

Report of the Special Committee (Constitution Review) 28 March 2007

Members:

- * Councillor Melvin Cohen LL B (Chairman)
- Councillor Mike Freer (Vice-Chairman)

Councillors:

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| * Jack Cohen | * Linda McFadyen | * Alan Schneiderman |
| * Lynne Hillan (sub for
Cllr Mike Freer) | * Joan Scannell | Jane Ellison |
| | * Richard Cornelius | * Matthew Offord |
| | * Alison Moore | |

* denotes Member present on 28 March (*see action sheets appended for November and January meetings*)

CONSTITUTION REVIEW 2006/7 (Reports of the Directors concerned agenda items 4 & 6 – 9)

The Committee met on 21 November 2006, 29 January 2007 and 28 March 2007 to consider aspects of the Council's Constitution, which had been raised by both officers and Members as matters requiring review. The Action Sheets relating to the Committee's 21 November 2006 and 29 January 2007 meetings are attached as Appendices A1 and A2.

On 28 March 2007 the Committee considered reports of the officers concerned on all the outstanding matters on which the Committee considered they should make recommendations for change to the Council, including reviews of the Contract Procedure Rules, Financial Regulations, Rules for the Disposal of Land and Real Property, various aspects of the Constitution relating to Planning Committees and other corrections and clarifications.

The reports of the officers concerned are being circulated separately to all members of the council

The Committee agreed

- (i) Various amendments related to Planning Committees including the reduction of the membership of the Planning and Environment

Committee; the introduction of a right for ward members to address the Committee; clarification of the functions of the Planning and Environment Committee and Area Planning Sub-Committees; reduction in the number of speakers per item at Area Planning Sub-Committees and on items at Planning and Environment Committee other than planning applications; extension of rules applicable to planning applications only to confirmation of tree preservation orders and definition of the term “planning application”.

- (ii) Not to recommend any action regarding other proposed changes to aspects of Planning Committees including amendment to Members’ rights to request that certain planning applications be considered by an Area Planning Sub-Committee, treatment of letters from groups as more than one representation, alteration of the rules on speaking on multiple applications for the same site; abolition of the right of a person who has requested to speak on a planning application to also submit public questions on the item, and introduction of the right for an applicant to speak where an objector has requested to speak but does not actually do so..
- (iii) Various amendments to Part 3 - Responsibility for Functions, the Committees and Sub-Committees Rules and the Council rules to correct errors or clarify the rules.
- (iv) Amendment to and renaming of the Rules for Disposal of Land and Real Property and rules within Part 3 Responsibility for Functions relating to the Executive Director for Resources’ powers to undertake property transactions, in order to streamline processes and emphasise the strategic framework surrounding decisions concerning property.
- (v) A revised version of the Financial Regulations including reflection of changes to the Council’s corporate structures and to its systems and processes following the Modernising Core Systems project.
- (vi) A revised version of the Contract Procedure Rules including changes required to comply with changes to legislation.

The Committee had previously agreed to make recommendations to Council on:

- (i) Various proposed amendments to Article 9, Part 3 - Responsibility for Functions, the Committees and Sub-Committees Rules and Public Participation Rules to correct errors or clarify the rules.
- (ii) The addition of the Sustainable Community Strategy to the list of Statutory Framework Policies for Council decision and the Disability Equality Scheme to the list of plans and strategies for Cabinet decision under paragraph 3.8 of Responsibility for Functions.

- (iii) The amendment of Article 15 to show that the Democratic Services Manager may update the Management Structure section of the Constitution and the Table of Chief Officers in Article 12 following notification from the Chief Executive that he has made changes to the management structure following Council or General Functions Committee approval of such changes.
- (iv) The amalgamation of the Area Forums to form three to correspond with the Constituency boundaries and the Area Planning and Area Environment Sub-Committees, thus forming the Chipping Barnet Area Forum, the Hendon Area Forum and the Finchley and Golders Green Area Forum each meeting at six-weekly intervals, and the subsequent amendment of Article 10 and the calendar of meetings to reflect this change. At the meeting on 28 March the Committee considered certain operational proposals to give effect to the amalgamated forums.
- (v) The amendment of the Executive Procedure Rules to clarify certain points including quorum, chairmanship, decisions, time limit for the meeting, voting, the power of the Democratic Services Manager to alter the Constitution on notification from the Leader of changes to his scheme of delegation, and removal of the rules relating to written questions.
- (vi) The reduction of the Panel of Licensing Sub-Committee Chairmen from six to three, with a review after six months.
- (vii) Addition of a rule to Part 4, Section 1 – The Council covering procedure for dealing with factual errors in the Council agenda which come to light at the meeting.
- (viii) The amendment of the Overview and Scrutiny Procedure Rules to incorporate several of the Committees and Sub-Committees Rules.
- (ix) Not to recommend any action regarding proposed amendments to the Council Rules regarding motions and amendments and Administration and Opposition Policy Items, and to Article 10 regarding arrangements for making decisions on issues that cross the boundary of two or more Area Environment Sub-Committees.

RESOLVED TO RECOMMEND

- (1) **That with effect from 15 May, 2007, the changes to the Parts of the Constitution listed below, and appended to this report, be implemented:**
 - (i) **Article 9**
 - (ii) **Article 15**
 - (iii) **Part 3 – Responsibility for Functions**
 - (iv) **Part 4, Section 1 – The Council**
 - (v) **Part 4, Section 2 – Committees and Sub-Committees**

- (vi) Part 4, Section 4 – Public Participation**
 - (vii) Executive Procedure Rules**
 - (viii) Overview and Scrutiny Procedure Rules**
 - (ix) Financial Regulations**
 - (x) Contracts Procedure Rules**
 - (xi) Rules for the Disposal of Land and Real Property**
- (2) (i) That, with effect from 2007/08 Area Forums be amalgamated to form three to correspond with the Constituency boundaries and the Area Planning and Area Environment Sub-Committees, thus forming the Chipping Barnet Area Forum, Hendon Area Forum and Finchley and Golders Green Area Forum each meeting at six-weekly intervals.**
- (ii) That Article 10 be amended accordingly as appended to this report.**
- (iii) That the Democratic Services Manager be instructed to**
- a) arrange for the meetings of all six Area Forums to be cancelled after the April meetings and the initial meetings of the three new ones to be scheduled for June;**
 - b) recast the Calendar in the light of the Council's decisions on Area Forums and changes required as a result of Jewish festivals and submit it for approval to the May meeting of Council.**
 - (c) arrange for the new arrangements to be publicised.**
- (3) That the Panel of Licensing Sub-Committee Chairmen be reduced from six members to three, with a review after six months.**
- (4) That the Democratic Services Manager be instructed to make the appropriate changes to the Constitution.**

The meeting finished at 8.08 pm

Special Committee (Constitution Review): 21 November, 2006

Action Sheet

Item	Action	By
1. Apologies for Absence: Councillor Matthew Offord (Cllr Rams substituted) and Councillor Jane Ellison.		
2. Constitution Review (i) Future meetings: 29 January and 28 March 2007 (ii) The Committee approved the review process and gave instructions on the items in Enclosure 1 to the report and in the addendum report, as shown in the appendix to this Action Sheet.	Agendas to be circulated Papers to be prepared	DSM As shown in the attached appendix.

The meeting finished at 7.47pm

Constitution Review: Proposed changes:

	Proposed by	Constitution Reference		Action
1A	DCG/ DPEP	Committees & Sub-Cttees	Reduction in the size of P&E committee and exclusion of Cabinet Members from membership of the committee	DPEP to report to January meeting
1B	DPEP	Responsibility for Functions	Clarification of the functions of the Planning and Environment Committee and Area Planning Sub-Committees and definition of “planning application”	DPEP to report to January meeting to include a clearer explanation of the issue and details of the Anti-Social Behaviour Act
1C	DCG (Cllr M Cohen)	Responsibility for Functions – Area Planning Sub-Committees	Decision on planning applications to be reserved to Sub-Committees when a Member of the Council has requested in writing with planning reason(s) that the matter should be submitted to the appropriate Area Planning Sub-Committee and the Chairman of the Sub-Committee has consented to this. Applications would not be considered by the Sub-Committee without the Chairman’s consent – to refer to Planning and Environment Committee for consideration and decision.	DPEP to report to January meeting, to include examples of grounds that Chairmen may consider appropriate for referral of an application to the Sub-Committee. Also to include the possibility of reporting to the Sub-Committee any requests refused by the Chairman.
1D	Cllr J Cohen	Responsibility for Functions – Area Planning Sub-Committees	Alteration of DPEP’s delegated powers which allow him to make decisions on applications when there are less than three written objections (unless it is intended to refuse permission)/ reservation of a wider range of decisions to Area Planning Sub-Committees. This is particularly relevant where objections are sent by someone representing a group, eg Residents’ Association – to refer to Planning and Environment Committee for consideration and decision.	DPEP to report to January meeting

1E	DPEP/DSM/ Cllr M Cohen (ii)/ Cllr M Palmer (iv)	Public Participation Rules – Planning Applications	(i) Reduce number of speakers on planning applications at Planning Sub-Committees to two plus the applicant to reduce the length of Committee meetings. Arrangements for Planning and Environment Committee to remain at three speakers plus the applicant. (ii) Introduce time limit of three minutes per speaker for Members to put questions to the speaker and hear their answers, on planning applications (iii) Definition of planning applications to be added (ie to include listed building consent, work to TPO trees, environmental statements, etc – in order to define what the “rules for planning applications” apply to). (iv) Review rule 5.14.1 whereby multiple applications for the same site shall be treated as one for public speaking purposes.	DPEP to report to January meeting
1F	DCG/DSM	Public Participation Rules	(i) Correction of 2.3.5 to refer to rule 5.14 rather than 6.9 (ii) Correction of 7.1 – should say details of questions will NOT be included on agenda	DSM to include in Committee’s report to Council
2	DCG	Article 10	Amalgamate Area Forums so there are three, constituency based, each meeting every 4-6 weeks.	DCG/DSM to report to January meeting
3A	DCG	Executive Procedure Rules	Review – to include consideration of meeting finish time, quorum, public speaking, links with scrutiny, any rules in the Cttees and Sub-Cttees section which may apply, rules for dealing with partnerships (distinct from outside bodies).	DCG/DSM to report to January meeting
3B	DCG (Cllr M Cohen)	Executive Procedure Rule 3	Abolish, as questions can be directed to the Chief Officer, or to the Cabinet Member at Council meeting.	DCG/DSM to report to January meeting

4.	DCG/EDfR/ CFO	Rules for Disposal of Land and Real Property	Review, and rename as Management of Real Estate Property and Land in order to refocus the rules to take into account the decisions to hold onto or dispose of property and other assets, rather than just the procedures that apply once a decision to dispose of a property has been made.	EDfR/CFO to report to January meeting
5A	DSM	Committees and Sub-Committees, para 1.2	Quorum – add an explanatory note regarding how much a quorum should be, eg a quarter of the Committee, subject to a lower limit of three, unless stated otherwise in para 1.2	DSM to include in Committee's report to Council
5B	DSM	Committees & Sub Cttees para 2.2	Paragraph to be clarified as far as the ward based membership of the area sub-cttees are concerned (ie if a seat is allocated to a ward, only a sub from the same ward as the absent member can attend, except where specifically stated otherwise, ie P&E).	DSM to include in Committee's report to Council
5C	DCG	Committees & Sub Committees, para 6	Minutes must be approved (as first item of business unless there is a need to elect a Chairman) with amendment if required, without discussion, adjournment of the meeting, or any other interruption, otherwise the meeting cannot continue. (Minutes can only be amended to correct factual inaccuracy in the record, and not to add any retrospective alteration).	DSM to include in Committee's report to Council
5D	DCG/DSM	Committees and Sub-Committees (7.1)	Clarify that a substitute can only submit a Member's Item if they know they will be present at the meeting where it will be considered.	DSM to include in Committee's report to Council

5E	DSM	Committees and Sub Cttees (8.1.1)	Removal of Licensing Sub-Cttee from list of meetings which Members, not part of the Cttee, may not attend, and removal of the qualification on when they may attend the Licensing Cttee. (NB –Licensing Code of Good Practice advises Members not to attend if they have a prejudicial interest)	DSM to include in Committee’s report to Council
5F	DSM	Throughout (particularly Cttees and Sub Cttees para 12.1)	(i) Improve through use of Plain English - ongoing (ii) Clarification of Cttes & Subs Rule 12 to make clear that “motion” means the recommendation in the reports on the agenda, and that there is no provision for Members to raise motions unconnected with the agenda items. Add following explanatory note: “For the avoidance of doubt, the only motion which a Member can put before a Committee is one permitted under either Rule 7.1 or 13 of this section.” Also add under Rule 12.1 at the end of first sentence “and to the agenda for the meeting”.	DSM to include in Committee’s report to Council
6A	Cllr M Palmer	Responsibility for Functions – Para 2	Reduce number of Licensing Sub-Committee Chairmen to three (although this may lead to problems scheduling hearings)	DCG/DSM to report to January meeting, to include reasons
6B	Head of HR	Responsibility for Functions	Under paragraph 3.8 add the Sustainable Community Strategy to the list of Statutory Framework Polices for Council decision and add the disability equality scheme to the plans and strategies for Cabinet decision	DSM to include in Committee’s report to Council
6C	DCG	Responsibility for Functions – Area Env Sub-Cttees	Note to say that if the Sub-Cttee want changes to procedures, eg method of assessing roads for traffic measures, this needs to be put forward as a request to the Cabinet Member to consider a change.	DSM to include in Committee’s report to Council

7A	Cllr M Palmer	Council Procedure Rules, Section 1	Request for a formal process for dealing with factual errors in the agenda papers which come to light during the meeting. (Could this be added to Points of Order 27.1, so the second sentence reads “The point of order shall relate only to an alleged breach of a standing order or statutory provision or a factual error within an officer’s report”?)	DCG/DSM to report to January meeting, to include arguments for and against a change. Consideration is needed to ensure the outcome is workable.
7B	Cllr M Palmer	Council Procedure Rules, Section 1	Clarification of rules applying to amendments. These are being used to “take over” a motion, at worst being “Remove everything after “Council” and replace with...” which effectively brings about a new motion, rather than amending the original. The rules are also open to abuse by Members wishing to take credit for another Member’s initiative.	DCG/DSM to report to January meeting
7C	Cllr M Palmer	Council Procedure Rules, Section 1	Clarification of what an Opposition or Administration Policy Item should be – it should not be a motion as motions have a place of their own elsewhere in the agenda.	DCG/DSM to report to January meeting
8	Head of CAFT/ CFO	Financial Regulations	Annual review of Financial Regulations. This should include: (i) Revisit and reinforce the constitution in relation to CAFT at Part 2 – Financial Administration, Section 4, and add reference to expenditure for business continuity and emergency planning. Consideration to be given to including this within the responsibility of a Cabinet Member. (ii) Inclusion of rules on custodians of the pension fund	CFO/ HdCAFT to report to March meeting DCG to consult Leader

9A	DET	Article 10, para 10.02 (b)	Need a review of how issues which straddle the area covered by two or more Env Subs are dealt with. Possible solution would be to report separately to each Sub Cttee with a proviso that if they disagree the matter is referred automatically to Cabinet by the DSM, or to P&E if a Council function.	DCG/DSM to report to January meeting with an amended draft, allowing the option of either the suggested solution, or a joint meeting of the Sub-Committees
9B	Head of HR	Article 12	Reformat table on Page 1	DSM to include in Committee's report to Council
9C	DSM	Article 15	Amend to show that the Democratic Services Manager may update the Management Structure section of the Constitution and the Table of Chief Officers in Article 12 following notification from the Chief Executive that he has made changes to the management structure following Council or General Functions Committee approval of such changes	DSM to include in Committee's report to Council
10	DSM	Overview and Scrutiny Procedure Rules	Review to ensure that any rules contained in the Committees and Sub-Committees rules which also apply to Overview and Scrutiny Committees appear in the Overview and Scrutiny Procedure Rules	DCG/DSM to report to January meeting

Abbreviations

DCG – Director of Corporate Governance
DPEP – Director of Planning and Environmental Protection
DSM – Democratic Services Manager
EDfR – Executive Director for Resources
CFO – Chief Finance Officer
DET – Director of Environment and Transport

Note - The Committee's report to Council to be presented in draft form to the Committee for agreement at the March meeting.

- Council Procedure Rules – process for dealing with factual errors at Council	Proposed amendment to “Points of Order” recommended for approval to Council	DSM
- Council Procedure Rules, Section 1, paragraph 17A – General Provisions for motions and amendments	No change. N/F/A Councillor Jack Cohen requested that his vote against the decision be recorded.	
- Council Procedure Rules- clarification of what an Opposition or Administration Policy Item should be	Defer pending the outcome of the cross – party discussions on the future of the Council meetings.	
- Article 10, Paragraph 10.02(b) – Area Environment Sub - Committees	No change N/F/A	
- Overview and Scrutiny Procedure Rules	Proposed amendments as set out in Appendix E to be reported to Council. Also Rule 9 of the Rules relating to Committees and Sub – Committees (Members rights to speak at meetings of which they are not a Member) to be included in the Overview and Scrutiny Rules	DSM
- General Corrections and Clarifications	Agreed for recommendation to Council. Explanatory note to be added to Rule 14 of Committees and Sub-Committees to advise that Members will only receive hard copies of minutes of committees they are not a Member of if they opt in to receive these.	DSM

The meeting finished at 7.50pm

Abbreviations

DSM = Democratic Services Manager

N/F/A = No further action

Article 9 – The Standards Committee

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 two 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 15 – Review and Revision of the Constitution

*References: Sections 30 and 37, Local Government Act 2000
Chapters 10 and 15, Guidance*

15.01 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.02 Changes to the Constitution

- (a) **Approval.** Changes to the Constitution will only be approved by the full Council. The Council may if it considers necessary appoint a special committee to make recommendations for that purpose. Where the Table of Chief Officers in Article 12 or the Management Structure section of the Constitution need to be updated, the Democratic Services Manager may make the necessary changes upon receipt of notification from the Chief Executive that he has made changes to these structures following Council or General Functions Committee approval of such changes.
- (b) **Change to a mayoral form of executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.

Responsibility for Functions

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
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 Democratic Services Manager.
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 Committee, with delegation to Area Committees and Officers, except in so far as the notice relates to an executive function.

Function	Decision making body
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.

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 the Gambling Act 2005 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 the Gambling Act 2005 and associated Regulations, as delegated to it by the Licensing Committee	Three Members of the Licensing Committee, to include one from the Panel of three Chairmen appointed by that Committee.

Body responsible	Functions	Membership
		<p>The Democratic Services Manager selects Members to form the Licensing Sub-Committee as required, having regard to Member availability and the areas that they represent.</p> <p>The Democratic Services Manager arranges suitable hearing times.</p>
<p>Audit Committee</p>	<p>Statement of Purpose</p> <p>The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p>Terms of Reference</p> <p><u>Audit Activity</u></p> <p>1. To consider the head of internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.</p>	<p>The proportionality rules apply to the membership of this Committee, which should comprise between 5 and 7 members.</p> <p>The Chairman should not be a member of the Executive, and should preferably be a member of an opposition party. Additionally, the Chairman should not be permitted to serve in that role for more than 4 consecutive years.</p>

Body responsible	Functions	Membership
	<ol style="list-style-type: none"> <li data-bbox="587 197 1015 302">2. To consider summaries of specific internal audit reports as requested. <li data-bbox="587 349 959 566">3. To consider reports dealing with the management and performance of the providers of internal audit services. <li data-bbox="587 613 994 824">4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale. <li data-bbox="587 871 1002 1081">5. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance. <li data-bbox="587 1128 999 1227">6. To consider specific reports as agreed with the external auditor. <li data-bbox="587 1283 1015 1464">7. To comment on the scope and depth of external audit work and to ensure it gives value for money. <li data-bbox="587 1512 1002 1682">8. To liaise with the Audit Commission over the appointment of the Council's external auditors. <li data-bbox="587 1729 1023 1827">9. To commission work from the internal and external audit. 	

Body responsible	Functions	Membership
	<p data-bbox="587 197 912 230"><u>Regulatory Framework</u></p> <p data-bbox="587 271 1011 483">10. To maintain an overview of the council's constitution in respect of contract procedure rules and financial regulations.</p> <p data-bbox="587 501 1011 680">11. To review any issue referred to it by the chief executive or a director, or any Council body.</p> <p data-bbox="587 721 1011 934">12. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p data-bbox="587 974 1011 1232">13. To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy and the Council's complaints process.</p> <p data-bbox="587 1285 1011 1500">14. To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.</p> <p data-bbox="587 1541 1011 1720">15. To consider the Council's compliance with its own and other published standards and controls.</p>	

Body responsible	Functions	Membership
	<p data-bbox="587 197 719 230"><u>Accounts</u></p> <p data-bbox="587 271 1023 741">16. To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</p> <p data-bbox="587 757 1023 972">17. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p data-bbox="587 1012 927 1046">Review of Effectiveness</p> <p data-bbox="587 1086 991 1227">18. To conduct an annual review of the effectiveness of the Audit Committee.</p>	
Appeals Committees	<p data-bbox="579 1270 1011 1666">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>	<p data-bbox="1050 1270 1406 1485">The composition of each of the Appeals Committees will comprise 10 councillors plus 2 substitutes from each political group.</p>

Body responsible	Functions	Membership
	<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) • 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>The Democratic Services Manager selects each Committee in turn having regard to member availability and the areas that they represent. Each Committee will consist of four Members and will be politically balanced where member availability allows.</p> <p>The Democratic Services Manager arranges daytime or evening meetings to suit the wishes of appellants.</p>
<p>Planning and Environment Committee</p>	<p>1. Take action under Town and Country Planning, and associated legislation including Part 8 of the Anti Social Behaviour Act 2003 relating to high hedges</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 a significant interest in the development; 	<p>10 Councillors with 10 substitutes, excluding Cabinet Members, and reflecting the political structure of the Council.</p>

Body responsible	Functions	Membership
	<ul style="list-style-type: none"> • applications within the categories of development which must be referred to the Mayor of London; and 	
	<ul style="list-style-type: none"> • 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> <ol style="list-style-type: none"> 2. Contaminated land and all statutory nuisances. 3. Commons registration and town and village greens. <p>(Which may include considering the recommendations of a non-statutory inquiry chaired by an independent person).</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><i>(Explanatory note: The Council's highways functions are limited to:</i></p> <ul style="list-style-type: none"> • <i>creating, stopping up and diverting footpaths and bridleways</i> • <i>asserting and protecting public rights to use highways</i> • <i>removing things deposited on highways which cause nuisance</i> <p><i>All other highway functions are Executive functions).</i></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>	

Body responsible	Functions	Membership
Area Planning Sub-Committees (3)	<p>Determine planning applications 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>[For the purposes of this section a planning application is defined as an application for planning permission as defined by the Town and Country Planning Act 1990, as amended, but also includes applications for approval of reserved matters, Listed Building and Conservation Area Consents and consent under Tree Preservation Orders and Hedgerow legislation.]</p> <p>This excludes the functions reserved to the Planning and Environment Committee</p> <p>If in cases where the Council has a minor interest in developments where a decision is required by a Committee, the Head of Planning will refer the matter to the appropriate Area Planning Committee.</p> <p>(Explanatory note –</p> <p>A. consideration of planning applications by Area Planning Sub-Committees:</p>	1 councillor for each ward in the area, with a substitute member for each ward.

Body responsible	Functions	Membership
	<p>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.</p> <p>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> <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). <p>B. In so far as developments where the Council has minor interests in the development, these matters will normally be dealt with by the Head of Planning and delegated powers, unless it proves necessary to refer them to Committee , and are :</p>	

Body responsible	Functions	Membership
	<ul style="list-style-type: none"> • Minor developments on the public highway or Council owned land – including crossovers, hard standings/ramps, bus shelters, advertisements, satellite dishes, etc. • Minor extensions or ancillary building proposals less than 1000 sq m to buildings or property, including minor school extensions, housing estate, ancillary buildings, community services, etc. • Any ‘other’ or ‘minor’ developments as defined by the ODPM in PS1/PS2 Planning statistical categories of developments, for example 9 or less dwellings, advertisements, Listed Building and Conservation Area consents.) 	
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 	1 councillor for each ward in the area, with a substitute member for each ward.

Body responsible	Functions	Membership
	<p><i>(Explanatory note: The Council's highways functions are limited to:</i></p> <ul style="list-style-type: none"> • <i>creating, stopping up and diverting footpaths and bridleways</i> • <i>asserting and protecting public rights to use highways</i> • <i>removing things deposited on highways which cause nuisance</i> <p><i>All other highway functions are Executive functions).</i></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) 	
Standards Committee	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.	3 non-executive councillors (one from each political group), with six substitute members (also two from each political group), and 4 independent co-opted members.
Chief Officers Appointments Panel	1. To interview candidates for the Head of Paid Service and recommend an appointment to the Council.	7 councillors including at least the Leader of the Council (or another member of the Executive).

Body responsible	Functions	Membership
	<p>2. To interview and appoint Directors and Chief Officers.</p> <p>3. Annually to appraise the performance of the Chief Executive.</p>	
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 • Appointing representatives to School Governing Bodies • Staff matters (i.e. salaries and conditions of service) 	7 councillors

Body responsible	Functions	Membership
	<p><i>(Explanatory note: Where the following issues arise from an organisational restructure, the restructure will be considered to have major implications and a report must be submitted to General Functions Committee for approval.</i></p> <ul style="list-style-type: none"> • <i>Organisational restructures which could potentially lead to compulsory redundancies.</i> • <i>Restructures involving changes to contracts of employment.</i> • <i>Proposals relating to the discretionary aspects of the implementation of national agreements</i> • <i>Proposals involving <u>major</u> changes in working practices, location of employees etc, irrespective of whether these changes are provided for in the employment contract.)</i> <ul style="list-style-type: none"> • 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. 	
Special Committee (Constitution Review)	Proactively to review and keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council	8 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)

3.2 Cabinet Members

- i. Set out below is a table in the first column of which are listed the names, addresses and wards of Cabinet Members.
- ii. 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 Mike Freer 23 Claverley Grove Finchley London N3 2DG Finchley Church End Ward LEADER RESOURCES	The Leadership of the Council. Specific individual responsibilities: To lead on budget and policy formulation and implementation in relation to: • resources (including billing, collection and recovery of local taxation)	The Leader may discharge any function of the Executive.

	<ul style="list-style-type: none"> • financial forward planning and budgeting • risk management • asset management • major corporate contracts • communications and marketing • HR, equalities and diversity <p>The monitoring of the Council's budget and to instigate such interventions as necessary to ensure spending is kept within limits determined by council.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	
<p>Cllr. Fiona Bulmer 14 Sellwood Drive Barnet Herts EN5 2RL</p> <p>Underhill Ward</p> <p>CHILDREN'S SERVICES</p>	<p>To lead on budget and policy formulation and implementation in relation to the Children Act 2004. 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.</p> <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.</p> <p>To lead on budget and policy formulation and implementation in relation to education and schools. In particular, raising and enhancing standards, ongoing education and services to schools, Early Years Provision and the Youth Service.</p> <p>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 learning. To work with education service provider partners to improve lifelong learning outcomes.</p> <p>All schools matters (Community, Voluntary and Foundation) associated with the</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>teaching and development of children and young persons and the optimising of opportunities to further the same (including pre-school preparation).</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	
<p>Cllr Brian Coleman 1 Essex Park Finchley London N3 1ND Totteridge Ward COMMUNITY ENGAGEMENT AND COMMUNITY SAFETY</p>	<p>To lead on budget and policy formulation and implementation in relation to community engagement and community safety.</p> <p>In particular, to build upon the Council's leadership role in improving community safety, embracing diversity and inclusiveness, removing inequality and ensuring that each person and group in the community has opportunities for involvement. To work with the many different ethnic and religious groups to maintain community cohesion.</p> <p>All matters relating to Community Safety, CCTV, liaison with Barnet Police and anti-social behaviour, including Domestic Violence and combating graffiti, fly-tipping and fighting crime.</p> <p>Additionally to deal with community safety in its widest sense by being responsible for trading standards and licensing, as falls within the remit of the Executive.</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. John Marshall 66 Sandringham Gardens London N12 0PJ Garden Suburb Ward INVESTMENT IN LEARNING</p>	<p>To lead on budget and policy formulation and implementation in relation to investment in educational infrastructure in schools and libraries, in particular the Primary Schools Capital Investment Programme.</p> <p>To lead on budget and policy formulation and implementation in relation to all operational aspects of the library service. 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 (DEPUTY LEADER)</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. This to include the development of a waste minimisation strategy.</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>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to Area Sub-Committees as set out in paragraph 3.10 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>The Deputy Leader may discharge any function of the Leader during periods for which the Leader has given formal notification that he will be unable to be contacted or in circumstances where the Leader cannot be contacted due to illness or other indisposition, or in cases of utmost urgency where the Leader cannot be contacted by any means.</p>
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<p>Cllr. Andrew Harper 15 Hampstead Gardens London NW11 7EU</p> <p>Garden Suburb Ward</p> <p>POLICY AND PERFORMANCE</p>	<p>To lead on budget and policy formulation and implementation in relation to:</p> <ul style="list-style-type: none"> • Policy and Performance (including Partnerships) • CPA and Best Value • Law and Probity • Customer Service <p>In particular, the effectiveness and value in performance of council services, the development of partnerships to further the Council's Corporate Plan and the Sustainable Community Strategy, and an effective 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 Leader, as necessary, to secure best value.</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. Lynne Hillan 20 Ashurst Road North Finchley London, N12 9AX</p> <p>Brunswick Park Ward</p> <p>COMMUNITY SERVICES</p>	<p>To lead on budget and policy formulation and implementation in relation to social care and housing (including housing and council tax benefit).</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 other providers to further these aims.</p> <p>In particular working with Barnet Homes, 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>All matters related to public sector housing</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>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>

	<p>including the administration of Housing Benefits.</p> <p>The distribution of all grants, except those relating to the adaptation of properties in the private sector, after consultation with appropriate portfolio holders.</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>PLANNING AND ENVIRONMENTAL PROTECTION</p>	<p>To lead on budget and policy formulation and implementation in relation to planning, development plans, building and property construction.</p> <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>To include all aspects of the development and development control service, environmental health, building control and the naming and numbering of streets and properties.</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 Helena Hart 37 Crooked Usage Finchley, London N3 3EU</p> <p>Edgware Ward</p> <p>PUBLIC HEALTH</p>	<p>To lead on budget and policy formulation and implementation in relation to the emerging public health agenda (including health partnerships).</p> <p>To include optimising all opportunities offered by the health authorities; shaping the community health and hospital services; to act as the champion on access to health facilities; to consider the implications for health facilities as the borough develops.</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 Anthony Finn 4 Cheyne Walk Hendon London NW4 3QJ</p> <p>Hendon Ward</p> <p>REGENERATION AND DEVELOPMENT</p>	<p>To lead on budget and policy formulation and implementation in relation to regeneration.</p> <p>In particular, economic and strategic development, town centre regeneration, and policies and opportunities for the enhancement and enrichment of the London Borough of Barnet.</p> <p>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 officers, in consultation with the Cabinet Member.</p> <p>These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
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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>Councillor Mike Freer (Chairman)</p> <p>Councillor Anthony Finn</p> <p>Councillor Andrew Harper</p> <p>Councillor Lynne Hillan</p> <p>Councillor John Marshall</p> <p>Councillor Matthew Offord</p>

Committee	Functions	Membership
	<p>To determine external or cross-boundary trading limit.</p> <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>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>	

Committee	Functions	Membership
	<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>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.</p>	

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)
- Sustainable Community Strategy

Plans and Strategies for Cabinet Decision

- Corporate Plan
- Housing Strategy
- Homelessness Strategy
- Adult Learning Plan
- Behaviour Support Plan

- School Organisation Plan
- Equalities Policy
- Disability Equality Scheme
- 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.

Explanatory note – Area Environment Sub-Committees

The functions of the Area Environment Sub-Committees do not extend to review of policy or procedural matters, eg the method of assessment of roads for possible traffic management measures. Should the Sub-Committee wish procedures to be changed or reviewed it can put forward a request to the appropriate Cabinet Member to consider this.

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><i>(Explanatory note: The Council's highways functions are limited to:</i> - creating, stopping up and diverting footpaths and bridleways - asserting and protecting public rights to use highways</p>	1 councillor for each ward in the area, with a substitute member for each ward.

Body responsible	Functions	Membership
	<p data-bbox="496 197 1007 338"><i>- removing things deposited on highways which cause nuisance. All other highways functions are the responsibility of the Executive).</i></p> <ul style="list-style-type: none"> <li data-bbox="496 383 986 488">• Town centre regeneration and management, including the operation of council markets <li data-bbox="496 495 1027 600">• Private sewers, drains, public conveniences, land drainage and water courses <li data-bbox="496 607 1038 678">• Refuse collection, cleansing, litter, waste and recycling <li data-bbox="496 685 1070 931">• Day-to-day promotion, management and development of: <ul style="list-style-type: none"> <li data-bbox="552 752 999 857">- parks, open spaces, allotments, recreation and leisure facilities; <li data-bbox="552 864 1031 931">- libraries, museums, arts and tourism facilities. <li data-bbox="496 943 1046 1048">• Local nature reserves, sites of special scientific interest and other controlled areas <li data-bbox="496 1055 1062 1160">• Day-to-day environmental issues and management of land on council housing estates <li data-bbox="496 1167 951 1200">• Cemeteries and crematoria <li data-bbox="496 1207 1062 1312">• 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

Committee/Sub-Committee	No. of members required to support a reference	Council/parent committee
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 (or without consultation where it is a decision authorised to be taken by the Chief Officer under the Contract Procedure Rules or it involves the implementation of policy or earlier decision of the Council or Cabinet or Committee or it is in respect of operational matters within the Chief Officer's sphere of managerial or professional responsibility and is not significant in terms of budget or policy):

- 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 to the limits placed on Chief Officers by Contract Procedure Rules 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 Key Priority Plan but nevertheless relate to everyday business, not major

changes/decisions outside the approved budget and statutory plans listed under paragraph 3.8 as being for decision by Council or Cabinet.

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

Explanatory Note – Officers to deputise

All officers to whom powers are delegated under the Constitution will authorise another officer or officers to exercise those powers during periods for which they have given formal notification that they will be absent or unable to be contacted, or when they cannot be contacted due to illness or other indisposition, or in cases of utmost urgency where they cannot be contacted by any means.

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 enforcement, staffing and other statutory matters which are functions for which the Council is responsible, or for which the Council, acting as Licensing Authority, is responsible.

Explanatory Note

There are a number of powers, mainly those relating to staffing and managerial issues, which Directors and Heads of Service are able to exercise without prior consultation, or in consultation with other officers, if they consider it appropriate.

For restructuring arrangements delegated powers may be exercised without reference to General Functions Committee if the restructure is deemed **minor** where;

1. The restructure only has implications for the staffing and management under the control of the Chief Officer exercising the delegated powers.
2. No compulsory redundancies will arise from the restructure.
3. Only vacant posts and/or posts held by staff that have volunteered and have been accepted for redundancy are deleted.
4. Changes in the designation of existing posts within the organisational structure are within budget.

5. Any new posts created within the organisational structure are within budget.
6. Temporary posts are created for up to a maximum of 2 years.
7. Minor changes to contracts of employment (with no corporate implications) where all individuals affected by the changes are in agreement.
8. The introduction of or change to existing local procedural arrangements.
9. Formal consultation has concluded with the staff affected and the trade unions and no notification of a failure to agree has been received.

Each of the above points where appropriate should be clearly referenced in the delegated powers report. Following signature, the Chief Officer concerned, will send a copy of the report to the Chairman of the General Functions Committee.

- 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 Chief Finance Officer 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 Chief Finance Officer 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 Head of Legal.

6.8 The following Officers also have the powers indicated:

- the Chief Finance Officer to make grants to voluntary organisations up to £2,000 per annum.
- the Executive Director for Resources, in consultation with the Cabinet Member for Resources to make decisions about:
 - Entering into new leases with a consideration between £25,000 and £50,000 per annum where the council is granting the lease at best consideration in accordance with the Local Government Act 1972.
 - Acquisitions of land whether freehold or leasehold where the cost of the interest being acquired is between £10,000 and £30,000 per annum or as a one off consideration
- The Executive Director for Resources, in consultation with the Chief Finance Officer and Head of Legal to make decisions about:
 - Occupational and works Licences
 - Easements
 - Rent Reviews and Licences to Assign.
 - Lease renewals where this represents best consideration in accordance with the Local Government Act 1972.
 - Entering into new leases of less than 21 years, where the consideration is less than £25,000 per annum and at best consideration in accordance with the Local Government Act 1972, where the Council is granting the lease.
 - Acquisitions of land, whether freehold or leasehold, for less than £10,000 per annum or as a one off consideration

Explanatory Note – other disposals

All disposals of freehold interests and leases where a capital premium is obtained for the interest will be agreed by Cabinet Resources Committee.

6.9 The Head of Children's Services shall have powers to take all necessary action to ensure that the Council's duties are properly and effectively discharged in child protection and care cases and the Director of Adult Social Services shall have powers to take all necessary action to ensure that the Council's duties are properly and effectively discharged in adult protection and care cases.

Restrictions and Conditions

6.10 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.
- 6.11 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.
- 6.12 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 Internet or as a performance indicator reported to an Overview and Scrutiny Committee,
- 6.13 They may authorise other officers to exercise these powers in practice, but they are taken in their name and they remain their responsibility.
- 6.14 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 1 – The Council

Types of meetings

Explanatory notes – types of council meetings

Article 4 of the Council Constitution sets out three types of council meeting.

The council meeting comprises all elected members of the council.

Annual meetings

By law, the Council must hold an annual meeting of the Council. It usually does so in May.

The Council will appoint the Cabinet to deal with the executive functions allocated to it under the constitution, and committees to deal with other non-executive functions. The Cabinet can appoint any body subordinate to it, but only committees can appoint sub-committees and panels. Panels are small sub-committees with a specific purpose. Therefore, Barnet's practice is to hold a joint meeting of committees following the annual meeting of the Council to:

- Set up any sub-committees or panels; and
- Appoint councillors and co-opted members to them for the next municipal year.

Ordinary meetings of Council

These will normally be held monthly, unless the Council or Mayor decides otherwise, at 7pm at the Town Hall, The Burroughs, Hendon on the dates agreed by the Council, usually at its annual meeting.

Budget

The Council must meet before 11 March to agree the Council's budget and the council tax for the following financial year. At this meeting, the Council will usually agree performance management plans that set out what services intend to do in the forthcoming financial year and the revenue and capital programmes that support them.

Council Procedure Rules

Mayoralty

It is the custom in Barnet for the Council in March to consider nominations for the election of Mayor for the following municipal year. At the meeting the Mayor calls for nominations. After they have been proposed and seconded they are put to the vote. The successful nomination becomes the “Mayor Designate”. The actual election of the Mayor is decided at the annual meeting of the Council.

Chairing Council meetings

By law, the Mayor must chair Council meetings. In the absence of the Mayor, the Deputy Mayor may preside only if chosen for that purpose at the meeting. If the Deputy Mayor is not chosen, the Council must choose another member of the Council to preside.

Agenda conference

At least two weeks before an ordinary meeting, the Democratic Services Manager will arrange an agenda conference by e-mail with the Leader of the Council, the Leaders of any other political groups and Group Secretaries, or their representatives:

- to consult on the agenda;
- to agree the time limits for discussion of each item and for debating any amendments.

All Members of Council will be informed of the items scheduled for consideration at the next meeting on the day after the Agenda Conference.

1. Annual meeting of the Council

- 1.1 In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.
- 1.2 The annual meeting will:
- 1.2.1 elect a person to preside if the Mayor is not present;
 - 1.2.2 elect a Mayor (who may appoint a Deputy Mayor);
 - 1.2.3 approve the minutes of the last meeting;
 - 1.2.4 receive official announcements;
 - 1.2.5 elect the Leader;
 - 1.2.6 appoint the Leader and nine other members to the Cabinet, and decide whether to appoint one of them Deputy Leader;

Council Procedure Rules

- 1.2.7 note the appointment as Leader of the Opposition of the Leader of the largest political group other than the group of which the Leader of the Council is a member;
- 1.2.8 appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3, Table 1 and 2 of this Constitution, and a Chairman and (if Council so wishes) Vice-Chairman for each;
- 1.2.9 agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree as set out in Part 3 of this Constitution;
- 1.2.10 approve a programme of ordinary meetings of the Council for the year;
- 1.2.11 consider any other business dealt with in Part 5 of an ordinary Council meeting set out in the notice convening the meeting.

2. Selection of Councillors on Committees and outside Bodies

At the annual meeting the council will:

- i. decide which committees to establish for the municipal year;
- ii. decide the size and terms of reference of those committees;
- iii. decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- iv. receive nominations of councillors to serve on each committee and outside body; and
- v. appoint to those committees and outside bodies except where appointment to those outside bodies has been delegated by the Council or is exercisable only by the executive.

3. Ordinary meetings

- 3.1 Unless the Council or Mayor decides otherwise, ordinary meetings of the Council shall be held at 7pm at the Town Hall, The Burroughs, Hendon in accordance with a programme decided at the Council's annual meeting.
- 3.2 Ordinary meetings will deal with the following matters except for the meeting that deals with the approval of the budget and council tax to which only Parts 1 and 5 will apply.

Council Procedure Rules

Part 1 - Statutory formalities/Announcements (15 minutes)

1. Elect a member to preside if the Mayor is absent
2. Prayer
3. Minutes of last meeting
4. Official announcements
5. Declarations of interest
6. Any business remaining from last meeting

Part 2 - Question Time (30 minutes or until 7.45 p.m. whichever is longer)

7. Questions to the Leader and Cabinet

Part 3 - Members' Motions (60 minutes)

8. Motions in the order in which notice has been given

(Break – 15 minutes)

Part 4 – Policy Development (60 minutes)

9. **Administration Policy Item (30 minutes)**

Matters proposed by the political group led by the Leader of the Council and any other political group which acknowledges that it has combined with it to form a political administration.

10. **Opposition Policy Item (30 minutes)**

Matters proposed by the other political groups, lasting no more than 30 minutes.

In the absence of agreement between the opposition political groups, the time available in this part of the meeting will be allocated pro rata to the number of members in each group.

Council Procedure Rules

Part 5 - Statutory Council Business (40 minutes)

11. Reports from Cabinet
12. Reports from overview and scrutiny committees
13. Reports from other council committees
14. Reports of officers

Part 6 - Accountability

15. Comments on the work of the Cabinet (10 minutes)
16. Questions to council representatives on outside bodies (this is a statutory requirement for the Council meeting) (10 minutes)

4. Agenda Conference and Timetable for Meetings

- 4.1 The Democratic Services Manager will set the agenda and timetable after consultation with the political groups.
- 4.2 The Democratic Services Manager will consult by e-mail the Leaders or if unavailable another representative of the political groups at least two working weeks before the meeting to consult them on the agenda and timetable. This will be known as "the agenda conference". The Administration and the Opposition will confirm to the Democratic Services Manager in writing by 4pm that day the full text of the policy initiatives to be debated in Part 4 of the meeting.
- 4.3 The Democratic Services Manager will circulate the draft agenda on the next day.

4(a) Callover

On the day before the meeting after the 10.30 deadline for final items of business the Democratic Services Manager will consult by e-mail the Mayor and political group leaders, copying-in group secretaries (or if unavailable other representatives of the political groups) on variations to the agenda and timetable to add additional time to Part 3 of the meeting from any unused Part of the meeting as set out in Rule 3.2, provided that this does not cause the meeting to terminate after 10.30 pm.

The Democratic Services Manager will notify Members that day of the changed timetable.

The variation will be made by a Motion moved by the Mayor at the commencement of Part 3.

Council Procedure Rules

5. Visual presentations

A Member presenting a Motion in Part 3 or commenting on the work of the Cabinet in Part 5 shall be able to make a visual presentation.

6. Extraordinary meetings

6.1 Extraordinary meetings can be called in accordance with the legal requirements.

6.2 The only business permitted at an extraordinary meeting is that which appears in the summons.

Explanatory notes – extraordinary meetings

The Mayor may call an extraordinary meeting at any time.

Five members of the Council may also request the Mayor to call an extraordinary meeting. The meeting must be called within 7 days of the notice being presented to the Mayor, although there is no time limit by which the meeting must take place. If the Mayor refuses, or does not call the meeting within the 7 days, any five members may themselves call an extra-ordinary meeting.

(Paragraph 3 of Schedule 12 of the Local Government Act 1972)

Order of business and general procedure for all meetings

7. Chairing Meetings

7.1 The person presiding at the meeting may exercise any power or duty of the Mayor concerning the conduct of Council meetings.

7.2 The Mayor or person presiding at the meeting will always be able to exercise a casting vote in the event of an equality of voting on a motion or amendment, in accordance with the provisions of the Local Government Act 1972, provided he or she has voted when the motion or amendment was first put to the vote.

8. Quorum

8.1 No business will be transacted at a meeting of the Council unless there is a quorum present. The quorum is $\frac{1}{4}$ of the membership of the Council rounded up to the nearest whole number.

8.2 If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed for up to 15 minutes. When 15 minutes has passed, the Democratic

Council Procedure Rules

Services Manager will count the number of members present, and if there is no quorum, he or she will advise the meeting that no business can be transacted and the meeting will be cancelled.

- 8.3 If the Mayor finds that a quorum of members is not present at any time during the meeting, the Democratic Services Manager shall call over the names of the members of the Council. If there is not a quorum of members present, the Mayor shall adjourn the meeting and the Democratic Services Manager shall record in the minutes of the meeting the names of those who were present and those who were absent.

Explanatory Note – Inquorate meetings, adjourned meetings, cancellation and postponement

Where a meeting is inquorate it cannot be held, and if a meeting already commenced becomes inquorate no further business can be transacted. Such a meeting is not “adjourned” since this would require a positive decision that the meeting is, of course, unable to take.

In these circumstances a new date for a meeting must be arranged in accordance with Council Procedure Rule 12 and the Access to Information Procedure Rules giving the requisite days notice of the meeting.

Where a meeting is adjourned by the Mayor or by a unanimous or majority decision of the members a new meeting date must be arranged on the same basis.

Once the council has been convened by the proper officer publishing notice of the meeting there is no power for anyone to cancel or postpone it.

The meeting must take place and, if quorate, transact the business set out on the summons.

This does not prevent members at the meeting, if they consider it inappropriate for the meeting to proceed for whatever reason, from taking a unanimous or majority decision to adjourn it.

Council Procedure Rules

9. Order of business

The order of business at meetings of the Council shall be as set out in Rules 1 and 2.

10. Variation

10.1 The following order of business may not be changed:

10.1.1.1 to choose a person to preside if the Mayor is absent

10.1.1.2 to deal with any business required by statute to be done before any other business

10.1.1.3 to approve the minutes as a correct record

10.2 The order of any other business may be varied:-

10.2.1 by the Mayor at his or her discretion either at or before the meeting; or

10.2.2 by a motion put forward, seconded, and carried without discussion, by a majority of members at the meeting. No written notice of the motion is required.

11. Minutes

11.1 The minutes of the last ordinary meetings of the Council and any extraordinary meetings will be circulated with the agenda for the next ordinary meeting of the Council, provided that it is not on the same day.

(Paragraph 3 of Schedule 12 of the Local Government Act 1972)

11.2 The Mayor shall put the question that the minutes of the meeting of the Council held on the day of be approved as a correct record.

11.3 No discussion shall be allowed on the confirmation of the minutes. Any question about their accuracy must be raised by motion and voted on without discussion. Upon approval as a correct record, the Mayor shall subsequently sign the minutes.

12. Resumption of adjourned meetings

12.1 The Democratic Services Manager, in consultation with the Mayor, must summon the members to resume any meeting adjourned because:

12.1.1 the meeting became inquorate; or

12.1.2 the Mayor adjourned the meeting due to a general disturbance in any part of the meeting place open to the public; or

Council Procedure Rules

- 12.1.3 the Mayor adjourned the meeting due to a named member continually disrupting the meeting.

(See standing order 28)

- 12.2 The meeting must be held within ten days of the adjournment and the summons will give details of the business remaining to be dealt with. No new items may be included on the agenda.

Standing Orders – Interpretation, suspension and amendment

13. Interpretation

- 13.1 The ruling of the Mayor concerning the interpretation or application of these standing orders shall not be challenged at any meeting of the Council.
- 13.2 The ruling of the person presiding at a meeting of any Council body must not be challenged on the interpretation of standing orders relating to the meeting.

14. Suspension

- 14.1 The Council at any of its meetings may suspend any standing order provided that:
- 14.1.1 either due notice has been given, or Council agrees that it is a case of urgency, and
- 14.1.2 the motion to suspend a standing order is moved, seconded and carried without discussion by a majority of the members of the Council present and voting.

15. Amendments to Standing Orders

A meeting of the Council may only consider changes to these standing orders if notice of the intention is included in the summons for the meeting.

Close of business

16. Suspension of business

- 16.1 No business at any meeting of the Council shall be transacted after 11 p.m. and any business transacted after that time shall be null and void

Council Procedure Rules

Rules that apply to the whole of all Council meetings

17. Validity of motions, amendments, initiatives and questions

17.1 Every motion, amendment, initiative and question shall be relevant to matters within the

Council's powers or duties or which affect the borough. The Mayor shall, if need be, give a ruling as to whether the motion is relevant.

17.2 If the Democratic Services Manager has any doubts about any motion, amendment, initiative or question for the agenda for reasons of propriety, he or she may refer it to the Mayor.

17.3 If the Mayor considers the motion, amendment, initiative or question to be vexatious, irrelevant, or otherwise improper, the Democratic Services Manager will return it to the member who submitted it. The Democratic Services Manager will explain to the member in writing why it will not be included on the agenda circulated for the meeting. The matter will only be included on the agenda if it is resubmitted in the timescale for receiving an item of business of that category and is signed by at least fifteen members of the Council.

17A General provisions for motions and amendments

17A.1 An amendment must be relevant to a motion on the agenda and shall be to either:

17A.1.1 refer a subject of debate to a committee for consideration or re-consideration; or

17A.1.2 change the words (including deleting or adding words) but such changes must not merely have the effect of negating the motion before the Council.

17A.2 No member may submit more than one amendment to a particular motion or report on the agenda.

17A.3 If requested by the Mayor, the mover of a motion or amendment shall put it in writing and hand it to the Mayor before it is discussed or put to the vote. This standing order does not apply to motions or amendments where notice has been given in accordance with these standing orders.

17B Alterations to motions or amendments

17.B.1 Where, under Rule 31 a motion (including Administration and Opposition Policy Initiatives for debate in Part 4 of the meeting) has been notified to the Democratic Services Manager, but the deadline for giving such notice has not passed:-

- A Member may alter the text of his or her motion or amendment by giving further notice to that effect to the Democratic Services Manager within the

Council Procedure Rules

deadline. The Democratic Services Manager will keep a record of the altered text and shall record the date the notice altering the text was received. Any Member of the Council may inspect the record.

Otherwise, where the deadline for giving notice of a motion or amendment to the Democratic Services Manager has passed:-

- A Member may, at the Council meeting and with the consent of the Mayor, alter the text of his or her motion or amendment. If the motion or amendment has been moved and seconded, the seconder must also give further consent to the alteration.

Any alteration must adjust, correct or clarify the motion or amendment and must not change its sense, meaning or purpose to such an extent that it becomes an entirely new motion or amendment.

17C Withdrawal of motions and amendments

17.C.1 Where, under Rule 31 a motion or amendment (including Administration and Opposition Policy Initiatives for debate in Part 4 of the meeting) has been notified to the Democratic Services Manager, but the deadline for giving such notice has not passed:-

- A Member may withdraw his or her motion or amendment by giving further notice to that effect to the Democratic Services Manager within the deadline. The Democratic Services Manager will keep a record of the notice of withdrawal including the date it was received. Any Member of the Council may inspect the record. Once notice of withdrawal has been received by the Democratic Services Manager, the Member concerned may not move the same motion or amendment (or a similarly worded motion or amendment having the same overall meaning purpose or intent as the withdrawn motion or amendment) for that particular Council meeting.

Otherwise, where the deadline for giving notice of a motion or amendment to the Democratic Services Manager has passed:-

- The mover may, at the Council meeting and with the consent of the Council and his or her seconder, withdraw his motion or amendment. No member may speak on the motion or amendment after the mover has asked permission for its withdrawal, unless permission has been refused.

18. Motions and amendments which may be moved without notice

18.1 The following motions and amendments may be moved without notice to:

18.1.1 appoint a Chairman of the meeting;

Council Procedure Rules

- 18.1.2 question the accuracy of the minutes;
- 18.1.3 move that an item of business in the summons takes precedence;
- 18.1.4 appoint a committee (including its members, a Chairman and Vice-Chairman and members having related specified duties);
- 18.1.5 agree to hear oral representations;
- 18.1.6 give leave to withdraw a motion;
- 18.1.7 extend the time limit for speeches;
- 18.1.8 move that "the question be now put" (to the vote);
- 18.1.9 move that "the debate be now adjourned";
- 18.1.10 move that "the Council do now adjourn";
- 18.1.11 exclude or to re-admit the press and public under section 100A(4) of the Local Government Act 1972;
- 18.1.12 move that a member named under standing order 30 be not further heard or do leave the meeting;
- 18.1.13 deal in public with a staff matter;
- 18.1.14 give consent of the Council where consent is required by these standing orders;
- 18.1.15 grant urgent action powers.

19. Motions which may be moved during debate and closure motions

19.1 When a motion is under debate no other motion shall be moved except:

- 19.1.1 to amend the motion;
- 19.1.2 motions moved by the Mayor or another member that a member:
 - "be not further heard";
 - "must leave the meeting";
- 19.1.3 motions to exclude the press and public
- 19.1.4 closure motions as follows:

A member may move without comment, at the conclusion of a speech of another member;

"That the question be now put";

"That the debate be now adjourned"; or

Council Procedure Rules

"That the Council do now adjourn".

If the motion is seconded, the Mayor shall put the motion to the vote without further discussion.

- 19.1.5 If the Council agree "that the question be now put", the mover of the motion will retain his or her right of reply before the motion is put to the vote.

19A. Speeches - limit and content

- 19A.1 A member may only speak once during the debate on an item of business to either:
- 19A.1.1 move an amendment or motion; or
 - 19A.1.2 second or speak on an amendment or motion moved by another member.
- 19A.2 The exceptions are:-
- 19A.2.1 to speak on the substantive motion;
 - 19A.2.2 to exercise a right of reply;
 - 19A.2.3 on a point of order; and
 - 19A.2.4 by way of personal explanation.
- 19A.3 A member shall direct his or her speech to:
- 19.A.3.1 the question under discussion or
 - 19.A.3.2 a personal explanation or a point of order.

Voting and division

20. Division bell

When the mover of an original motion is called by the Mayor to speak in response to any debate or amendment, but not on the adoption of a cabinet or committee report, the Democratic Services Manager shall arrange for a bell to be rung.

21. Voting

- 21.1 All motions and amendments shall be determined by a show of hands except where otherwise provided by law or in these standing orders.

Council Procedure Rules

21.2 Members must be seated in the Chamber when voting and while the vote is being recorded.

22. Member's dissent

22.1 If, immediately after a vote is taken, a member requests his or her vote to be recorded, the Democratic Services Manager will record in the minutes whether that member:

22.1.1 cast his or her vote for or against the question; or

22.1.2 abstained from voting.

23. Division

23.1 If following a vote, ten members rise in their place and demand a formal division, the Democratic Services Manager shall call over the names of all the members, and record and enter in the minutes those:

23.1.1 voting for or against the motion or amendment;

23.1.2 abstaining from voting; and

23.1.3 absent from the meeting when the division was taken.

23.2 The voting at the division shall take the place of the voting indicated by a show of hands.

24. Voting on appointments

Where more than two persons are nominated for any position to be filled by the Council, and there is no majority of votes in favour of one person, the name of the person having the least number of votes shall be deleted from the list. Further votes will then be taken on the same basis until a majority is given in favour of one person.

Members' conduct

25. Only one member to stand at a time

A member when speaking shall stand and address the Mayor. If two or more Members rise, the Mayor shall call on one to speak: the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising on a point of order or in personal explanation.

Council Procedure Rules

26. Respect for Chairman of meeting

Whenever the Mayor or member chairing the meeting rises during a debate any member then standing must resume his or her seat and the council must be silent.

27. Points of order and personal explanation

- 27.1 **Points of order:** A member may rise on a point of order and must be heard forthwith. The point of order shall relate only to an alleged breach of a standing order or statutory provision or a factual error within an officer's report. The member must specify the standing order or statutory provision and the way he or she considers it has been broken, or details of the alleged factual error within the officer's report.
- 27.2 **Personal explanation:** A member who has previously spoken on an item of business may rise and, with the consent of the Mayor, speak in personal explanation. The member must be heard forthwith if consent is given. The personal explanation shall relate only to some material part of his or her previous speech, which may have been misunderstood in the present debate.
- 27.3 **Personal attack:** The Mayor may consent to a member giving an immediate personal explanation if he or she is abused, misinterpreted or unfairly accused of a misdemeanour by another member. The member's response should relate only to that part of the previous member's speech, which abuses, misinterprets or unfairly accuses him or her. No member may speak under this standing order unless the Mayor gives consent.
- 27.4 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- ### 28. Disorderly conduct by a member
- 28.1 If the Mayor or another member considers that a member of the Council is:
- 28.1.1 persistently disregarding the ruling of the Mayor; or
 - 28.1.2 behaving improperly or offensively; or
 - 28.1.3 wilfully obstructing the business of the meeting;
- the Mayor may move "That [the member named] be not further heard". The motion if seconded shall be determined without discussion.
- 28.2 The Mayor must notify the Council of the misconduct before he or she, or another member may move the motion. If the motion is approved, the named member shall be entitled to vote on any remaining matters but must not speak.

Council Procedure Rules

- 28.3 If the named member continues in a disorderly manner after the motion has been passed, the Mayor may either:-
- 28.3.1 move "That [the member named] must leave the meeting" (in which case the motion shall be determined without seconding or discussion); or
 - 28.3.2 adjourn the meeting of the Council.
- 28.4 A member excluded from the meeting under this standing order will not be entitled to return to the meeting to vote on any item.
- 28.5 A motion passed in accordance with either standing order 28.2 or 28.4 will remain in force for any adjourned meeting.

See also Access to Information Procedure Rules - Disturbances by individual members of the public and general disturbance.

29. Personal and Prejudicial Interests

- 29.1 **Personal interest:** If any member of the Council has a personal interest in any matter being considered at a meeting, he or she must disclose to that meeting the existence and nature of that interest at the commencement of when the matter comes into consideration or when the interest becomes apparent.
- 29.2 **Prejudicial interests:** If any member of the Council has a prejudicial interest in any matter being considered at a meeting, he or she must disclose that interest in accordance with Standing Order 29.1 and withdraw from the Council Chamber (including the public gallery) until the matter has been dealt with unless he or she has obtained a dispensation from the Standards Committee.

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Explanatory Note – Declaring Interests at Meetings

When a member declares a personal interest at a meeting, the member should state clearly:

(a) the specific nature of the interest e.g. employed by ABC Ltd, hold major shares in DE plc;

(b) whether or not it is a prejudicial interest;

If it is a prejudicial interest the member should state clearly:

(a) that he or she will withdraw from the Council Chamber until the matter has been dealt with; or

(b) that a dispensation has been given by the Standards Committee permitting the member to stay to speak and/or vote at the meeting and the nature of the dispensation.

The member's name, nature of the interest and whether or not the member remained in the meeting, took part in the debate or voted will be included in the minutes.

Rules that apply to Part 2 of the meeting

30. Question Time

Question time – explanatory note

Members may put questions to the Leader of the Council and other members of the Cabinet provided these are submitted in writing 10 working days before the meeting. The same member may ask one supplementary question. No notice is required of the supplementary question.

The questions and written answers will be circulated two working days before the meeting. Questions will be answered in the order in which they are received by the Democratic Services Manager but shall be ordered so that a question from one party is followed by a question from another party until all parties have placed one question each. This sequence shall be maintained until all questions have been dealt with or the time limit for question time is reached. The Democratic Services Manager will consult with the Leader if there is doubt about which Cabinet member should give an answer.

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Any supplementary question and any answers will be recorded.

Normally, members may not ask a question which has already been dealt with at a previous Council meeting in the last six months.

Question Time shall end after 30 minutes or at 7.45 p.m. whichever is longer but a supplementary question commenced before the expiry of the time limit may be answered.

- 30.1 In part 2 of the meeting the Leader of the Council and other members of the Cabinet will answer questions from any member of the Council. In the absence of the appropriate member of the Cabinet the question may be answered by another Cabinet member. The Democratic Services Manager will consult the Cabinet on which Cabinet member questions should be referred to.
- 30.2 Questions will be put to the appropriate Cabinet member in the order in which they are received by the Democratic Services Manager, except that questions shall be ordered so that a question from one political group is followed by a question from another group until all groups have placed one question each. This sequence shall be maintained until all questions have been dealt with or the time limit for question time is reached.
- 30.3 Any member wishing to ask a question must deliver it in writing, by hand, post, fax or e-mail, to be received by the Democratic Services Manager by 10.30am ten working days before the day of the meeting.
- 30.4 The Democratic Services Manager shall keep a register recording the date and time the question was received. Any member of the Council may inspect the record.
- 30.5 The Leader/Cabinet member may agree to answer a question of which notice has not been given, if it relates to urgent business and has been discussed with him/her before the meeting.
- 30.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.
- 30.7 The Leader/Cabinet member may decline to answer a question.
- 30.8 Every question shall be put and answered without discussion.
- 30.9 An answer will take the form of a written reply circulated two working days before the meeting but the Mayor may allow an oral elaboration from the appropriate Cabinet member. In the absence of the appropriate Cabinet member an oral elaboration may be allowed from another member of the Cabinet.
- 30.10 One supplementary question and answer will be allowed on the same subject from the same member.

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- 30.11 Questions and answers will be recorded. The Democratic Services Manager shall send the transcript of oral questions and answers to the relevant members for correction of punctuation and grammar prior to publication.
- 30.12 The time allowed for questions will be 30 minutes. At the end of that time the Mayor will allow an oral reply to a supplementary question commenced before the expiry of the time limit and then bring this part of the meeting to a close. The Mayor has the right to prevent any member asking or giving a protracted supplementary question or answer.

Rules that apply to Part 3 of the meeting

31. Individual members' motions for the agenda - Part 3 of the meeting

Individual member's motions - explanatory Note

These are in effect the method members may use to put items on the agenda for Council meetings for discussion.

Motions should be phrased to take account of the separate functions of the council and the Cabinet. Motions on Council functions, for example, may seek approval to a course of action or instruct council committees or officers to take action. Motions on Executive functions should invite the Cabinet to consider a matter identified in the motion.

- 31.1 Any member may put a motion on the agenda for an ordinary meeting of the Council, except the meeting that deals with the budget and council tax. The member must give written notice to the Democratic Services Manager at least six clear working days before the meeting. A working day is deemed to end at 4pm. Any motion delivered after 4pm will be recorded as received on the next working day. The motion must be signed by the member and delivered by hand, post, fax or e-mail.
- 31.2 The Democratic Services Manager shall keep a record of the date the notice was received and any member of the Council may inspect the record.
- 31.3 The Democratic Services Manager shall set out in the summons for the meeting all motions in order of receipt.
- 31.4 Once the motion is on the agenda, any member may move the motion at the meeting. If the motion is not moved it shall be treated as withdrawn, unless the Council agrees to postpone it.
- 31.5 If the member's motion is not dealt with by the end of the meeting, it will be referred to the Cabinet or an appropriate council committee or sub-committee for consideration and any necessary action. (However, if the proposer has specifically asked in his or her

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notice for the motion to be voted on at that Council meeting it will be voted on without discussion).

- 31.6 A member who has a motion on the agenda may submit a further motion by 10.30am on the last working day before the meeting asking for the motion to be withdrawn and referred to the Cabinet or an appropriate council committee. The member must sign the motion and deliver it to the Democratic Services Manager by hand, post, fax or e-mail.

32. Amendments to motions

- 32.1 Amendments to motions must relate to the motion on the agenda. They may be:

32.1.1 submitted to the Democratic Services Manager in writing, by hand, post, fax or e-mail, (in which case they must be received no later than 10.30 am on the working day before the day of the meeting, and will be circulated by email and by hand by the Democratic Services Manager at or before the meeting); or

32.1.2 moved orally at the meeting. The Democratic Services Manager may require oral amendments to be submitted in writing at the meeting.

33. Rules of Debate

- 33.1 The rules of debate for part 3 of the meeting are as follows:

33.2 Each motion will be dealt with in turn in the order set out on the agenda. The motion need not be seconded. The member moving the motion, or another member of that group, will open the debate. The Leader of each of the other groups, or another member of their group, will then have an opportunity to comment. The time for this part of the debate will be set out in the timetable, and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.

33.3 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other members to move amendments. After all the amendments have been debated the motion will be debated. Then the member who opened the debate, or his/her nominee, has the right to respond.

33.4 At the end of debate the Mayor will put each amendment to the vote in turn. If an amendment is carried it alters the substantive motion.

33.5 The Mayor will then put the initiative to the vote.

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34. Time for debate

- 34.1 The time allowed for Part 3 of the meeting will be set out in the timetable. Each of the first three speakers under Rule 33.2 may speak for a maximum of 5 minutes. All subsequent speakers will be limited to a maximum of 4 minutes. At the end of that period of time the Mayor will bring that part of the meeting to a close, whether or not every member wishing or entitled to speak is speaking or has spoken, and whether or not all the business for that part of the meeting has been dealt with. The Mayor will then put the remaining items of business for that part of the meeting to the meeting in turn, and the Council will decide and if necessary vote on each of them without debate.
- 34.2 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment, motion or recommendation be put to the vote without further debate, or that the order of business be varied. This motion from the Mayor need not be seconded, and will be immediately put to the vote without debate.

Rules that apply to Part 4 of the meeting

35. Administration and Opposition Policy Initiatives

Explanatory note

Part 4 of the meeting will debate:

- Any motions put forward by the Leader of the Council, a member of the Cabinet or the Leader of any other party or parties who form part of an administration. The time limit for the debate will be 30 minutes.
- Any motions put forward by the opposition groups. The time limit for the debate will be 30 minutes.

- 35.1 Motions must consist of comments or requests addressed to the Executive. They must address broad policy issues and relate to the Council's powers or duties or matters that affect the Borough or its residents.
- 35.2 Motions may not promote a policy initiative which has been rejected, or negate a policy initiative that has been agreed by Council or the Executive in the six months before the meeting.

36. Rules of Debate

- 36.1 The rules of debate for administration and opposition policy initiatives are as follows:

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36.2 Each policy initiative will be dealt with in turn in the order set out on the agenda. The initiative need not be seconded. The Leader of the group promoting the policy initiative, or another member of that group, will open the debate. The leader of each of the other groups, or another member of their group, will then have the opportunity to comment. The time for this part of the debate will be set out in the timetable, and at the end of the time allowed, the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.

36.3 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other members to move amendments. After all the amendments have been debated, the motion will be debated. Then the member who opened the debate, or his/her nominee, has the right to respond.

36.4 At the end of the debate, the Mayor will put each amendment to the vote in turn. If an amendment is carried, it alters the substantive motion.

36.5 The Mayor will then put the initiative to the vote.

37. Amendments to motions

37.1 Amendments to motions must relate to the motion on the agenda. They may be:

37.1.1 submitted to the Democratic Services Manager in writing, by hand, post, fax or e-mail (in which case they must be received by no later than 10.30 am on the working day before the day of the meeting, and will be circulated by the Democratic Services Manager at or before the meeting); or

37.1.2 moved orally at the meeting. The Democratic Services Manager may require oral amendments to be submitted in writing at the meeting.

38. Time for Debate

38.1 The time allowed for Part of the meeting will be set out in the timetable. Each of the first three speakers under Rule 36.2 may speak for a maximum of 5 minutes. All subsequent speakers will be limited to a maximum of 4 minutes. At the end of that period of time, the

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Mayor will bring that part of the meeting to a close, whether or not every member wishing or entitled to speak is speaking or has spoken, and whether or not all of the business for that part of the meeting has been dealt with. The Mayor will then put any remaining items of business for that part of the meeting to the meeting in turn, and the Council will decide and if necessary vote on each of them without debate.

- 38.2 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment or motion be put to the vote without further debate, or that the order of business be varied. This motion from the Mayor need not be seconded, and will be immediately put to the vote without debate.

Rules that apply to Part 5 of the meeting

39. Questions on Cabinet/committee reports

A member may ask the Leader/Chairman of a committee, or a member moving the reception of the report of the committee, any question on it whilst it is being considered. Notice of the question should be given to the Leader/Chairman, or any member moving the report, where practicable. Every question shall be put and answered without discussion. The person to whom a question has been put may decline to answer.

40. Rules of debate

- 40.1 The rules of debate in this part of the meeting for reports of the Cabinet (except for the report on the Budget and Council Tax to which Rules 44 to 47 apply), Committees and Overview and Scrutiny Committees are as follows.
- 40.2 The Leader/Chairman of the relevant committee, or another member of the Cabinet/Committee, will move reception of the report and adoption of the recommendations. This motion need not be seconded. The leader of each of the other groups, or another member of their group, will then have an opportunity to comment on the recommendation. The time for this part of the debate may be set out in the timetable, and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.
- 40.3 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other members to move amendments. Amendments need not be seconded. After all the amendments have been debated the motion will be debated. Then the member who opened the debate, or his or her nominee, has the right to respond.

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40.4 At the end of the debate, the Mayor will put each amendment to the vote in turn. If an amendment is carried it alters the substantive recommendation.

40.5 The Mayor will then put the recommendation to the vote.

41 Amendments to recommendations

41.1 Amendments must relate to the recommendation of the Cabinet or committee. They may be:

41.1.1 submitted to the Democratic Services Manager in writing, by hand, post, fax or e-mail, (in which case they must be received no later than 10.30 am on the working day before the day of the meeting, and will be circulated by the Democratic Services Manager at or before the meeting); or

41.1.2 moved orally at the meeting. The Democratic Services Manager may require oral amendments to be submitted in writing at the meeting.

42 Time for debate

42.1 The time allowed for Part 5 of the meeting will be set out in the timetable. Each of the first three speakers under Rule 41.2 may speak for a maximum of 5 minutes. All subsequent speakers will be limited to a maximum of 4 minutes. At the end of that period of time the Mayor will bring that part of the meeting to a close, whether or not every member wishing or entitled to speak is speaking or has spoken, and whether or not all the business for that part of the meeting has been dealt with. The Mayor will then put the remaining items of business for that part of the meeting to the meeting in turn, and the Council will decide and if necessary vote on each of them without debate.

42.2 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment, motion or recommendation be put to the vote without further debate, or that the order of business be varied. This motion from the Mayor need not be seconded, and will be immediately put to the vote without debate.

Rules that apply to Part 6 of the meeting

43. Comments on the work of the Cabinet

43.1 In Part 6 of the meeting any Member who has given due notice shall be entitled to comment on the work of the Cabinet subject to the following conditions:

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- (a) A Member's comment shall not relate to any item included elsewhere on the agenda for that meeting.
 - (b) A Member shall not comment upon more than one matter and that matter shall only relate to one subject.
 - (c) Only the Member giving notice may speak. At the conclusion of the Member's comments, the relevant Cabinet member shall be entitled to reply.
 - (d) In the event of notice being received from more than one Member of intended comment on the same subject, it shall be at the Mayor's discretion as to whether or not such comments shall be taken together.
- 43.2 Notice by the Member specifying the subject matter of any intended comment shall be given in writing, by hand, post, fax or e-mail, to the Democratic Services Manager by not later than 10.30am on the last working day before the meeting, and details shall be circulated by the Democratic Services Manager to all Members of the Council on that working day.
- 43.3 In the absence of the notifying Member it shall be competent for any other Member to act in his/her behalf provided he/she has been so authorised by the notifying Member.
- 43.4 Comments and replies will be recorded. The Democratic Services Manager shall send the transcript to the relevant members for correction of punctuation and grammar prior to publication.
- 43.5** Any Comments not dealt with at the meeting will be responded to in writing by the relevant Cabinet Member to the Member concerned within 10 working days, with a copy being sent to the Democratic Services Manager for circulation to all Members of the Council.
- 44. Questions to Council representatives on outside bodies**
- 44.1 At an ordinary meeting, a member, who has given 21 clear days written notice to the Democratic Services Manager, may ask any question about the activities of a company or outside body to any member or officer who has been appointed or nominated to the outside body.
- (Sub-section 71(5) of the Local Government and Housing Act 1989 - Section 41, Local Government Act 1985 - G.P. Dec. 21/10/85-5)*
- 44.2 The member or officer may decline to answer if the question would disclose information about the outside body that has been communicated to him or her in confidence.
- 44.3 An answer may take the form of:
- 44.3.1 an oral or written answer (officers will invariably give written answers); or
 - 44.3.2 a reference to a Council publication; or

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- 44.3.3 a holding reply where it is not possible to give an immediate response. A written response must be circulated to members when the information is available.
- 44.4 No discussion shall be permitted about any question or the reply to it.
- 44.5 Questions and answers will be recorded. The Democratic Services Manager shall send the transcript of oral questions and answers to the relevant members for correction of punctuation and grammar prior to publication.

Rules that apply to the report of the Cabinet on the Budget and Council Tax, and Extraordinary Meetings

45 Amendments

- 45.1 If a member wishes to move an amendment to recommendations in the Cabinet's report or an item on the agenda of an extraordinary meeting he or she may only do so if written notice has been given to the Democratic Services Manager by no later than 10.30 a.m. on the last working day before the day of the meeting.

The member must sign the amendment and deliver it to the Democratic Services Manager by hand, fax, post or e-mail and the Democratic Services Manager must have circulated details to all members on or before that day.

- 45.2 The Council may at the meeting agree to waive the requirements of this standing order.

Dealing with amendments at the meeting

- 45.3 An amendment shall not be discussed or put to the meeting unless it has been moved and seconded.
- 45.4 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been dealt with. No member shall move more than one amendment. The mover of the amendment may speak for five minutes.
- 45.5 If an amendment is lost, other amendments may be moved on the original motion but only where notice has been given. If an amendment is carried, the amended motion replaces the original motion. The amended motion then becomes the motion upon which any further amendment may be moved. This is known as the substantive motion.
- 45.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.

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46. Speeches

46.1 Except with the consent of the Council, which will normally be granted to specified members for the debate on the adoption of the budget, the speech must not exceed:

46.1.1 four minutes, or

46.1.2 five minutes for each speech when a member is moving:

- the cabinet report;
- an item on the agenda of an extraordinary meeting
- an amendment;
- a member is exercising his or her right to reply

46.2 If a member when seconding a motion or amendment declares an intention to do so, he or she may reserve the right to speak until later in the debate.

47. Right of reply

The mover of an original motion shall have a right of reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion also has a right of reply at the close of the debate on each amendment, but must not otherwise speak on the amendment. At the end of the debate, the Mayor will call on the original mover of the motion to exercise his or her final right to reply.

48 Procedure for Cabinet's budget report

48.1 The Leader, or in his/her absence any other member of the Cabinet, must move a motion for the report to be received. The mover may speak for five minutes.

48.2 If the motion is approved, the recommendations in the report shall be moved for reception by each page number being called out.

48.3 If a member has submitted notice of an amendment on a particular item, the Mayor will invite him or her, or another member, to move the amendment. If the amendment is seconded, the mover of the amendment may speak for five minutes when moving the amendment. His or her seconder may also speak for four minutes or, on request, later in the debate. If the amendment is not moved, it shall be treated as having been withdrawn.

48.4 Only one amendment may be moved, discussed and voted on at any one time.

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- 48.5 After all the amendments to the report have been dealt with in this way, the whole report shall be moved for adoption, subject to any amendments agreed at the meeting. The motion must be seconded and voted on without further discussion.

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Section 2 – Committees and Sub-Committees

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NOTE ON THE CONDUCT OF LICENSING HEARINGS

Notwithstanding the following procedure rules for Council Committees and Sub-Committees, 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.

PROCEDURE RULES FOR COUNCIL COMMITTEES & SUB-COMMITTEES

1. **Substitute members and quorum**
 - 1.1 The number of substitute members on each body and the quorum for each shall be as set out below:

Explanatory note –quorum

Unless stated otherwise in the table below, the quorum for any Committee shall be one quarter of its total membership, rounded up to the nearest whole number, subject to a minimum of three.

1.2	Committee	Substitute Members	Quorum
	Planning and Environment Committee	10 (excluding Cabinet Members, and reflecting the political structure of the Council.) See Rule 2.7	6
	Area Planning Sub-Committees		
	Finchley and Golders Green	7 (one substitute for each ward)	3
	Chipping Barnet	7 (one substitute for each ward)	3
	Hendon	7 (one substitute for each ward)	3
	Environment Sub-Committees		
	Finchley and Golders Green	7 (one substitute for each ward)	3
	Chipping Barnet	7 (one substitute for each ward)	3

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Hendon	7 (one substitute for each ward)	3
Standards Committee	2 for each political group	3 (to include at least two independent lay members)
Sub-Committee appointed by the Standards Committee		3 (to include at least two co-opted members)
Licensing Committee	Not applicable	4
Special Committee to deal with the Constitution	2 for each political group	3

Licensing Sub-Committee	Not applicable	Not applicable – all three Members (including one from the Panel of Chairmen) must be present for the meeting to proceed
Appeals Committees	2 for each appointed member from the same political group	3
Audit	6 (2 for each political group)	3
Chief Officers Appointments Panel	6 (2 for each political group)	3
Chief Officers Disciplinary and Capability Investigating Panel	6 (2 for each political group)	3
Chief Officers Disciplinary Panel	6 (2 for each political group)	3
Cabinet Overview and Scrutiny Committee	6 (2 for each political group)	3
Overview and Scrutiny Committees	6 (2 for each political group)	3
General Functions Committee	6 (2 for each political group)	3
Superannuation Fund Management Advisory Panel	6 (2 for each political group)	Not applicable

2. Substitute members – rules

- 2.1 A substitute member may only attend, speak or vote at a meeting in place of another member of the body who is not a substitute member and who is unable to attend the meeting.

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- 2.2.1 Where seats on the body are allocated to political groups, a substitute member can only attend, speak and vote at a meeting in place of another member if both belong to the same political group.
- 2.2.2 Where seats on the body are allocated to members on the basis that they are representing a particular electoral ward, a substitute member can only attend, speak and vote at a meeting in place of another member if both represent the same ward. (This rule does not apply to the Planning and Environment Committee – see instead rule 2.7).
- 2.3 Where there is more than one substitute per political group or ward, their names shall be listed in order of precedence for attendance.
- 2.4 No substitute may attend, speak and vote at a meeting unless the originally appointed member and any substitute higher up the list has indicated to the Democratic Services Manager before the meeting that he or she is unable to attend.
- 2.5 Where the originally appointed member is a member of a political group (within the meaning given by the Local Government and Housing Act 1989 and regulations made under that Act) the notification required in Rule 2.4 may be made to the Democratic Services Manager by the designated whip of the member's political group subject to the Democratic Services Manager being reasonably satisfied that the member concerned is unable personally to give the notification due to illness or other reason preventing the member being unable to communicate.
- 2.6 A substitute member may only attend a committee meeting in place of a member who, at the time of the commencement of the meeting, is an appointed member of the committee.
- 2.7 (i) A Member of the Planning and Environment Committee who is unable to attend a meeting may ask any one of the substitutes from the same political group as the Member appointed by Council to that Committee to substitute for him or her;
- (ii) the notification of apologies and of the identity of the Substitute must be made personally by the Member concerned to the Democratic Services Manager. The notification may be made by the designated Group Whip of the Member's political group subject to the Democratic Services Manager being reasonably satisfied that the Member concerned is unable personally to give the notification due to illness or other reason preventing the Member being able to communicate.

Explanatory note – substitute members

If a substitute member attends a committee meeting on behalf of his or her colleague, the substitution lasts for the whole meeting, including any subsequent adjourned meetings.

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3. Powers

- 3.1 No committee or sub-committee shall take decisions unless they are within their delegated powers.

4. Quorum – Rules

- 4.1 Except when authorised by statute or ordered by the Council, business shall not be transacted at any meeting of any committee or sub-committee unless there is a quorum.
- 4.2 If the Chairman finds that a quorum of members is not present at any time during the meeting, the Chairman must adjourn the meeting and the Democratic Services Manager shall record in the minutes of the meeting the names of those who were present and those who were absent.

Explanatory Note – Inquorate meetings, adjourned meetings, cancellation and postponement

Where a meeting is inquorate it cannot be held, and if a meeting already commenced becomes inquorate no further business can be transacted. Such a meeting is not “adjourned” since this would require a positive decision that the meeting is, of course, unable to take.

In these circumstances a new date for a meeting must be arranged in consultation with the Chairman and in compliance with the Access to Information Procedure Rules giving the requisite days notice of the meeting.

Where a meeting is adjourned by the Chairman, for example at 10 p.m. or under the provisions for general disturbance, or by a unanimous or majority decision of the members a new meeting date must be arranged on the same basis.

Once a Committee or Sub-Committee has been convened by the proper officer publishing notice of the meeting there is no power for anyone to cancel or postpone it.

The meeting must take place and, if quorate, transact the business set out on the summons.

This does not prevent members at the meeting, if they consider it inappropriate for the meeting to proceed for whatever reason, from taking a unanimous or majority decision to adjourn it.

There is a practical solution in exceptional circumstances (such as bad weather) where the Chairman could ask for members to be advised not to attend thereby rendering the meeting inquorate.

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5. Chairman of meetings

- 5.1 If the Chairman is absent from a meeting the Vice-Chairman will take the Chair. If both are absent, a Chairman must be elected for that meeting.
- 5.2 The person presiding at the meeting may exercise any power or duty of the Chairman concerning the conduct of committee, sub-committee or panel meetings.
- 5.3 In the event of more than one nomination for a Chairman, the procedure set out in Standing Order 20 must be followed.
- 5.4 In the case of the Licensing Sub-Committee, the Chairman will be selected by the Democratic Services Manager from the Panel of Chairmen appointed by the Licensing Committee, having regard to Member availability, the areas they represent wherever possible.
- 5.5 The Chairman will always have the right to exercise a casting vote in the event of equality of voting on a motion or amendment, in accordance with the provisions of the Local Government Act 1972, provided he or she has voted when the motion or amendment was first put to the vote.

6. Minutes

- 6.1 The confirmation of the minutes of previous meetings must be the first item of business at the meeting, except when there is a need to elect a Chairman.
- 6.2 No discussion shall be allowed on the confirmation of minutes, nor any adjournment of the meeting to allow a discussion, nor any other interruption to consideration of this item of business. Any questions upon their accuracy shall be raised by motion and voted on without discussion. The meeting will not proceed further until the minutes are approved, either amended or unamended. Upon approval as a correct record, the Chairman shall sign the minutes.

Explanatory note –amendment of the minutes

Minutes can only be amended to correct factual inaccuracy in the record, and not to make any retrospective amendment to the decisions made.

Members rights

7. Members items for the agenda

- 7.1 A member will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or sub-committee on which he/she serves. A substitute member will only be permitted to have an item on the agenda for a meeting which they are going to attend due to unavailability of the member they will be substituting for, that member having sent their apologies for absence and confirmation of the member substituting for them to

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the Democratic Services Manager. This Standing Order does not apply to the Licensing Committee, the Licensing Sub-Committee, the Appeals Committee and the Chief Officers Appointments, Investigating and Disciplinary Panels.

- 7.2 The Democratic Services Manager must receive written notice of a member's item, at least seven clear working days before the meeting. A working day is deemed to end at 4pm. Any item received after 4pm will be recorded as received on the next working day. The item must be signed by the Member and delivered by hand, fax or email.
- 7.3 Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.

8. Councillors' rights to attend meetings where they are not a member of the committee or sub-committee

- 8.1 Councillors may attend any Council committee or sub-committee, even when they are not appointed to them, but they cannot vote. They may attend all parts of the meeting, whether or not the committee has excluded the press and public, with the following exceptions:

8.1.1 Councillors who are not an appointed member of the Appeals Committee or a chief officer appointments and disciplinary panel may not attend any part of these meetings.

8.1.2 Where a councillor is not a member of the committee or sub-committee, they should sit in the public gallery so that it is clear to the public that the member is not part of the body taking the decisions.

Rights to attend meetings – explanatory notes

All councillors have a general right to attend any committee or sub-committee, whether they are meeting in public or in private. However, it is important that councillors who are not members of the committee or sub-committee are not seen to be trying to overly influence the decision of the committee or sub-committee. They should, therefore, sit in the public gallery.

In the case of Licensing Sub-Committees, or the Licensing Committee if it is conducting the hearing or review of determinations under the Licensing Act 2003 or the Gambling Act 2005, Members are reminded of the Members' Licensing Code of Good Practice which advises that they cannot attend such a meeting if they have a personal and prejudicial interest in the case being heard.

Councillors may also speak at meetings – see standing order 9.

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9. Councillors' rights to speak at committees or sub-committees when they are not a member

- 9.1 Where a councillor has a right to attend a committee or sub-committee under standing order 8, he or she may speak at a meeting subject to:
- 9.1.1 giving notice to the Chairman of the meeting at least 15 minutes before the start of the meeting and
 - 9.1.2 the Chairman giving his or her consent.
 - 9.1.3 the following rules, which apply to a member speaking at a meeting of an area planning committee of which they are not a member:
 - (a) the Member can only speak on applications within their ward;
 - (b) the Member must follow any propriety rules adopted by the Council, which prevent Members speaking in support of initiatives, which they or a body of which they are a member are supporting.

Explanatory Note – councillors' right to speak at meetings

Although the standing order says only 15 minutes notice is required, it is courteous and good practice to ensure the Chairman knows of your request in good time and is able to discuss any concerns with you. The Chairman is unlikely to withhold consent to any reasonable requests, which would not interfere with the effective conduct of the business of the meeting. For example, your request could be refused if a large number of members have requested to speak on the same item.

A note sent the day before the meeting or message left on the answer phone or at an e-mail address on the day of the meeting is unlikely to reach the Chairman in time. Unless the Chairman receives the message, notice has not been given.

Councillors who are not members of an Area Planning Sub-Committee may only speak at these meetings on applications in their ward and if they follow propriety rules.

A lead member should not normally speak on any area planning application relating to their lead role.

- 9.2 The Chairman of an Environment or Area Planning Sub-Committee, or the person who chaired the meeting, has the right to attend and speak at any meeting of the Planning and Environment Committee where there is a report from the sub-committee on the agenda.

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- 9.3 One ward member who is not a member of the Planning & Environment Committee shall have the right to address that Committee when it considers any planning application relating to the ward in question. Where the ward is represented by members from more than one party group one member from each party group may address the Committee.
- 9.4 Members who are not an appointed member of the Licensing Sub-Committee, or the Licensing Committee where the Committee is dealing with the hearing or review of determinations under the Licensing Act 2003 or the Gambling Act 2005, may only attend and speak at meetings of those Committees in accordance with the Licensing Code of Practice.

10. Personal and prejudicial interests

- 10.1 **Personal interest:** If any member of the Council has a personal interest in any matter being considered at a meeting, he or she must disclose to that meeting the existence and nature of that interest at the commencement of consideration of the matter or when the interest becomes apparent.
- 10.2 **Prejudicial interest:** If any member of the Council has a prejudicial interest in any matter being considered at a meeting, he or she must disclose that interest in accordance with Standing Order 10.1 and withdraw from the room (including the public gallery) until the matter has been dealt with unless he or she has obtained a dispensation from the Standards Committee or participation is otherwise permitted under Paragraph 12 of the Local Code of Conduct set out in Part 5 of the Constitution.

Explanatory note – declaring interests at meetings

When a member declares a personal interest at a meeting, the member should state clearly:

- (a) the specific nature of the interest e.g. employed by ABC Ltd. hold major shares in DC plc;
- (b) whether or not it is a prejudicial interest;

If it is a prejudicial interest the member should state clearly:

- (a) the he or she will withdraw from the room until the matter has been dealt with; or
- (b) that a dispensation has been given by the Standards Committee permitting the member to stay to speak and/or vote at the meeting and the nature of the dispensation or that participation is permitted under the Local Code of Conduct.

The member's name, the nature of the interest and whether or not the

Council Procedure Rules

member remained in the meeting, took part in the debate or voted will be included in the minutes.

11. Disorderly conduct

11.1 If the Chairman considers that a member of a committee, sub-committee, panel or any other body appointed by the Council is:-

11.1.1 persistently disregarding the ruling of the Chairman; or

11.1.2 behaving improperly or offensively; or

11.1.3 willfully obstructing the business of the meeting;

the Chairman or another member may move "That [the member named] be not further heard". The motion if seconded shall be voted on without discussion.

11.2 The Chairman must notify the meeting of the misconduct before they or another member may move the motion. If the motion is approved, the named member shall be entitled to vote on any remaining matters but must not speak.

11.3 If the named member continues in a disorderly manner after the motion has been passed, the Chairman may either:-

11.3.1 move "That the member named must leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or

11.3.2 adjourn the meeting.

11.4 A member excluded from the meeting will not be entitled to return to the meeting to vote on any particular item.

11.5 A motion passed in accordance with either standing order will remain in force for any adjourned meeting.

Motions and amendments

12. Validity of motions and amendments

12.1 Every motion, amendment or question shall be relevant to matters within the committee, sub-committee or panel's terms of reference and to the agenda for the meeting. The Chairman of the meeting shall, if need be, give a ruling as to whether the motion is relevant.

Explanatory note – motions

For the avoidance of doubt, the only motion which a Member can put before a

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Committee is one permitted under rule 7.1 or 13 of this section”.

12.2 An amendment must be relevant to the motion and shall be to either:-

12.2.1 refer a subject of debate to another committee for consideration or re-consideration; or

12.2.2 change the words (including leaving out words or adding words);

but such changes must not merely have the effect of negating the motion before the committee.

12.3 No member may personally move more than one amendment to a motion. However, amendments may be discussed together.

12.4 If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved. This is known as the substantive motion.

12.5 If the amendment is lost further amendments may be proposed on the original motion.

12.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.

13. Motions, which may be moved during debate

When a motion is under debate no other motion shall be moved except motions:-

13.1 to amend the motion;

13.2 to adjourn the meeting;

13.3 to adjourn the debate;

13.4 that the question be now put;

13.5 by the Chairman

- that a member be not further heard;
- that a member must leave the meeting;

13.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

Reports and decisions

Council Procedure Rules

14. Decisions

- 14.1 After each meeting decisions made under the Committee or Sub-Committee's delegated powers will be produced and made available to all members of the Council.

Explanatory note – Circulation of decisions

Members will only receive hard copies of minutes of committees they are not a Member of if they opt in to receive these.

Minutes – Please see standing order 6 for confirmation of the minutes

15. Reports of committees to Council or parent body

Explanatory note – Referring reports to parent bodies

There are a number of ways committees and sub-committees may refer reports to their parent bodies or Council. In summary, these are as follows:-

1. if a matter is outside the powers of the committee or sub-committee, it must be referred to the parent body.
2. the Chairman of an area sub-committee may refer a matter up to the parent body, together with the sub-committee's recommendations
3. if the majority of members on the committee or sub-committee decide the parent body should consider the matter; (In this case the committee may either wish to make a recommendation to the parent body or request the parent body's instructions); or
4. if the committee has agreed the recommendations, but a minority of members wish the matter to be considered by the parent body.

In the fourth case, immediately after the vote is taken and before the Chairman has moved to the next item, a member should state that he or she wishes the report to be referred to the parent body and the minimum number of members required must vote to support that motion. The exact number of members needed to support the request for each type of committee and sub-committee is listed in Part 3 of the Constitution, which is reproduced below. A vote must have been taken and a decision made before the matter can be referred to the parent body by a minority of members. If the committees decide to take no action, the provision does not apply.

If a parent body has made a decision on a matter in the previous 6 months, a minority of members cannot refer the matter back to the parent body. In addition, a minority of members on an area planning sub-committee cannot refer planning applications and similar matters to the Planning and Environment Committee.

In all the above cases, no action will be taken until on the matter in the meantime.

Council Procedure Rules

Extract from Part 3 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.

Council Procedure Rules

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

15.1 A summary of the officer's report to the committee and the recommendations of the committee will be submitted to the next meeting of the Council where:-

15.1.1 a committee has made recommendations on a matter within its terms of reference but outside its delegated powers; or

15.1.2 any committee has agreed to suspend a decision on a particular item until Council has considered the matter.

16. Reports of sub-committees and panels

16.1 A report of a sub-committee or panel will be submitted to the next meeting of the parent committee where:-

16.1.1 the sub-committee or panel has made recommendations on a matter within its terms of reference but outside its delegated powers; or

16.1.2 any sub-committee or panel by agreement or majority vote has agreed to suspend a decision on a particular item until the parent committee has considered the matter.

Council Procedure Rules

16.1.3 a chairman of an area sub-committee has referred the decision up under paragraph 5.2 of Part 3 of the Constitution, in which case the sub-committee's recommendation will be referred up to the parent committee.

16.1.4 any area environment sub-committee considering a proposal for discharging an Executive function for a location that crosses their boundaries do not approve recommendations submitted to them.

16.2 Any report from a sub-committee or panel on its proceedings shall be submitted to the parent committee and not direct to the Council.

Suspension of business at committee and sub-committee meetings

17. The time limit for meeting and outstanding business

17.1 Except as indicated below, no business at any meeting of a committee or sub-committee shall be transacted after 10 p.m. and any business transacted after that time shall be null and void. At 10 p.m. and without further debate the Chairman shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.

17.2 At any meeting of the Planning and Environment Committee and an Area Planning Sub-Committee, the Chairman may extend the period for the transaction of business to 10.30 p.m. This will be recorded in the Committee's/ Sub-committee's decisions.

17.3 If any items remain on the agenda to be dealt with, the committee may decide to:-

17.3.1 call a special meeting or refer the remaining items to the next ordinary meeting; or

17.3.2 adjourn the meeting, but only the remaining items may be dealt with at the adjourned meeting. No new items may be put on the agenda and any substitutions at the meeting must remain for the adjourned meeting.

17.4 Standing order 17 does not apply to meetings of the Licensing Committee, the Licensing Sub-Committee, the Appeals Committee, the Chief Officers' Appointments Panel, the Chief Officers' Disciplinary and Capability Investigating Panel, or the Chief Officers' Disciplinary and Capability Panel or statutory bodies that are not council committees or sub-committees.

Council Procedure Rules

Voting and recording of votes

18. Voting at meetings:

The mode of voting at all meetings of the Council, its committees, sub-committees or panels shall be determined by a show of hands except where otherwise provided by law or in these standing orders.

19. Members dissent:

If immediately after a vote is taken, a member of the body requests his/her vote to be recorded, the Democratic Services Manager shall record in the minutes whether that person cast his/her vote:-

19.1 for the question; or

19.2 against the question; or

19.3 whether he/she abstained from voting.

20. Voting on appointments:

Where more than two persons are nominated for any position to be filled by the committee and there is no majority of votes in favour of one person, the name of the person having the least number of votes shall be deleted from the list. Further votes will then be taken on the same basis until a majority of votes is given in favour of one person.

Council Procedure Rules

Section 4 – Public Participation

Contents

Petitions, Question Time and Public Comments - Rules

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.

3. All petitions relating to the work of the Environment Sub-Committees will first be considered at the relevant Area Forum unless the Democratic Services Manager considers otherwise having regard to Paragraph 2.4. of this Section considers that reference to another body is appropriate.

All other petitions will be reported to the relevant body.

4. 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.

Council Procedure Rules

Explanatory Note – petitions, public comments and questions

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.

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Explanatory Note – petitions, public comments and questions

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.

Petitions relating to Executive matters, other than those falling within the Terms of Reference of the Area Environment Sub-Committees will be reported to Cabinet.

Note on the Conduct of Licensing Hearings

All Hearings relating to the Authority's functions under the Licensing Act 2003 and Gambling Act 2005 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 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 (except where the committee is dealing with policy items or other matters not involving the hearing or review of determinations under the Licensing Act 2003 or Gambling Act 2003) or the Licensing Sub-Committee
 - Appeals Committee
 - Chief Officers Appointments, Investigating and Disciplinary Panels
 - Pension Fund Management Advisory Panel

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- 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).
- Standards Committee when dealing with reports or hearings concerning complaints of a breach of the Members Local Code of Conduct

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, except in relation to a planning application, 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 5.14).
 - 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

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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 Democratic Services Manager 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.

Explanatory Note – Members of the Council Speaking at Planning and Environment Committee

There are separate rights for ward members to address the committee on planning applications – see Council Procedure Rules, Section 2 – Committees and Sub-Committees 9.3

3. Petitions and joint letters and procedure

- 3.1 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.
- 3.2 Petitions or joint letters must be delivered to the Democratic Services Manager. If a member or officer of the Council receives a petition or joint letter, he or she must pass it immediately to the Democratic Services Manager. The Democratic Services Manager 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.
- 3.3 The Democratic Services Manager shall notify the lead petitioner of the method by which the petition will be dealt with,

4. Public question time and procedure

- 4.1 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 4.8) will not be dealt with until all first questions submitted from members of the public have

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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.

- 4.2 Public questions may not be considered:
 - 4.2.1 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;
 - 4.3 The time allowed for questions to the Chairman shall be limited to 30 minutes or a maximum of 20 questions, whichever occurs first.
 - 4.4 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.
 - 4.5 Questions must be asked and answered without discussion, but the Chairman may decline to answer a question and his/her decision shall be final.
 - 4.6 The Chairman will normally decline to answer any question, which is about an individual or which is about current or imminent litigation.
 - 4.7 An answer may take the form of:-
 - 4.7.1 a direct oral answer; or
 - 4.7.2 a written answer to the questioner where information is in a publication or a reply cannot be given orally.
 - 4.8 The questioner may ask one supplementary question to the original question. These do not count towards the limit of 20 questions.
 - 4.9 The Democratic Services Manager 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.
- 5. Public comments at meetings and procedure**
- 5.1 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.

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- 5.2 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).
- 5.3 Public comments and questions may not be considered:
 - 5.3.1 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;
 - 5.3.2 on any matter where public comments have previously been made to a parent committee, sub-committee or committee and it was known at that time by those making comments that the matter would be referred to another committee or Council for a decision, unless legally necessary;
 - 5.3.3 from any person applying to the Council for consent or permission of any kind, except in response to public objections.
- 5.4 Where a person wishes to speak, in accordance with Constitutional requirements, 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.
- 5.5 If more than four requests to speak have been received and approved, or three requests for items defined under Rule 5.12 being considered by the Planning and Environment Committee or two requests for an item being considered by an Area Planning Sub-Committee, 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 people they shall hear with a preference for those representatives who wrote in earliest. An applicant retains the right to respond to objectors' oral representations.
- 5.6 If a named speaker is unable to attend the Committee he or she may nominate a substitute to speak on his or her behalf, provided details of the substitute is notified to the Democratic Services Manager prior to the meeting.
- 5.7 The Chairman, who may vary the order of business, will determine the order in which public comments are to be heard at any meeting.

Council Procedure Rules

- 5.8 The representative of the public shall speak immediately following the officers' presentation of the item of business, to which the comments relate.
- 5.9 Where public comments relate to an application, the applicant will have a right to reply immediately after the public comments.
- 5.10 Each speech shall be limited to a maximum of five minutes, save for any time spent in replying to questions put by members. The speaker shall be allowed to speak without interruption, except to be advised of time or to be stopped from making defamatory, abusive or offensive comments. Any response from an applicant shall be limited in the same way.
- 5.11 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 and confirmation of Tree Preservation Orders only

- 5.12 The following additional rules apply to public comments on planning applications and confirmation of Tree Preservation Orders at the Planning and Environment Committee or an Area Planning Sub-committee.

For the purposes of this section a planning application is defined as an application for planning permission as defined by the Town and Country planning Act 1990, as amended, but also includes applications for approval of reserved matters, Listed Building and Conservation Area Consents and consent under Tree Preservation Orders and Hedgerow legislation.

- 5.13 Each speech shall be limited to a maximum of three minutes.
- 5.14 In respect of a planning application reported to the Planning and Environment Committee for decision a maximum of four speakers shall be allowed. Otherwise a maximum of three speakers shall be allowed. In either case this will include where there are objectors the applicant or the applicant's representative named on the planning application or the person who submitted the application or an employee of the applicant or bona fide member of the applicant, except:
- 5.14.1 multiple applications for the same site shall be treated as one application for public speaking purposes and a maximum of four speakers if considered by the Planning and Environment

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Committee or three speakers if considered by an Area Planning Sub-Committee, including the applicant or their representative, shall be permitted on the applications combined;

- 5.14.2 where the applicant does not wish to speak the number of speakers shall be restricted respectively to three speakers at Planning and Environment Committee and otherwise two speakers only.
 - 5.14.3 where the speaking objector(s) does not attend or does not wish to speak at the Committee the applicant shall be allowed to speak if he/she so wishes.
- 5.15 Where the applicant is not a named individual ie a company, trust, place of worship, school or residents' association, only a Bona Fide representative of the organisation will be allowed to speak. As far as Residents' Associations are concerned officers of the Residents Associations or local residents who qualify as members of the Residents' Association may address the Committee.
- 5.16 Where the Sub-Committee has decided to refer a decision to a parent committee or the parent committee to the Sub-Committee only those speakers who addressed the Committee which originally considered the planning application will be entitled to address any subsequent Committee which determines that application

6. Procedure for requests to speak and ask questions

- 6.1 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 Democratic Services Manager, 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 day of the meeting.

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

- 6.2 The Democratic Services Manager shall decide the appropriate body that should consider the request or question and shall approve the requests to speak under his delegated powers. If a named speaker is unable to attend the Committee he or she may nominate a substitute to speak on his or her behalf, provided details of the substitute is notified to the Democratic Services Manager prior to the meeting.

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- 6.3 As soon as is practicable before the meeting, the Democratic Services Manager 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.

6.4 Notification for planning applications only

The request to make comments on a planning application shall be received, in writing. The request must be received by post, hand, fax or e-mail, by 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.

- 6.5 The Democratic Services Manager shall approve the requests to speak under his delegated powers.

If a named speaker is unable to attend the Committee he or she may nominate a substitute to speak on his or her behalf, provided details of the substitute is notified to the Democratic Services Manager prior to the meeting.

7. Circulation of questions and requests to make comments

- 7.1 Details of the questions to be asked at the meeting will not be set out on the agenda.

Questions

Three clear days before the meeting the Democratic Services Manager shall:

7.1.1 circulate written details of any questions to be asked to members of the committee or sub-committee; and

7.1.2 place copies on deposit for public inspection.

Requests to make comments

On the working day before the meeting the Democratic Services Manager shall:

Council Procedure Rules

- 7.1.3 circulate, via e-mail, details of any requests to speak at the meeting to members of the committee or sub-committee; and
 - 7.1.4 place copies on deposit for public inspection.
- 7.2 Where a matter relates solely to a particular ward the Democratic Services Manager 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.

Executive Procedure Rules

References:

Chapters 4-7, DETR Guidance

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions?

Executive functions may be discharged by:

- (i) the executive as a whole;
- (ii) a committee of the executive;
- (iii) an individual member of the executive;
- (iv) an officer;
- (v) an area committee;
- (vi) joint arrangements; or
- (vii) another local authority.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (i) the names, addresses and wards of the people appointed to the executive;
- (ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such executive committees as the Leader appoints and the names of executive members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and
- (v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of executive functions

- (a) Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.
- (c) Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's scheme of delegation and executive functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Democratic Services Manager and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The Democratic Services Manager will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader and will immediately make the necessary changes to the Constitution unless the change is to the Cabinet membership, in which case the change will be approved by Council prior to the Constitution being updated. Any changes other than to the Cabinet membership will be reported by the Democratic Services Manager to all Members as soon as possible, generally within 24 hours of notification from the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chairman.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in part 5 of this Constitution.

- (b) If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Executive meetings – when and where?

The executive will meet normally on the days set in the Council calendar at times to be agreed by the Leader. The executive shall meet at the Council's main offices or another location to be agreed by the Leader. The Leader may convene additional meetings of the executive.

1.7 Public or private meetings of the executive?

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings of the executive.

1.8 Principles of Executive decision making

All decisions of the Executive will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) explaining what options were considered and giving the reasons for the decision.

1.9 Quorum

The quorum for a meeting of the executive shall be one half of the total number of members. The quorum for a meeting of a committee of the executive shall be 3.

1.10 How are decisions to be taken by the executive?

- (a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

- (b) Where executive decisions are delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

- 2.1.1 At a meeting of the Executive, if the Leader is present he/she will preside. In his/her absence, the Deputy Leader shall preside. In the absence of both, the meeting will be presided over by a member of the Executive as notified by the Leader to the Democratic Services Manager. In the absence of such notification a person shall be appointed to preside by those present.
- 2.1.2 At a meeting of a Committee of the Executive, the Chairman shall preside. In the absence of the Chairman a person shall be appointed to preside by those present.
- 2.1.3 The person presiding at the meeting may exercise any power or duty of a Chairman concerning the conduct of the meeting.
- 2.1.4 The person presiding at the meeting will always have the right to exercise a casting vote in the event of equality of voting on a motion or amendment, in accordance with the provisions of the Local Government Act 1972, provided he or she has voted when the motion or amendment was first put to the vote.

2.2 Who may attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 What business?

At each meeting of the executive the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in part 4 of this Constitution;
- (iv) matters referred to the executive (whether by the Cabinet Overview and Scrutiny Committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution; and
- (v) consideration of reports from overview and scrutiny committees.

2.4 Consultation

All reports to the executive from any member of the executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the executive agenda?

- (i) The Leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The Democratic Services Manager will comply with the Leader's requests in this respect.
- (ii) Any member of the executive may require the Democratic Services Manager to make sure that an item is placed on the agenda of the next available meeting of the executive for consideration. If he/she receives such a request the Democratic Services Manager will comply.
- (iii) The monitoring officer and/or the chief financial officer may include an item for consideration on the agenda of an executive meeting and may require the Democratic Services Manager to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial officer and monitoring officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6. Quorum – Rules

2.6.1 Except when authorised by statute, business shall not be transacted at any meeting of any the executive or its committees unless there is a quorum.

2.6.2 If the Leader or other member presiding at the meeting finds that a quorum of members is not present at any time during the meeting, they must adjourn the meeting and the Democratic Services Manager shall record in the minutes of the meeting the names of those who were present and those who were absent.

2.7 Decisions

After each meeting decisions made under the executive's or its committee's powers will be produced and made available to all members of the Council.

Suspension of business at executive and executive committee meetings

2.8. The time limit for meeting and outstanding business

2.8.1 No business at any meeting of the executive or its committees shall be transacted after 10 p.m. and any business transacted after that time shall be null and void. At 10 p.m. and without further debate the person presiding at the meeting shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.

2.8.2 If any items remain on the agenda to be dealt with, the executive or its committee may decide to:-

- (i) call a special meeting or refer the remaining items to the next ordinary meeting; or
- (ii) adjourn the meeting, but only the remaining items may be dealt with at the adjourned meeting. No new items may be put on the agenda and any members not present at the meeting must not attend for the adjourned meeting.

2.9. Voting at meetings:

The mode of voting at all meetings of the executive and its committees shall be determined by a show of hands except where otherwise provided by law.

Overview and Scrutiny Procedure Rules

(Section revised Cl. April 2006)

1. **What will be the number and arrangements for Overview and Scrutiny Committees?**

- (a) The Council will have the Overview and Scrutiny Committees set out in Article 6 and Table 1 and will appoint to them, as it considers appropriate from time to time. Such committees may appoint sub-committees. Overview and Scrutiny Committees may also be appointed by the Council for a fixed period and with terms of reference stated when they are appointed, on the expiry of which they shall cease to exist.
- (b) A meeting of the chairmen of all the Overview and Scrutiny Committees shall be held at least once a year.

It will consider and advise the relevant officers on:

- Co-ordination of scrutiny work.
- An overall perspective on Overview and Scrutiny issues.
- Matters of common concern raised by members of Overview and Scrutiny committees.
- Which Overview and Scrutiny Committee should deal with any particular matter where there is an overlap.

2. **Who may sit on Overview and Scrutiny Committees?**

All councillors except members of the Executive may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. **Co-optees**

The Council will appoint non-voting co-optees as set out in Table 1.

Each Overview and Scrutiny Committee or Sub-Committee shall be entitled to recommend to Council the appointment of further non-voting co-optees.

4. **Education representatives**

The Education and Lifelong Learning Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- (a) One Church of England diocese representative;
- (b) One Roman Catholic diocese representative;
- (c) Two parent governor representatives (one for senior schools and one for primary/nursery schools); and

- (d) One representative of persons who appoint foundation governors to voluntary aided Jewish schools.

The Overview and Scrutiny Committee referred to in this paragraph is the Overview and Scrutiny Committee of a Local Education Authority, where the committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive. If the Overview and Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak. The same applies to any sub-committee it establishes.

5. Meetings of the Overview and Scrutiny Committees

Each Overview and Scrutiny Committee shall meet as frequently as it considers necessary to complete its programme of work.

Meetings will normally be held on the dates reserved for Overview and Scrutiny Committees in the Council's calendar of meetings.

Additional meetings will be arranged by the Democratic Services Manager in consultation with the Chairman.

6. Quorum

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

7. Who chairs Overview and Scrutiny Committee meetings?

Chairmen of overview and scrutiny committees will be appointed by the Council, normally at their Annual Meeting, from among the councillors sitting on the committee. Chairmen of sub-committees will be appointed by the committee that establishes them.

8. Work Programme

The Overview and Scrutiny Committees/Sub-Committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the political group or groups forming the administration. The Overview and Scrutiny Committees shall submit their programmes to the Council for approval.

9. Agenda Items

Any member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Democratic Services Manager that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Democratic Services Manager will ensure that it is included on the next available agenda.

The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Overview and Scrutiny Committee at their next available meeting.

10. Policy Review and Development

- (a) The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committee or sub-committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses an allowance equivalent to the co-opted members financial loss allowance and travelling expenses both in accordance with the Council's Members' Allowances Scheme.

11. Reports from Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider the report of the Overview and Scrutiny Committee at their next available meeting.

12. Making sure that Overview and Scrutiny Reports are considered by the Executive

The agenda for the Cabinet meeting shall include an item entitled 'Issues arising from overview and scrutiny'. The reports of Overview and Scrutiny Committees referred to the Executive shall be included at this point in the agenda at their next available meeting (unless they have been considered in the context of the executive's deliberations on a substantive item on the agenda).

Where an Overview and Scrutiny Committee or Sub-Committee prepares a report for consideration by the Executive in relation to a matter where decision making power has been delegated to another individual member of the executive, then the overview and scrutiny committee will submit a copy of their report to that individual for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Leader and the Democratic Services Manager. If the member with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee then he/she must then refer the matter to the next available meeting of the Executive for debate before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Executive member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within not less than 4 weeks of receiving it. A copy of his/her written response to it shall be sent to the Democratic Services Manager and he/she will attend a future meeting to respond.

13. Rights of Overview and Scrutiny Committee Members to Documents

- (a) In addition to their rights as councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

14. Members and Officers Giving Account

- (a) Any Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the Head of Paid Service and any Director or Head of Service or other officer where appropriate to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance

and it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Democratic Services Manager shall inform the member or officer in writing giving notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

15. **Attendance by Others**

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

Attendance is of course entirely optional.

16. **Call in**

Explanatory Note:

Call in is a statutory process under Section 21 of the Local Government Act 2000. The Council's arrangements exceed the statutory requirement by subjecting all Cabinet decisions automatically to call in, not just "key" decisions as defined in Article 13.03. Call in is a "once only" process, i.e. a decision referred back to the decision taker cannot be called in again unless the decision taker substitutes a new decision that is substantially different from the original decision.

- (a) The following procedures will be the sole responsibility of the Cabinet Overview and Scrutiny Committee.

Cabinet Decisions

- (b) When a decision is made by the Cabinet, the decision shall be published, including where possible by electronic means, and shall be available at the Town Hall, Hendon, normally within 2 days of being made.

The Democratic Services Manager shall include those decisions on the agenda for the next regular meeting of the Cabinet Overview and Scrutiny Committee. By this process all Cabinet decisions are automatically called in by the Cabinet Overview and Scrutiny Committee. The decision shall not take effect until that Committee has met.

Other Executive Decisions

- (c) When a decision is made by an individual member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet or an area committee, the decision shall be published, including where possible by electronic means, and shall be available at the Town Hall, Hendon, normally within 2 days of being made.

The Democratic Services Manager shall send a copy of each decision to all members of the Cabinet Overview and Scrutiny Committee and to all Members of the Cabinet.

Each decision will bear the date of publication and will specify the date on which it will come into force and be implemented, not less than 5 working days after publication. Before the expiry of that date any member of the Committee may call in the decision by requesting the Democratic Services Manager to place the decision on the agenda for the next regular meeting of the Committee. The decision shall not take effect until that Committee has met.

If a report has more than one recommendation/decision, the member of the Cabinet Overview and Scrutiny Committee must state and specify which decision(s) he or she is calling in.

Attendance at Meeting

- (d) For Cabinet decisions called in under Rule 16(b), Members of the Committee should inform the Democratic Services Manager by 4pm on the last working day before the committee's meeting of the specific issues on which they wish to comment and the Cabinet members to attend.

For other Executive decisions called in under Rule 16(c) a Cabinet member shall attend the Cabinet Overview and Scrutiny Committee for any item called in and set out on the agenda that is within their responsibilities.

If a Cabinet member is unable to attend the meeting in exceptional circumstances the Leader or Deputy Leader (if one is appointed) shall deal with the item.

Conclusion of business of Cabinet Overview & Scrutiny Committee

- (e) The Cabinet Overview & Scrutiny Committee may not transact any business after 10pm (Section 2 – Committees and Sub-Committees – para 17)

At 9.45pm, if the meeting has not yet concluded and it does not appear that it would otherwise complete its business, the Chairman, without further debate, shall immediately call for a vote on any motion, duly moved and seconded, that any remaining items on the agenda be referred back to the original decision making body or person, or that it be referred to full Council if it is considered that the decision is contrary to the policy framework or budget.

Any motion by a Member to refer a decision back must concisely articulate the Member's reasons for concern about the original decision; the motion to refer back must be voted upon immediately without further debate.

Any matters not dealt with by 10pm will be implemented forthwith.

Reference back

- (f) If, having considered a decision on its agenda under (b) or (c) above or a motion under (e) above, the Cabinet Overview & Scrutiny Committee is concerned about it then it may refer it back to the decision making body or person for reconsideration, setting out the nature of its concerns, or refer it to full Council if they consider the decision is contrary to the policy framework or budget.

The Committee shall indicate in the case of decisions with a number of aspects the specific decision that is referred back in order that the remaining decisions may be implemented.

Procedure for decisions referred back

- (g) The Democratic Services Manager shall include those decisions referred to Council on the agenda for the next ordinary meeting of the Council.
- (h) Where a decision is referred back, the original decision maker shall then reconsider the decision and decide whether or not to change it before adopting a final decision.
- (i) If the matter was referred to full Council and the Council does not object to a decision, which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that it is the case, the Council will refer any decision to

which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it the Democratic Services Manager shall place it on the agenda for the next regular meeting of the Executive. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.

- (j) If the Council does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting.

Executive decisions taken by area committees

- (k) Where an executive decision has been taken by an area committee then the right of call-in shall extend to any other area committee, which resolves to refer a decision, which has been made but not implemented to the Cabinet Overview and Scrutiny Committee for consideration in accordance with these provisions. An area committee may only request the Democratic Services Manager to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call-in shall apply as if the call-in had been exercised by a member of the Cabinet Overview and Scrutiny Committee.

Exceptions

- (l) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- a decision maker can only be asked to reconsider a decision once;
 - day-to-day management and operational decisions taken by officers shall not be subject to any call-in procedure.
 - The Call-in procedure does not apply to recommendations made by the Cabinet to full Council on the budget and policy framework. However, the Cabinet Overview and Scrutiny Committee may comment on such recommendations.

Call-in and urgency

- (m) The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. An urgent decision may be exempted from the call-in process.

A decision which, if it were not taken promptly or otherwise delayed by the call-in process, would seriously prejudice the Council's or the public's interests will be regarded as urgent.

The record of the decision shall state whether, in the opinion of the decision-making body or person, it is urgent and therefore should be exempted from call-in.

The Chairman of the Cabinet Overview & Scrutiny Committee must agree that the decision proposed is reasonable in all the circumstance and is urgent.

The Chairman of the Cabinet Overview & Scrutiny Committee must consent to the proposed decision being exempted from call-in.

In the absence of the Chairman of the Cabinet Overview & Scrutiny Committee, consent to exempt a proposed decision from call-in must be obtained:

- From the Vice-Chairman of the Cabinet Overview & Scrutiny Committee; or
- From the Head of Paid Service in the absence of both the Chairman and Vice-Chairman; or
- From the nominee of the Head of Paid Service in the absence of the Chairman, Vice-Chairman and the Head of Paid Service.

For the purposes of granting consent to exempt an urgent decision from call-in, the Head of Paid Service may, if absent, delegate the granting of that consent only to his/ her deputy or another member of the Director's Group.

For the purposes of this Rule, "absence" is deemed to mean:

- Where the individual concerned cannot be contacted by any method of communication or has indicated by formal notice to the Democratic Services Manager that he or she will not be contactable during a specified period.

Urgent decisions treated as exempt from call-in must be reported, with an explanation for the reasons for urgency, to the next available Council meeting.

- (o) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17. The Party Whip

When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. **Procedure at Overview and Scrutiny Committee Meetings**

- (a) Overview and Scrutiny Committees and Sub-Committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision (Cabinet Overview and Scrutiny Committee only);
 - (iv) responses of the Executive to reports of the Overview and Scrutiny Committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (eg with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

19. **Matters within the Remit of more than one Overview and Scrutiny Committee**

Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, then the Committee conducting the review shall invite the Chairman of the other Committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

20. **Speaking at Executive Meetings**

A member of the Cabinet Overview and Scrutiny Committee may speak on an item of business on the agenda for a meeting of the Cabinet or a Cabinet Committee subject to:

- 20.1 giving notice to the Leader or Chairman respectively at least 15 minutes before the start of the meeting;
- 20.2 the Leader or Chairman respectively giving his or her consent; and
- 20.3 the effective conduct of the business of the meeting not being prejudiced.

Explanatory Note – Speaking at Executive meetings

Although the rule says only 15 minutes notice is required, it is courteous and good practice to ensure the Leader or Chairman knows of your request in good time and is able to discuss any concerns with you. The Leader or Chairman is unlikely to withhold consent to any reasonable requests that would not interfere with the effective conduct of the business of the meeting. For example, your request could be refused if a large number of members have requested to speak on the same item.

A note sent the day before the meeting or message left on the answer phone or at an e-mail address on the day of the meeting is unlikely to reach the Leader or Chairman in time. Unless the Leader or Chairman receives the message, notice has not been given.

21. Application of Committees and Sub-Committees Rules to Overview and Scrutiny Committee Meetings

The following rules contained within Section 2 of Part 4 of the Constitution shall apply to Overview and Scrutiny Committees. Rule 17 of below will not apply to the Cabinet Overview and Scrutiny Committee, as Overview and Scrutiny Procedure Rule 16(e) deals with this point.

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17.4.07

1	Substitute Members and Quorum
2	Substitute Members – Rules
4	Quorum – Rules
5	Chairman of Meetings
6	Minutes
8	Councillors’ rights to attend meetings where they are not a member of the committee or sub-committee
9	Councillors’ rights to speak at committees or sub-committees when they are not a member
10	Personal and prejudicial interests
11	Disorderly conduct
12	Validity of Motions and amendments
13	Motions which may be moved during debate
14	Decisions
16	Reports of Sub-Committees and Panels
17	The time limit for meeting and outstanding business
18	Voting at meetings
19	Members dissent
20	Voting on appointments

CABINET OVERVIEW AND SCRUTINY COMMITTEE

(Amended Council 17 May 2005)

Membership

10 Non-executive Councillors

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

10 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 fulfillment 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

10 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

10 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

10 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

10 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.

Financial Regulations

(Amended April 2007)

Financial Regulations govern the way the council undertakes financial forward planning, annual budget setting, budget monitoring and closing of the accounts – setting out the responsibilities of Council, Cabinet (and Cabinet Committees), the Chief Finance Officer, Directors, Heads of Service and Cost Centre Managers. 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
- Management of Real Estate, Property and Land (*formerly Rules on the Disposal of Land and Property - change to title subject to the decision of the Special Committee on this matter, which is also on the agenda for consideration*).

Part 1 – Financial Management

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

1 MEDIUM TERM FINANCIAL STRATEGY

1.1 The Medium Term Financial Strategy, approved by Cabinet, sets out the Executive's approach on a range of issues, including:-

- the way in which corporate service priorities are considered as part of the council's capital and revenue budget processes;
- the level of balances and reserves (having taken account of advice from the Chief Finance Officer);
- the approach to bidding for external funding;
- the setting of fees and charges;
- the management of financial risks;
- the recovery of debt.

- 1.2 The Medium Term Financial Strategy will normally be approved by Cabinet at the start of each four year municipal term, and be updated annually or sooner if there is a need to respond to significant changes in resource and/or expenditure assumptions.

2 FINANCIAL FORWARD PLANNING

- 2.1 The Chief Finance Officer, 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.

- 2.2 The Financial Forward Plan will be produced in line with the Medium Term Financial Strategy and reported in conjunction with the annual budget, council tax and rent proposals to Cabinet and Council before 11 March of the preceding financial year. Further updates on the Financial Forward Plan may be reported during the year.

- 2.3 The Financial Forward Plan will cover revenue and capital budgets, and will highlight how resources are being re-directed to address Corporate Plan priorities.

- 2.4 In respect to resources, the Financial Forward Plan will take account of the following:-

- forecasts of formula and specific grants;
- increases in fees and charges, and the introduction of new charges;
- interest earnings;
- levels of reserves and balances;
- increased income from rents and council tax;
- capital receipts and grants.

- 2.5 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 legislation or regulations, net of increased income from new fees and charges;
- re-direction of resources to achieving Corporate Plan priorities and targets and away from non priority areas;
- forecast changes in service demand;
- forecasts of inflation, pay awards and interest rates;
- efficiency savings;
- planned service reductions;
- prudential borrowing;
- financial risks.

- 2.6 In that the Financial Forward Plan has a four year horizon it is to be expected that figures in later years will often be preliminary estimates and/or aspirations of future decisions and changes in council policy.

3 ANNUAL BUDGET SETTING

- 3.1 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.
- 3.2 The Chief Finance Officer 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 Chief Finance Officer will, at the same time, notify all Council Members.
- 3.3 The Executive will finalise its recommendations to Council on the revenue budget, council tax, capital programme 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.
- 3.4 The Executive's recommendations to Council must be made in time for Council to set the capital and revenue budget and council tax before 11 March of the preceding financial year.
- 3.5 The budget and capital programme 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 Chief Finance Officer on the appropriate level of reserves, balances and contingencies;
 - financial risks associated with proposed budget developments, reductions and ongoing projects;
 - forecasts of capital receipts;
 - 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.
- 3.6 The budget recommended by the Executive will incorporate the latest projection of income from fees and charges.
- 3.7 Directors and 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.

- 3.8 Cabinet Resources Committee must 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.

Alternative Budget Motions

- 3.9 Alternative budget motions must be validated by the Chief Finance Officer before they are accepted as a valid budget motion. This is essential since if an alternative budget motion is approved, the Chief Finance Officer will need to amend the council tax bills immediately following the Council meeting and Cabinet and officers will be required to implement the detailed budget proposals.
- 3.10 The alternative budget motion must set out the appropriate changes to Cabinet's recommendations as they affect the budget for the forthcoming year and any element of the Financial Forward Plan (e.g. balances, full year effects, council tax levels). The Chief Finance Officer may also require further information to be included if he/she considers it will improve the Council's understanding of the financial implications in the forthcoming or future years.
- 3.11 Any Member proposing to put an alternative budget motion to Council is responsible for ensuring it is received by the Democratic Services Manager in line with the deadline set out in Part 4, Section 1 of the Constitution. It is also their responsibility to ensure they give the Chief Finance Officer sufficient time to fully validate their alternative budget proposals.

4 BUDGET MANAGEMENT & MONITORING

Latest Approved Budget

- 4.1 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 subsequently by approved variations throughout the year in accordance with the "Scheme of Virement".
- 4.2 The Chief Finance Officer is responsible for maintaining the latest approved budget.
- 4.3 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 done, the Chief Finance Officer must determine a scheme in consultation with the Cabinet Member for Resources.

Budget Monitoring – General

- 4.4 Directors and Heads of Service should ensure that their cost centre managers do not enter into commitments before satisfying themselves there is sufficient approved budget provision. Directors and 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.

- 4.5 Directors and Heads of Service are required to notify the Chief Finance Officer of all underspends, over-recovery of income or windfall benefits arising within their revenue and capital budgets. Where these occur they should in the first instance be returned to central contingencies unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where these exceptions occur, the Director or Head of Service is responsible for notifying the Chief Finance Officer that this is to occur.
- 4.6 Directors and Heads of Service must notify the Chief Finance Officer of forecast revenue budget or capital project overspends regardless of whether offsetting savings or additional income or capital resources have been identified.

Budget Monitoring – Revenue

- 4.7 Having notified the Chief Finance Officer of a forecast revenue budget overspend, the Director or Head of Service must submit proposals to the Chief Finance Officer 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 4.3).
- 4.8 When notifying the Chief Finance Officer of such a situation, Directors and Heads of Service must advise if the problem relates solely to the current financial year or needs to be addressed within the financial forward plan as well.
- 4.9 Some services or projects within the council's budget and capital programme may be wholly or part funded by time-limited external funding. As soon as the possibility of expenditure slipping past the funding deadline is forecast, the cost centre / project manager must notify the Chief Finance Officer immediately, and provide options for reducing expenditure and/or identifying alternative funding. It should not be assumed that the loss of external funding arising from expenditure slipping will be met from central resources.

Budget Monitoring – Capital

- 4.10 Forecast overspends on approved capital projects must be communicated to the Chief Finance Officer immediately
- 4.11 Having notified the Chief Finance Officer, the Director or Head of Service must submit options to the Chief Finance Officer for offsetting the forecast overspend (e.g. by reducing the project specification, or budget for other projects) and/or identifying additional funding.
- 4.12 Due to the uncertainty around the generation and timing of capital receipts, and the impact that delays could have on the level of prudential borrowing, project managers must obtain the prior approval of the Chief Finance Officer before entering into any individual capital commitment on an approved capital project over £500,000.

Central Contingency

- 4.13 The Chief Finance Officer will determine which budget developments are to be held within the central contingency.
- 4.14 Allocations from the central contingency relating to planned developments will be approved by the Chief Finance Officer, in consultation with the Cabinet Member for Resources, following the receipt from a Director or 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.
- 4.15 Allocations from the central contingency for unplanned expenditure up to £250,000, including proposals to utilise underspends previously generated within the service and returned to central contingency, will be approved by the Chief Finance Officer in consultation with the Cabinet Member with responsibility for Resources. Where there are competing bids for use of underspends, additional income or windfalls previously returned to central contingency, priority will be given to the service(s) that generated that return.
- 4.16 Allocations for unplanned expenditure over £250,000 must be approved by Cabinet Resources Committee.

Reporting to Members

- 4.17 The Chief Finance Officer will report to each and every ordinary Cabinet Resources Committee on the revenue and capital budgets and prudential borrowing indicators.
- 4.18 Reports on the revenue budget will normally include:-
- a revised forecast outturn;
 - advice from the Chief Finance Officer 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.
- 4.19 These reports will make recommendations for varying the approved budget (revenue and capital) in the following circumstances:-
- allocations from the central contingency for unplanned expenditure over £250,000, or for planned expenditure where there are significant full year effects;
 - underspends and windfall benefits returned to the centre;
 - increases in service revenue budgets where overspends are considered unavoidable and cannot be contained within the overall budget managed by a Director or Head of Service;
 - variations in capital project budgets;
 - additions to the capital programme outside of the main budget cycle.

Authorisation of Non-Budgeted Expenditure

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

4.21 The Chief Finance Officer 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 key priority plans.

5 FURTHER RESPONSIBILITIES OF DIRECTORS AND HEADS OF SERVICE

Budget Monitoring

5.1 Directors and Heads of Service must establish arrangements for managing revenue and capital budgets within their services. These arrangements must include:-

- schemes of delegation, which set out the authority that cost centre managers and capital project managers have for taking budget decisions (within the corporate scheme of virement); The scheme of delegation must also include levels of responsibility for committing expenditure and responsibility for the identification and collection of income due to the authority, control of Contracts, HR establishment lists and staff recruitment;
- a budget monitoring framework that reports back to service management teams, enabling Directors and Heads of Service to provide the Chief Finance Officer with a report on their revenue and capital budgets in accordance with the timetable he/she sets;
- details of who has authority to take decisions in respect to their service's budget in their absence.

External Funding

5.2 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.

5.3 Directors and Heads of Service must provide the Chief Finance Officer with 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;
- an 'exit strategy', which sets out how budgets will be adjusted after the grant expires;
- 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.

5.4 Directors and Heads of Service must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed, unless approval has been given by the Chief Finance Officer. Decisions to proceed ahead of confirming external funding will be taken after assessing all relevant risks. The Chief Finance Officer has the right to refer the decision to the Cabinet Resources Committee or Cabinet Member for Resources.

5.5 Directors and Heads of Service must advise the Chief Finance Officer 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 should in the first instance be returned to the central contingency unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where the amount notified is less than the budget, the Director or Head of Service must notify the Chief Finance Officer of options for containing any potential overspend.

5.6 Where external funding is applied for, it is the responsibility of the Director or Head of Service to ensure that the monies are received from the paying body and, wherever possible, received ahead of the planned expenditure being incurred by the council.

- 5.7 Directors and Heads of Service must ensure that all conditions associated with external funding are met and that information required to complete grant and subsidy claims is provided on time.

Full Year Effects

- 5.8 In preparing any estimates of expenditure and income, Directors and Heads of Service must give proper consideration to full year effects.

Control of Establishment Lists

- 5.9 Directors and Heads of Service are responsible for making arrangements to ensure control of the service HR Establishment list. In particular to ensure that proper controls are in place to ensure that the service HR structure is fully and accurately maintained in SAP and that a system of control is in place to ensure that no new posts are created without adequate resources being in place.

Impact on Other Services

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

Statement of Internal Control

- 5.11 Directors and Heads of Service must support the work on corporate risk management led by the Executive Director for Resources, contributing to the production of the annual Statement of Internal Control that has to be published alongside the Statement of Accounts.

Partnership Working

- 5.12 Before entering into a partnership with another organisation that involves pooling some of the council's revenue and/or capital budgets, the Director or Head of Service must ensure that adequate financial controls are in place. A financial risk assessment must also be prepared and monitored over time.

General Requirements

- 5.13 Directors and Heads of Service must consult the Chief Finance Officer at an early stage on any current or future matter or decision that has financial implications that are not incorporated in the Financial Forward Plan or could impact on the Medium Term Financial Strategy.
- 5.14 Directors and Heads of Service must adhere to guidance issued by the Executive Director for Resources and Chief Finance Officer in respect to financial forward planning, budget setting, budget monitoring and closing of the accounts.

6 CLOSING OF ACCOUNTS & STATEMENT OF ACCOUNTS

- 6.1 The Chief Finance Officer 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.
- 6.2 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).
- 6.3 Directors and Heads of Service must provide on time any information the Chief Finance Officer requires to close the accounts and complete all grant and subsidy claims.
- 6.4 In closing the accounts, the Chief Finance Officer may amend the originally approved funding of revenue and capital services and projects if this is to the council's financial benefit.
- 6.5 The Annual Audit Letter 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 control. This will be reported each year to the Audit Committee, together with an appropriate action plan.

7 TREASURY MANAGEMENT FRAMEWORK

- 7.1 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.
- 7.2 Cabinet Resources Committee will create and maintain a Treasury Management Policy Statement (TMPS), stating the policies and objectives of its treasury management activities.
- 7.3 The Chief Finance Officer 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.
- 7.4 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.
- 7.5 The Chief Finance Officer has the delegated authority to undertake long term borrowing on behalf of the Authority and will issue a Delegated Powers Report immediately after this power is exercised to inform Members.

8 PENSION FUND MANAGEMENT

8.1 The Chief Finance Officer is responsible for:-

- appointing pension fund investment managers, independent investment advisors and any other external advisors or administrators in respect to pension fund investment management;
- producing and publishing a Funding Strategy Statement;
- recommending a Statement of Investment Principles to the General Functions Committee, after consulting first with the Pension Fund Advisory Panel;
- appointing actuaries;
- communicating with other employers that are scheduled or admitted bodies as appropriate on aspects of pension fund investment management;
- keeping under review arrangements for governance of the pension fund, taking into account current best practice guidance.

8.2 The Pensions Manager is responsible for:-

- approving early payment of deferred benefits under regulation 31;
- exercising discretion not to actuarially reduce deferred benefits paid early under regulation 31, on compassionate grounds or financial hardship grounds;
- issuing a certificate of protection in pension benefits without an application from the member (Regulation 23 of the 1997 Regulations);
- determining that a member who has opted out of the Scheme on more than one occasion should be able to rejoin the Scheme (Regulation 7 of the 1997 Regulations);
- exercising the power to accept late applications (made more than 30 days after return to work or, if does not return to work, 30 days after the date of leaving) from a member who wishes to pay optional contributions for a period of absence (Regulation 18 of the 1997 Regulations);
- informing a member, who is entitled to a pension or retirement grant under two or more provisions, which provision shall apply (Regulation 34 of the 1997 Regulations);
- determining that late applications to convert scheme AVCs into a membership credit will be accepted provided such a late claim is not made within one year of attaining NRD or six months after leaving service whichever is the later (Regulation 66 of the 1997 Regulations);
- determining that any request for the inwards transfer of pension rights made more than 12 months after the member joined the Scheme will only be accepted with the Employer's permission (Regulation 121 of the 1997 Regulations);

- determining that any request for joining previous Scheme membership (either with this Employer and/or with another scheme employer) made more than 12 months after the member rejoined the Scheme will only be accepted with the Employer's permission (Regulation 32 of the 1997 Regulations);
- exercising absolute discretion in determining the recipient(s) of any death grant payable from the Scheme (Regulation 38 of the 1997 Regulations);
- deciding whether to treat education or training as continuous despite a break (Regulation 44 of the 1997 Regulations), for the purpose of determining eligibility for a child's pension;
- communicating with other employers that are scheduled or admitted bodies as appropriate on aspects of pension fund investment management

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 Supplies, Works & Services
- 12 Salaries, Wages & Pensions
- 13 Amenity & Unofficial Funds
- 14 Risk Management

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 Chief Finance Officer or Head of Internal Audit and Ethical Governance, 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 Chief Finance Officer.

2 ACCOUNTING

- 2.1 All accounting arrangements across the council shall be in a manner approved by the Chief Finance Officer, 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.
- 2.3 All accounting should occur on SAP and any exceptions must be specifically authorised by the Chief Finance Officer.

3 INTERNAL AUDIT

- 3.1 Under the Accounts and Audit Regulations 2006 the Council has a statutory obligation to have an adequate and effective system of internal audit. The Head of Internal Audit & Ethical Governance has the delegated authority for providing and maintaining this service.

Objective, Role, Scope and Reporting

- 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, counsel, and information concerning the activities reviewed and risks not mitigated adequately. This objective includes promoting effective control at reasonable cost.
- 3.4 The role of Internal Audit is to understand the key risks of the Council and to examine and evaluate the adequacy and effectiveness of the system of risk management and internal control operated by the Council and service management.
- 3.5 Internal Audit has unrestricted access to all information (including records, computer files, property and personnel) and activities undertaken by the Council, in order to review, appraise and report on:-
- the adequacy and effectiveness of the systems of financial, operational and management control and their operation in practice in relation to the business risks to be addressed;
 - the extent of compliance with, relevance of, and financial effect of, policies, standards, plans and procedures established by the Council and service management and the extent of compliance with legislation and regulations, including reporting requirements of regulatory bodies;
 - the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause and that adequate business continuity and risk management strategies exist;

- the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information;
- the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic goals;
- the suitability of the organisation of the units audited for carrying out their functions, to ensure that services are provided in a way which is economical, efficient and effective;
- the follow-up action taken to remedy weaknesses identified by Internal Audit review, ensuring that good practice is identified and communicated widely;
- the operation of the Council's Corporate Governance arrangements.

Independence

- 3.6 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.
- 3.7 The organisational status of the internal auditing service permits the accomplishment of its audit responsibilities. The Head of Internal Audit & Ethical Governance is responsible to the Corporate Governance Director and has access to the Chief Executive and Audit Committee, thereby promoting independence and ensuring a broad audit coverage, adequate consideration of audit reports, and appropriate action on unmitigated risks reported.
- 3.8 The Head of Internal Audit & Ethical Governance shall be able to meet the Chairman of the Audit Committee alone outside of the normal Audit Committee meetings.
- 3.9 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

- 3.10 Internal Audit is an integral part of the organisation and functions under the policies established by management and the council.
- 3.11 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.

- 3.12 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 Head of Internal Audit & Ethical Governance to inform the overall assurance that can be delivered and to Head of the Corporate Anti Fraud Team (CAFT) for investigation. Primary responsibility for the prevention, detection and initial investigation of fraud lies with line management.
- 3.13 The Head of Internal Audit & Ethical Governance and Chief Finance Officer, Head of CAFT 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
- 3.14 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.
- 3.15 The Head of Internal Audit & Ethical Governance shall report to the Chairman of the Audit Committee all significant concerns that he may have over the adequacy and effectiveness of internal controls and risk management activities within the organisation.

Ethical Governance

- 3.16 The Head of Internal Audit & Ethical Governance shall raise the profile and awareness of governance activities throughout the council and set standards for modern, proactive and cost-effective governance in the Council.
- 3.17 The Head of Internal Audit & Ethical Governance shall provide assurance on the organisation's external governance arrangements.

4 CORPORATE ANTI-FRAUD TEAM

- 4.1 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

- 4.2 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.

- 4.3 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.
- 4.4 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

- 4.5 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

- 4.6 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.
- 4.7 All Council Members and employees are personally responsible for ensuring they (and any subordinates) are aware of the Council's Counter Fraud Framework, procedures and policies, and for alerting either their Head of Service, Deputy Director of Corporate Governance or the CAFT to any suspected breach.
- 4.8 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 the Authorised Officer 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.
- 4.9 The Deputy Director of Corporate Governance and / or the Head of the CAFT are the London Borough of Barnet responsible officers for the authorisation of arrest

and prosecution of offenders including deciding on any appropriate sanction action available within the law. Those officers are responsible for ensuring that all investigations are conducted in accordance with the Criminal Procedures & Investigations Act 1996 (CPIA) the Police & Criminal Evidence Act 1984 (PACE), Human Rights Act 2000.

- 4.10 The Deputy Director of Corporate Governance and/ or the Head of Legal are the designated persons for the authorisation of covert surveillance powers in accordance with Regulation of Investigative Powers Act 2000 (RIPA).
- 4.11 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.
- 4.12 The Deputy Director of Corporate Governance, Head of the CAFT, the Chief Finance Officer, or other authorised representative, shall have authority to:-
- Enter or visit any land, premises, offices or establishments of the Council; and carry out any necessary searches of the aforementioned.
 - have access to, search, and remove any and all records, documents and correspondence, including electronically held correspondence, documents and records, and property and assets of the Council;
 - receive such explanations as are necessary concerning any matter under examination, and / or fraud investigation;
 - require any employee of the Council to produce and surrender any cash, stores, equipment 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 Chief Finance Officer must approve all banking and card acquiring arrangements across the Council, and must be satisfied with the safe keeping of all controlled banking stationery.
- 5.2 The Chief Finance Officer will maintain a register of all bank and card acquiring contracts.
- 5.3 Cheques drawn on the Council's main bank accounts shall be authorised by the pre-printed title "Chief Finance Officer, London Borough of Barnet".
- 5.4 Cheques above certain financial limits set by the Chief Finance Officer shall be manually countersigned by those designated officers authorised to do so by the Chief Finance Officer.
- 5.5 The Chief Finance Officer will be responsible for ensuring that the Council's banking arrangements are reviewed on a regular basis and that the banking contract is reviewed every three years.

6 SECURITY OF ASSETS

General

- 6.1 Directors and 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 Chief Finance Officer, which may not be exceeded without prior authority. Areas where cash is counted and held must be secure and with access restricted only to authorised staff.
- 6.3 All keys to safes and the like items shall be carried on the person of the officer responsible. Directors and Heads of Service shall keep a record of key holders. Any loss of keys must be reported to the Director or Head of Service.
- 6.4 Directors and Heads of Service are responsible for the proper security and privacy of all information held in computer systems under their control, for ensuring that these systems can only be accessed by authorised personnel and that adequate controls exist to ensure the separation of duties.
- 6.5 Directors and Heads of Service are responsible for undertaking a risk assessment of all assets considered crucial to the delivery of the service. The risk assessment should cover the loss of the asset caused by malfunction and the possibility of restricted access caused by an emergency crisis and the mitigating actions and contingency plans that will need to be developed to support business continuity.

Land & Property

- 6.6 The Head of Property Services shall maintain an asset register of all properties owned by the Council (except houses and flats provided under the Housing Acts) with those assets valued on a five year cycle.
- 6.7 The asset register will show the service user of the property and link to a database of details of interest and rents payable and tenancies granted.
- 6.8 The Head of Legal shall have secure custody of title deeds and maintain an indexed register of those titles (terrier). The Head of the Information Observatory will maintain a digital map of the extents of the titles.

Other Assets

- 6.9 Directors and Heads of Service must maintain inventories of all assets employed in their service, and make arrangements for these to be checked at least annually.
- 6.10 Any surpluses/deficits in excess of a figure set by the Chief Finance Officer shall be reported to him/her. The Chief Finance Officer shall agree the action to be taken in relation to these differences, including, if necessary reporting to the Cabinet Meeting or Cabinet Committee.
- 6.11 Council assets may only be used for council business, and may only be removed from council premises with the consent of the Director or Head of Service. The officer removing the asset then becomes responsible for the safekeeping of the

asset.

- 6.12 All Council assets shall, wherever possible, be security marked.
- 6.13 Directors and 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 Chief Finance Officer.

Stocks & Stores

- 6.14 Directors and Heads of Service are responsible for the safekeeping of stocks and stores held, ensuring no deterioration or damage occurs whilst held and not allowing levels held to exceed a reasonable level. All records, returns and accounts shall be held in a form approved by the Chief Finance Officer and returns will be submitted as and when required.
- 6.15 Stores shall only be issued against properly authorised requisition notes, which shall be receipted by the person collecting the goods.
- 6.16 Unused items returned to stores shall be recorded on a stores return note.
- 6.17 The condition of stocks shall be checked on a regular basis by the Officer responsible for them. Decisions regarding stock that has become obsolete should be made against clearly defined criteria and options for the most cost effective disposal of that stock must be identified.
- 6.18 Directors and Heads of Service must ensure that items classified as stock are checked at least once each financial year.
- 6.19 All surpluses or deficits identified during stock takes shall be entered onto an adjustment record and the appropriate Director or Head of Service, with the agreement of the Chief Finance Officer, may write-off deficiencies or bring surpluses into account. Wherever possible all stock considered for writing off should first be offered for sale. A record of all write-offs and disposals must be maintained. Specialist items such as hazardous chemicals must be disposed of in accordance with relevant safety procedures.
- 6.20 Stock balances must be valued in accordance with the relevant accounting standards, i.e. where applicable lower of historical cost or net realisable value.
- 6.21 The Chief Finance Officer 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 Chief Finance Officer must authorise all imprest accounts.
- 7.2 The imprest account holder must:-
- provide a certificate showing the state of the account at the end of the financial year and additionally when requested by the Chief Finance Officer;
 - only reimburse expenditure up to a limit set by the Chief Finance Officer;

- 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 Chief Finance Officer 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 Chief Finance Officer.
- 8.3 Officers responsible for controlled stationery must keep it secure.
- 8.4 Methods of payment must be agreed by the Chief Finance Officer.
- 8.5 The Chief Finance Officer, or officer nominated by the Chief Finance Officer, 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 Heads of Service must notify the Chief Finance Officer 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

- 8.10 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 Chief Finance Officer.
- 8.11 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.
- 8.12 A review of every debt should be undertaken at least quarterly.

9 INSURANCE

- 9.1 The Chief Finance Officer is responsible for arranging adequate insurance cover for the Council and keeping comprehensive records of all risks covered.
- 9.2 Directors and Heads of Service must notify the Chief Finance Officer immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks.
- 9.3 Any incident which could give rise to an insurance claim must be promptly notified to the Chief Finance Officer by the relevant officer, who shall also inform the Police if appropriate.
- 9.4 The Chief Finance Officer will handle all insurance claims, in conjunction with the Head of Legal and/or the insurance company if proceedings are issued.
- 9.5 Officers must consult the Chief Finance Officer and Head of Legal in all cases where the Council is requested to give an indemnity.
- 9.6 Officers in receipt of a motor vehicle allowance must produce registration documents, insurance policy, certificate of insurance and test certificate if required by the Chief Finance Officer. Insurance policies must be comprehensive and cover use on official business.

Schools

- 9.7 Where funds for insurance are delegated to any school, the Council may require the school to demonstrate that cover relevant to the Council's insurable interests, under a policy arranged by the Governing Body, is at least as good as the relevant minimum cover arranged by the Council if the Council makes such arrangements, either paid for from central funds or from contributions from schools' delegated budgets. The Council will have regard to the actual risks, which might reasonably be expected to arise at the school in question in operating this requirement rather than applying an arbitrary minimum level of cover for all schools.
- 9.8 It is the responsibility of the governing body to ensure adequate arrangements are made for insurance against risks arising from the exercise of the community facilities power, taking professional advice as necessary. Such insurance must not be funded from the school budget share. The school should seek the Authority's advice before finalising any insurance arrangement for community facilities.
- 9.9 The Council is empowered to undertake its own assessment of the insurance arrangements made by a school in respect of community facilities, and if it judges those arrangements to be inadequate, make arrangements itself and charge the resultant cost to the school. Such costs could not be charged to the school's budget share.

10. INVESTMENTS, BORROWING, CAPITAL FINANCING & TRUST ACCOUNTS.

- 10.1 All investments, except bearer securities, controlled by the Council shall be registered in the Council's name or in the name of nominees approved at a cabinet meeting or by a cabinet committee.

- 10.2 All securities shall be held securely by the Council's bankers, the Chief Finance Officer or custodians approved at a cabinet meeting or by a cabinet committee.
- 10.3 The Chief Finance Officer shall ensure that all borrowing and, whenever applicable trust funds, are registered in the name of the Council.
- 10.4 The Chief Finance Officer will set Prudential indicators, as outlined in the Prudential Code for Capital Finance in Local Authorities, for the forthcoming and following two financial years. The Chief Finance Officer will also provide regular monitoring reports to cabinet committee and report any breaches or amendments of the code to Council.
- 10.5 The Chief Finance Officer will be the Council's registrar of all stocks and bonds. In addition this officer will maintain a register of all loans and investments made in the name of the Council.
- 10.6 The Chief Finance Officer shall ensure that all legislative amendments and changes in treasury or capital limits are approved at a cabinet meeting or by a cabinet committee and where necessary full Council.
- 10.7 The Chief Finance Officer will be responsible for adopting the changes outlined in 10.6 and ensuring compliance with any amended practices or limits.

11 ORDERING OF SUPPLIES, WORKS & SERVICES

- 11.1 Procurement of supplies, works and services must be in accordance with Contract Procedure Rules.
- 11.2 Directors and Heads of Service must have systems in place to ensure that only authorised officers are allowed to place purchase orders, and that purchase orders are only raised when there is sufficient budget available.
- 11.3 Any procurement activity must follow the relevant steps prior to raising a purchase order:
- 11.3.1 **Supplier Selection** : The authorised officer may contact the supplier(s) by phone and verbally request a quotation but the quotation should be provided in writing or by e-mail. There should be clarity about the requirements and what is expected to be achieved by this purchase. **Value for money** must be established and this is best achieved by obtaining more than one quotation as is indicated in the Contract Procedure Rules in the section of Selecting Contractors.
- 11.3.2 **Quote / Tender evaluation** : Contract Procedure Rules require that all tenders are considered on the basis of the most economically advantageous tender (MEAT) taking into consideration price including payment terms and payment method, quality, durability and other relevant issues. Following receipt, check that it is arithmetically correct and that the requirements have been fully met. The reasons for accepting the quotation must be recorded and agreed with the cost centre manager, providing an audit trail should any queries be raised in the future. If the vendor doesn't exist on SAP, then a new vendor request must be sent to the Corporate Procurement Team (CPT). In addition, Directors and Heads of Service should explore the possibility of early payment discounts with

all suppliers of supplies, works and services. This must be done within the context of the overall Procurement Strategy.

- 11.3.3 **Creation of a purchase Order (PO)** : Once the purchase has been agreed, a purchase order must be raised on SAP.
- 11.3.4 **Payment of an invoice** : Authorised officers must ensure that a purchase order has been raised on the SAP system and successfully communicated to the supplier. Invoices in respect to works, supplies and services will be paid by the Central Accounts Team, but only after the authorising officer has first receipted the supply on SAP.
- 11.3.5 All invoices must reference a valid purchase order number, otherwise the Central Accounts Payable Team reserves the right to refuse payment of an invoice.
- 11.3.6 Only invoices presented in an acceptable format will be passed for payment. This includes invoices that do not comply with VAT Regulations.
- 11.3.7 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 supplies, works or services and this is contrary to the agreed payment terms;
 - the invoice is incorrect;
 - the invoice does not reference a valid Purchase Order number.
- 11.3.8 when certifying an invoice for payment that was initially disputed, record the date on which the invoice was actually validated.
- 11.3.9 The Central Accounts Payable Team will perform a three-way match against the purchase order, goods receipt and invoice, prior to making a payment. Invoices that do not pass this criteria will be returned to the service for amendment.
- 11.3.10 **Payments in advance** : Directors and 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 Chief Finance Officer.

12 SALARIES, PENSIONS & ALLOWANCES

- 12.1 All appointments shall be made in accordance with the Council's contractual terms and conditions (i.e. pay, grading, allowances etc).
- 12.2 The Head of HR Shared Services will ensure that arrangements are made to calculate and pay all remuneration, pensions, compensation and other payments to current and former employees.

- 12.3 School Governing Bodies shall be responsible for assessing teachers' remuneration and the Head of HR Shared Services shall maintain teachers' salary and pensions for Schools that purchase the Traded Service.
- 12.4 Directors and Heads of Service must provide to the Head of HR Shared Services:-
- the names and specimen signatures of all officers authorised to sign HR records;
 - relevant details of appointments, leavers and any other change of circumstances that may affect payment;
 - details of all work related absences due to sickness, accidents on or off duty;
 - details of special leave without pay or other paid/unpaid leave or absence;
 - when required, overtime and certified time-sheets for staff paid at hourly or weekly rates, at intervals and in the format determined by the Head of HR Shared Services.
- 12.5 On an annual basis, the Head of HR Shared Services shall require that each pensioner residing overseas provides a life certificate.
- 12.6 Salaries and wages will be paid direct to the employee's bank account. Pensions and gratuities shall be at the discretion of the Head of HR Strategy. All payments shall be made direct to the person concerned unless that person authorises otherwise.
- 12.7 Payment will be paid on contractual dates. The Head of HR Shared Services has the discretion to change payment date.
- 12.8 All cost centre managers should use SAP to periodically verify correct payments to staff
- 12.9 All claims for payment of car allowances shall be approved through SAP e-forms or through a paper format approved by the Head of HR Strategy. The names of certifying officers and specimens of their signatures shall be forwarded by Directors and Heads of Service to the Head of HR Shared Services. The certifying officer must be satisfied that all expenses claims are valid and that the allowances should be paid by the Council before authorising the payment.
- 12.10 The Chief Finance Officer shall make payments of allowances to Members of the Council, co-opted members and members of the public who attend other Council bodies who are entitled to make such claims on submission of the approved form.
- 12.11 The Director of Corporate Governance is responsible for notifying the Heads of HR of any changes to Members' Allowances.

13 AMENITY & UNOFFICIAL FUNDS

- 13.1 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 Chief Finance Officer) or Trust Fund monies outside the authority of the Council.

- 13.2 All accounts shall be opened by the Chief Finance Officer and their names shall include the name of the Borough and the establishment concerned.
- 13.3 Provided the Chief Finance Officer approves and is satisfied with accounting and security arrangements, separate accounts need not be opened for funds of small amounts.
- 13.4 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).
- 13.5 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.
- 13.6 Expenditure from the fund shall be at the discretion of the establishment head in conjunction with other member(s) of staff as felt necessary.
- 13.7 Cheques shall be signed and countersigned by the head and deputies of the establishment. All transactions above a limit set by the Chief Finance Officer shall be signed by at least two authorised officers.
- 13.8 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 Chief Finance Officer, the fund must be audited by auditors approved by that officer. The Chief Finance Officer shall have the right to inspect the accounts.
- 13.9 At the end of each financial year the head shall submit an audited summary of the fund to the Chief Finance Officer (and Governing Body if appropriate).

14 RISK MANAGEMENT

- 14.1 Sound governance requires effective and efficient management of risk, covering all forms of risk, not just financial.
- 14.2 The process of identifying risks should demonstrate a direct link to the Corporate Objectives.
- 14.3 Risks are assessed using the 3x3 matrix scoring system which rates each risk as having a high, medium or low likelihood of occurring and a high, medium or low impact on the ability to deliver against the Corporate Objectives.
- 14.4 All risks should be monitored and re-assessed based on the actions and activities that either mitigate the risk or have had an impact on the risk objective that has either increased or decreased the likelihood or impact.
- 14.5 The process of re-assessing the risk is conducted by the "lead officer" who is identified in the risk log, and accepted by the Director or Head of Service.

- 14.6 The approach to risk management within Barnet is that Directors and Heads of Service are responsible for ensuring their service has a robust and efficient method of managing risk.
- 14.7 It is the responsibility of Directors and Heads of Service to ensure that risks are identified in their Key Priority Plans and Service Plans and are reviewed on a regular basis.
- 14.8 Directors & Heads of Services are responsible for taking action to mitigate against the risk or to develop contingencies to be introduced should the risk materialise.

Appendix A



Contract Procedure Rules

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1 Introduction

- 1.1 Procurement decisions are among the most important decisions a manager will make because the money involved is public money and the Council is concerned to ensure that high quality supplies, works and services are provided. Efficient use of resources in order to achieve best value is therefore an imperative. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.
- 1.2 For these reasons it is a disciplinary offence to fail to comply with Contract Procedure Rules and the Procurement Code of Practice when letting contracts and Council employees have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager and the Head of Internal Audit and Ethical Governance.
- 1.3 The Contract Procedure Rules provide the framework within which the Council may procure works, supplies and services. The aim of these rules is to:
 - 1.3.1 ensure value for money and propriety in the spending of public money; and
 - 1.3.2 to enable services to deliver effectively and efficiently without compromising the Cabinet's ability to influence strategic decisions.
- 1.4 To ensure the continued effectiveness of the Contract Procedure Rules, the Cabinet Resources Committee may, from time to time, amend the thresholds set out below as deemed appropriate.
- 1.5 Reference should be made to the Procurement Code of Practice for more detailed procurement procedures
- 1.6 The Procurement Code of Practice provides more detail on procurement processes and shall govern Council tendering and contract procedures. The Executive Director for Resources, in consultation with the Chief Finance Officer and the Head of Legal, shall maintain and issue the Procurement Code of Practice. Any procurement activity shall proceed in accordance with the Contract Procedure Rules and Code of Practice.
- 1.7 The Contract Procedure Rules take precedence over the Procurement Code of Practice.

2 Application and Interpretation

- 2.1 The Contract Procedure Rules shall apply to all contracts entered into by or on behalf of the Council. Exceptions to the Contract Procedure Rules can be approved by means prescribed by the Leader's Scheme of Delegation, Constitution Part 3 Responsibility for Functions.
- 2.2 Where the Council is entering into a contract as an agent for another public body or government department, these Contract Procedure Rules apply only in so far as they are consistent with the requirements of the body concerned.
- 2.3 The Council may adopt different Contract Procedure Rules for schools.
- 2.4 Unless the context otherwise requires, terms used in these Contract Procedure Rules shall have the meanings ascribed to them as set out in the Glossary of Terms to be found at Section 11.

3 Calculation of Contract Values

- 3.1 Unless otherwise specifically provided, where a value or an estimated value is given in these Contract Procedure Rules it means the aggregate value payable in pounds sterling exclusive of Value Added Tax over the entire contract period, including any form of option and any renewals of the contract.
- 3.2 Directors or Heads of Service must ensure that a pre-tender estimate of anticipated costs is prepared and recorded in writing. Where EU Public Procurement rules apply, Directors or Heads of Service must also ascertain the value of a contract in accordance with those rules.
- 3.3 Contracts must not be artificially under or over estimated or divided into two or more separate contracts where the effect is to avoid the application of Contract Procedure Rules.

4 Responsibilities of Directors/Heads of Service

- 4.1 Directors and Heads of Service are responsible for all contracts tendered and let by their service areas. Their duties in relation to contract letting and management are:
 - 4.1.1 to ensure compliance with English, U.K. and EU legislation and Council policy;

- 4.1.2 to ensure value for money in all procurement matters;
- 4.1.3 to ensure compliance with the Contract Procedure Rules and the Procurement Code of Practice;
- 4.1.4 to maintain a service scheme of delegation, in accordance with Constitutional Requirements;
- 4.1.5 to ensure that all relevant staff are familiar with the provisions of the Contract Procedure Rules and the Procurement Code of Practice and that they receive adequate training on their operation;
- 4.1.6 to ensure compliance with any guidelines issued in respect of these Contract Procedure Rules;
- 4.1.7 to take immediate action in the event of a breach of the Contract Procedure Rules or the Procurement Code of Practice within their directorate or service area;
- 4.1.8 to ensure that all existing and new contracts anticipated during the forthcoming financial year are clearly itemised in the Budget supporting documentation;
- 4.1.9 to keep proper records, of all contracts, tenders etc. including minutes of tender evaluation panels and other meetings which may be inspected by a member of the Council at any time during office hours;
- 4.1.10 to make appropriate arrangements for the opening of tenders and their secure retention so as to protect the integrity of the tendering process;
- 4.1.11 to submit to the Executive Director for Resources' Corporate Procurement Team tender forms and Gateway Review Forms as required by the Contract Procedure Rules;
- 4.1.12 to ensure original contract documents are forwarded to the Head of Legal for safekeeping;
- 4.1.13 to keep a register of all contracts over £25,000, which may be inspected by a member of the Council at any time during office hours;
- 4.1.14 to ensure effective management and monitoring during the lifetime of all contracts in their areas;
- 4.1.15 to seek and act upon advice from the Head of Legal, the Chief Finance Officer and the Executive Director for Resources where necessary to ensure compliance with these responsibilities;

- 4.1.16 to keep records of waivers of any provision of these Contract Procedure Rules.

5 Authorisation & Acceptance Procedures

Authorisation Principles

“Authorisation” is the approval required before quotations or tenders for a good, service or works may be sought.

- 5.1 The aim is to speed up the procurement process by removing unnecessary bureaucracy – in this case, a duplication of the authorisation process.
- 5.2 Any contract, including additions, extensions and variations, which has been included in a directorate or service’s Budget and supporting plans and strategies or any other Committee approved plan is deemed as authorised irrespective of value.
- 5.3 Any contract which has not been Authorised as set out in 5.2 must be Authorised as set out in Table 5-1.

Acceptance Principles

“Acceptance” is the approval of the final terms and conditions for the purchase of supplies, services or works.

- 5.4 The aim is to speed up the process by allowing, where possible, the acceptance of tenders to be delegated to a level of authority lower than that required for Authorisation. This recognises that in most instances, the influencing decision is at the Authorisation stage, not at the point of Acceptance.
- 5.5 Table 5-1 sets out the Authorisation and Acceptance thresholds.

Table 5-1: Authorisation (where not previously Authorised by the Budget and supporting plans and strategies) and Acceptance Thresholds for Works, Supplies and Services

Level of authority for Authorisation and Acceptance	Contract Value*				
	Up to £24,999	£25,000 to £74,999	£75,000 to £143,999*	£144,000 to* £499,999	£500,000 and above
Authorisation by: (based on estimated contract value)	Director/Head of Service			Cabinet Member	Cabinet Committee
Acceptance** by: (based on actual contract value)	Director/Head of Service Where tender/quotation is lowest or where tender/quotation represents value for money and is the best available option for the Council			Director/Head of Service Where tender is lowest price	Cabinet Member Where tender is lowest or where tender represents value for money and is the best available option for the Council, and the tender value is no more than 25 percent above the lowest priced tender.
				Cabinet Member Where tender represents value for money and is the best available option for the Council.	
** Notes on Acceptance:	<p>1. Acceptance of contracts in all cases is subject to:</p> <p>a) budgetary provision existing;</p> <p>b) the usual enquiries as to financial status.</p> <p>2. Director/Heads of Service and Cabinet Members are required to consult the Chief Finance Officer in respect to value for money considerations.</p> <p>3. Acceptance thresholds for contract extensions, additions and variations of all values are subject to further conditions as set out in the paragraph 5.6. Where the contract extensions, additions or variations do not meet the conditions in 5.6 and are less than £144,000 in value, the Director/Head of Service may still Authorise and Accept the contract but must report afterwards to the relevant Cabinet Member. If it is over £144,000 in value, Cabinet Committee authority should be sought.</p> <p>4. Under no circumstances may a contract extension, addition or variation be Authorised more than once without being referred back to the relevant Cabinet Committee for Authorisation.</p>				

*Please check with CPT for the latest threshold set out by EU Regulations as these figures are subject to change.

Acceptance Parameters for Contract Additions, Extensions and Variations

- 5.6 The Acceptance thresholds for contract additions, extensions and variations are as set out in Table 5-1 and also subject to the following:
- 5.6.1 In the case of an additional contract, it is negotiated on the basis of, but is distinct from, an earlier contract and the initial contract was based on:
- 5.6.1.1 a competitive tender or quotation;
 - 5.6.1.2 the initial contract was awarded not more than twelve months before the additional contract;
 - 5.6.1.3 not more than one additional contract may be negotiated on the basis of the initial contract;
 - 5.6.1.4 the value of the additional contract does not exceed the value of the initial contract.
- 5.6.2 In the case of an extension to a contract, the initial contract was based on:
- 5.6.2.1 a competitive tender or quotations;
 - 5.6.2.2 the initial contract has not been extended before;
 - 5.6.2.3 and the value of the extension is less than half the cost of the existing contract without the extension.
- 5.6.3 In the case of a contract variation, and in accordance with the terms and conditions of that contract:
- 5.6.3.1 the variation is notified in writing to the contractor;
 - 5.6.3.2 any additional expenditure necessarily incurred does not exceed 10% ten percent of the initial contract.

Urgent/Emergency Procedures & Waiver of Contract Procedure Rules

- 5.7 Directors/Heads of Service may take decisions on urgent matters as set out in the Leader's Scheme of Delegation providing they report afterwards to the relevant decision making body setting out the reason for the urgency. A waiver of the Contract Procedure Rules may be agreed by the appropriate decision making body if they are satisfied

after considering a written report by the appropriate officer that the waiver is justified because:

- 5.7.1 the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of Contract Procedure Rules is justifiable; or
- 5.7.2 the contract is for works, goods or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
- 5.7.3 the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or English law); or
- 5.7.4 there are other circumstances which are genuinely exceptional

6 Selecting Contractors

European tender procedures and thresholds

- 6.1 Tender procedures are governed by EU procurement regulations if the supplies, services or works contract is:
 - 6.1.1 Subject to European procurement regulations (see EU Checklist in the Procurement Code of Practice); and
 - 6.1.2 Greater than the following thresholds set in respect of the: Public Procurement Directive
 - 6.1.2.1 For Public Works - approximately £3.6 million; or €5 million *
 - 6.1.2.2 For Public Services - approximately £144,000; or €200,000 *
 - 6.1.2.3 For Public Supply - approximately £144,000; or €200,000 *

*Thresholds are valid from 31st January 2006. These thresholds will be revised every two years. Please check with CPT for the latest threshold set out by EU Regulation.

- 6.2 Most social care and housing services are likely to be Part B services that are only subject to the rules relating to specifications and to Barnet tender procedures.

- 6.3 The Procurement Code of Practice provides more detail on the EU tendering requirements.

Barnet tender procedures

- 6.4 For those contracts not subject to EU procurement regulations, tendering should follow guidance set out in the Procurement Code of Practice.
- 6.5 The Procurement Code of Practice will provide information on circumstances where it will be appropriate to use negotiated procedures. However, it is important that in any such circumstances the intention to negotiate is signalled before tenders or expressions of interest are issued, subject to the circumstances set out in section 9.
- 6.6 Thresholds for the tendering of works, supplies and services not subject to EU statutory requirements are set out in the table below.

Table 6-1: Barnet tendering and quotation thresholds for works, supplies and services

	Contract Value*					
	less than £25k	£25k up to £74,999	£75k up to £143,999*	£144k up to £499,999*	£500k and up to £3.6m*	£3.6m* and over
Supplies and Services Contracts	Reasonable means of selection	Request two(2) or more written competitive quotations but must have minimum 2 returned. Less than 2 bids returned then repeat competition	Request three(3) or more written competitive quotations but must have minimum 2 returned. Less than 2 bids returned then repeat competition	Tendering process or other approved route required and Gateway Review Process must be used. May be subject to EU legislation		
Works Contracts	Reasonable means of selection	Request two(2) or more written competitive quotations but must have minimum 2 returned. Less than 2 bids returned then repeat competition	Request three(3) or more written competitive quotations but must have minimum 2 returned. Less than 2 bids returned then repeat competition	Request Five(5) or more written competitive quotations from approved list and Gateway Review Form must be used. Must have minimum 2 returned. Less than 2 bids returned then repeat competition	Approved Tendering Process required and Gateway Review Process must be used	Subject to EU legislation Tendering process required and Gateway Review Process must be used.

*Please check with CPT for the latest threshold set out by EU Regulations as these figures are subject to change.

Consortia Purchasing – Collaborative Working

- 6.7 Directors/Heads of Service may authorise the Council entering into Consortia purchasing arrangements not subject to these Contract Procedure Rules provided that the Executive Director for Resources has approved the Consortia and the terms and conditions of any proposed contract are acceptable to the Head of Legal.

Consortia Purchasing & Framework Contracts

- 6.8 Before promoting the procurement of a new or joining a pre-existing framework or consortium arrangement, the Executive Director for Resources must be satisfied that such an approach represents the most economically advantageous solution for a service work, supply or utility provision and complies with the Relevant EU Rules on the use of such arrangements.

Before procuring or entering into a framework or consortium arrangement, the Executive Director for Resources shall be satisfied that:

- 6.8.1.1 the term of the arrangement shall be or is for a period of no longer than four years duration;
- 6.8.1.2 the terms and conditions of the arrangement do not compromise the Council's contractual requirements;
- 6.8.1.3 the parties to the arrangement are recognised public bodies or providers from the private sector as approved by the Contracting Committee;
- 6.8.1.4 full, open and proper competition in respect of the creation of the framework or consortium arrangement has taken or will take place in accordance with the Relevant EU Rules and/or Relevant Contract Procedure Rules.
- 6.8.1.5 Where the Government Procurement schemes Catalyst (formerly known as GCAT, SCAT and LCAT), DfES are to be used.

Approved Lists

- 6.9 At least one third of the organisations selected for tendering must be picked randomly.

The process for establishing and maintaining Approved Lists is set out in detail in the Procurement Code of Practice.

Single source suppliers

- 6.10 A contract for the provision of supplies, services or works where there is only one reasonable source of supply does not require competitive tendering but must be approved by the Director/Head of Service and Executive Director for Resources and is still subject to the Authorisation and Acceptance procedures.

Gateway Review Process

- 6.11 The aim of the Gateway Review Process is to ensure that the larger procurements are appropriately structured and will therefore deliver value for money to the Council. The process applies to:
- 6.11.1 tenders for supplies and services valued at £144,000 or more; and
 - 6.11.2 tenders for works valued £500,000 or more.
- 6.12 The Gateway Review Process requires the completion of a General Gateway Review form, both for audit purposes as well as to provide a framework and checklist for the procurement process. It also includes two checkpoints:
- 6.12.1 At the first checkpoint, the proposed contract must be approved by the Executive Director for Resources' Corporate Procurement Team and must be subject to consultation with local trade unions, before it may go out to tender. The aim of this is to ensure that procurements are appropriately structured as this preliminary work is critical to the overall success and value for money of the final contract.
 - 6.12.2 Six months after contract award, the Executive Director for Resources' Corporate Procurement Team will verify that a second Gateway Review Check 2 has been carried out by Director/Head of Service or nominated Contract Officer which assesses the contract management and monitoring arrangements. The aim is to ensure that appropriate structures have been put in place so that the Council receives the services for which it is paying.

Financial restrictions on selection procedures

- 6.13 If the aggregate cost across all Council services in a financial year for either works, supplies or services of a similar type or contracts with a single supplier is expected to exceed £144,000 then an annual or term contract must be established using the appropriate contractor selection procedures detailed in the Procurement Code of Practice unless the relevant Cabinet Member is satisfied that it is inappropriate to use such a procedure and a waiver has been agreed.
- 6.14 The Executive Director for Resources will be responsible for monitoring expenditure by category across the Council to ensure these levels are not exceeded.

7 Social Care and Temporary Housing Contracts

- 7.1 These provisions apply only to Social Care and Temporary Housing Contracts. The aim is to enable Directors/Heads of Service to provide their services as efficiently and effectively as possible whilst ensuring that large contracts (greater than £1 million) deliver value for money.
- 7.2 The Authorisation and Acceptance thresholds and tendering requirements for Social Care and Temporary Housing Contracts as set out in the table below.

Table 7-1: Authorisation and Acceptance thresholds and tendering requirements for Social Care and Temporary Housing contracts

	Up to £500K	£500K up to £1m	Greater than £1m
Authorisation by:	Pre Authorised through inclusion in Annual Budget or Cabinet Committee	Pre Authorised through inclusion in Annual Budget or Cabinet Committee	Cabinet Committee
Acceptance by:	Director/Head of Service	Director/Head of Service	Delegated Cabinet Member
Tendering requirements	Reasonable means of selection	Five(5) or more written competitive quotations and Gateway Review Form must be followed A minimum 2 quotes must be returned. Less than 2 bids returned then repeat competition	Tendering process required and Gateway Review Process must be followed.

8 Receipt and Opening of Tenders

Non- electronic Tender Process

- 8.1 Contractors must be informed when tenders are invited that their tender will only be considered if:
- 8.1.1 it is contained in a plain inner envelope, securely sealed and self-addressed by the tenderer;
 - 8.1.2 the inner envelope is contained in a plain outer envelope. The outer envelope must be securely sealed, bearing the word "tender" followed by the subject matter of the contract, with closing date and time.

Barnet approved tender envelopes may be obtained from the Executive Director for Resources' Corporate Procurement Team;

8.1.3 the outer envelope should not bear any distinguishing matter indicating the identity of the sender;

8.1.4 the outer envelope is addressed impersonally to:

Executive Director for Resources
Corporate Procurement Team
London Borough of Barnet
Building Four
North London Business Park
Oakleigh Road South
London
N11 1NP

8.1.5 and, it is delivered by the time stated in the tender invitation.

8.2 Tenders which do not meet the requirements of Contract Procedure Rule 8.1 may only be considered if the other tenders have not yet been opened and:

8.2.1 failure to comply is the Council's fault; or

8.2.2 a tender is late, and it is clear without any contact with the contractor that the tender was sent in such a way that in the normal course of events it would have arrived on time.

8.3 Tenders must be kept safe until the time for their opening by an officer given this duty by the Executive Director of Resources.

8.4 Records of the time and date of receipt of all tenders must be kept by that officer.

8.5 Tenders for a particular contract must be opened at the same time in the presence of two officers appointed by the Executive Director for Resources who have not been involved in the tendering process and who are responsible for properly recording receipt. On opening the tenders, the officers shall:

8.5.1 Number each tender consecutively;

8.5.2 If there are priced bills, schedules of rates or the like, date and photocopy each summary sheet indicating the main contract prices;

8.5.3 Otherwise, date and photocopy each page of the tender that contains prices; and

8.5.4 Complete and sign a schedule or record of tenders received.

- 8.6 The photocopies and schedule or record shall be retained for future inspection.
- 8.7 If a tender is received after the specified time and date then only the outer envelope shall be opened. The inner envelope shall be endorsed with the time and date of receipt , and promptly returned unopened to the tenderer. If there is no suitably addressed inner envelope the tender may be examined but only to the extent necessary to discover the name and address of the tenderer. No details of the tender shall be disclosed and it will be returned promptly to the tenderer.

Electronic Tendering & E-Auctions

- 8.8 At the discretion of the relevant Chief Officer, requests for quotations and invitations to tender may be either issued and/or received by electronic means. In circumstances where the Relevant Chief Officer elects to either issue and/or receive tenders by electronic means the following conditions shall apply:
- 8.8.1 The Corporate Procurement Team will carry out and/or select an accredited tendering vault for eTendering and eAuctions.
- 8.8.2 In the case of eAuctions, its use must be stated in the Contract Notice; and it can only take place after the initial evaluation of tenders

9 Post Tender Negotiations

- 9.1 Where negotiated procedures have not been followed and the Director/Head of Service considers that post tender negotiations would be advantageous to the Council, the Director/Head of Service, in consultation with the Cabinet Member for Policy and Performance, may give authority to proceed. See Procurement Code of Practice for reporting requirements.
- 9.2 Clarification of ambiguous tenders does not constitute post tender negotiations.

10 Tender and Contract Details

Tender Contents

- 10.1 Each tender must contain:

- 10.1.1 an undertaking signed by the tenderer that to the best of their knowledge and belief they have complied with all the relevant provisions of the Health and Safety at Work Act 1974 and regulations made under it;
- 10.1.2 a statement that the tenderer will comply with all current, relevant British Standard Specification or Code of Practice or equivalent European Union or international standards offering guarantees of safety, reliability and fitness for purpose;
- 10.1.3 a statement by the tenderer that they will not try to obtain or receive by whatever means any information which gives or is intended or likely to give the tenderer or another party any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for and award of any works/services contract;
- 10.1.4 A statement that the Council shall not be liable for expenses incurred in the preparation of tenders; nor shall the Council be bound to accept the lowest or any tenders submitted; nor shall the Council have to give reasons for the rejection of any tender and shall have reserved to them the right to invite fresh tenders should they consider that course desirable.

Contract Contents

- 10.2 Every contract shall contain the following terms:
 - 10.2.1 terms specifying the work, services or supplies in question;
 - 10.2.2 the price or basis of charge (including discounts); and
 - 10.2.3 the time of performance and key performance indicators.
 - 10.2.4 transitional arrangements at the end or earlier termination of the contract .e.g work in progress and costs of transferring ownership of assets, data and records.
 - 10.2.5 the contract management and monitoring plan

Conditions applying to all contracts over £25,000 in value or where appropriate to the nature of the contract

- 10.3 Every contract with a value of £25,000 or more must, unless the Head of Legal and the Chief Finance Officer agree to the contrary, contain clauses to cover the following:
 - 10.3.1 compliance with all legislation;

- 10.3.2 compliance with the Council's insurance requirements;
- 10.3.3 a prohibition on assignment and/or subletting without the written consent of the relevant Director/Head of Service;
- 10.3.4 a provision allowing the Council to cancel the contract and recover any resulting loss from the contractor if the contractor does anything which is contrary to the Prevention of Corruption Acts 1889 to 1916 or incites breach of Section 117 (2) of the Local Government Act 1972;
- 10.3.5 a provision to ensure the Council is protected against the contractor's defective performance by default provisions which are appropriate to the contract;
- 10.3.6 if the contractor is in breach of contract the Council can do any or all of the following
 - 10.3.6.1 determine all or part of the contract or determine the contractor's appointment;
 - 10.3.6.2 itself perform the contract in whole or in part;
 - 10.3.6.3 recover from the contractor any additional cost resulting from the completion or cancellation of the contract.
- 10.3.7 In respect of every contract that is to be performed in stages or over a period of time;
 - 10.3.7.1 the contract shall, where practicable, require the contractor to pay liquidated damages for any default;
 - 10.3.7.2 a sufficient survey (e.g. a bond) shall be taken for due performance unless:
 - the cost of the contract is less than £300,000;
 - following the completion of a risk assessment by the Director/Head of Service, the Chief Finance Officer and the Head of Legal so direct;
 - the contract is with a statutory undertaking.
- 10.3.8 if the contractor is a subsidiary or a member of a group of companies then its parent company or another company in the group whose assets are sufficient shall be required to guarantee performance and indemnify the Council against loss from any default, unless the Chief Finance Officer and the Head of Legal so direct;

- 10.3.9 if the contractor has obtained or received by whatever means any information which gives or is intended or likely to give the contractor any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for and award of any works/services contract, that the Council shall be entitled to terminate that contract;
- 10.3.10 that the contractor shall be required to make available to the Council or its auditors such documents or access to information or access to the staff/officers of the contractor as is necessary to conduct any audit investigation into the contract;
- 10.3.11 that the contractor shall be required to make available to the Council upon request such information as the Council considers necessary whether in relation to staff or otherwise, to enable the Council to meet its duties in relation to re-tendering the contract.
- 10.3.12 It shall be a condition of the engagement of any person to supervise a Council contract that he or she shall comply in all respects with the requirements of these Contract Procedure Rules.

Signing and Sealing of Contracts

- 10.4 Every contract must be in writing.
- 10.5 Every contract must be in a form approved by the Head of Legal if its cost exceeds £25,000, or where appropriate to the nature of the contract.
- 10.6 The following contracts must be sealed on behalf of the Council:
- 10.6.1 those whose value exceeds £144,000, unless the Head of Legal directs otherwise; and
- 10.6.2 those where the Head of Legal so requires.
- 10.7 Contracts not made under seal can be signed by the relevant Director/Head of Service, Chief Executive, Director of Corporate Governance, Head of Legal or any officer authorised by them.
- 10.8 The Head of Legal may require to sign certain contracts.

Contract Management and Monitoring

- 10.9 During the life of the contract Directors/Heads of Service must ensure that systems are in place to manage and monitor contracts in respect of:
- 10.9.1 contract performance and key performance indicators;

- 10.9.2 compliance with specification and contract;
- 10.9.3 cost; cross check contract payments to work done or supplies or services supplied;
- 10.9.4 ensuring continuous improvement and any Best Value requirements;
- 10.9.5 user satisfaction, lessons learned and risk management;
- 10.9.6 eliminating unlawful discrimination and promoting equalities
- 10.9.7 all the above in accordance with any instructions given by the Head of Internal Audit and Ethical Governance.
- 10.9.8 ensuring that a Gateway Review Check 2 is performed 6 months after contract award

Contract Payments

- 10.10 This Procedure Rule applies to contracts which provide for payments to be made in instalments against a certificate indicating partial, staged or final performance against a specification (typically, these are building or engineering contracts using the standard forms). In SAP, this is delivered through Framework Orders (Invoicing Plans) and or Works Orders set to partial rather than periodic payment for building/phased works implementations.
- 10.11 Directors/Heads of Service shall ensure that all amounts due and payments made under such contracts, are recorded against the loaded contracts held in SAP.
- 10.12 Such payments shall be made on provision of a certificate signed by the relevant Director/Head of Service. All payments to contractors on account of contracts shall be made in accordance with the contract and the relevant Director/Head of Service shall provide the Chief Finance Officer with:
 - 10.12.1 details of the total amount of the contract;
 - 10.12.2 the estimated value of work to date and of materials on site;
 - 10.12.3 the amount deducted by way of retention, VAT, liquidated and ascertained damages in respect of unsatisfactory work; and
 - 10.12.4 the amounts previously paid and the amount now due for payment as adjusted for taxation purposes; and
 - 10.12.5 Any sums to be paid after a defects liability period.

11 Glossary of Terms

“**Acceptance**” is the approval of the final terms and conditions for the purchase of supplies, services or works.

“**Authorisation**” is the approval required before quotations or tenders for supplies, services or works may be sought.

“**Budget and supporting plans and strategies**” (Budget) is the annually agreed budget and supporting plans and strategies for each Service Area.

“**Director/Head of Service**” as listed in Article 12 of the Constitution.

“**EU**” means European Union.

“**CPT**” means Corporate Procurement Team

“**SAP**” the Council’s on-line system for processing purchase orders & invoices

“**Reasonable means of selection**” – an unbiased selection process based on the relative merits of the quotation provided and taking account of previous purchasing practices for supplies, services or works of a similar type.

“**Quotation**” – this is a priced bid for the provision of a service, supply or works.

“**Tendering**” – this is a formal process for obtaining priced bids for works, supplies or services and which must be followed for procurements above the thresholds set out in Table 6-1. Further details are available in the Procurement Code of Practice.

“**eTendering**” - An electronic tendering solution that facilitates the complete tendering process from the advertising of the requirement through to the placing of the contract. This includes the exchange of all relevant documents in electronic format.

“**eAuction**” is a reverse auction; a repetitive electronic process for the presentation of prices to be revised downwards or of new improved values of quantifiable elements of tenders

“**Single Source of Supply**” contract for which the requirement is so specialised that there is only one supplier.

“**Supply Contracts**” relate to the delivery of products. They include purchase, lease, rental or hire purchase, with or without the option to buy.

“Services Contracts” are contracts under which the purchaser engages a contractor (service provider) to provide services.

“Works Contracts” are contracts for the carrying out of civil engineering or building works or under which such facilities are provided to meet specific user requirements.

“Social Care” refers to:

- Fostering arrangements and the provision of care and support to individuals at home or in settings in partnership with the NHS, voluntary sector organisations and carers;
- The provision of care, support and education to meet the special educational needs of individuals;
- Block contracts securing future capacity for the provision of Social Care (as defined in above).

“Temporary Housing” refers to:

- The provision of temporary accommodation to meet the statutory requirements of the Housing Act of 1996 as amended by the Homelessness Act of 2002;
- Block contracts securing future capacity for the provision of Temporary Accommodation (as defined above).

“Emergency” where immediate action is needed to protect life or property or to maintain a critical service. Decisions that were not anticipated within the budget or PMP(KPP) 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 term, or a school roof collapses

“Urgency” (not emergency) where urgent action is required but might be delayed by following normal procedures. Decisions that were not anticipated within the budget or PMP(KPP) 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

“Framework agreement” is an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in

particular with regard to price and, where appropriate, the quantity envisaged. In the UK we would know this as a “standing offer to treat”.

“ **Consortia**” means a contracting authority which:

- (a) acquires goods or services intended for one or more contracting authorities;
 - (b) awards public contracts intended for one or more contracting authorities; or
 - (c) concludes framework agreements for work, works, supplies, services intended for one or more contracting authorities;
- otherwise known as “**central purchasing body**”.

MANAGEMENT OF REAL ESTATE, PROPERTY AND LAND (Revised May 2007)

Definitions :

Executive

This relates to the Executive as defined in Article 7 of the Constitution, a Cabinet Committee or Cabinet Member acting under delegated powers:

Area Environment Sub – Committee – The powers of these Sub – Committees are defined in Part 3 of the Council's Constitution, Responsibility for Functions

1. The Council's holdings of land and real property ("property") are a corporate resource. Directors and Heads of Service will keep these holdings under review as part of the Property Review Process managed by the Head of Property Services. The Property Review Process will consider properties in the context of the Corporate Plan and Service Key Priorities and their ability to deliver continuing value for money for the council. A strategy framework will govern decisions on whether to (i) retain an asset for purposes in accordance with the Corporate Plan objectives or (ii) to dispose of the freehold (for capital generation purposes) or (iii) to lease it (for a combination of reasons including capital or revenue generation or other reasons serving the Council's purposes). Future reports for decisions on action with respect to individual properties, in any one of these three ways would need to refer to the strategies within the framework and confirm compliance with it or reasons for departing from it. The strategies will be developed and monitored by the Executive Director for Resources in conjunction with the Cabinet Member for Resources with approval of them sought through Cabinet Resources Committee.
2. If it appears that a property (in the context of these Rules the term "property" shall include an interest in property) is no longer required by the Council or, in the event of the Council having appropriated the property through other mechanisms if it appears that such property is not required to be retained, then the procedures set out below will apply. These are in addition to any statutory requirement, such as a requirement for consultation.
3. The Executive Director for Resources ("EDfR") or an officer designated by the EDfR ("designated officer") will consult all Directors and Heads of Service on possible alternative uses of the property.
4. The EDfR or designated officer will report to the Cabinet meeting or the Cabinet Resources Committee ("the relevant body"). It may decide to transfer the property to an alternative Council use. Otherwise, it will deal with the disposal of the property or the disposal may be dealt with by the EDfR within the parameters set by the Leader's scheme of delegation relating to executive functions.
5. On any disposal of property, proper regard will be had to the professional advice from a qualified valuer at all relevant stages in the process and where the EDfR or designated officer, the Cabinet Member for Resources or the

relevant body deems it appropriate, independent valuation advice shall be obtained.

6. Where the relevant body is to deal with the disposal, it will receive a report from the EdfR or designated officer or the Cabinet Member for Resources setting out an analysis of:-

- Comparative benefits and disadvantages to the Council and to local residents and other interested parties of the Council disposing of or retaining the property
- the objectives which the Council would secure by disposing of or retaining the property
- the alternative uses to which the property might be put with specific reference to the response from the Directors and Heads of Service.
- the alternative bases and methods of disposal
- the estimated disposal value or values

- the estimated costs associated with disposal together with a statement from the EdfR or designated officer on the extent to which each item of expenditure is anticipated to enhance the value of the property
- all other financial implications and risks associated with disposal or retention of the property by the Council
- the relevance of the proposed disposal within the context of the Corporate Plan and the Asset Management Plan.

The above requirements shall also apply where the report is made to the Cabinet Member for Resources or submitted to him/her in consultation.

7.(i) Whenever a decision is taken by the Executive or the Executive Director for Resources acting under delegated powers to advertise the possible disposal or appropriation of open space land, the Executive Director for Resources or designated officer shall report the matter to the next relevant Area Environment Sub-Committee to enable it to decide whether it wishes to make representations to the Executive in relation to the disposal of the open space land.

7(ii) In the event that the Executive Director for Resources confirms that there is insufficient time to report to the Area Environment Sub Committee (AESC) as above because of the timing of the committee cycle and the need to progress the disposal expeditiously the decision to advertise may be circulated to all members of the AESC and to the relevant ward members to give them the

opportunity to make representations to the Executive on the proposed disposal.

8. The EDfR or designated officer will where appropriate apply for any planning permission or other consent.
10. Where disposal by selected tendering is agreed, a report will be submitted to the relevant body. The report will set out :
 - those considered for selection
 - those recommended for selection
 - the reasons for the recommendation
10. Where disposal is to be by open tender, the EDfR or designated officer will advertise the property and seek competitive tenders reserving the right not to accept the highest or any bid. Advertisements will be placed in two newspapers circulating in the borough and in such other publication as the EDfR or designated officer considers necessary. The closing date for bids shall be not less than two weeks after the latest publication date.
11. The particulars of sale must indicate the method by which tenders are to be made. Tenders should not be considered unless contained in a plain envelope securely sealed and bearing the word "Tender" followed by the subject of the disposal and should not bear any other distinguishing mark to identify the tenders. The envelope should be addressed impersonally to the EDfR or designated officer and until the time appointed for opening shall remain in his or her custody. The EdfR or designated officer will maintain a list of all such tenders received distinguishing between those received before and after the closing date and time.
12. Tenders shall only be opened at one time, and only in the presence of:-
 - 12.1 The EDfR or designated officer or his/her nominated representative.
 - 12.2 An officer nominated by the Head of Legal.
13. Following the opening of the tenders, the EDfR or designated officer shall arrange for them to be scrutinised for compliance with the specified conditions of tender and subject to paragraph 14 report to the relevant body or Member for Resources if he/she has authority to accept the bid under the Leader's scheme of delegation relating to executive functions. The EDfR or designated officer will ensure that full enquiry is made as to the identity of the recommended purchaser and that the relevant information is clearly set out in the report.

14. Where a tender, amended tender or other bid is received after the specified closing date or time, or made other than in accordance with the specified conditions of tender, and would otherwise have been acceptable, the EDfR or designated officer must report the result of the tenders received including details of late or non-complying tenders to the next meeting of the relevant body.
15. Where a bid or offer is made after the relevant body or the Cabinet Member for Resources has taken a decision to accept an earlier bid or offer then the later bid or offer shall not be considered unless, in the EDfR view (after consulting the Head of Legal), it is necessary to do so in order for the Council to comply with statutory duties. In that case, the EDfR or designated officer shall report the matter to the relevant body or the Cabinet Member for Resources, or, in cases of urgency, take a decision under delegated powers and report afterwards to the relevant body.
16. The relevant body may decide to accept a tender or bid that is not the highest but must explain the reasons.
17. Where disposal by public auction has been agreed, the EDfR or designated officer shall before the auction begins provide the auctioneer with a note of the reserve price, if applicable, in a sealed envelope having previously agreed this in consultation with the Cabinet Member for Resources. The auctioneer shall open the envelope in the presence of the public to ascertain the reserve price but shall not communicate its contents to any person whatsoever. If the reserve price is equalled or exceeded, agreement for the sale to the highest bidder shall be concluded forthwith. If the reserve price is not reached, the property will be withdrawn from the auction and the matter reported to the relevant body.
18. All other disposals shall be regarded as disposal by private treaty and the EDfR or designated officer shall be responsible for:-
 - (i) Taking all necessary steps to determine the level of potential interest from prospective purchasers and to identify any parties who might wish to purchase the property.
 - (ii) Determining how the negotiations for each potential disposal by private treaty are to be conducted and setting the process out in writing.
 - (iii) Ensuring that full and reasonably contemporaneous records are made of all negotiations and that those records are appropriately stored either by hard copy or electronic means.
 - (iv) Upon the conclusion of negotiations reporting the results to the relevant body or Cabinet Member for Resources for consideration or where it is appropriate to do so for consultation with the Cabinet Member for Resources

- (v) Ensuring that full enquiry is made as to the identity of the recommended purchaser and that the relevant information is clearly set out in the report referred to in (iv) above.
19. All recommendations for approval of the sale price and other terms of disposal must contain a statement from the Chief Valuer or, if appointed, from suitably qualified external agents that the Council will obtain the best price which can reasonably be obtained or that there is approval through the General Consent or that the consent of the office of the Deputy Prime Minister has been obtained or will be sought to enable the disposal of the property to proceed as recommended.
20. The relevant body or Cabinet Member for Resources may decide to repeat or postpone the disposal process.
21. The relevant body may decide to change a previously approved method of disposal.
22. Where the prospective purchaser will be required by the Council to enter into obligations in the legal documentation in favour of the Council or of any other party or for the benefit of the locality, then the EDfR or designated officer will ensure that full and proper enquiry is made as to the financial and other capacities of the purchaser to carry out the obligations. In so doing, the EDfR or designated officer will consult as necessary with the Chief Finance Officer, the Head of Legal and other Directors and Chief Officers as appropriate. The EDfR or designated officer will set out the outcome of those enquiries and consultations in the report seeking approval to the disposal.
23. Where the Council is disposing of property jointly with another party then to the extent that the procedures for the disposal do not accord with these Rules they must be approved in advance by the relevant body.
24. (i) Once a disposal has been approved, the EDfR or designated officer will ensure that the Head of Legal is provided with full and accurate instructions to enable the legal documentation to be prepared in accordance with the terms of disposal agreed by the parties and approved on behalf of the Council. In cases of urgency, the EDfR or a designated officer may provide instructions to the Head of Legal to prepare and submit to the prospective purchaser or lessee or his/her/its advisors the draft legal documentation, subject to obtaining Council authority.
- (ii) The Head of Legal will ensure that the EDfR or designated officer is provided with a copy of the draft legal documentation for comments/approval before it is sent to the prospective purchaser or lessee or his/her/its advisors except in cases of urgency where the documents will be submitted to the EDfR or designated officer simultaneously with submission to the prospective purchaser.

- (iii) The EDfR or designated officer will confirm in writing that the draft documentation provided by the Head of Legal fully and accurately sets out the terms of disposal as agreed by the parties and approved on behalf of the Council.
 - (iv) The Head of Legal will consult the EDfR or designated officer in writing on all and any substantive amendments to the draft documentation and the EDfR or designated officer will respond to the Head of Legal in writing with comments on each proposed amendment to the draft documentation.
 - (v) Prior to completion the Head of Legal will forward to the EDfR or designated officer a copy of the final draft of the legal documentation as agreed with the prospective purchaser or lessee or his/her/its advisors and the EDfR or designated officer will read through the final draft documentation in order to verify that the documentation fully and accurately sets out the terms of disposal as agreed by the parties and approved on behalf of the Council.
 - (vi) The Head of Legal will not proceed to engross and complete any legal documentation unless and until the EDfR or designated officer has provided verification in writing that the final draft documentation fully and accurately sets out the terms of disposal as agreed by the parties and approved on behalf of the Council.
 - (vii) Reference to the Head of Legal includes officers authorized by the Head of Legal to carry out these instructions.
25. The Cabinet Member for Resources or the EDfR or the designated officer will regularly report to the relevant body on the progress of all previously approved disposals.

Article 10 – Area Committees and Forums

(Section revised April 2007)

*References: Part VA, Local Government Act 1972
Section 13, Local Government and Housing Act 1989
Reg. 4, 5 and 16A Local Government (Committees and Political Groups) Regulations 1990
Section 18, Local Government Act 2000
The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
Chapters 6 and 9, DETR Guidance*

10.01 Area committees and forums

The Council may appoint area committees and forums as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

10.02 Form, composition and function

- (a) **Table of area committees and forums.** The Council will appoint the area committees and forums as set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference set out in the third column.

Name of Committee	Composition	Terms of Reference
Area Forums: Hendon Finchley and Golders Green Chipping Barnet	A Chairman and Vice-Chairman of each appointed by the Council. Any Member of the Council may attend.	Area Forums perform a consultative and advisory role. They provide an opportunity for any resident to comment on any aspect of council service, plans and proposals. They are also the mechanism for ward members to hear oral representations, petitions and other local objections to any local issue, to debate these and to reach some local consensus before a matter is considered by an area environment sub-committee. The forums may consider major planning issues in the same way.

Name of Committee	Composition	Terms of Reference
		Comments made are reported to the relevant decision maker.
<p>Area Planning Sub-Committees:</p> <p>Finchley and Golders Green</p>	<p>Composed of one councillor (plus a substitute member) for each ward as follows:</p> <p>7 councillors</p> <p>Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and East Finchley Wards.</p>	<p>As set out in Part 3 of the Constitution, section 2 Responsibility for Council Functions.</p>
<p>Chipping Barnet</p> <p>Hendon</p>	<p>7 councillors</p> <p>Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards.</p> <p>7 councillors</p> <p>Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards.</p>	
<p>Area Environmental Sub-Committees:</p> <p>Finchley and Golders Green</p> <p>Chipping Barnet</p>	<p>Composed of one councillor (plus a substitute member) for each ward as follows:</p> <p>7 councillors</p> <p>Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and East Finchley Wards.</p> <p>7 councillors</p> <p>Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards.</p>	<p>These sub-committees discharge functions delegated to them by both the Council and the Executive.</p> <p>Their Council functions are set out in Part 3 of the Constitution, section 2 Responsibility for Council Functions.</p> <p>Their Executive functions are set out in Part 3 of the Constitution, section 3 Responsibility for Executive Functions.</p>

Name of Committee	Composition	Terms of Reference
Hendon	7 councillors Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards	

- (b) **Delegations.** The Council and the executive will include details of the delegations to area committees in Part 3 of this Constitution, including the functions delegated showing which are the responsibility of the executive and which are not, the composition and membership of the committees, budgets and any limitations on delegation.

Area environment sub-committees when considering a proposal for discharging an Executive function for a location that crosses their boundaries may take decisions to approve recommendations submitted to them. When such a proposal is to be considered the Democratic Services Manager shall make arrangements for a joint meeting of the sub-committees within whose areas the proposal falls. Voting at every such meeting shall be separate among the members of the different sub-committees. If any sub-committee fail to agree the recommendations then the whole proposal shall be submitted to the Cabinet for decision.

10.03 Conflicts of interest – membership of area committees and overview and scrutiny committees

- (a) **Conflict of interest.** If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the councillor concerned is a member, then the councillor may not speak or vote at the overview and scrutiny committee meeting unless a dispensation to do so is given by the Standards Committee.
- (b) **General policy reviews.** Where the overview and scrutiny committee is reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

10.04 Area committees – access to information

Area committees will comply with the Access to Information Rules in Part 4 of this Constitution.

Agendas and notices for area committee meetings which deal with both functions of the executive and functions which are not the responsibility of the executive will state clearly which items are which.

10.05 Executive members on area committees

A member of the executive may serve on an area committee if otherwise eligible to do so as a councillor.

10.06 Executive members on area forums

A member of the executive may be the chairman or vice-chairman of an area forum if so appointed by the Council.