

Council Meeting
11 September 2007

REPORT OF THE DEMOCRATIC SERVICES MANAGER
AGENDA ITEM 13.1

1. Amendment to the Leader's Scheme of Delegation:

The Leader has advised the Democratic Services Manager of various changes and clarifications to his portfolio and the portfolios of the Cabinet Members for Community Services and Planning and Environmental Protection.

The revised portfolios are attached as Appendix A.

The Democratic Services Manager will make the appropriate changes to the Council's Constitution.

2. Reports exempted from the call-in process because they are urgent:

These matters are reported to the Council to meet Constitutional requirements. No action is required by the Council and the decisions have been implemented.

In the cases listed below the Chairman of the Cabinet Overview and Scrutiny Committee agreed that the decisions proposed were reasonable in all the circumstances, were urgent and therefore has consented to the proposed decisions being exempted from call-in:

- (i) The Leader of the Council's report on A Commissioning Strategy for Physical and Sensory Impairment reported his decision, following comments made at the Cabinet Overview and Scrutiny Committee on 16 April, 2007, (1) to instruct the Democratic Services Manager to (i) request the Supporting the Vulnerable in our Community Overview and Scrutiny Committee to include the annual scrutiny of the progress and implementation of the Commissioning Strategy for Physical and Sensory Impairment Services in its work programmes over the three year period of the duration of the strategy; and (ii) request the Supporting the Vulnerable in our Community Overview and Scrutiny Committee and the First Class Education and Children Overview and Scrutiny Committee to give joint consideration to the need for more carer support across all age groups and to make joint recommendations, if appropriate, to Cabinet; and (2) to write to the Commissioner of the Metropolitan Police on the lines suggested by the Cabinet Overview and Scrutiny Committee, following consultation with the Cabinet Members for Health, Community and Children's Services. The report was exempted from call-in to enable the relevant Overview and Scrutiny Committees to consider inclusion of these issues in their respective work programmes for 2007/08 as one of these Committees was meeting to consider their work programme prior to the next meeting of Cabinet Overview and Scrutiny Committee.

- (ii) The Cabinet Member for Environment and Transport approved a Local Implantation Plan (LIP) Addendum as a formal response to a request from Transport for London (TfL) for additional and revised material they considered necessary in order for the LIP to be approved by the Mayor of London; Cabinet on 23 January 2006 having delegated this task to the Cabinet Member. The report was exempted from call-in to enable the completed addendum to be submitted to TfL by the 10 August 2007 in order to comply with a direction from the London Mayor under Section 153(2)(a) of the GLA Act 1999, and this was prior to the next meeting of the Cabinet Overview and Scrutiny Committee.

3. Executive Decisions and the Operation of the Call-In and Urgency Process – Review

The Council's Constitution requires the Democratic Services Manager to report to the Council on the operation of the provisions of the call – in and urgency process with proposals for review if necessary.

The process was last revised by Council on 12 September 2006 (minute 63) who noted the situation.

With regard to the review for the year 2006/2007, set out below, is the situation relating to 2004/05, 2005/06 and 2006/7 –

Year	No. of Cabinet Decisions	No. of Cabinet Resources Committee Decisions	No. of Cabinet Member delegated powers reports	No of Area Environment Committee Decisions
2004/2005	0	6	11	0
2005/2006	0	0	4	0
2006/2007	0	0	6	2
2007/8 (up to 28 August)	0	0	2	0

The Chief Executive is continuing, personally, to monitor requests for exemptions from the call – in process and will take immediate action if he considers that there are areas for concern, in consultation with the Chairman of the Cabinet Overview and Scrutiny Committee, as in previous years.

RECOMMEND – That the report of the Democratic Services Manager relating to Executive Decisions and the Operation of the Call-In and Urgency Process - Review be noted.

4. Amendments to the Constitution

In order to correct some anomalies, some of which have come about following the recommendations made to this meeting by the Special Committee (Constitution Review) the following amendments are recommended, and are shown at Appendix B:

- (i) Part 3 – Responsibility for Functions , Section 1 Allocation of Local Choice Functions – amendment at Point 9 of “Improvement Overview and Scrutiny Committee” to “Resources, Performance and Partnerships Overview and Scrutiny Committee”.
- (ii) Part 4, Section 2 – Committees and Sub-Committees – amendment of Rule 9.1 to exclude meetings 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 (as rights to speak at such meetings are set down within those Acts and associated regulations).
- (iii) Part 4, Section 3 – Panels and Consultative Bodies – removal of reference to the Pension Fund Management Advisory Panel from paragraph 3.
- (iv) Part 4, Section 4 – Public Participation – removal of the Pension Fund Management Advisory Panel from Section 1, the list of meetings excluded from the rules.
- (v) Financial Regulations, Part 2 – Financial Administration – amendment of paragraph 4.1 to refer to “Deputy Director of Corporate Governance” rather than “Head of the Corporate Anti-Fraud Team (CAFT)”.

Items (iii) and (iv) are recommended for alteration, subject to Council having approved the recommendations of the Special Committee (Constitution Review) at Item 12.1 of the agenda.

RECOMMEND – That the amendments to the Constitution shown in Appendix B be approved, subject in the case of items (iii) and (iv) to Council having approved the recommendations of the Special Committee (Constitution Review) at Item 12.1 of the agenda, and that the Democratic Services Manager be instructed to make the necessary amendments.

5. Chief Officer Appointments Panel – Chief Executive’s Annual Appraisal

Under the Constitution the annual performance appraisal of the Chief Executive is carried out by the Chief Officer Appointments Panel. These panels are constituted as and when required, and Council are asked to constitute a panel to conduct the appraisal process due to commence in December this year.

The Panel comprises seven members: four Conservative, two Labour and one Liberal Democrat. Two substitute members are allowed for each political group.

The Panel must include the Leader of the Council or another member of the Executive. It is usual for the three Group Leaders to be appointed to the Panel

RECOMMEND – That Chief Officers Appointments Panel to conduct the Chief Executive’s Annual Appraisal be appointed on the basis of

4 Conservatives
2 Labour
1 Liberal Democrat
2 substitutes from each Group
ands that a Chairman and Vice – Chairman be appointed.

Janet Rawlings
Democratic Services Manager

Appendix A

Executive Member and Portfolio	Responsibilities	Delegation
<p>Cllr Mike Freer 23 Claverley Grove Finchley London N3 2DG</p> <p>Finchley Church End Ward LEADER RESOURCES</p>	<p>The Leadership of the Council.</p> <p>Specific individual responsibilities:</p> <p>To lead on budget and policy formulation and implementation in relation to:</p> <ul style="list-style-type: none"> • resources (including billing, collection and recovery of local taxation) • 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><u>Responsibility for the oversight of the Council's duties as an employer under health and safety related legislation</u></p>	<p>The Leader may discharge any function of the Executive.</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</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.</p>

	<p>in private accommodation, or for those who require public sector housing.</p> <p><u>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.</u></p> <p>All matters related to public sector housing 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>These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
<p>Cllr Melvin Cohen 146 Broadfields Avenue Edgware HA8 8SS Golders Green Ward 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>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><u>Responsibility fro the Council's regulatory role of ensuring that other organisation and businesses in the Borough comply with their duties under health and safety related legislation.</u></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 t Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>

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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. ¶

Amendments to the Constitution

(i) Part 3 – Responsibility for Functions , Section 1 Allocation of Local Choice 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 <u>Resources, Performance and Partnerships</u> 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.

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Function	Decision making body
16. & Planning and other information 17. Notices.	16. & Planning and Environment 17. Committee, with delegation to Area Committees and Officers, except in so far as the notice relates to an executive function.
18. Highways agreements.	18. Planning and Environment Committee, with delegation to Area Committees and Officers, except in so far as the agreement relates to an executive function.
19. Appointments.	19. The Council, with delegation to the General Functions Committee.

(ii) Part 4, Section 2 – Committees and Sub-Committees

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, with the exception of meetings 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, 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.

(iii) Part 4, Section 3 – Panels and Consultative Bodies

3. Other advisory or consultative bodies

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

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

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(iv) Part 4, Section 4 – Public Participation

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
 - ~~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

Deleted: <#>Pension Fund Management Advisory Panel¶

(v) Financial Regulations, Part 2 – Financial Administration

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 Deputy Director of Corporate Governance has the delegated authority for providing and maintaining this service.

Deleted: Head of the Corporate Anti-Fraud Team (CAFT)