet, directly or in partnership with others;
 - issues relevant to the promotion and development of culture, recreation, sport and tourism, directly or in partnership with others.

Additionally, and in so far as relating to matters within its remit, to perform the overview and scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

CLEANER, GREENER, TRANSPORT AND DEVELOPMENT OVERVIEW AND SCRUTINY COMMITTEE

Membership

7 non-executive Councillors

Terms of Reference

To perform the overview and scrutiny role in relation to:

1. Development and management of the environment including the Council's functions in relation to roads and pavements, refuse and recycling, street cleansing, graffiti removal, street lighting, waterways, green spaces, parks trees and allotments;
2. Transportation services and transport planning;
3. The Council's environmental health and consumer protection functions;
4. The Council's role in relation to regeneration and development including economic and strategic development, building and property construction, town centre regeneration and associated matters;

5. The functions of the Council as local planning authority including planning policy and development control;
6. The Council's property, design and building control services;
7. The Unitary Development Plan (UDP), Section.106 Agreements and Local Development Frameworks.
8. Any other issues relevant to the promotion of a cleaner greener Barnet, directly or in partnership with others.

Additionally, and in so far as relating to matters within its remit, to perform the overview and scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

SUPPORTING THE VULNERABLE IN OUR COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

Membership

7 non-executive Councillors

Terms of Reference:

To perform the overview and scrutiny role in relation to:

1. Community care services for older people and vulnerable adults including those who have physical disabilities, sensory impairment, learning disabilities, mental health needs or other special needs, and such preventative, advice and advocacy (including welfare rights), transport, respite and other services as may be needed to help people remain independent in their own homes;
2. The promotion of effective partnerships with health and other agencies in the public, private and voluntary sectors to support the above.
3. Local NHS services and health-related issues which impact upon the health of adult Barnet residents aged 18 and over, in accordance with the powers granted under section 7 of the Health and Social Care Act 2001.
4. Any other issues relevant to supporting vulnerable adults in the community or promoting good health in Barnet, directly or in partnership with others.

Additionally, and in so far as relating to matters within its remit, to perform the overview and scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

TACKLING CRIME AND HOUSING OVERVIEW AND SCRUTINY COMMITTEE

Membership

7 non-executive Councillors

2 non-voting co-opted tenant representatives appointed by Barnet Housing Consultative Panel

Terms of Reference

To perform the overview and scrutiny role in relation to:

1. The supply and development of social housing in the borough with associated environmental, neighbourhood and social facilities, in partnership with other housing providers;
2. The assessment of housing need, allocation of housing resources, provision of services for people who are homeless and prevention of homelessness, including the role of the public, voluntary and private housing sectors;
3. The arm's length management, maintenance and improvement of the Council's housing stock by Barnet Homes, in consultation with tenants and leaseholders;
4. The operation of the housing benefits service;
5. The development, promotion and management of all aspects of community safety, including the various roles of the council, the police and other public agencies, the business and voluntary sectors and the wider community;
6. Any other issues relevant to the Council's functions as a housing authority or tackling crime and anti-social behaviour in the borough, directly and in partnership with others.

Additionally, and in so far as relating to matters within its remit, to perform the overview and scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

THE TERMS OF REFERENCE OF THE AUDIT COMMITTEE

AUDIT COMMITTEE

Membership

7 Non-executive Councillors

Terms of Reference

1. Ensuring that the council's financial reports, annual financial statements, Statement of Internal Control and the action taken by the council to implement fully a risk management system are balanced, fair, conform to accountancy standards and meet prevailing best practice.
2. Reassuring the Council that the scope and depth of external audit work and the annual External Audit Plan are sufficient and conducted competently, including communication with the external auditor on audit findings and material weaknesses in accounting and internal control systems, including endorsing the annual External Auditor's Letter. Meeting independently with the external auditor periodically, ensuring the independence and objectivity of the external auditor and in matters relating to the provision of non-audit services.
3. Satisfying the Council that the internal auditor carries out sufficient systematic reviews of the internal control arrangements, both operational (relating to effectiveness, efficiency and economy) and financial.
4. Reviewing the major findings of any relevant internal council investigations by the Corporate Anti Fraud Team into control weaknesses, fraud, whistle blowing or misconduct and the management's response.
5. Reporting as appropriate to the Council and Cabinet.