

MEETING**COUNCIL****DATE AND TIME****TUESDAY 21ST JANUARY, 2014****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
4.3	REPORT FROM CONSTITUTION, ETHICS AND PROBITY COMMITTEE - 14 JANUARY 2014	1 - 190

Maria Lugangira 020 8359 2761 maria.lugangira@barnet.gov.uk

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Report from the Constitution, Ethics and Probity Committee

14 January 2014

AGENDA ITEM 4.3

*Councillor Melvin Cohen (Chairman)
*Councillor Joan Scannell (Vice-Chairman)

* Councillor Jack Cohen *Councillor Alan Schneiderman
*Councillor Richard Cornelius *Councillor Mark Shooter
*Councillor Anthony Finn *Councillor Andrew Strongolou
*Councillor Alison Moore
*Councillor Barry Rawlings

*denotes Member present

1. AMENDMENTS TO HEALTH OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE

The Head of Governance introduced the report.

RESOLVED – That the proposed amendment of the Overview and Scrutiny Procedure Rules as set out in the report be recommended to Full Council for adoption.

2. CHANGE OF GOVERNANCE SYSTEM PROJECT

The Assurance Director (Monitoring Officer) introduced the report. The Committee noted that the provisions of the Localism Act allow for change from Executive arrangements to a Committee system form of governance for a minimum of five years.

RESOLVED

- (1) The Committee having considered the proposed changes to the Constitution as set out in the report, agreed that the below changes be recommended to Full Council for adoption:
- (2) The Committee recommends to Full Council that they resolve under the provisions of the Localism Act 2011:
 - (a) To change its governance arrangements and start to operate a committee system form of governance;
 - (b) That the relevant change time for the London Borough of Barnet to cease operating the existing form of governance and start operating the new committee form of governance shall be at its Annual Meeting in June 2014;
 - (c) To request the Constitution, Ethics and Probity Committee to continue to work up the detailed proposals for the operation of the committee system, to be considered at a future Council meeting, in advance of the June 2014 implementation date.

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
0	Introduction	Appendix A	An introduction to Constitution has been drafted including the following sections:	Agreed as per report with the following amendment:

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			<p><u>Part 1</u> Summary and explanation</p> <p><u>Part 2</u> Articles of the Constitution</p> <p><u>Part 3</u> Responsibilities for Functions</p> <p><u>Part 4</u> Procedure rules, public participation and engagement rules, contract procedure rules and financial regulations</p> <p><u>Part 5</u> Codes, protocols and handbooks</p> <p><u>Part 6</u> Members allowance scheme</p> <p>A structure chart has been added to visually include the Committees that will come into effect from June 2014.</p> <p>Redrafted to be named "Introduction to the Constitution" rather than Decision Making. A definition of the Committee System has been added and the Executive System removed.</p> <p>Removed reference to overview and scrutiny Committees and renumbered some of the articles that have been changed or removed. A number of the references have also changed due to the change in the Committee System that will not exist under this model.</p>	<p>Amend Structure Chart to have Theme Committees reporting direct to Council and dotted lines to Policy and Resources Committee.</p>
1	Article 1 – Constitution	Appendix B	There is nothing specific regarding the Executive Model therefore reviewed for consistency purposes	Agreed as per report.

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			and renumbered sections where appropriate.	
2	Article 2 – Members of the Council	Appendix C	There is nothing specific regarding the Executive Model therefore reviewed for consistency purposes.	Agreed as per report with the following amendment: 2.02 - For date that elections will be held, add footnote to state “unless amended by statutory instruments”.
3	Article 3 – Citizens of the Council	Appendix D	The first paragraph has been amended to include the wording of the Model Constitution. B (ii) and (iii) have been removed as they refer to Executive functions and Overview and Scrutiny Committees. These now refer to the Public Participation Rules to ensure readability of the Constitution.	Agreed as per report with the following amendments: 1 st paragraph - Delete “responsibilities”. 3.01 (e) - Add footnote on rights to raise matters with local Councillors.
4	Article 4 – The Full Council	Appendix E	The section now has an introduction to explain what the purpose is of Full Council. To avoid duplication and future proofing the document it is suggested that the role of Full Council and that statutory aspects thereof should only sit in one place, namely Responsibility for Functions, to ensure readability and understandability. These sections have now been cross referenced into the Responsibility for Functions as a result of the recommendation from the Constitution, Ethics and Probity Committee on 19 th December 2013. Article 4 is to retain definitions relevant for reading across the Constitution, such as	Agreed as per report.

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			budget and policy framework and listing plans and strategies requiring approval.	
5	Article 5 – Chairing the Council	Appendix F	Minor change to delete reference to the Executive.	Agreed as per report.
6	Article 6 – Overview and Scrutiny Committee	Deleted	This article has been deleted and the Terms of Reference for the Health Overview and Scrutiny Committee has been included within the Responsibility for Functions, and it will be covered by the overall Meeting Procedure Rules.	Agreed as per report.
7	Article 7 – Executive	Appendix G	This Article has been renamed “The Leader” and becomes Article 6. The majority of the current article deals with the Executive model of governance which will not be applicable. The aspect retained is in relation to the Leader and also where no Leader is elected.	Agreed as per report with the following amendment: 6.01- add (e) “removed by resolution of the Council”.
8	Article 8 – Regulatory and Other Committees	Deleted and Merged	These have been merged into a new Article 7 titled “Committees, Sub-Committees, Area Committees and Forums, and the Local Strategic Partnership”.	Agreed as per report.
9	Article 9 – Area Committees, Forums and LSP	Deleted and Merged	It is proposed that the Area Committees and Forums are included within the new Article 7 setting out committees and sub-committees, and the detail within the Responsibility for Functions.	Agreed as per report.
10	NEW Article 7 - Committees, Sub-Committees, Area Committees and Forums, and the Local Strategic	Appendix H	This new Article describes all of the previous article 8 and 9 detailing all Committees, Sub-Committees, Area Committees and Forums, and the Local Strategic Partnership. The Local Strategic	Agreed as per report with the following amendment: 7.04 – Add “Area Planning Sub-Committee members can be appointed by members of the

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
	Partnership		Partnership (LSP) – the majority of responsibilities for the LSP are carried out by the Barnet Partnership Board. However this is not a formal Committee Structure. The LSP has been transferred to the Responsibility for Functions section of the Constitution and the description of the LSP retained within the Article.	Planning Committee at Full Council”.
10	Article 10 Joint Arrangements	Appendix I	Renumbered Article 8. These powers will need to be exercised by Council, not the Executive. The Article has been redrafted deleting the references to the Executive.	Agreed as per report.
11	Article 11 – Chief Officers	Appendix J	Renumbered Article 9. This section has been redrafted to remove references to the Executive.	Agreed as per report.
12	Article 12 – Decision Making	Appendix K	<p>Renumbered Article 10. As well as replacing references to the Executive, there are some changes of wording that have been amended resulting from the approval of the Constitution, Ethics and Probity Committee in December 2013 where it was approved to include additional requirements for committee reports to show:</p> <ul style="list-style-type: none"> • consideration of any alternative options • the giving of reasons for the decision and the proper recording of those reasons. <p>This was to ensure compliance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations</p>	Agreed as per report.

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			<p>2012.</p> <p>Issue for Consideration</p> <p>We are proposing to delete within this section references to Key Decisions because they are statutorily defined as Executive decisions that meet certain criteria. Under a Committee System the Executive model does not exist and therefore there is no requirement to have a key decision defined within the Constitution. As a result these have been deleted within this redrafted section. The Committee are asked to comment on this change.</p>	
13	Article 13 – Finance, Contracts, Land Disposal and Legal Matters	Appendix L	Renumbered to Article 11. Minor amendments redrafted excluding references to the Executive.	Agreed as per report.
14	Article 14 – Review and Revision of the Constitution	Appendix M	<p>Renumbered to Article 12. This Article has been amended to describe the system in governance in place and the mechanism to change this under the Localism Act once a decision has been made to move to the Committee form of governance – i.e. 5 years from the date of decision.</p> <p>Minor error noted in referring to the Article 12 as being the Chief Officers whereas it is now Article 9.</p>	<p>Agreed as per report with the following amendment:</p> <p>12.02 – Add “Constitution, Ethics and Probity Committee to continue to monitor effectiveness of constitution and decision making structure”.</p>
15	Article 15 – Suspension, interpretation and publication of the Constitution	Appendix N	Renumbered to Article 13.	Agreed as per report.

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
16	Responsibility for Functions	Appendix O	<ul style="list-style-type: none"> • Inserted an introduction to ensure its readability • Major changes to take out reference to Executive and to the 'consideration of local choice' (where authorities determined which were Executive or Council functions). • Statutory Functions have been added for Full council as approved by the Constitution, Ethics and Probity Committee in December 2013. • Moving the Environment functions of the current Planning and Environment to the Environment Committee • Incorporating Terms of reference of the new Committees • Removing Cabinet portfolios, and replacing with terms of reference of the new committees, ensuring all relevant functions are re-allocated • Removing the general powers reserved to Cabinet and specific strategies and reallocating to Full Council or Committees. • A redraft has been made to reflect the changes agreed by the Constitution, Ethics and Probity Committee on the Health and Well Being Board and the 	<p>Agreed as per report with the following amendments:</p> <p>1.19 – Add “appoint Lead Member for Children’s Services”.</p> <p>Add Under Terms of Reference of Committees – “For all <u><i>budget spending</i></u> committees, the ability to award grants to voluntary sector”.</p>

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			<p data-bbox="842 210 1145 282">Health Overview and Scrutiny Committee</p> <p data-bbox="794 322 1182 719">It was agreed that the proposed new Terms of Reference (ToR) of all Committees as considered by the Constitution, Ethics and Probity Committee in December 2013 be recommended for adoption, subject to the agreed following amendments:</p> <ul data-bbox="794 741 1182 2119" style="list-style-type: none"> <li data-bbox="794 741 1182 1070">• For each proposed Committee, amend the wording of Member Composition to clarify that the entire composition of the committee will be made up in accordance with proportionality <li data-bbox="794 1115 1182 1223">• For Policy and Resources, clarify committee size is 12 <li data-bbox="794 1267 1182 1480">• For all committees amend the wording of Member Composition to read 'Chairman and Vice Chairmen to be appointed by Council' <li data-bbox="794 1525 1182 1671">• For all committees add in the ability to award grants to the voluntary sector. <li data-bbox="794 1715 1182 1962">• For Children, Education, Libraries and Safeguarding, add in that the Committee can receive reports from the Children's Trust Board <li data-bbox="794 2007 1182 2119">• For Environment, remove "Commons registration and town 	

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			<p>and village greens” which will continue to be the remit of the Planning Committees.</p> <ul style="list-style-type: none"> • For Community Leadership, amend responsibility 1 to clarify ‘ any pooling of non-health related budgets’ • Area Sub-Committees – clarify that it is proposed that Policy and Resources allocate £100,000 from the Capital programme for each Area Committee to consider proposals for capital expenditure within their respective remit, and that Policy and Resources would agree a framework for how this budget is managed and the process by which Area Committees would submit potential projects. <p>These changes have now been reflected within the Responsibility for Functions and proposed to be included as an Annex (Appendix P).</p> <p>In addition, upon cross referring all Cabinet Meeting responsibilities the forming of neighbourhood plans were not allocated to a Committee as such it has been allocated to the Planning Committee within the redraft.</p> <p>Joint Arrangements have been added into the Responsibility for Functions.</p>	

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			<p>Agreed that the urgency provisions (2 options) outlined in the meeting of the 19th December 2013 be included in the redraft of the Constitution. This has been included as a 3 Member committee forming of the Leader, Deputy Leader and the Leader of the Opposition. This Committee must consult with the Chairman of the relevant Committee in making their decision.</p> <p>All Officer Delegations have been removed and combined with the Officer Scheme of Delegation to ensure all officer delegations are included in one document. This document will become Annex B to the Responsibility for Functions (Appendix Q).</p>	
16a	Annex A to Responsibility for Functions	Appendix P (Addendum to papers)		<p>Agreed as per report with the following amendments:</p> <p>Add in Resident Forums and Local Strategic Partnerships</p> <p>Policy and Resources Committee</p> <ul style="list-style-type: none"> - Include Mayoralty budget under its functions - Include provisions of Councillor Call for Action from old Overview and Scrutiny rules as function 8 - Add responsibility for petitions with between 2000 to 7000 signatories <p>Community Leadership</p>

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
				<p>Committee – move bullet point 3 to the functions of Policy and Resources Committee.</p> <p>Area Sub-Committees - change to 1 Member per ward and one Substitute.</p> <p>General Functions Committee - delete “in practice exercised by officers” after Meets and when required.</p> <p>Add throughout - Chairman and Vice Chairman to be appointed by Council.</p>
17	Officer Scheme of Delegation	Appendix Q	<p>These will now be an Annex to the Responsibility for Functions and include those sections deleted from the Responsibility for Functions. There was duplication noted within the responsibilities delegated to officers and therefore where there was duplication only one remains within the proposed revised document.</p> <p>Reference to key decisions removed due to this only being applicable to an Executive model of governance.</p> <p>Removal of reference to the Executive.</p>	<p>Agreed as per report with the following amendments:</p> <p>1.1 (last bullet point) – add “in consultation with the Chairman of Policy and Resources Committee”.</p> <p>1.15 – Delete reference to “Cabinet”.</p> <p>Officer Delegations page 105, 1st paragraph - Article 11 should read Article 9.</p>
18	The Council	Appendix R	<p>The Constitution has been redrafted to incorporate changes agreed by the Constitution, Ethics and Probity Committee on the 19th December 2013. The following has been incorporated on request of the Committee</p> <p>Officers have been</p>	<p>Agreed as per report with the following amendments:</p> <p>Part 2 (Statutory Council Business)</p> <p>– Amend typographical error for the time for Statutory Council</p>

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			<p>requested to provide wording for Business for Debate, clarify that at least one of the motions must be from an opposition member/a member not being of the majority party.</p> <p>The following has been drafted and included within the Proposed Constitution: 'At least one motion not originating from the Administration to be debated if submitted' This wording keeps it simple, overcomes the issue about what constitutes the opposition and so gives scope for any member not part of the administration to submit a motion. It also covers the position if no motions are submitted by Members not part of the Administration. The motion debated will be determined by Council if there is more than one submitted.</p> <p>This would replace the current 'opposition item'. That there be provision for Motions for adjournment, to allow the opportunity to debate additional motions if there is time.</p> <p>The following has been drafted and included within the papers: Motions for Adjournment If time permits at the end of a meeting further motions may be debated. The selection of motions (s) to be debated will be decided following a member moving a particular motion and the Mayor putting this to a vote by members present.</p>	<p>Business to read 60 minutes.</p> <ul style="list-style-type: none"> - Delete question mark from Reports from the Leader <p>Part 4 (Business for Debate) – Change to “at least one motion originating from the official Opposition to be debated if submitted.”</p>

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			<p>Voting will be by a show of hands. If agreement is not reached in relation to the first proposed motion, further motions may be proposed until agreement on the motion to be debated is reached. The other Rules of Debate in relation to motions set out in currently within the Constitution will apply to Motions for Adjournment. The process can be repeated, but no motions shall be transacted after 10pm. At 10pm without further debate, the Mayor shall immediately put to the vote the motion under debate and end the meeting.</p> <p>For Statutory Business allow for up to 60 minutes, or as long as it takes for the Council to conclude the business.</p> <p>Explore options for provision for the opposition to inform its preferred motion for debate in advance of Council, which would be voted on in Council.</p> <p>Explore options for placing petitions at an early point in the agenda, to facilitate public participation.</p> <p>In addition, there was a discussion about the order of business, particularly in relation to having petitions dealt with earlier on the agenda and also allowing motions at the end of the meeting if there was time. It has been drafted within the proposed Constitution a change in the order of</p>	

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			<p>the Council meeting to be the following:</p> <ol style="list-style-type: none"> 1. Statutory Formalities 2. Statutory Council Business (which will include petitions) 3. Question Time 4. Business for Debate <p>As it was the preference noted at the Constitution, Ethics and Probity Committee to have 3 motions to be debated, this ordering of business would allow for additional motions where the time left was known. In addition, this would ensure that all motions would be dealt with together. Under the current suggested timetable there would be 2 motions discussed in Part 3 of the meeting followed by Statutory Council Business and then back to motions again if time permitted. This is a little disjointed. This ordering suggestion will also address the petitions being dealt with sooner on the agenda.</p> <p>Reference to Standing Orders is now changed to refer to Procedure Rules to be consistent with the remainder of the Constitution.</p> <p>The Committee agreed that Full Council were to allow questions from the public to the Leader in writing with responses in writing provided. The options for how these are going to be administered are currently being drafted by officers.</p>	
19	Committees and Sub Committees	Appendix S	This section has been renamed "Meeting Procedure Rules".	Agreed as per report with the following amendments:

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
	(Meetings Procedures)		<p>The list of Committees, with membership and quorum, has been updated, reflecting the proposed committees, deleting overview and scrutiny and Executive Committees, and ensuring consistency with the Responsibility for Functions. Also adding in an Urgency Committee in line with the urgency procedure noted in the Responsibility for Functions.</p> <p>The Executive Procedure Rules and Overview and Scrutiny Procedure Rules have been compared with the general procedure rules to ensure anything relevant has been included within this section.</p>	<p>8.1 – Add “the Mayor” so that it reads “If the Mayor or the Chairman considers”</p> <p>Add some wordings on Point of Order</p>
20	Public Participation and Engagement	Appendix T	<p>The following has been incorporated into the rules as agreed by the Constitution, Ethics and Probity Committee on the 19th December 2013:</p> <ul style="list-style-type: none"> • To allow 30 minutes in total for public questions and comments; • Comments to be maximum 3 to allow as wide a range of people as possible to participate; • To allow a facility for members of the public to submit written comments (within the same deadlines as for questions and comments) which would be published as an addendum to a report; 	<p>Agreed as per report with the following amendments:</p> <p>2.4 - add at the end of the sentence “the supplementary question must be relevant to the original question put to the Chairman”.</p> <p>6.8 (2nd bullet point) – Delete “Environment”.</p> <p>6.9 – Add that petitions which receive between 2000 to 7000 signatures will be considered at the next available Policy and Resources Committee.</p>

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			<p>To not allow questions at Full Council, but instead to introduce the ability to submit written questions ahead of Full Council, for the Leader's response. For Petitions those that range between 2,000 to 7,000 signatures go to Business Management Overview and Scrutiny Committee (BMOSC), options could be that these go to:</p> <ul style="list-style-type: none"> • Policy and Resources Committee • The Council threshold be reduced from 7,000 to 2,000 for the petition to be considered • The current rules are observed for petitions up to 7,000, at which point they will be considered by Full Council. <p>The Committee are asked for their comments on these options for including within the draft of the Constitution.</p>	
21	Access to Information Rules	Appendix U	<p>References to the Executive form of governance have been removed through-out the document.</p> <p>The definition of exempt information has been extended, including the reasons for withholding, within this section.</p> <p>Removed reference to key decisions, as discussed previously this is not a requirement under the Committee system form of governance.</p> <p>Overview and Scrutiny has been removed from this</p>	<p>Agreed as per report with the following amendment:</p> <p>7(a) – Add at the end of the sentence “Where a vote is taken, the Minutes will record the number of votes for and against and abstentions will also be recorded.</p>

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			section.	
22	Budget and Policy Framework Procedure Rules	Appendix V	References to Executive replaced by Council or by Policy and Resources where relevant and in line with the Terms of Reference of the Committee. Call-in arrangements have been deleted as there is the referencing up mechanism included within the Responsibility for functions for referring to the parent Committee.	Agreed as per report.
23	Executive Procedure Rules	N/A	These will be deleted but there are some sections- e.g. on Leader's conflict of interest (article 6 – the leader), principles of decision making and consultation are to be integrated within other procedure rules (Article 10 – decision making).	Agreed.
24	Overview and Scrutiny Procedure Rules	N/A	These have been deleted, other than those elements specifically relating to the Health OSC, which if necessary will be incorporated within Meetings Procedures Rules. The Terms of reference of existing Scrutiny Committees have been embedded where relevant in the proposed new Committees and their terms of reference within the Responsibility for Functions (Appendix O).	Agreed.
25	Financial Regulations	N/A	The Financial Regulations are due an annual review by finance officers and will be presented to the Constitution, Ethics and Probity Committee for consideration prior to the Annual Council meeting.	Agreed.
26	Contract Procedure	N/A	The Committee will be presented revised CPRs	Agreed.

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
	Rules (CPRs)		for consideration prior to Annual Council in June 2014.	
27	Code of Procurement Practice	N/A	As above.	Agreed.
28	Management of Assets, Property and Land Rules	N/A	These will be reviewed as part of the Annual Review and be presented to the Committee prior to the Annual Council for consideration.	Agreed.
29	HR Regulations	N/A	It is not expected that there will be any significant changes to these rules as result of the change to a Committee system. These will be reviewed prior to Annual Council in June 2014.	Agreed.
30	Members Code of Conduct	N/A	Minor changes to delete reference to Executive no other changes expected.	Agreed.
31	Members Planning Code of Practice	N/A	As these are currently Council functions it is not expected to have significant changes and will be reviewed after the first phase of redrafting for consistency purposes.	Agreed.
32	Members Licensing Code of Practice	N/A	As these are currently Council functions it is not expected to have significant changes and will be reviewed after the first phase of redrafting for consistency purposes.	Agreed.
33	Officer Code of Conduct	N/A	It is not expected that there will be any changes to the Officer Code of Conduct as a result of the change in governance system. However this section will be reviewed after the main changes are redrafted for consistency purposes.	Agreed.
34	Protocols for Member Officer Relations	N/A	It is not expected that there will be any changes to these protocols as a result of the change in governance system.	Agreed.

No.	Section	Reference	Changes contained within documents	Recommendation to Full Council
			However this section will be reviewed after the main changes are redrafted for consistency purposes.	
35	Code of Corporate Governance	N/A	It is recommended that the Code of Corporate Governance is maintained in its current detail. It will be redrafted at the end of the year to ensure it properly described the new system of governance.	Agreed.
36	Member Allowances Scheme	N/A	These will need to be determined prior to Annual Council.	Agreed.

3. ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting finished at 8.35 pm

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<p>REPORT FROM CONSTITUTION ETHICS AND PROBITY COMMITTEE</p> <p>CHANGE OF GOVERNANCE SYSTEM</p>

1 Introduction

- 1.1 On 22nd January 2013 Council resolved to – ‘call upon the Constitution Ethics and Probity Committee to devise alterations to the Constitution of the Council to replace the Cabinet, Cabinet Resources Committee, Business Management Overview and Scrutiny Committee and Budget and Performance Overview and Scrutiny Committee with suitable operating Committees to lead on policy, budgetary and operational matters, to further devise changes to full Council proceedings to ensure the involvement of all Members in the democratic control of the business of council...and to bring forward proposals to enable early approval of such change to commence operationally from the Annual meeting 2014.
- 1.2 This report outlines how the Committee has managed this process in order to arrive at the proposals that are before Council.

2 Development of the Proposals

- 2.1 The Committee met on four occasions (8 July; 21 October; 19 December and 14 January) and the proposals were moved forward as follows:

8 July 2013 - consideration of an Outline Business Case for how this project would be managed; agreement to bring forward the timetable to report to Council in January rather than April 2014; agreement to hold a public meeting as part of the process..

21 October 2013- consideration of the survey findings of phase I consultation (see below); consideration of learning from site visits; agreement of a series of options including a set of committees with outline responsibilities for Phase II consultation

19 December 2013- consideration of final report of findings from Stage I and Stage II consultation; analysis of the current Constitution and consideration of options for how it should change to reflect the proposed new form of governance.

14 January 2013- further consideration of options including a review of the draft Constitution (Articles, Responsibility for Functions, Meeting Procedure Rules and Public participation and Access to Information Procedure Rules) and agreement of recommendations to Full Council.

- 2.2 In addition, a member Working Group was established, consisting of the Chairman, the three Group Leaders, and Councillors Shooter, Scannell and Rawlings. This met more frequently and was able to give more detailed consideration and provide Officers with a steer in developing proposals for the Committee to discuss.

3 Research and Consultation

- 3.1 Desk research on those authorities that had moved to a Committee system was provided to the Member Working Group.
- 3.2 As a result the Working Group identified two authorities, London Borough of Sutton and South Gloucestershire Council, as suitable for study visits which were conducted in August and September 2013
- 3.3 Consultation was in two phases:
- 3.3.1 An initial consultation to explore views of the public on their knowledge and experience of current decision making processes and how they would like governance processes to operate and reflect their priorities. 71 responses were received to a questionnaire which was placed. The questionnaire was also sent to Citizens Panel members and generated 504 responses.
- 3.3.2 A second phase to design the new system in more detail, principally through a meeting for all members of the Council, hosted by the Mayor, on 28 October, which was attended by 24 Members from all parties; and an interactive workshop for Members of the public held on 20 November, which was attended by 22 members of the public (in addition to 9 Members)..

4 Summary of proposals

- 4.1 The proposals before you as represented on the diagram at Appendix A on page 49:
- Replace Cabinet, CRC and all Overview and Scrutiny Committees (other than Health OSC which is statutory);
 - Introduce eight new committees: Policy and Resources; Performance and Contract Management; and six theme committees with responsibility for commissioning around particular themes: Education, Children, Libraries and Safeguarding; Housing; Community Leadership; Environment; Adults and Safeguarding; and Assets, Regeneration and Growth;
 - Rename Area Environment Sub-Committees as Area Sub-Committees to allow for the possibility of other functions to be delegated to a local level, and allocate a budget for each of them;
 - Establish an Urgency Committee of three members to deal with matters of genuine urgency;

- Introduce changes to public participation rules which increase the range of opportunities whilst ensuring that business is transacted accordingly;
- Amend the business of Full Council to allow for the greater volume of statutory Council business while still preserving the opportunities for motions for debate.

4.2 Annexe A notes in a table the changes to each section of the Constitution thus far for Members to consider and Annexe B attaches a revised Constitution that will come into effect from Annual Council on 2nd June 2014.

5 Next Steps

- 5.1 Should Council make a resolution to move to a Committee form of governance, the Council is required to publish as soon as practicable after passing such a resolution its intention to move to a committee system together with a document setting out the provisions of the arrangements that are to have effect (i.e. the Constitution).
- 5.2 Further work would continue to refine the details of the new system, and to revise those sections of the Constitution not yet considered (Finance, Procurement, Assets and HR Regulations, Codes and Protocols, and the Members Allowances Scheme) and the Constitution, Ethics and Probity Committee will bring back any further proposals to the 8 April 2014 Council meeting.
- 5.3 The new form of governance would take effect from the Annual Meeting in 2014.

Councillor Melvin Cohen

Chairman

17 January 2014

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ANNEXE A TABLE OF CONSTITUTION AND CHANGES

The following Table summarises the changes made to the Constitution to date as a result of the Constitution, Ethics and Probity Committee decisions. Where sections still require review these will be completed leading up to the Annual Council meeting in June and the Table describes the process for that review.

No.	Section	Reference	Changes contained within Document
0	Introduction	Appendix A Page 43	<p>An introduction to Constitution has been drafted including the following sections:</p> <p style="padding-left: 40px;"><u>Part 1</u> Summary and explanation</p> <p style="padding-left: 40px;"><u>Part 2</u> Articles of the Constitution</p> <p style="padding-left: 40px;"><u>Part 3</u> Responsibilities for Functions</p> <p style="padding-left: 40px;"><u>Part 4</u> Procedure rules, public participation and engagement rules, contract procedure rules and financial regulations</p> <p style="padding-left: 40px;"><u>Part 5</u> Codes, protocols and handbooks</p> <p style="padding-left: 40px;"><u>Part 6</u> Members allowance scheme</p> <p>A structure chart has been added to visually include the Committees that will come into effect from June 2014.</p> <p>This section has been redrafted to be named “Introduction to the Constitution” rather than titled “Decision Making”.</p> <p>A definition of the Committee System has been added and the Executive System</p>

No.	Section	Reference	Changes contained within Document
			<p>removed.</p> <p>Reference to Overview and Scrutiny Committees has been deleted and articles have been renumbered where appropriate. A number of the references have changed due to the change in the Committee System that will not exist under this model.</p>
1	Article 1 – Constitution	Appendix B Page 53	There is nothing specific regarding the Executive Model- therefore this has been reviewed for consistency purposes and renumbered sections where appropriate.
2	Article 2 – Members of the Council	Appendix C Page 55	There is nothing specific regarding the Executive Model therefore this has been reviewed for consistency purposes. A footnote has been added to section 2.02 regarding election and terms of Councillors to reflect the fact that statutory instrument may change the timing of a regular election.
3	Article 3 – Citizens of the Council	Appendix D Page 57	<p>The first paragraph has been amended to include an introduction focusing on rights of citizens.</p> <p>Old paras B (ii) and (iii) have been removed as they refer to Executive functions and Overview and Scrutiny Committees both of which will not exist under a Committee system.</p> <p>The Article now refers to the section on Public Participation Rules to ensure readability of the Constitution.</p> <p>A footnote has been added to section (e) on complaints to make it clear that citizens have the right to raise issues with their local ward councillors.</p>
4	Article 4 – The Full Council	Appendix E Page 59	The section now has an introduction to explain the purpose of Full Council.

No.	Section	Reference	Changes contained within Document
			<p>To avoid duplication and future proofing the document it is suggested that the role of Full Council and the statutory aspects thereof should only sit in one place, namely Responsibility for Functions, to ensure readability and understandability. These sections have now been cross referenced into the Responsibility for Functions.</p> <p>Article 4 is to retain definitions relevant for reading across the Constitution, such as budget and policy framework and listing plans and strategies requiring approval.</p>
5	Article 5 – Chairing the Council	Appendix F Page 61	Minor change to delete reference to the Executive.
6	Article 6 – Overview and Scrutiny Committee	Deleted	This article has been deleted and the Terms of Reference for the Health Overview and Scrutiny Committee has been included within the Responsibility for Functions, and procedure rules added to the overall Meeting Procedure Rules.
7	Article 7 – Executive	Appendix G Page 63	<p>This Article has been renamed “The Leader” and becomes Article 6.</p> <p>The majority of the current article deals with the Executive model of governance which will not be applicable. The aspect retained is in relation to the Leader and the timeframe in which they hold office, conflicts of interest and also adding in a definition of the Leader of the Opposition.</p>
8	Article 8 – Regulatory and Other Committees	Deleted and Merged	These have been merged into a new Article 7 titled “Committees, Sub-Committees, Area Committees and Forums, and the Local Strategic Partnership”.
9	Article 9 – Area Committees, Forums and LSP	Deleted and Merged	These have been merged into the new Article 7 setting out committees and sub-committees, and the detail of the responsibilities set out within the Responsibility for Functions.

No.	Section	Reference	Changes contained within Document
10	NEW Article 7 - Committees, Sub-Committees, Area Committees and Forums, and the Local Strategic Partnership	Appendix H Page 65	<p>This new Article describes previous articles 8 and 9 detailing all Committees, Sub-Committees, Area Committees and Forums, and the Local Strategic Partnership.</p> <p>The Local Strategic Partnership (LSP) – the majority of responsibilities for the LSP are carried out by the Barnet Partnership Board. However this is not a formal Committee Structure. The LSP has been transferred to the Responsibility for Functions section of the Constitution and the description of the LSP retained within the Article.</p>
10	Article 10 Joint Arrangements	Appendix I Page 67	Renumbered Article 8. These powers will need to be exercised by Council, not the Executive. The Article has been redrafted deleting the references to the Executive.
11	Article 11 – Chief Officers	Appendix J Page 69	Renumbered Article 9. This section has been redrafted to remove references to the Executive.
12	Article 12 – Decision Making	Appendix K Page 75	<p>Renumbered Article 10. As well as replacing references to the Executive, there are some changes of wording that have been amended resulting from the approval of the Constitution, Ethics and Probity Committee in December 2013 where it was approved to include additional requirements for committee reports to show:</p> <ul style="list-style-type: none"> • consideration of any alternative options • the giving of reasons for the decision and the proper recording of those reasons. <p>This was to ensure compliance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.</p>

No.	Section	Reference	Changes contained within Document
			References to Key Decisions are deleted because they are statutorily defined as Executive decisions that meet certain criteria. Under a Committee System the Executive model does not exist and therefore there is no requirement to have a key decision defined within the Constitution. As a result these have been deleted within this redrafted section.
13	Article 13 – Finance, Contracts, Land Disposal and Legal Matters	Appendix L Page 77	Renumbered to Article 11. Minor amendments redrafted excluding references to the Executive.
14	Article 14 – Review and Revision of the Constitution	Appendix M Page 81	Renumbered to Article 12. This Article has been amended to describe the system in governance in place and the mechanism to change this under the Localism Act once a decision has been made to move to the Committee form of governance – i.e. 5 years from the date of decision. It has been added to 12.02(b) the responsibility on the Constitution, Ethics and Probity Committee to continue to monitor effectiveness of constitution and decision making structure.
15	Article 15 – Suspension, interpretation and publication of the Constitution	Appendix N Page 83	Renumbered to Article 13.
16	Responsibility for Functions	Appendix O Page 87	<ul style="list-style-type: none"> • An introduction has been Inserted • It has been added to paragraph 1.19 the responsibility of Full Council to-

No.	Section	Reference	Changes contained within Document
		<p>Appendix P</p> <p>Page 95</p>	<p>‘appoint Lead Member for Children’s Services’</p> <ul style="list-style-type: none"> • Major changes to take out reference to Executive and to the ‘consideration of local choice’ (where authorities determined which were Executive or Council functions). • Statutory Functions have been added for Full council as approved by the Constitution, Ethics and Probity Committee in December 2013. • All Environment related functions of the current Planning and Environment have been moved to the Environment Committee • The terms of reference of the new Committees have been drafted and included as Annex A to the Responsibilities for Functions section (Annex A) • All Cabinet portfolios have been removed, and replaced within terms of reference of the new committees, ensuring all relevant functions are re-allocated • General Powers reserved to Cabinet have been removed and specific strategies have been reallocated to Full Council or Committees. • The Health and Well Being Board and the Health Overview and Scrutiny Committee Terms of References have been included as amended by the Constitution, Ethics and Probity Committee • For each proposed Committee, the wording of Member Composition has been clarified the read the composition of the committee will be made up in accordance with proportionality

No.	Section	Reference	Changes contained within Document
			<ul style="list-style-type: none"> • For Policy and Resources, committee size is 12 • For all committees the wording of Member Composition to read ‘Chairman and Vice Chairmen to be appointed by Council’ • For all spending committees it has been included that they have the ability to award grants to the voluntary sector. • For Children, Education, Libraries and Safeguarding, it has been added in that the Committee can receive reports from the Children’s Trust Board • For Environment, remove “Commons registration and town and village greens” which will continue to be the remit of the Planning Committees. • For Community Leadership, this Committee will have responsibility for ‘any pooling of non-health related budgets’ • Area Sub-Committees –Policy and Resources will allocate a budget as appropriate for Area Sub Committees and agree a framework for governing how that budget may be spent. • The responsibility for neighbourhood plans have been allocated to the Planning Committee. • Joint Arrangements and Resident Forums have been added into the Responsibility for Functions. <p>Urgency provisions have been included within the arrangements under section 6 of the Responsibility for Functions. Option 1 is a 3 Member committee forming of the Leader, Deputy Leader and the Leader of the Opposition. This Committee must</p>

No.	Section	Reference	Changes contained within Document
			<p>consult with the Chairman of the relevant Committee in making their decision. Option 2 is the discharge of a function through the Chief Executive in consultation with the Leader or the Chairman of the relevant Committee.</p> <p>All Officer Delegations that had previously been included within the responsibility for functions have been removed and combined with the Officer Scheme of Delegation to ensure all officer delegations are included in one document. This document will become Annex B to the Responsibility for Functions.</p> <p>All Partnership Boards are now explained within the Responsibilities for Functions section.</p>
17	Officer Scheme of Delegation	Appendix Q Page 125	<p>These will now be an Annex to the Responsibility for Functions and include those sections deleted from the Responsibility for Functions. There was duplication noted within the responsibilities delegated to officers and therefore where there was duplication only one remains within the proposed revised document.</p> <p>References to key decisions are removed due to this only being applicable to an Executive model of governance.</p> <p>There has been removal of reference to the Executive.</p>
18	The Council	Appendix R Page 149	<p>The following changes have been incorporated into the Council Procedure Rules:</p> <ul style="list-style-type: none"> • It has been drafted within the proposed Constitution a change in the order of the Council meeting to be the following: <ol style="list-style-type: none"> 1. Statutory Formalities (15 minutes)

No.	Section	Reference	Changes contained within Document
			<p data-bbox="1137 268 1995 296">2. Statutory Council Business (which will include petitions) (60 minutes)</p> <p data-bbox="1137 336 1498 365">3. Question Time (30 Minutes)</p> <p data-bbox="1137 405 1561 434">4. Business for Debate (45 Minutes)</p> <p data-bbox="1039 474 2049 624">Given there will be the potential for more business to be referred up to Full Council Statutory Council Business had been moved in the order to take priority and therefore dealt with first. The time allowed for statutory council business has increased from 30 minutes to 60 minutes.</p> <p data-bbox="1039 663 2049 813">It was the preference noted at the Constitution, Ethics and Probity Committee to have 3 motions to be debated, the revised ordering of business would allow for additional motions where the time left was known. In addition, this would ensure that all motions would be dealt with together.</p> <p data-bbox="1039 853 2049 924">'At least one motion originating from the official opposition to be debated if submitted'</p> <p data-bbox="1039 963 2049 1034">The motion debated will be determined by Council if there is more than one submitted.</p> <p data-bbox="1039 1074 1621 1102">This would replace the current 'opposition item'.</p> <p data-bbox="1039 1142 1924 1212">The provision for motions for adjournment has been included to allow the opportunity to debate additional motions if there is time.</p> <p data-bbox="1039 1252 1350 1281">Motions for Adjournment</p> <p data-bbox="1088 1321 2049 1391">"If time permits at the end of a meeting further motions may be debated. The selection of motions (s) to be debated will be decided following a member</p>

No.	Section	Reference	Changes contained within Document
			<p>moving a particular motion and the Mayor putting this to a vote by members present. Voting will be by a show of hands. If agreement is not reached in relation to the first proposed motion, further motions may be proposed until agreement on the motion to be debated is reached. The other Rules of Debate in relation to motions set out in currently within the Constitution will apply to Motions for Adjournment. The process can be repeated, but no motions shall be transacted after 10pm. At 10pm without further debate, the Mayor shall immediately put to the vote the motion under debate and end the meeting.”</p> <p>Petitions have been included within Statutory Council Business which is at an early point in the agenda, to facilitate public participation.</p> <p>Reference to Standing Orders is now changed to refer to Procedure Rules to be consistent with the remainder of the Constitution.</p> <p>The Committee agreed that Full Council were to allow questions from the public to the Leader in writing with responses in writing provided. The options for how these are going to be administered are currently being drafted by officers and will be submitted to the next meeting of Constitution Ethics and Probity Committee.</p>
19	Committees and Sub Committees (Meetings Procedures)	Appendix S Page 159	<p>This section has been renamed “Meeting Procedure Rules”.</p> <p>The list of Committees, with membership and quorum, has been updated, reflecting the proposed committees, deleting overview and scrutiny and Executive Committees, and ensuring consistency with the Responsibility for Functions. It also adds an Urgency Committee in line with the urgency procedure noted in the Responsibility for Functions.</p> <p>The Executive Procedure Rules and Overview and Scrutiny Procedure Rules have</p>

No.	Section	Reference	Changes contained within Document
			<p>been compared with the general procedure rules to ensure anything relevant has been included within this section.</p> <p>Points of order have been added to the Meeting procedure rules in line with those currently contained within the Council Procedure Rules.</p>
20	Public Participation and Engagement	Appendix T Page 169	<p>The following has been incorporated into the rules as agreed by the Constitution, Ethics and Probity Committee on the 19th December 2013:</p> <ul style="list-style-type: none"> • To allow 30 minutes in total for public questions and comments; • Comments to be maximum 3 to allow as wide a range of people as possible to participate; • To allow a facility for members of the public to submit written comments (within the same deadlines as for questions and comments) which would be published as an addendum to a report; <p>To not allow questions at Full Council, but instead to introduce the ability to submit written questions ahead of Full Council, for the Leader’s response. The rules on how the questions to the Leader will be put will be subject to further review of the Constitution, Ethics and Probity Committee.</p> <p>Petitions that range between 2,000 to 7,000 signatures, that currently go to Business Management Overview and Scrutiny Committee (BMOSC), they will now go to the Policy and Resources Committee, as agreed by the Committee on 14 January 2014.. This procedure has been included.</p> <p>At paragraph 2.4 it has been included that the supplementary question must be</p>

No.	Section	Reference	Changes contained within Document
			relevant to the original question put to the chairman.
21	Access to Information Rules	Appendix U Page 175	<p>Reference to the Executive form of governance has been removed throughout the document.</p> <p>The definition of exempt information has been extended, including the reasons for withholding, within this section.</p> <p>Reference to key decisions has been removed- as mentioned previously this is not a requirement under the Committee system form of governance.</p> <p>Overview and Scrutiny has been removed from this section.</p> <p>It has been included that 'where vote is taken minutes will record the number of votes for and against and abstentions will be recorded' as agreed by CEP on 14 January 2014.</p>
22	Budget and Policy Framework Procedure Rules	Appendix V Page 187	<p>References to Executive replaced by Council or by Policy and Resources where relevant and in line with the Terms of Reference of the Committee.</p> <p>Call-in arrangements have been deleted as there is the referencing up mechanism included within the Responsibility for functions for referring to the parent Committee.</p>
23	Executive Procedure Rules	N/A	These will be deleted but there are some sections to be integrated within other parts of the Constitution(- e.g. on Leader's conflict of interest (article 6 – the leader), principles of decision making and consultation are Article 10 – decision making).

No.	Section	Reference	Changes contained within Document
24	Overview and Scrutiny Procedure Rules	N/A	These have been deleted, other than those elements specifically relating to the Health OSC, which have been incorporated within Meetings Procedures Rules. The Terms of reference of existing Scrutiny Committees have been embedded where relevant in the proposed new Committees and their terms of reference within the Responsibility for Functions (Appendix O).
25	Financial Regulations	N/A	The Financial Regulations are due an annual review by finance officers and will be presented to the Constitution, Ethics and Probity Committee for consideration prior to the Annual Council meeting.
26	Contract Procedure Rules	N/A	The Committee will be presented a revised CPRs for consideration prior to Annual Council in June 2014.
27	Code of Procurement Practice	N/A	As above.
28	Management of Assets, Property and Land Rules	N/A	These will be reviewed as part of the Annual Review and be presented to the Committee prior to the Annual Council for consideration.
29	HR Regulations	N/A	It is not expected that there will be any significant changes to these rules as result of the change to a Committee system. These will be reviewed prior to Annual Council in June 2014.
30	Members Code of Conduct	N/A	Minor changes to delete reference to Executive no other changes expected.
31	Members Planning Code of Practice	N/A	As these are currently Council functions this section is not expected to have significant changes and will be reviewed after the first phase of redrafting for consistency purposes.

No.	Section	Reference	Changes contained within Document
32	Members Licensing Code of Practice	N/A	As these are currently Council functions this section is not expected to have significant changes and will be reviewed after the first phase of redrafting for consistency purposes.
33	Officer Code of Conduct	N/A	It is not expected that there will be any changes to the Officer Code of Conduct as a result of the change in governance system. However this section will be reviewed prior to Annual Council for consistency and referencing purposes.
34	Protocols for Member Officer Relations	N/A	It is not expected that there will be any changes to these protocols as a result of the change in governance system. However this section will be reviewed after the main changes are redrafted for consistency purposes.
35	Code of Corporate Governance	N/A	It is recommended that the Code of Corporate Governance is maintained in its current detail with references to the Executive and Overview and Scrutiny deleted. It will be redrafted prior to Annual Council to ensure it properly described the new system of governance.
36	Member Allowances Scheme	N/A	These will require review.

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ANNEXE B

PROPOSED DRAFT CONSTITUTION

Part 1

Summary and Explanation

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Part 1

INTRODUCTION TO THE CONSTITUTION

What is the Council's Constitution?

The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into the following sections:

Part 1- Introduction to the Constitution

Part 2- Articles. These set out the basic rules governing the Council's business.

Article 1 of the Constitution commits the Council, working as a community leader in partnership with others, to providing high quality services that address inequalities, through continuous improvement and outlines governance arrangements that deliver efficient, open and accountable decision-making.

Articles 2-13 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- The Leader (Article 6)
- Committees, Sub-Committees, Area Committees, Forums and Local Strategic Partnership (Article 7)
- Joint arrangements (Article 8)
- Chief Officers (Article 9)
- Decision making (Article 10)
- Finance, contracts and legal matters (Article 11)
- Review and revision of the Constitution (Article 12)
- Suspension, interpretation and publication of the Constitution (Article 13)

Part 3- Responsibilities for Functions

Part 4- Council and Meeting Procedure Rules, Public Participation and Engagement rules, Access to Information Rules, Financial Regulations, Contract and Asset Land and property Rules

Part 5- Codes, Protocols and Handbooks

Part 6- Members Allowances Scheme

How the Council operates

The Council is composed of 63 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Local Code of Conduct for Members to ensure high standards in the way they undertake their duties.

Decision making Structure

The Local Government Act 2000 and statutory instruments (secondary legislation) specify the local authority functions that are the distinct and quite separate responsibility of the Council. The Local Government and Public Involvement in Health Act 2007 and associated statutory instruments to it, and the Localism Act 2011 have further impacted on how the Council's decision-making structure operates.

The Localism Act permits authorities to change their governance arrangements from a cabinet system to a committee system following the passing of a resolution. Such a resolution was passed by Barnet Council on 21st January 2014. The Council will cease operating a cabinet system following the next annual meeting of the council following the resolution, and replace it with a committee system in which decisions are either made by the Full Council or by a Committee of the Council, in which parties are represented in proportion to their overall strength on the Council. A structure chart of the Committee system is appended.

COUNCIL

All Councillors meet together as the full Council. Meetings of the Council are normally open to the public.

Council Functions

The Council's functions are in broad terms:

- planning and enforcement;
- licensing and regulation;
- a limited number of highway matters mainly concerned with public footpaths and bridleways;
- appeals against decisions;
- staffing;
- electoral management;
- appointments to other bodies;
- some other minor functions.

These functions may be exercised by the full Council at its meetings or delegated to committees or officers. They cannot be delegated to an individual Councillor.

Council functions are delegated to relevant Council Committees and Sub-committees (see Part 3 of this constitution for details) and to officers.

In addition, the full Council has the power to approve the budget and statutory policy framework. Part of the Council meeting is set aside for debate on policy development in which all Councillors are able to take part.

All Councillors are permitted to serve on committees discharging Council functions.

Urgent and Emergency Decisions

Decisions taken by committees or officers who have powers within the Constitution are subject to limitations and conditions imposed in the Constitution, including financial restrictions.

In exceptional circumstances, decisions may need to be taken urgently and alternative procedures are set out in the Constitution in Section 3 Responsibility for Functions (e.g. where urgent action is required but might be delayed by following the normal procedures).

In an emergency (e.g. where immediate action is needed to protect life or property or to maintain a critical service) most of the restrictions are removed.

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AREA SUB-COMMITTEES AND FORUMS

In order to give local citizens a greater say in Council affairs there are two Area Planning Sub-Committees dealing with planning applications. In addition, there are three Area Sub-Committees for the three parliamentary constituencies (Finchley and Golders Green; Hendon and Chipping Barnet) that look after issues such as highways, transport, town centre management and regeneration, refuse collection, recreation and leisure facilities, litter and recycling.

Residents Forums also meet in the same local constituency areas and are for local issues citizens want to raise.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 and the Public Participation Rules in Part 4. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- be treated equally
- vote at local elections if they are registered
- contact their local councillor about any matters of concern to them
- obtain a copy of the Constitution
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed
- petition to request a referendum on a mayoral form of executive
- speak at a residents forum as outlined in this Constitution and to comment on Council plans and proposals before decisions are made
- ask a question and speak at most meetings, but not meetings of full Council
- see reports and background papers, and any record of decisions made by the Council and its Committees

- complain to the Council if:
 - the Council has not done something it promised to do
 - the Council has treated anyone unfairly or impolitely
 - the Council has not provided a service within the time set
 - another organisation providing services on behalf of the Council has not done so properly
 - there is any other justifiable complaint

A leaflet with further information about complaints is available from Barnet libraries and Barnet On-line.

- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Local Code of Conduct for Members; and
- inspect the Council's accounts and make their views known to the external auditor.
- submit a petition to the Council if they live, work or study in the authority's area and are concerned about a Council service or a decision that is about to be made.

The Council welcomes participation by its citizens in its work.

Citizens have the right to attend all meetings held in public. A weekly list of meetings is available on the Council's Website "Barnet On-line" at www.barnet.gov.uk.

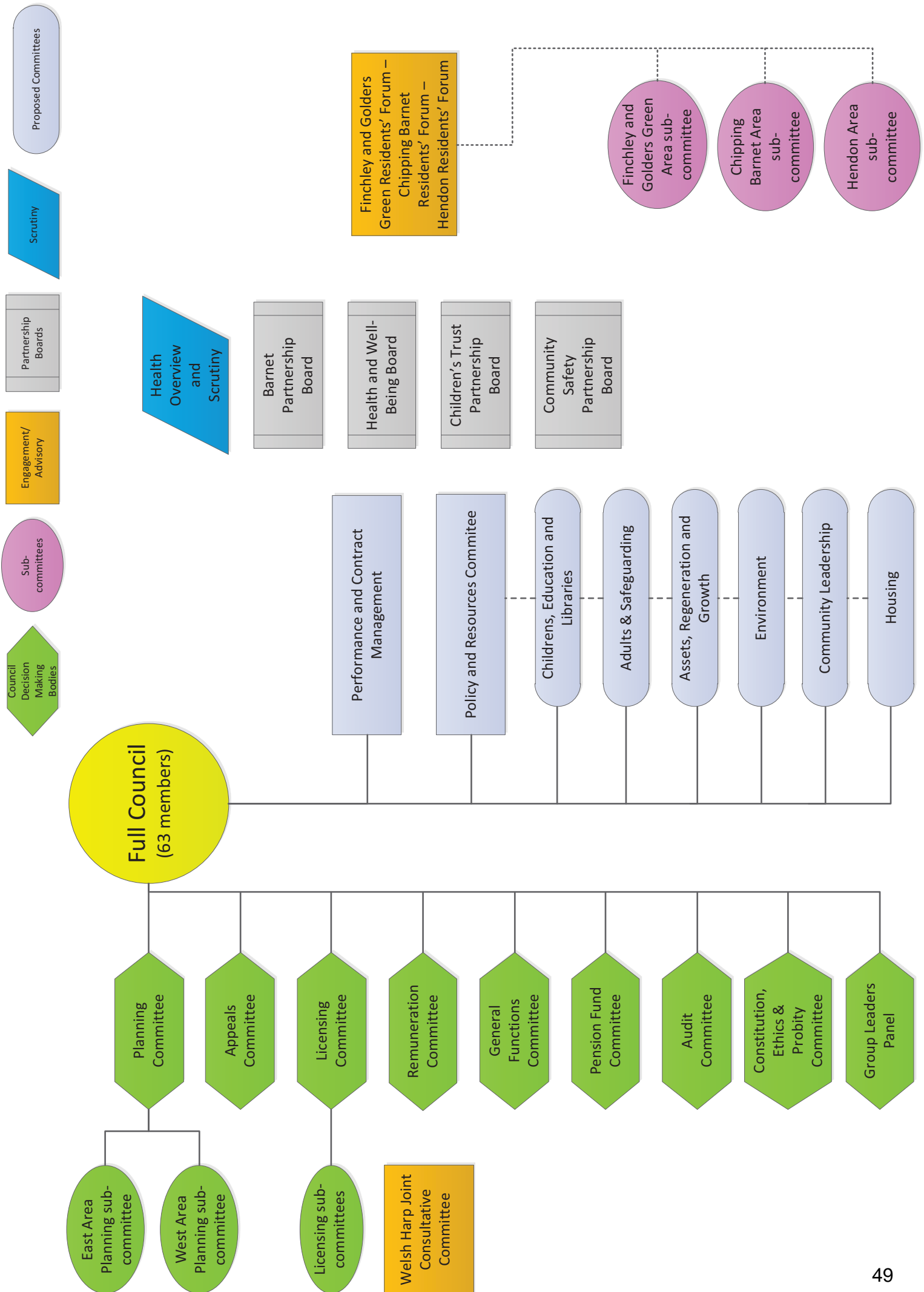
Citizens also have the right to inspect agendas and reports to these meetings and to take copies. These documents are also available at Hendon Library, Barnet House Reception, Building 2 Reception, North London Business Park and on the Council's Website "Barnet On-line" at www.barnet.gov.uk. Further information is available from the contact officer named on each agenda

For further information telephone the Governance Service 020 8359 2000.

Explanatory Notes

1. Throughout the Constitution are references to 'Working Day'. For the purposes of the Constitution, a working day is defined as any day, Monday to Friday inclusive, excluding Public Holidays, finishing at 11pm.
2. There are also references to documents, motions, requests, questions, emails, and letters being received on a specified number of 'clear working days' before a meeting. For the purposes of this definition clear working days

do not include the date of the despatch of the document, motion, request, question, emails, or letter or the day of the meeting.



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Part 2

Articles of the Constitution

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Article 1 – The Constitution

References:

Section 37, LG Act 2000

Chapter 10, DETR Guidance

The Local Government Act 2000 (Constitutions) (England) Direction 2000

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Barnet Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. provide a means of improving the delivery of services to the community;
3. enable the Council itself, or in partnership with others, to provide high quality services through making arrangements to secure continuous improvement in the way its functions are exercised; having regard to a combination of economy, efficiency and effectiveness, as well as to statutory requirements.
4. address inequality;
5. support the active involvement of citizens in the process of local authority decision-making;
6. help councillors represent their constituents more effectively;
7. enable decisions to be taken efficiently and effectively;
8. create a powerful and effective means of holding decision-makers to public account;
9. ensure that no-one will review or scrutinise a decision in which they were directly involved in making;

10. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions.

1.04 **Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13.

Article 2 – Members of the Council

2.01 Composition and eligibility

- (a) **Composition.** The Council will comprise 63 members, otherwise called Councillors. These councillors will be elected by the voters of each Ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the Borough or those living or working there will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

Election and terms. The regular election of councillors will be held on the first Thursday in May every four years beginning in 2002¹. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all councillors

- (a) **Key roles.** Each Councillor will:
- participate constructively in the good government of the area;
 - contribute actively to the formation or scrutiny of the authority's policies, budget, strategies and service delivery;
 - represent effectively the interests of the Ward for which he/she was elected, and deal with constituents' enquiries and representations;
 - champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
- (b) **Key tasks.** Each Councillor will:
- fulfil the statutory and locally determined requirements of an elected member of Barnet, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full council (eg setting budget, overall priorities, strategy);
 - participate in the scrutiny or performance review of Barnet's services including, where Barnet so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority;
 - participate, as appointed, in the area and service-based consultative processes with the community and with other organisations;
 - represent the authority to the community, and the community to the authority, through the various fora available;

¹ This date may be amended from time to time by statutory instrument and if this is the case, then the date set out in the relevant statutory instrument will apply.

- develop and maintain a working knowledge of Barnet’s services, management arrangements, powers/duties, and constraints, and develop good working relationships with relevant officers;
- develop and maintain a working knowledge of Barnet’s services, activities and other factors which impact upon the community’s wellbeing and identity;
- contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area;
- participate in the activities of any political group of which he/she is a member;

(c) **Rights and duties**

- Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it;
- for these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

(d) **Special Responsibilities**

Some councillors have special responsibilities, additional to those of other councillors, from being:

- The Leader of a political group;
- Chairman of a council committee
- The chairman of some other council body.

2.04 Conduct

Councillors will at all times observe the Barnet’s Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and the Council

3.01 Citizens' rights

Citizens have a number of rights. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

- (a) (i) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution.
- (ii) **Petition scheme.** Citizens who live, work or study in the authority's area and are concerned about a Council service or a decision that is about to be made, may send the Council a petition which shall be considered and responded to in accordance with the Petition Scheme as outlined in the Public Participation and Engagement Rules set out in this Constitution.
- (b) **Information.** Citizens have the right to:
 - (i) Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) See agendas, reports and background papers, except where confidential or exempt information is likely to be disclosed , and any records of decisions made by the Council and the executive; and
 - (iii) Inspect the Council's accounts and make their views known to the external auditor.
- (c) **Treatment.** Citizens have the right to:
 - (i) Be treated equally with understanding and respect;
 - (ii) Have equal opportunity with other citizens; and
 - (iii) Receive quality services provided to Best Value principles.
- (d) **Public Engagement.** Citizens have the right to ask questions, receive answers and make comments at committee meetings in accordance with the Public Participation Rules in Part 4 and make representations at Residents' Forums
- (e) **Complaints.** Citizens have the right to complain to¹:
 - (i) The Council itself under its complaints scheme;
 - (ii) The Local Government Ombudsman (after using the Council's own complaints scheme);
 - (iii) The Monitoring Officer about a breach of the Members Code of Conduct.

¹ In addition citizens have the right to raise issues with their local councillors outside of the formal complaints process.

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Article 4 – The Full Council

Introduction

The full Council is a formal meeting of all Councillors. The full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of specific matters.

The full Council provides a central forum for debate and gives the opportunity for Councillors to ask questions about the Council or matters affecting the Council

4.01 Meanings

(a) **Policy Framework.**

The policy framework means the following plans and strategies required by law to be adopted by the Council:

- Safer Communities Strategy
- Sustainable Community Strategy
- Development Plan Documents comprising the Local Plan
- Adoption of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders
- Statement of Licensing Policy (under the Licensing Act 2003)
- Statement of Gambling Licensing Policy (under the Gambling Act 2005)

and 'those others which the Council has chosen to adopt as part of the policy framework.

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax base and Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.03 Council Meetings

There are three types of Council meeting:

(a) the annual meeting

- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 **Responsibility for functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions

Article 5 – Chairing The Council

5.01 Role and function of the Mayor

The Mayor will be elected by the Council annually. The Mayor may appoint a councillor to be Deputy Mayor. The Mayor (and in his/her absence, the Deputy Mayor) will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community. (The Deputy Mayor will preside if chosen by Council to do so);
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community;
4. to promote public involvement in the Council's activities; and
5. to attend such civic and ceremonial functions as the Council and he/she determines appropriate in carrying out his/her duties as first citizen of the borough.

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Article 6 – The Leader

6.01 Leader

The Leader will be a Councillor elected to the position of Leader by the Council and the Leader's term of office starts on the day of the Council election Annual Meeting.

The Leader will hold office until:

- (a) they resign from office; or
 - (b) they are no longer a Councillor; or
 - (c) the day of the next Council election Annual Meeting which follows their election as Leader unless either (a) or (b) occurs prior to that time; or
 - d) they are removed by resolution of the Council. .
- e) If the Council passes a resolution to remove the Leader, a new Leader is to be elected-
- (i) at the meeting at which the Leader is removed from office, or
 - (ii) at a subsequent meeting.

6.02 Leader of the Opposition

The Leader of the Opposition will be the Leader of the largest political group other than the Group of which the Leader of the Council is a member. Their appointment will be noted by Full Council.

6.03 Conflicts of Interest

Where the Leader has a conflict of interest this should be dealt with as set out in the Code of Conduct for members in part 5 of this Constitution.

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Article 7 Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership

7.01 Committees

The Council will appoint the committees set out in the tables under Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in those tables..

Sub-Committees and panels

7.02 Following the Annual Meeting of the Council, standing committees shall appoint:

7.02.1 sub-committees and/or panels and, if appropriate, agree their terms of reference

7.02.2 a Chairman and, if considered necessary, a Vice-Chairman and substitute members

7.03 The standing Sub-Committees which are set out in the table Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in that table shall be appointed annually by a Special Joint Meeting of the parent Committees concerned, which will meet immediately following the Annual Meeting of the Council.

Additional Sub-Committees and Panels

7.04 Any Committee appointed by the Council may at any time appoint additional sub-committees and panels throughout the year. Such bodies' terms of reference and the delegation of powers to them shall be explicit and within the appointing committee's terms of reference. Area Planning Sub-Committee members can be appointed by members of the Planning Committee at Full Council.

7.05 A member of an additional sub-committee or panel must be a member of the sub-committee appointing it.

Appointment of Members to Committees, Sub-Committees and Panels

7.06 The Council (in the case of Standing Committees) or the parent committee (in the case of Sub-Committees or Panels) will appoint the members to serve on the Committee, Sub-Committee or Panel subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.

Area Committees and Forums and Local Strategic Partnerships

7.07 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.

7.08 Form, composition and function

A table setting out the form, composition and function of Area Committees and Forums can be found in the Responsibility for Functions in Part 3.

7.09 Local Strategic Partnership

A Local Strategic Partnership is a non-statutory body which brings together the key public, private and voluntary organisations within the borough to identify and articulate the needs and aspirations of Barnet's local communities and to provide a forum to assist the Council by collectively reviewing and steering public resources, through identifying priorities in Sustainable Community strategies. In Barnet the functions of a Local Strategic Partnership are discharged by the Barnet Partnership Board. Details of its form, composition and functions are set out in the Responsibility for Functions in Part 3.

Article 8 - Joint Arrangements

8.01 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more Local Authorities. Such arrangements may involve the appointment of a Joint Committee with these other Local Authorities.
- b) Details of any Joint Arrangements, including any delegations to joint committees will be found in the Council's Scheme of Delegations in Part 3 of this Constitution.

8.02 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) The access to information rules in Part VA of the Local Government Act 1972 will apply to members of a Joint Committee.

8.03 Delegation to and from other local authorities

- (a) The Council may delegate functions to another Local Authority or, in certain circumstances, the Executive of another Local Authority.
- (b) The decision whether or not to accept such a delegation from another Local Authority shall be reserved to the Council meeting.

8.04 Contracting out

The Council, may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

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Article 9 – Chief Officers

9.01 Management Structure

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

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

Chief Executive
Chief Operating Officer
Strategic Director for Communities
Strategic Director for Growth and Environment
Assurance Director
Adults and Communities Director
Director of Public Health (Public Health Lead Commissioner)

The Assurance Director will have reserve powers to exercise all or any of the powers delegated to the Head of Legal or the Head of Governance under the Constitution, together with the following statutory officer powers:

- Members' declarations of acceptance of office
- Members' notice of resignation
- Giving notice of casual vacancies
- Convening Council to fill Mayoral casual vacancy
- Signing summonses for council meetings and receiving notices as to Members' addresses for summonses
- Receiving notification of political groups for the calculation of political balance
- Returning Officer for election of parent governor representatives to Committee
- Deposit of documents
- Certification and authentication of documents, byelaws and copy minutes and signing of other relevant formal notices and documents.

(c) Statutory Officers

The Council will designate the following posts as shown:

Post	Statutory Designation
Chief Executive	Head of Paid Service (works with Members and the Strategic Commissioning Board to deliver the council's themes)
Assurance Director	Monitoring Officer
Chief Operating Officer	Chief Finance Officer Section 151 Officer

Strategic Director for Communities	Director of Children's Services
Adults and Communities Director	Director for Adult Social Services
Deputy Chief Operating Officer	Deputy Section 151 Officer
Public Health Lead Commissioner	Director of Public Health

Such posts will have the functions described in Article 11.02-11.06 below.

9.02 Functions of Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restriction of functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.
References:
Section 4 and 5, Local Government and Housing Act 1989
- (c) The Head of Paid Service has authority over all other chief officers so far as is necessary for efficient management and for carrying out the Council's functions.

9.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Operating Officer, the Monitoring Officer will report to the full council if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Constitution, Ethics and Probity Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Constitution, Ethics and Probity Committee.
- (d) **Conducting investigations.** The Monitoring Officer will conduct or appoint Officers or others to conduct investigations into allegations of breach of the

Member Code of Conduct. Then s/he or they will make reports and recommendations in respect of such allegations to the Group Leaders Panel.

- (g) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the council, in particular through the provision of legal advice and advice on probity and good administration.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- (j) **Register of Members Interests.** The Monitoring Officer will keep and maintain the Register of Members Interests and ensure its availability to the public.

9.04 Functions of the Chief Finance Officer

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

9.05 Functions of the Director of Children's Services

- (a) The Council as a children's services authority is required by the Children Act 2004 to appoint an officer to be known as the Director of Children's Services.
- (b) The Director of Children's Services is responsible for the delivery of the Council's education and social services functions for children, and any health functions for children delegated to the Council by an NHS body.

9.06 Functions of the Director of Adult Social Services

- (a) The Adults and Communities Director will fulfil the role of the Director for Adult Social Services as required by the Local Authority Health Social Services Act 1970, as amended by the Children Act 2004
- (b) The Adults and Communities Director is responsible for the delivery of the Council's social services functions, other than those for which the Council's Director of Children's Services is responsible under the Children Act 2004.

9.07 Functions of the Director of Public Health (DPH)

- (a) The DPH is responsible for writing the Annual Report on the health of the local population
- b) The DPH is responsible for all of the local authority's duties to take steps to improve public health.
- c) The DPH is responsible for exercising the local authority's functions in planning for, and responding to, emergencies that present a risk to public health
- d) The DPH is responsible for exercising the local authority's role in co-operating with the Police, the Probation Service and the Prison Service to assess the risks posed by violent or sexual offenders
- e) The DPH is responsible for the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications
- f) The DPH is responsible for exercising the local authority's duties to ensure plans are in place to protect their population including through screening and immunisation.

9.08 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

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

9.09 Conduct

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

9.10 Employment

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

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Article 10 - Decision Making

10.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual officer has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

10.02 Principles of decision making

All decisions of the Council 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 and equalities;
- (d) a presumption in favour of openness and transparency; and
- (e) clarity of aims and desired outcomes;
- (f) consideration of any alternative options;
- (g) the giving of reasons for the decision and the proper recording of those reasons.

10.03 Type of decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Part 3, Responsibilities for Functions, will be made by the full Council and not delegated.

10.04 Decision making by the full Council

Subject to Article 12.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

10.05 Decision making by other committees and sub-committees established by the Council

Subject to Article 12.06 other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

10.06 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 11 – Finance, Contracts, Land Disposal and Legal Matters

11.01 Financial Management

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

11.02 Contracts

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

11.03 Legal Proceedings

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

The Head of Legal has delegated powers to authorise officers to appear in court on the Council's behalf.

11.04 Authentication of Documents

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

Any contract with a value exceeding £75,000, entered into on behalf of the local authority shall be made in writing. Subject to the Contract Procedure Rules, such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least two Chief Officer (or their duly authorised deputies) in accordance with paragraph 11.05.

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

- 1 the Chief Executive
- 2 the Monitoring Officer
- 3 the Head of Legal

4 any Chief Officer of the Council concerned with the matter to which the document relates: or

5 any officer authorised in writing by such Chief Officer.

11.05 Common Seal of the Council

Common Seal

The Common Seal of the Corporation shall be kept in a safe place and be secured by two different locks. The Head of Governance shall have the custody of the key of one lock and the Monitoring Officer shall have the custody of the key of the other.

Sealing and Execution of Documents

The Chief Executive, the Monitoring Officer or the Head of Governance or another officer authorised in writing by any of the aforesaid chief/proper officers to act as their deputy for these purposes shall have authority:-

1. To jointly affix the Common Seal and execute under Seal any deed or document subject to at least two of the above named Officers of the Council (or their duly authorised deputies) being present and being signatories.-
2. The Officers of the Council referred to above (or their duly authorised deputies) shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.

Officer Interests

Where it becomes apparent to an Officer involved in the sealing or execution of documents, that they have a personal interest in a matter to which the document relates, a declaration of the existence and nature of that interest should be made as soon as possible.

Facsimiles of Common Seal

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

- 1 stock certificates and transfers;
- 2 grants of rights of burials;

3 superannuation fund documents.

Record of Sealing of Documents

An entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Chief Executive, Monitoring Officer or the Head of Governance (or their duly authorised deputies) in a book to be provided for the purpose.

11.06 Disposal of land and real property

Every disposal of land and real property made by the Council will comply with the Management of Assets, Property and Land rules set out in Part 4 of the Constitution.

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Article 12 – Review and Revision of the Constitution

Committee System of Governance

The Localism Act 2011 (the Act) contains provisions that allow local authorities to change from operating executive arrangements to a committee system,

12.01 Procedure to be followed to change governance arrangements

In order to change from a cabinet system to a committee system, local authorities must:-

- Pass a resolution to change their governance arrangements;
- As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection;
- Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation.

Having passed a resolution and complied with the publicity requirements above, authorities are required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place “at the relevant change time” which, in the case of a move from a cabinet system to a committee system, is defined as:-

- (a) The first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or
- (b) A later annual meeting of the local authority specified in that resolution.

The Act also specifies that if the Council passes a resolution under the Act to change governance arrangements, it may not pass another resolution to change from one form of governance to another (e.g. from a committee system back to a leader and cabinet system) for 5 years unless a referendum is held on the issue.

12.02 Duty to monitor and review the Constitution

- (a) 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.
- (b) the Constitution, Ethics and Probity Committee will keep under review the Council's decision making structure.

12.03 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 9 or the Management Structure section of the Constitution need to be updated, the Head of Governance 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.

(c) **Change to a Leader and Cabinet form of governance.**

If the Council intends to change the form of governance to a Leader and Cabinet form of governance within 5 years of 21st January 2014, then it must have held a referendum before passing the necessary resolution.

Article 13 – Suspension, Interpretation and Publication of the Constitution

13.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. Any of the Rules in Part 4 may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

13.02 Interpretation

The ruling of the mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

13.03 Publication

- (a) The Head of Governance will ensure that copies are available for inspection at Council offices.

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Part 3

Responsibilities for Functions

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Responsibility for Functions

PREFACE

This part of the Constitution explains who is responsible for the various functions of the Council.

The Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the Council by law. It may also delegate many of those functions to a Committee, a Sub-committee or Officer. In this Part 3, the term “full Council” refers to the Council exercising functions itself, as opposed to acting through Committees, Sub-committees or Officers.

1. FUNCTIONS OF FULL COUNCIL

Only the full Council will exercise the following functions:

- 1.1 Approving the strategic financing of the Council, upon recommendations of the Policy and Resources Committee, including:
 - 1.1.1 Determination of the financial strategy;
 - 1.1.2 Approval of the Budget;
 - 1.1.3 Approval of the capital programme;
 - 1.1.4 Setting the Council Tax;
 - 1.1.5 Determination of fees and charges where authority to set these has not been delegated; and
 - 1.1.6 Determination of borrowing limits.
- 1.2 Adopting and changing the Constitution, except where otherwise provided in the Constitution or by resolution of the Council.
- 1.3 Approving and adopting the Policy Framework (as described in Article 4).
- 1.4 Approving matters which require a decision that represents a significant departure from any existing strategy, policy or budget previously agreed by the Council.
- 1.5 Receiving reports and recommendations from the Health Overview and Scrutiny Committee and any other Committee.
- 1.6 All policy matters and new proposals relating to significant partnerships with external agencies and local authority companies.
- 1.7 Agreeing and amending the terms of reference of Committees, deciding on their composition and making appointments to them.
- 1.8 Appointing representatives to outside bodies, unless that appointment has been delegated by the Council.
- 1.9 Delegating significant functions to other local authorities or their executives and deciding whether or not to accept such a delegation from another local authority.
- 1.10 Adopting a members' Allowance Scheme.

- 1.11 Changing the name of the Borough
- 1.12 Electing Chairmen and Vice-Chairmen of Committee
- 1.13 Conferring the title of Freeman of the Borough
- 1.14 Confirming the appointment of the Head of Paid Service.
- 1.15 Determining any delegation to Officers which does not fall within the scope or terms of reference of any Committee.
- 1.16 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills.
- 1.17 All other matters which, by law, must be reserved to the Council.
- 1.18 Electing the Leader of the Council; and electing the Mayor.
- 1.19 Appointing the Lead Member for Children's Services, who will have the responsibilities as set out from time to time in relevant Regulations and Government guidance.

2. FUNCTIONS DELEGATED TO COMMITTEES

Other functions of the Council are delegated to Committees in accordance with the terms of reference set out in Annex A.

3. OFFICER DELEGATIONS

The functions delegated to Officers are set out in Annex B. Where a function has been delegated to an officer(s) ("delegated officers"), the decision may be taken in the name of (but not necessarily personally by) such delegated officer(s) by another officer(s) in accordance with arrangements made from time to time by such delegated officer(s) for this purpose.

4. INTERPRETATION

In this part of the Constitution:

"the 2000 Act" means the Local Government Act, 2000;

"the 2000 Regulations" means the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000;

"the 2007 Act" means the Local Government and Public Involvement in Health Act, 2007;

"the 1972 Act" means the Local Government Act, 1972.

5 LIMITATIONS ON DELEGATION TO COUNCIL COMMITTEES AND SUB-COMMITTEES

5.1 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

5.2 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 or Licensing Committee or Licensing Sub-Committee, or 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's boundary as set out in Article 7 of the Constitution .

6 MEMBERS' RIGHTS TO REFER MATTERS TO PARENT BODY

6.1 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.

6.2 A Chairman of an Area Sub-Committee may refer any item that it considers with a recommendation to the parent committee.

6.3 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 Full Council or the relevant parent Committee to which the Committee or Sub-Committee would ordinarily report, subject to the exceptions set out in 6.5, 6.6 and 6.7 below.

6.4 In such a case:-

6.4.1 for committees, the action the committee had proposed to take will be recommended to the Council;

6.4.2 for sub-committees, the action the sub-committee had proposed to take will be recommended to the committee;

6.4.3 no action shall be taken on the matter in the meantime.

6.5 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.

6.6 The second exception is Area Planning Sub-Committees, where 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.

6.7 The third exception is the Planning and Environment Committee, where 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.

6.8 The fourth exception is the Pension Fund Committee.

Committee/Sub-Committee	No. of members required to support a referral	Council/parent committee
Planning	3	Council

Committee/Sub-Committee	No. of members required to support a referral	Council/parent committee
Area Planning Sub-Committees	2	Planning Committee
Area Sub-Committees	2	Environment or relevant Committee
General Functions Committee	3	The Council
All Other Committees	4 (where Membership 10 or more)	Council

6.9 This provision shall not apply to the Licensing Committee, the Licensing Sub-Committee, the Appeals Committees, and Remuneration Committee.

7. URGENCY PROVISIONS

7.1 If a decision on a issue is required as a matter of urgency and if time allows under the provisions of the Access to Information Rules then a Committee comprising of the Leader, the Deputy Leader, and the Leader of the Opposition will be called. The decision may be within the terms of reference of another committee, but this will not invalidate the decision as the arrangements to discharge the function in cases of urgency is through a committee comprising the 3 specified members. The Committee must consult with the Chairman of the relevant Committee.

7.2 In cases where a decision on the issue is so urgent that there is insufficient time to call a committee, then arrangements can be made to discharge the function through the Chief Executive in consultation with the Leader or the Chairman of the relevant Committee. The decision must be reported back to the parent committee at its next meeting or if it is a general Council matter then it should be reported to the next meeting of full Council.

8 JOINT ARRANGEMENTS

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

- 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.

Pension Fund Compliance Statement

Pension Fund Governance Compliance Statement

1. Background

- 1.1 The Local Government Pension Scheme (Amendment) (No.3) Regulations 2007 require that all LGPS pension fund Administering Bodies in England and Wales prepare a Governance Compliance Statement (GCS). This GCS has been prepared in full accordance with these regulations and any guidance provided by the Secretary of State.
- 1.2 In order to ensure that the Council meets its fiduciary duties with regard to its Pension Fund, it is important governance arrangements assign roles and responsibilities that are consistent with political and organisational accountability. This GCS seeks to do this by defining three tiers of responsibilities – the Council, the Pension Fund Committee (PFC) and the Chief Finance Officer. It draws on best practice in other pension funds and guidance provided by the Secretary of State.
- 1.3 As this Pensions Fund Committee will now be a Committee of the Council the normal provisions relating to publication of agendas, admission of press and public to meetings etc will apply

2. Statement of Responsibilities

2.1 Responsibilities of Council in relation to the Pension Fund

2.1.1 To appoint:-

Option 2
<ul style="list-style-type: none">• <i>Six elected members on a non-politically-balanced basis to a Pension Fund Committee (PFC), responsible for discharging the Council's leadership and strategic management responsibilities regarding its Pension Fund;</i>• <i>Substitute members, two from each political group.</i>

In accordance with Council policy, it is proposed that each Political Group has two substitute Members. Furthermore, in line with their responsibilities, only elected members (or their substitutes where appropriate) appointed to the PFC have voting rights at any PFC meeting.

2.2 Responsibilities delegated by Council to the Pension Fund Committee

2.2.1 To approve and act in accordance with statutory Pension Fund documents:-

- Statement of Investment Principles
- Funding Strategy Statement
- Governance Policy Statement
- Pension Administration Strategy
- Communication Policy Statement

- 2.2.2 To review the above documents at least triennially, or more frequently if advised by the Chief Finance Officer of the need to do so (e.g. change in statutory guidance on what these documents should cover).
- 2.2.3 To receive and approve the Pension Fund Annual Report.
- 2.2.4 To invite a recognised representative from the trades unions and a representative from Middlesex University (the largest scheduled/admitted body) to meetings of the PFC. These representatives are appointed to advise the PFC on behalf of the interests they represent, but are not to have any voting rights. Further invites to scheduled/admitted bodies to be decided by the chairman of the PFC.
- 2.2.5 To appoint independent investment advisors.
- 2.2.6 To appoint Pension Fund investment managers.
- 2.2.7 To appoint Pension Fund actuaries.
- 2.2.8 To appoint a performance management company.
- 2.2.9 To appoint custodians.
- 2.2.10 To review and challenge at least quarterly the Pension Fund investment managers' performance against the Statement of Investment Principles in general and investment performance benchmarks and targets in particular. One of these meetings to be the annual review, at which the representative from our performance management organisation attends to comment on the relative performance of the fund managers.
- 2.2.11 To consider actuarial valuations and their impact on the Pension Fund.
- 2.2.12 To consider advice given by the Chief Finance Officer, independent advisors, and views expressed by non-voting representatives at Pension Fund Committee meetings.
- 2.2.13 To approve applications from organisations wishing to become admitted bodies into the Pension Fund where legislation provides for discretion, including the requirements for bonds.
- 2.2.14 To determine the appropriate course of action on any matter not specifically listed above that pertains to the leadership and/or strategic management of the Pension Fund, in particular any matter which could materially affect its financial performance or long-term standing.
- 2.2.15 To convene regularly each quarter and additionally at such times outside the regular quarterly cycle as the Chairman deems appropriate

- 2.2.16 To require that all voting members receive adequate training on matters relating to the operation of the LGPS to enable the PFC to fulfil its fiduciary responsibilities in a satisfactory manner.
- 2.2.17 To comply with all the Procedure Rules for Council Committees and Sub-Committees, as set out in Part 4, Section 2 of the Council's Constitution with the exception of paragraph 15(4) of the explanatory note and paragraph 5.3 of the extract of Part 3 of the Constitution [exclusion of ability of minority of members to move recommendations to Council].
- 2.2.18 To conduct its business only when the number of voting members in attendance reaches or exceeds a quorum of 3.

2.3 Responsibilities Delegated to the Chief Finance Officer

- 2.3.1 To implement the decisions of the PFC efficiently and effectively.
- 2.3.2 To administer the Pension Fund within the parameters set by the PFC, delegating these responsibilities as appropriate to other council officers and/or external contractors.
- 2.3.3 To advise the PFC on all matters pertaining to the management of the Pension Fund, drawing upon the knowledge and expertise of other council officers, the independent advisor, the actuaries and other sources where appropriate.
- 2.3.4 To attend PFC meetings, ensuring an appropriate substitute is sent where attendance is not possible.
- 2.3.5 To require other relevant individuals to attend PFC meetings where appropriate.
- 2.3.6 To require the Fund's independent advisor to present a report each quarter to the PFC on the key and emerging issues that will or could affect the Pension Fund's future performance and standing
- 2.3.7 To organise adequate training to enable members of the PFC to be in a position meet their fiduciary responsibilities in relation to the Pension Fund.
- 2.3.8 To request that the Chairman convene additional meetings where a matter arises that requires its urgent consideration.
- 2.3.9 To prepare and submit the following Pension Fund documents for approval to the PFC on either triennially or more frequently than this should circumstances require:-
 - Pension Fund Annual Report
 - Statement of Investment Principles
 - Funding Strategy Statement
 - Governance Policy Statement
 - Pension Administration Strategy
 - Communication Policy Statement
- 2.3.10 To publish the documents stated in 2.3.9, upon their approval by the PFC, in a timely, accessible and cost-effective manner.

- 2.3.11 To make available to scheme representatives, scheme members and any other interested bodies, upon request, any other information pertaining to the London Borough of Barnet Pension Fund where this is not covered by exemptions provided by Acts of Parliament.

APPENDIX P

ANNEXE A TO RESPONSIBILITY FOR FUNCTIONS- Membership and Terms of Reference of Committees

Body responsible	Functions	Membership												
<p>Policy and Resources</p>	<p>(1) To be the principal means by which advice on strategic policy and plans is given and co-ordinated and to recommend to Full Council, as necessary, on strategic issues. This is to include:</p> <ul style="list-style-type: none"> • Approval of the Corporate Plan • Council’s Capital and Revenue Budget setting (subject to Full Council) and Medium Term Financial Strategy • Ensuring effective Use of Resources and Value for Money <p>(2) To be responsible for the overall strategic direction of the Council including the following specific functions/activities:</p> <table border="1" data-bbox="419 1055 1050 2056"> <tbody> <tr> <td data-bbox="419 1055 738 1218"> <ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement </td> <td data-bbox="743 1055 1050 1218"> <ul style="list-style-type: none"> • Strategic Partnerships </td> </tr> <tr> <td data-bbox="419 1225 738 1496"> <ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion </td> <td data-bbox="743 1225 1050 1496"> <ul style="list-style-type: none"> • Local Development Framework and associated documents (for adoption by Full Council) </td> </tr> <tr> <td data-bbox="419 1503 738 1666"> <ul style="list-style-type: none"> • Internal Transformation programmes </td> <td data-bbox="743 1503 1050 1666"> <ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery </td> </tr> <tr> <td data-bbox="419 1673 738 1724"> <ul style="list-style-type: none"> • Write off of debt </td> <td data-bbox="743 1673 1050 1724"> <ul style="list-style-type: none"> • Insurance </td> </tr> <tr> <td data-bbox="419 1731 738 1895"> <ul style="list-style-type: none"> • Treasury Management Strategy and Activity </td> <td data-bbox="743 1731 1050 1895"> <ul style="list-style-type: none"> • Information Technology provision </td> </tr> <tr> <td data-bbox="419 1901 738 2056"> <ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare </td> <td data-bbox="743 1901 1050 2056"> <ul style="list-style-type: none"> • Health and Safety • Mayoralty budget </td> </tr> </tbody> </table>	<ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement 	<ul style="list-style-type: none"> • Strategic Partnerships 	<ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion 	<ul style="list-style-type: none"> • Local Development Framework and associated documents (for adoption by Full Council) 	<ul style="list-style-type: none"> • Internal Transformation programmes 	<ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery 	<ul style="list-style-type: none"> • Write off of debt 	<ul style="list-style-type: none"> • Insurance 	<ul style="list-style-type: none"> • Treasury Management Strategy and Activity 	<ul style="list-style-type: none"> • Information Technology provision 	<ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare 	<ul style="list-style-type: none"> • Health and Safety • Mayoralty budget 	<p>12, Chairman and Vice Chairman to be appointed by Council. Committee to be made up in accordance with proportionality.</p>
<ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement 	<ul style="list-style-type: none"> • Strategic Partnerships 													
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<ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare 	<ul style="list-style-type: none"> • Health and Safety • Mayoralty budget 													

	<p style="text-align: center;">programmes</p> <p>(3) To submit recommendations to the Council in the event of a difference of opinion arising between committees upon a matter which falls within the terms of reference of more than one committee.</p> <p>(4) To be responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council.</p> <p>(5) To consider and take any necessary action upon proposals for new legislation, Bills before Parliament, Acts of Parliament and other proceedings before Parliament affecting or likely to affect the interests of the Borough or its inhabitants generally where not the specific concern of any other committee(s). The promotion of Bills and Provisional and Statutory Orders in Parliament shall be dealt with by the Council.</p> <p>(6) Approve the budget, business plan and Annual Report of the Barnet Group Ltd</p> <p>(7) To allocate a budget, as appropriate, for Area Sub-Committees and agree a framework for governing how that budget may be spent.</p> <p>(8) To represent Barnet's strategic interests in dealings with sub-regional, regional and national Government and influence relevant tiers of Government</p> <p>(9) To consider petitions that contain between 2000 and 6999 signatures in accordance with Public Participation Procedure rules.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Performance and Contract Management	(1) Overall responsibility for quarterly budget monitoring, including monitoring trading position and	10 Chairman and Vice Chairman to be

	<p>financial strategy of Council Delivery Units</p> <p>(2) Monitoring of Performance against agreed financial and performance targets by External providers- including CSG; Re; the Barnet Group; HB Public Law; and NSL.</p> <p>(3) Receive and scrutinise contract variations and change requests in respect of the above contracts</p> <p>(4) To make recommendations to Policy and Resources and Theme Committees on relevant policy and commissioning implications arising from the scrutiny of performance of Delivery Units and External Providers</p> <p>(5) Agreeing exceptions to Contract Procedure Rules and decisions in relation to approved lists and agreed national registers, authorise post tender negotiations and accept tenders that are not the lowest</p> <p>(6) Specific responsibility for the following functions within the Council:</p> <table border="1" data-bbox="419 1106 1050 1458"> <tr> <td data-bbox="419 1106 738 1458"> <ul style="list-style-type: none"> Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs) </td> <td data-bbox="738 1106 1050 1458"> <ul style="list-style-type: none"> Risk Management </td> </tr> </table> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	<ul style="list-style-type: none"> Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs) 	<ul style="list-style-type: none"> Risk Management 	<p>appointed by Council. Remainder to be made up in accordance with proportionality</p>
<ul style="list-style-type: none"> Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs) 	<ul style="list-style-type: none"> Risk Management 			
<p>Children, Education, Libraries and Safeguarding</p>	<p>1) Specific responsibilities include:</p> <ul style="list-style-type: none"> Planning the adequate provision of school places in the Borough Investment in educational infrastructure to meet the needs of the Borough's learners Development and enhancement of the 	<p>10</p> <p>Chairman and Vice chairman to be appointed by Council. Requirement to have a Lead Member for Children's Services.</p>		

	<p>Library Service</p> <ul style="list-style-type: none"> • Development of cultural activities • To be responsible for those powers, duties and functions of the Council in relation Children's Services (including schools): <p>(2) Lead the Council's responsibilities under the Children Act 2004 and Education and inspection Act 2007</p> <ul style="list-style-type: none"> • Oversee effective support for young people in care; and enhance the Council's corporate parenting role • Oversee the multi-agency Youth Offending Team • Oversee the effective provision of support across partners for the well-being of vulnerable families - including the Troubled Families programme <p>(3) Approve the Children and Young People Plan and associated sub strategies promoting the following areas:</p> <ul style="list-style-type: none"> • Education • Inclusion • Child Poverty • Early Intervention and Prevention <p>(4) Grants to Voluntary Sector within the remit of the Committee</p> <p>(5) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(6) To ensure that the Council's safeguarding responsibilities are taken into account.</p> <p>(7) To receive and consider reports as appropriate from the Children's Trust Board</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee</p>	<p>Remainder to be made up in accordance with proportionality</p>
<p>Adults and Safeguarding</p>	<p>(1) Specific responsibilities include: To be responsible for those powers, duties and functions of the Council in relation to Adults and Communities including the following specific functions:</p> <ul style="list-style-type: none"> • Promoting the best possible Adult Social Care services 	<p>10</p> <p>Chairman and Vice Chairman appointed by Council. Remainder to be made up in accordance with</p>

	<p>(2) Work with partners on the Health and Well Being Board to ensure that social care, interventions are effectively and seamlessly joined up with public health and healthcare and promote the Health and Well Being Strategy and its associated sub strategies.</p> <p>(3) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee</p> <p>(4) Specific responsibilities to include:</p> <table border="1" data-bbox="395 636 1051 801"> <tr> <td data-bbox="395 636 722 801"> <ul style="list-style-type: none"> Leisure Services. </td> <td data-bbox="722 636 1051 801"> <ul style="list-style-type: none"> Grants to Voluntary Sector within the remit of the Committee </td> </tr> </table> <p>(5) To ensure that the Council's safeguarding responsibilities are taken into account.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee</p>	<ul style="list-style-type: none"> Leisure Services. 	<ul style="list-style-type: none"> Grants to Voluntary Sector within the remit of the Committee 	<p>proportionality</p>				
<ul style="list-style-type: none"> Leisure Services. 	<ul style="list-style-type: none"> Grants to Voluntary Sector within the remit of the Committee 							
<p>Environment</p>	<p>(1) To include specific responsibilities for commissioning the following:</p> <table border="1" data-bbox="437 1588 1051 2047"> <tr> <td data-bbox="437 1588 740 1792"> <ul style="list-style-type: none"> Street Scene including pavements and all classes of roads </td> <td data-bbox="740 1588 1051 1792"> <ul style="list-style-type: none"> Parking provision and enforcement </td> </tr> <tr> <td data-bbox="437 1792 740 1850"> <ul style="list-style-type: none"> Road Safety </td> <td data-bbox="740 1792 1051 1850"> <ul style="list-style-type: none"> Street Lighting </td> </tr> <tr> <td data-bbox="437 1850 740 2047"> <ul style="list-style-type: none"> Transport and traffic management-including agreement of </td> <td data-bbox="740 1850 1051 2047"> <ul style="list-style-type: none"> Refuse and recycling </td> </tr> </table>	<ul style="list-style-type: none"> Street Scene including pavements and all classes of roads 	<ul style="list-style-type: none"> Parking provision and enforcement 	<ul style="list-style-type: none"> Road Safety 	<ul style="list-style-type: none"> Street Lighting 	<ul style="list-style-type: none"> Transport and traffic management-including agreement of 	<ul style="list-style-type: none"> Refuse and recycling 	<p>10</p> <p>Chairman and Vice Chairman appointed by Council. Remainder to be made up in accordance with proportionality</p>
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London Transport Strategy-Local Implementation Plan	
• Street Cleaning	• Waste Minimisation
• Waterways	• Allotments
• Parks and Open Spaces	• Fleet Management
• Trees	• Cemetery and crematorium and Mortuary
• Trading Standards	• Contaminated land and all statutory nuisances.
• Flood Risk Management (scrutiny aspect)	

(2) Council highways functions (including highways use and regulation, access to the countryside, arrangements and extinguishment of public rights of way) which are limited to

- creating, stopping up and diverting footpaths and bridleways
- asserting and protecting public rights to use highways
- removing things deposited on highways which cause nuisance

(3) Gaming, entertainment, food and miscellaneous licensing in so far as not otherwise the responsibility of the Licensing Committee or the Licensing Sub-Committee *Health and Safety regulation (otherwise than as an employer).*

(4) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee

	<p>(5) Specific responsibilities to include:</p> <ul style="list-style-type: none"> • Grants to Voluntary Sector within the remit of the Committee <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
<p>Assets, Regeneration and Growth</p>	<p>1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Develop and oversee a Regeneration Strategy • Develop strategies which maximise the financial opportunities of growth- e.g. New Homes Bonus, localisation of business rates • Promote skills and enterprise and approve a Skills Enterprise and Employment Strategy (having regard to the views of the Lead member for Childrens Services on relevant matters) • Engagement with the business community and measures to support local business • Oversee major regeneration schemes- including those of key social housing estates • Town Centre regeneration programmes • Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council • Neighbourhood Plans (for adoption by Full Council) <p>(2) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee</p> <p>(3) Specific responsibilities to include:</p> <ul style="list-style-type: none"> • Grants to Voluntary Sector within the remit of the Committee <p>(4) To approve any non-statutory plan or</p>	<p>10</p> <p>Chairman and Vice Chairman appointed by Council. Remainder to be made up in accordance with proportionality</p>

	<p>strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee</p>	
Housing	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Housing Strategy (incorporating Homelessness Strategy) • Work with Barnet Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing • Commissioning of Environmental Health • Promote the better integration of privately rented properties into the Borough's framework; • All matters related to Private sector Housing including Disabled Facility Grants • Housing licensing and housing enforcement <p>(2) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee</p> <p>(3) Specific responsibilities to include:</p> <ul style="list-style-type: none"> • Grants to Voluntary Sector within the remit of the Committee <p>(4) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and</p>	<p>10</p> <p>Chairman and Vice Chairman appointed by Council. Remainder to be made up in accordance with proportionality</p>

	determined by the Policy and Resources Committee	
Community Leadership	<p>Specific responsibilities include:</p> <ul style="list-style-type: none"> • Grants to Voluntary Sector within the remit of the Committee • Responsibilities for the Registration and Nationality Service • Emergency Planning • Civic events <p>(1) To oversee arrangements for cross partner co-operation including any pooling of budgets (other than those within the remit of the Health and Well Being Board) e.g. Community Budgets</p> <p>(2) To maintain good community relations with Barnet's diverse communities ensuring that all communities have the opportunity to participate fully in the Borough's affairs</p> <p>(3) To contribute to achieving better outcomes in the Safer Communities Strategy through CCTV, fighting crime and anti-social behaviour, combating graffiti flytipping and other environmental crime, action against Domestic Violence and any other relevant Council activity.</p> <p>(4) To work together with partners on the Barnet Safer Communities Partnership including Police, Fire and Criminal Justice Agencies to help make Barnet a safer place.</p> <p>(5) Provide scrutiny aspect of Community Safety</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	<p>10</p> <p>Chairman and Vice Chairman appointed by Council. Remainder to be made up in accordance with proportionality</p>

<p>Area Sub Committees</p>	<ol style="list-style-type: none"> 1. Consider matters raised at Residents Forums and determine how they are to be taken forward, including whether to request a report for a future meeting, refer to an Officer and/or ward councillors 2. Discharge any functions, within the budget and policy framework agreed by P and R, of the theme committees that they agree are more properly delegated to a more local level. These include but are not limited to: <ul style="list-style-type: none"> • <i>Town Centre Regeneration and Management</i> • <i>Sewers, drainage, public conveniences, water courses</i> • <i>Refuse collection, litter, cleansing, waste and recycling</i> • <i>Parks, open spaces, nature reserves, allotments, recreation and leisure facilities</i> • <i>Libraries and Culture</i> • <i>Cemeteries and Crematoria</i> • <i>Recommending the creation of Conservation Areas to Environment Committee</i> • <i>Day to day environmental issues and management of land on Council Housing estates</i> • <i>Local highways and safety schemes</i> 3. Considering any proposals for Neighbourhood Planning under the 2011 Localism Act and proposing plans to the Assets, Regeneration and Growth Committee. 4. Administer any local budget delegated from Policy and Resources Committee for these sub-committees in accordance with the framework set by the Policy and Resources Committee.. 5. Powers to deal with small public works <p>Area Sub-Committees should not deal with issues that are specifically within the remit of other committees (e.g. Licensing), that should be exercised at a Borough wide level or that are outside the budget and policy framework.</p>	<p>10</p> <p>Chairman and Vice Chairman appointed by Council.</p> <p>One Member and one Substitute member for each Ward.</p>
<p>Council acting as the Licensing Authority</p>	<p>Agreeing and reviewing the Statement of Licensing Policy.</p>	<p>All Members of the Council</p>

<p>Licensing Committee</p>	<p>All functions under the Licensing Act 2003 and the Gambling Act 2005 associated Regulations, not otherwise delegated to the Licensing Sub-Committee.</p> <p>Agreeing increases to fees and charges for licence applications under the Gambling Act 2005.</p> <p>Applications and appeals and revocations relating to Sex Shops, Sex Cinemas and Sex Encounter Establishments</p> <p>Applications, appeals and revocations relating to Special Treatment Licenses.</p> <p>Application for film classification for films shown within the Borough</p> <p>Gaming, entertainment, food and miscellaneous licensing including functions relating to: street trading including the designation of permanent pitches for street trading</p> <p>Safety at sports ground certification.</p>	<p>10 Councillors</p> <p>Chairman and Vice Chairman appointed by Council.</p>
<p>Licensing Sub-Committee</p>	<p>All functions under the Licensing Act 2003 and the Gambling Act 2005 and associated Regulations, as delegated to it by the Licensing Committee.</p> <p>All functions in relation to other licensing as delegated by the Licensing Committee.</p>	<p>10 Councillors</p> <p>Chairman and Vice Chairman appointed by Council.</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>Chairman and Vice Chairman appointed by Council.</p> <p>The proportionality rules apply to the membership of this Committee, which should comprise between 5 and 7 members.</p> <p>The membership should also include two independent, non-voting Members with a period of appointment of four years, co-terminus with Council.</p> <p>The Chairman 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>
	<p>Terms of Reference</p> <p><u>Audit Activity</u></p> <ol style="list-style-type: none"> 1. To consider the audit annual report, plan and opinion. 2. To consider summaries of specific internal audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of internal audit services. 4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale. 5. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance. 6. To consider specific reports as agreed with the external auditor. 7. To comment on the scope and depth of external audit work and to ensure it gives value for money. 8. To liaise with the body responsible over the appointment of the Council's external auditors. 	

	<p>9. To commission work from the internal and external audit, proportionate to risk identified and with agreement from Chief Executive.</p> <p><u>Regulatory Framework.</u></p> <p>10. To review any issue referred to it by the chief executive or a director, or any Council body.</p> <p>11. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>12. 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>13. To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.</p> <p><u>Accounts</u></p> <p>14. 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>15. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p><u>Annual Report</u></p> <p>16. The Audit Committee shall prepare a report to Full Council on annual basis on its activity and effectiveness</p>	
<p>Appeals Committees</p>	<p>Determining an appeal or application where there is a right of appeal to a Council committee. This does not include matters, which are the responsibility of the Licensing Committee or the Licensing Sub-Committee, nor does it include special statutory appeal or review bodies. It does include:</p> <ul style="list-style-type: none"> • Appeals relating to renovation, disabled facilities, home repair assistance and common parts facilities grants • Statutory complaints against school governing bodies 	<p>Chairman and Vice Chairman appointed by Council.</p> <p>10 councillors</p> <p>Plus 2 substitutes from each political group.</p>

	<ul style="list-style-type: none"> • Appeals under the housing right to compensation scheme. 	
<p>Planning 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 Sub-committee or officer.</p> <ul style="list-style-type: none"> • planning applications which involve a significant departure from the statutory development plan; • planning applications on behalf of the Council or where the Council has a significant interest in the development; • planning applications within the categories of development which must be referred to the Mayor of London; and • matters of significance to the entire borough or where major issues extend across boundaries of sub-committees or across local government boundaries. <p>(Reports on all the matters reserved to the Committee shall be made direct to the Committee and not through an area sub-committee.)</p> <p>Commons registration and town and village greens including powers of protection and enforcement although in practice these specific functions will be discharged by officers.</p> <p>(Which may include considering the recommendations of a non-statutory inquiry chaired by an independent person).</p> <p>Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning.</p>	<p>Chairman and Vice Chairman appointed by Council.</p> <p>10 Councillors</p>

<p>Area Planning Sub-Committees (2)</p>	<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 Director for Place will refer the matter to the appropriate Area Planning Committee.</p>	<p>East Area Planning sub-Committee</p> <p>10 Councillors each representing one of the following Wards:</p> <p>Underhill High Barnet East Barnet Oakleigh Brunswick Park Coppetts Totteridge East Finchley West Finchley Woodhouse</p>
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	<p>Relevant Considerations for Area Planning sub-Committees</p> <p>A. consideration of planning applications by Area Planning Sub-Committees:</p> <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 residents and affected applicants.</p>	<p>West Area Planning sub-Committee</p> <p>11 Councillors each representing of the following Wards</p> <p>Hale Edgware Burnt Oak West Hendon Colindale Hendon Mill Hill Childs Hill Finchley Church End, Garden Suburb Golders Green</p>
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	<p>One potential 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 Assistant Director of Planning and Development Management under delegated powers, unless it proves necessary to refer them to Committee , and are:</p> <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 DCLG in PS1/PS2 Planning statistical categories of developments, for example 9 or less dwellings, advertisements, Listed Building and Conservation Area consents.) 	
General Functions	All other Council functions that are not	7 Councillors

<p>Committee</p>	<p>reserved to Full 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) • Polling Stations • Ward Boundaries • Elections in general <p>Where decisions have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Policy and Resources Committee.</p> <p>Collective Disputes - In accordance with the Council's Trade Union and Employee Engagement Framework, certain disputes may be referred to the General Functions Committee.</p> <p>a) Only where there has been a failure to agree at People Management Group about the implementation (or proposed implementation) of change affecting working arrangements can the matter be referred to the General Functions Committee at its next scheduled meeting.</p> <p>(b) Issues concerning working arrangements which are submitted to the General Functions Committee will be supported by the minutes of the Area Joint Consultation Committee and People Management Group which considered the matter.</p> <p>(c) Where the matter is not resolved at this point, the Collective Disputes Procedure is regarded as exhausted and the Council will advise trade unions and employees of its intentions.</p> <p>(d) When considering the report, a representative of the trade unions may be requested to speak with the consent of the Chairman or be questioned by the Committee before a decision is made.</p> <p>(e) Consider reports on restructure in line with</p>	<p>Chairman and Vice Chairman appointed by Council.</p>
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	the HR regulations.	
Constitution, Ethics and Probity Committee	<p>To have responsibility for overseeing the Council's governance arrangements</p> <p>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.</p> <p>To consider and make recommendations to the Council on: (i) how it can satisfy the continuing duty to promote and maintain high standards of conduct for Members; (ii) on the Code of Conduct for Members; and (iii) on ethical standards in general across the authority.</p>	<p>8 Councillors</p> <p>Chairman and Vice Chairman appointed by Council.</p>
Group Leaders Panel	<p>To investigate and determine allegations of a breach of the Code of Conduct for Members in the context of satisfying the Council's continuing duty to promote and maintain high standards of conduct for Members.</p>	<p>5 Councillors. To include the Leaders of the political groups.</p> <p>Chairman and Vice Chairman appointed by Council.</p> <p>The Panel will take account of the views of an Independent Person.</p>
Pension Fund Committee	<p>As set out in the Pension Fund Governance Compliance Statement appended.</p>	<p>Chairman and Vice Chairman appointed by Council.</p> <p>6 Councillors</p>
Remuneration Committee	<p>In accordance with supplementary guidance issued by the Department for Communities & Local Government in 2012 and February 2013 Council be given the opportunity to vote on Chief Officer salary packages, of salary packages of £100,000 or more and any severance packages at or above £100,000 and in instances where Council has delegated these functions to the Remuneration Committee, then the Remuneration Committee will :</p> <p>Decide on and report back to Council on</p> <ol style="list-style-type: none"> a. Chief Officer salary packages b. Salary packages to be offered of £100,000 or more 	<p>Chairman and Vice Chairman appointed by Council.</p> <p>5 Councillors</p> <p>Chairman – Leader of the Council</p> <p>Deputy Leader of the Council.</p> <p>Chairman of General Functions Committee.</p> <p>Leader of the Opposition</p> <p>Leader of the Minority opposition group.</p> <p><i>One substitute from each political group</i></p>

- c. Severance packages per individual of £100,000 or more. (severance package will consist of redundancy pay, pay in lieu of notice, any holiday pay the employee is contractually entitled to and any pension lump sum the employee is entitled to in accordance with the Local Government Pension Scheme).

Responsibilities

The Committee will take account of the Reward & Employment strategies of the Council and ensure that it is fully briefed on the prevailing organisational approach. The following list of responsibilities is not intended to be exhaustive:

- a. To develop and approve the Pay Policy and be responsible for the publication of the annual statement, which will include:
- The level and elements of remuneration for each Chief Officer
 - Relationship of the remuneration of Chief Officers and other officers
 - A description of the relationship between decisions made on the lowest paid and top paid employees in the organisation
 - Remuneration of the lowest paid (with the definition of the lowest paid and the reasons for adopting that definition)
 - Remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments
 - Transparency arrangements
 - Reasons for chosen approach to remuneration levels and how this is to be implemented
 - Differences of approach to groups of employees and the reasons for them
 - Pay dispersion
 - Incremental progression factors
 - Use of honoraria and ex-gratia payments
 - Determine remuneration parameters for officers who have returned to work for a local authority
 - Appointment and remuneration terms

	<p>b. To review annually remuneration, as defined above, for the Council's Chief Officers except those elements determined nationally or pensions.</p> <p>c. To keep under review the terms & conditions as they relate to pay for all Council employees and where changes have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Cabinet Resources Committee and/or General Functions Committee. .</p> <p>d. To receive information in the context of reward from organisations that have a relationship with the Council or arrangements that may influence decisions when determining pay</p> <ul style="list-style-type: none"> • The employees of Barnet Group • Contractors • Shared management schemes • Outplacements • Agency and other staff <p>e. To have oversight to ensure that remuneration terms of appointments are appropriate.</p> <p>f. To take advice from the Pensions Committee with regard to decisions on pay that would impact upon pension arrangements or contributions.</p> <p>g. To set parameters for the remuneration of Chief Officers on recruitment.</p> <p>h. To ensure that sufficient flexibility exists within the pay policy to allow responses to unforeseen circumstances without having recourse to revising the pay policy statement between annual reviews.</p> <p>i. To have oversight of the national pay agenda and consider the implications in the local context</p> <p>j. To commission relevant research and/or comparative information on salaries in the public and private sectors e.g. from:</p>	
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	<ul style="list-style-type: none"> • The Council's own HR function • National and/or Regional employers' organisations • Independent consultancy organisations with relevant experience in pay market analysis • Submissions made by the Associations on behalf of their members and make recommendations thereon <p>k. To ensure that the Public Sector Equality Duty, as set out by the Equality Act 2010, is applied throughout the pay and reward structure.</p> <p>l. To take cognisance of the CLG Code of Recommended Practice for Local Authorities on Data Transparency.</p> <p>m. To reference back to previous year's actual remuneration for Chief Officers and senior employees (definition of senior employee is consistent with CLG Code of Recommended Practice for Local Authorities on Data Transparency).</p> <p>n. To obtain assurance that adequate internal and external moderation and benchmarking takes place when senior posts are subject to job evaluation.</p> <p>o. To take account of forward plans and the impact of remuneration on workforce planning, talent management and succession planning.</p> <p>p. To review remuneration arising from performance management and ensure that any performance-related pay mechanisms are fair and transparent.</p> <p>q. To refer such items as necessary to the Council</p> <p>r. To refer to guidance from the Secretary of State.</p> <p>s. To deal with Chief Officer Appointments, Discipline and Capability matters</p> <p>Protocols</p> <p>u. To declare any conflicts of interest.</p>	
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<p>Health and Well-Being Board</p>	<ol style="list-style-type: none"> 1. To jointly assess the health and social care needs of the population with NHS commissioners, and apply the findings of a Barnet joint strategic needs assessment (JSNA) to all relevant strategies and policies. 2. To agree a Health and Well-Being Strategy for Barnet taking into account the findings of the JSNA and performance manage its implementation to ensure that improved outcomes are being delivered. 3. To work together to ensure the best fit between available resources to meet the health and social care needs of the population of Barnet (including children), by both improving services for health and social care and helping people to move as close as possible to a state of complete physical, mental and social well-being. Specific resources to be overseen include money for social care being allocated through the NHS; dedicated public health budgets; and Section 75 partnership agreements between the NHS and the Council. 4. To consider all relevant commissioning strategies from the CCG and the NHS Commissioning Board and its regional structures to ensure that they are in accordance with the JSNA and the HWBS and refer them back for reconsideration 5. To receive assurance from all relevant commissioners and providers on matters relating to the quality and safety of services for users and patients 6. To directly address health inequalities through its strategies and have a specific responsibility for regeneration and development as they relate to health and care. To champion the commissioning of services and activities across the range of responsibilities of all partners in order to achieve this. 7. To promote partnership and, as appropriate, integration, across all necessary areas, including the use of joined-up commissioning plans across the NHS, social care and public health. 8. To receive the Annual Report of the Director of Public Health and commission 	<p>Chairman and Vice Chairman appointed by Council.</p> <p>Three Members of the Council</p> <p>Director of Public Health, Barnet and Harrow</p> <p>Director for People (Interim Director for Children's Service)</p> <p>Director of Adults and Communities</p> <p>Barnet Clinical Commissioning Group-Board members x 3</p> <p>Barnet Clinical Commissioning Group-Chief Officer</p> <p>Barnet Healthwatch representative</p> <p>NHS England</p> <p>NOTE 1: Each member will be able to nominate a substitute member is they are unable to attend.</p> <p>NOTE 2: The flexibilities given in the Local Authority (Public Health, Health and Well-Being Board and Health Scrutiny) Regulations 2013(SI 218) to disapply elements of the 1972 Local Government Act have been used to:</p> <p>Waive requirement for</p>
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	<p>and oversee further work that will improve public health outcomes.</p> <p>9. Specific responsibilities for:</p> <ul style="list-style-type: none"> • Overseeing public health • Developing further health and social care integration. 	<p>proportionality</p> <p>Allow voting rights to members other than Members of the Council.</p>
<p>Health Overview and Scrutiny Committee</p>	<ol style="list-style-type: none"> 1. To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service (NHS) and NHS bodies located within the London Borough of Barnet and in other areas. 2. To make reports and recommendations to Council, Health and Well Being Board, the Secretary of State for Health and/or other relevant authorities on health issues which affect or may affect the borough and its residents. 3. To receive, consider and respond to reports, matters of concern, and consultations from the NHS Barnet Health and Wellbeing Board, Health Watch and/or other health bodies. 4. To scrutinise and review promotion of effective partnerships between health and social care, and other health partnerships in the public, private and voluntary sectors. 5. To make recommendations as necessary to the Council for the formation of Joint Overview and Scrutiny Committees in accordance with the provisions of the Section 21 of the Local Government Act 2000 as amended by the Health and Social Care Act 2001 and Health and Social Care Act 2012. 	<p>10 Members</p> <p>Chairman and Vice-Chairman to be appointed by Council -</p>

<p>Urgency Committee</p>	<p>To consider any item of business which needs a decision as a matter of urgency and where a meeting of the relevant Committee is not scheduled to take place within the time period within which the decision is required.</p>	<p>3 members Leader, Deputy Leader, Leader of the Opposition Chairman and Vice Chairman appointed by Council.</p>
<p><u>Residents Forums</u></p> <p><u>Chipping Barnet Residents Forum</u> <u>Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards.</u></p> <p><u>Hendon Residents Forum</u> <u>(Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards)</u></p> <p><u>Finchley and Golders Green Residents Forum</u> <u>(Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and East Finchley Wards)</u></p>	<p>Residents Forums provide an opportunity for any resident to raise local matters. Items and questions must be received by the Governance Service by 10am on the second working day prior to the meeting for the item to be discussed at the Forum.</p> <p>The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period.</p> <p>The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.</p> <p>Petitions on matters relevant to the Constituency only can also be presented.</p> <p>Matters must not relate to Planning or Licensing Issues.</p> <p>Relevant matters raised at the Forum may be referred by the Forum Chairman onto the agenda for the related Area Sub-Committee.</p> <p>Comments made are reported to the relevant decision maker. Decision makers must respond to the issue(s) raised within 20 working days.</p>	<p>A Chairman and Vice-Chairman of each appointed by the Council.</p>

<p><u>Local Strategic Partnership (Barnet Partnership Board)</u></p>	<p>(a) A Local Strategic Partnership is a non-statutory body which brings together the key public, private and voluntary organisations within the borough to identify and articulate the needs and aspirations of Barnet's local communities and to provide a forum to assist the Council by collectively reviewing and steering public resources, through identifying priorities in Sustainable Community Strategies. In Barnet the functions of a Local Strategic Partnership are discharged by the Barnet Partnership Board.</p> <p>(b) The Barnet Partnership Board is not the ultimate decision maker. All target-setting and consequential financial, commissioning or contractual commitments proposed by it must be formalised through the Council's Decision making structure or through one of the other members of the Board (for example if policing resources are involved). Note; Provisions relating to the Health and Well Being Board are slightly different and reflect Government Regulations on their remit and legal status. Terms of reference are set out in Responsibility for Functions.</p> <p>(c) The Council will exercise a leadership role in relation to the Barnet Partnership Board and specifically will ensure that it has a formal constitution setting out its terms of reference, membership, organisational and management arrangements and the duties and responsibilities of Partnership members, such duties and responsibilities to be incorporated into a partnership agreement to be signed by all Partnership members.</p> <p>(d) The Council will ensure that the Barnet Partnership Board develops clear and transparent lines of accountability and responsibility between its members.</p> <p>(e) The Council will, on an annual basis (or at more frequent intervals should it deem it appropriate to do so), consider a report on the work and performance of the Barnet Partnership Board and its thematic Boards, Partnerships and sub-Partnerships, such annual report to include, amongst other things, a review of the governance arrangements and the progress made in respect of Sustainable Community Strategy priorities and objectives.</p>	<p>Leader of the Council</p> <p>Other Council representatives to be appointed by Annual Council</p> <p>Senior representatives from:</p> <p>Met Police</p> <p>Middlesex University</p> <p>Barnet Clinical Commissioning Group</p> <p>Community Barnet</p> <p>Brent Cross Shopping Centre</p> <p>Barnet and Southgate College</p> <p>Job Centre Plus</p>
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	<p>(f) The Council will ensure that a Partnership Register is maintained (and regularly reviewed) by the Council's Officers which sets out key information in relation to the governance arrangements of the Barnet Partnership Board, its thematic Boards, Partnerships and Sub-Partnerships, to include details on terms of reference, membership, financial arrangements, statutory requirements, accountability, risk assessments and data sharing protocols.</p> <p>(g) The Council will ensure that appropriate arrangements are in place to enable appropriate review of the Barnet Partnership Board, thematic Boards, Partnerships and sub-Partnerships and relevant partner associations in accordance with statutory provision.</p>	
<p><u>Children's Trust Board</u></p>	<p>The Children's Trust is the sum total of co-operation arrangements and partnerships between organisations with a role in improving outcomes for children and young people. The Children's Trust is not a separate organisation. Each partner within the Children's Trust retains its own functions and responsibilities within the wider partnership framework.</p> <p>Section 10 of the Children Act 2004 places a duty on Local Authorities and other specific agencies to co-operate and improve the well being of children in relation to the five every child matters outcomes:-</p> <ul style="list-style-type: none"> • Be healthy • Stay safe • Enjoy and achieve • Make a positive contribution • Achieve economic well-being <p>The Children's Trust Board (CTB) provides inter-agency governance to ensure that partners in Barnet are working effectively together to improve the well being of children and young people.</p> <p>The Children's Trust Board is an essential channel to ensure that a shared set of better outcomes for children and</p>	<p>The Board will be chaired by the Lead member for Children's Services as appointed by the Council.</p> <p>.Members are able to delegate a deputy of suitable authority if they are unable to attend, by agreement with the chairman.</p> <p>Current partners are:</p> <ul style="list-style-type: none"> • LB Barnet • Barnet Clinical Commissioning Group • CommUnity Barnet • Barnet and Southgate College • Metropolitan Police • Primary, Secondary and Special Schools

	<p>families are delivered by a range of partners. It is leading the development of a Community Budget to support families with complex needs, through the expansion of the Intensive Family Focus Programme to cover up to 100 families. Partners are being asked to invest in the scheme in proportion to the proven cost savings through effective intervention.</p> <p>The Children's Trust Board is responsible for the following:</p> <ul style="list-style-type: none"> • To develop and promote a local vision – set out in the Children and Young People Plan (CYPP) – to drive improved outcomes for local children, young people and their families • To serve as the strategic forum where agreement can be brokered and agreed. This includes providing a strategic framework within which the partners may commission services in a coordinated way using either joint or aligned budgets • To serve as the strategic interface for Children's Services with the LSP/ Barnet Partnership Board, neighbouring borough services and organisations and with national bodies and government • To develop and carry out ongoing review of a strategic three to five year vision • To oversee development, delivery and reviewing of the CYPP • To monitor progress, including via a report produced on the extent to which the Children's Trust partners act in accordance with the CYPP and a report from the Barnet Safeguarding Children Board 	
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<p><u>Safer Communities Partnership Board</u></p>	<p>The Safer Communities Partnership Board (SCPB) is the inter-agency mechanism in Barnet to reduce crime and anti-social behaviour and reoffending and promote social cohesion. It acts as the Crime and Disorder Reduction Partnership as defined (and required) by the 1998 Crime and Disorder Act and subsequent amendments including the 2006 Police and Justice Act and the 2009 Policing and Crime Act. The SCPB operates within the constitutional requirements of Barnet Council, the Metropolitan Police and other partner agencies, who ensure that the Board's approaches to policy formulation and resource allocation are consistent with those of the agencies concerned. It is a thematic subgroup of the Barnet Partnership Board which has overall strategic responsibility and has delegated to the SCPB the responsibility for delivering the Strong Safe Communities for Everyone theme of the Sustainable Community Strategy.</p> <p>It is taking forward one of the objectives in the strategy to develop an Integrated Offender Management system that brings together the different agencies involved in managing the punishment and rehabilitation of offenders in a much more efficient and joined up way, reducing the risks of reoffending and ensuring far more offenders complete their drug rehabilitation successfully.</p> <p>Barnet Safer Communities Partnership is an unincorporated body and therefore it does not have a legal personality. Its members work collectively within their own individual legal frameworks.</p>	<p>Meetings will be quarterly and a quorum will comprise four members provided this consists of:</p> <p>The Chairman or Vice Chairman</p> <p>At least one representative each of the Council and the Metropolitan Police.</p> <p>Other current partners are:</p> <ul style="list-style-type: none"> • CommUnity Barnet • Children's Safeguarding Board • London Probation Service • Victim Support, North London Division • Middlesex University • North London Magistrates' Court • London Fire Brigade • MOPAC- Mayor's Office for Policing And Crime • Barnet Community Safety and Engagement Group • Job Centre Plus • Barnet Clinical Commissioning Group <p>The Chairman will be an elected Local Authority member to reflect the Council's role in providing community leadership in this area.</p> <p>The Vice Chairman will be from the Metropolitan Police. These chairing arrangements will be reviewed and agreed at the first meeting of the Board in each new</p>
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		<p>municipal year.</p> <p>Members are able to delegate a deputy of suitable authority if they are unable to attend.</p>
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ANNEX B TO RESPONSIBILITY FOR FUNCTIONS SCHEME OF DELEGATED AUTHORITY TO OFFICERS

1. Powers Delegated to Officers

1.1 General Powers

Chief Officers as listed in Article 9 can take decisions,

- to discharge the functions allocated to them or dealt with by them or their staff, except for matters specifically reserved to, 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. This covers emergency decisions that were not anticipated within the budget or Service Plans but nevertheless relate to everyday business, not major changes/decisions outside the approved budget and statutory plans listed as being for decision by Council. For example school heating system fails during mid-winter, or a school roof collapses today. These decisions must be taken in consultation with the Chairman of Policy and Resources Committee.

1.2 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.

1.3 They may use whatever means they consider appropriate to discharge those functions within their scheme of delegation, 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.

1.4 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. These powers must be set out in the Directorate Scheme of Delegation to Officers.

1.5 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 views of the Chairman of the relevant Committee should be sought as to whether or not it is appropriate to use the delegation. All delegated powers reports must indicate that this process has been undertaken.

Recording of delegated powers to Officers

- 1.7 Formal reporting of officer decisions will take place if actions or decisions involve the following –
- Specific statutory powers
 - The service of formal notice
 - The incurring of expenditure of £10000 or more,
 - The fixing of fees and charges to be levied by the Council
 - Authorisations and acceptances in accordance with the Contract Procedure Rules
 - Land or property transactions
 - The exercise of specific powers pertaining to finance, borrowing and investments
 - The issue or defence of legal proceedings
 - Or taking other actions or decisions that are significant in the context of service delivery and/or organisation or upon individuals, external bodies or the public
- 1.8 Recording/publishing of most decisions will be in summary form and will set out the principal matters that are relevant to the decision. Detailed reporting/publishing of individual decisions (Delegated Powers Report) will be by way of exception and only when there is a clear need to do so.
- 1.9 Where formal reporting is not required, the officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant Directorate. Each Directorate will keep its own central record of all delegated decisions. Proper administrative decision making requires that: -
- Decisions are properly made
 - Appropriate reasons are given to those affected
 - Decisions are fully recorded
- 1.10 All Directors and Chief Officers will draw up an up-to-date list of specific powers delegated which must be in accordance with the overall scheme of delegation, is updated annually and is published on the internet.

Specific Powers

1.11 In addition, in consultation with the Committee Chairman concerned:

- Directors have the power to agree revenue virements for sums in excess of £50,000 and up to £250,000 between service directorates and employee and non-employee expenditure.

Details of the Scheme of Revenue and Capital Virements can be found in Part 4 – Financial Regulations.

Where people processes are in accordance with the Council's Terms and Conditions of employment and any cost can be contained within the Group or Delivery Unit budget then this is a matter for the relevant Director.

Where the staffing or managerial issues will incur costs which cannot be contained within the Group or Delivery Unit's annual budget but can be contained within the Council's Annual budget then this must be reported through delegated powers of Head of Paid Service.

The only exception to these Specific Powers is where:

- a. Where 20 or more employees are placed at risk of redundancy/TUPE transferred,
- b. Terms and conditions of employment are to be introduced (this excludes compliance with statutory requirements) or replaced (this means a new term or condition)
- c. The Severance package per individual is £100,000 or more, in which case the matter must be referred to Remuneration Committee
- d. The Salary package to be offered is £100,000 or more, in which case the matter must be referred to the Remuneration Committee

In these cases the matter must be referred to General Functions Committee or Remuneration Committee as appropriate for decision.

1.12 The following Officers also have the powers indicated:

- the Section 151 Officer in consultation with the Chairman of Assets Regeneration and Growth Committee 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 £20,000 and £30,000 per annum or as a one off consideration
- The Strategic Director for Growth and Environment to make decisions about:
 - (i) The acquisition of properties under the private sector leasing scheme, for £20,800 per annum or less or as a one off consideration; and
 - (ii) The Strategic Director for Growth and Environment shall have authority to sign the private sector leases as detailed at (i) above
 - All disposals of freehold interests and leases where a capital premium is obtained for the interest will be agreed by Assets Regeneration and Growth Committee.

Restrictions and Conditions

- 1.13 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 decisions that are reserved to Council under this Constitution in an emergency and if it is lawful for them to do so.
- 1.14 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.
- 1.15 They may authorise other officers to exercise these powers in practice, but they are taken in their name and they remain their responsibility.
- 1.16 Emergency action taken under delegated powers must be reported to the relevant body as soon as possible.

2 OFFICER DELEGATIONS

This scheme sets out those delegations made to the Chief Executive and Chief Officers (as listed in Article 9) whether by the Council (refers to the 63 Councillors meeting as a body) or derived from statute. The Scheme also sets out the powers of the Statutory Officers of the Council.

Chief Officers are authorised to exercise those powers and duties of the Council in relation to the service and activities for which they are responsible which are not reserved to Council, a Committee or Sub-Committee, or to another officer.

They are accountable to the elected Members of the Council for the efficient and economic discharge of these responsibilities. They are, in turn, accountable to the public and are responsible for all matters which impact upon the Council exercising its powers and duties.

Except as specifically provided in this Scheme of Delegations or in Statute, the exercise of any power or duty of the authority is only delegated where the exercise would be (a) in accordance with any approved plan, policy or strategy, (b) not raising new issues of policy or precedent, and (c) not of such sensitivity or significance that it is appropriate for the matter to be referred to members for decision.

3. Delegation of Powers

In exercising delegated powers officers must:

- a. Comply with any strategy, policy, plan or direction directed by Members of the Council
- b. Comply with the Council's Financial Regulations, Contract Procedure Rules and Human Resources Policies in force at the time.
- c. Only incur expenditure within approved limits/estimates
- d. Refer to the appropriate body of members for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major changes where custom and practice or initial consultation with elected Members should have taken place.

- e. Ensure compliance with the law and all policies, regulations, orders, codes, protocols and similar documents approved by the Council or one of its Committees
- f. Inform members with specific functional responsibilities and ward members about the exercise of powers
- g. Consult with other relevant officers with proper regard to any advice given.
- i. Authorise another officer or officers to exercise those powers when they are absent or cannot be notified.
- j. Keep appropriate records and registers of decisions and report to Council, or Committee if required.
- k. Be accountable to the Council and Members or Committee, from which those powers derive.
- l. Be subject to decisions by the Chief Executive or the Monitoring Officer on whether officers should exercise any delegated power.
- m. Operate under the terms of officers holding politically restricted posts.

3. Where appropriate the Chief Executive may exercise any function delegated to any other officer, unless prohibited by law.

4. Chief Officers may exercise any function delegated to any other officer within their directorates, unless prohibited by law.

5. In the event of any dispute as to the delegated powers of any senior officer the Chief Executive shall have the power to determine which officer is to exercise the power.

6. Where a function is delegated to a Chief Officer or Director, he/she may sub-delegate the function to another senior officer where any function is sub-delegated in this way, the Chief Officer retains the power to recall any matter for decision, unless prohibited by law.

7. Officers exercising delegated powers may make decisions that were not anticipated within the budget or Service Plan but nevertheless relate to everyday business.

8. Responsibility for monitoring that specific Council strategies and plans are focused on the commissioning and delivery of services to achieve the best outcomes for the people of Barnet and the delivery of outstanding customer service across all services.

9. The use of Delegated Power Reports (DPR) will be by exception and only when there is a clear need to do so.

10. There are limitations upon all delegated powers. In particular there is no delegation of power to officers of:

- a. Matters reserved specifically to Members by resolution of Council
- b. Approval to exceed the provision in the revenue or capital budgets for their service responsibilities
- c. Decisions on permanent savings in the budget to achieve the Council's policies
- d. The right to determine a major employee re-organisation
- e. Where the officer is of the opinion that the matter is of such significance or sensitivity that it should be referred to members for decision

DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE AND EACH CHIEF OFFICER

Any power delegated to the Chief Executive (Head of Paid Service) may also be exercised by any member of staff who has been so authorised by the Chief Executive to whom that power is delegated, or in their absence or non-availability, by the nominated officer having responsibility of the said function, subject to any requirement, condition, restriction or limitation specified by the Chief Executive.

The Chief Executive, Chief Operating Officer, Strategic Director for Communities and Strategic Director for Growth and Environment comprise the Strategic Commissioning Board (SCB) which is tasked to deliver the Council's themes, as agreed by Members.

The Chief Executive, Chief Operating Officer, Strategic Director for Communities and Strategic Director for Growth and Environment are delegated the following authorities:

- a. Discharge of the powers conferred on Chief Officers by Standing Orders, Financial Regulations, Human Resources Policies and Contract Procurement Rules.
- b. Authorisation and acceptance of quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules.
- c. Expenditure within approved revenue budget estimates.
- d. Virement of resources for sums in excess of £50,000 between service directorates and employee and non-employee expenditure
- e. Agreement of settlements of up to £1,000 subject to the approved budget.
- f. Bidding for external resources for services within their remit.
- g. Writing off of debts and disposal of assets as prescribed in Council Financial Regulations.
- h. Liaison with and development of partnerships with external agencies, government departments and stakeholder organisations.
- i. The setting, variation and recovery of costs, fees and charges for goods funded by the Council.
- j. Exercise of discretionary powers in relation to all staffing matters detailed within the Council's Human Resources Policies including the appointment, promotion and dismissal of permanent and temporary

staff, the remuneration and rewarding of staff within approved budgets and the authorisation of staff absence, leave, payments including overtime, expenses and ex gratia payments.

- k. Giving officers authority to enter premises where powers of entry are conferred for the purposes of fulfilling a function for which the Chief Officer is responsible.
- l. The taking and implementation of any decision required for operational effectiveness, entering into arrangements to do anything which is considered necessary or expedient in respect of functions delegated to them.

DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE

The Chief Executive has lead responsibility to implement the Council's policies, ensuring that it delivers to its objectives and duties, within budget, and according to strategic priorities and statutory requirements.

Responsibility for functions including:

To be the Head of the Paid Service	The Local Government and Housing Act (1989)
Authority over all officers so far as it is necessary for the efficient management and execution of the Council's affairs, functions or services - except where officers are exercising specific responsibilities under statute.	Council
Leadership of the Strategic Commissioning Board to set overall outcomes for the Council and develop commissioning strategies.	Council
Co-ordination, direction and monitoring of the Council's initiatives to achieve efficiency and best value in the delivery of its functions.	Council
Taking any action necessary to ensure the effective and efficient management and operations of the Council.	Council
Reporting to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.	Section 4, Local Government Act and Housing Act (1989)
Taking any action necessary to ensure the effective development and delivery of the Council's key strategies and services.	Council
To make any decision delegated to another officer.	Council
The appointment, promotion and dismissal of staff including the forming, varying and ending of contracts of employment for Officers below Chief Officer as set out in the Council's Human Resources Regulations.	Section 4-12 of the Local Government and Housing Act and Section 112 of the Local Government Act 1972
Appointment of officers to deliver the statutory functions of the Council and authorise them to do so under relevant legislation.	Council
Exercise the powers of the Council in relation to /general power of competence	Section 1 Localism Act 2011
Discharge of the functions of the Electoral Registration Officer and, where required, the Returning Officer	Council

Appointment and proper management of the authority's staff subject to the DCLG guidance on appointment of staff with remuneration packages of £100,000	Council
Ensure the facilitation of the Barnet Partnership Board and that it meets Government requirements.	Council
Preparation of the Barnet Corporate Plan and other key corporate policies as appropriate, for agreement by Policy and Resources Committee	Council
Responsibility for the overall co-ordination and performance management of the Council's operations, including arrangements for managing major projects.	Council
Responsibility for Council communications.	Council
Responsibility for the Council's risk and reputation management by ensuring it operates in an open, accountable and democratic manner.	Council

DELEGATED AUTHORITY TO THE CHIEF OPERATING OFFICER/ DIRECTOR OF FINANCE

The Chief Operating Officer/Director of Finance has the powers set out in the Financial Standing Orders.

Responsibility for functions including:

To be the Council's statutory Chief Finance Officer and S151 Officer	Section 151, Local Government Act 1972)
Ensuring that the Council operates within required financial policies and procedures to ensure the efficient and appropriate use of public money.	Section 151, Local Government Act 1972)
The proper administration of the financial affairs of the Council which responsibilities shall include all arrangements covering financial planning, financial control, banking, accounts, income, insurances, investments, binds, loans, leasing, borrowing (including methods of borrowing), trust and pension funds, the payment of creditors and the payment of salaries, wages, pension scheme benefits and gratuities.	Section 115 (2), Local Government Act 1972
Make any statutory declaration in connection with the transfer of securities.	Section 146, Local Government Act 1972
Responsibility for the provisions of the Accounts and Audit Regulations in respect of the need to maintain an adequate and effective system of internal audit of the Council's accounting records and of its system of internal control in accordance with proper internal audit practices.	Accounts and Audit Regulations 2003
Exercising the functions of the Council relating to procurement.	Council
To agree to revenue or capital expenditure not provided for within the control budget being incurred if the Chief Operating Officer is satisfied that it is wholly reimbursable to the Council, or compensatory savings have been identified with expenditure consistent with performance management plans.	Council
To take the most appropriate form of borrowing from the approved sources and to make the most appropriate form of investments in approved instruments.	Council
To write off debt amounts up to and including £5,000 in consultation with the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service (HB Public Law).	Council
Authority to write off overpayments of salary allowances	Section 30, Local

or pensions which occur as a result of the death of an employee or pensioner.	Government (Miscellaneous Provisions) Act 1976
Responsibilities as set out in the Pension Fund Governance Compliance Statement.	Council
With the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service (HB Public Law) to make decisions about operational and works licences, easements, rent reviews and licences to assign, lease renewals where this represents best consideration, the entering into new leases of less than 21 years, where the consideration is less than £25,000 per annum and at best consideration and 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, to respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.	Local Government Act 1972
Responsibility to report if a Council decision will or is likely to incur unlawful expenditure or where expenditure exceeds or is likely to exceed the resources available or would cause a loss or deficiency to the Council or entry of an unlawful item of account.	Section 114 and 114a, Local Government Finance Act (1988)
Report on the robustness of the authority's budget calculations and the adequacy of the Council's proposed financial reserves.	Section 25, Local Government 2003
Authority to provide financial information to the media, members of the public and the community.	Council

DELEGATED AUTHORITY TO THE MONITORING OFFICER

Responsibility for functions including:

To be the Council's statutory Monitoring Officer with responsibility for ensuring that the Council meets its legal and statutory obligations in relation to issuing appropriate guidance to member and officers in the undertaking of their roles.	Section 5 and 5a, Local Government and Housing Act (1989)
All democratic processes for the Council.	Council
The delivery of all assurance functions for the Council including the functions of the Corporate Anti-Fraud Team and Internal Audit.	Council
Ensuring that the Council meets the highest standards of governance, risk management and probity and that sound governance principles are embedded across the organisation and its partners.	Council
Reporting on the contravention or likely contravention of an enactment or rule of law and any maladministration or injustice where an Ombudsman has carried out an investigation.	Section 5 and 5a, Local Government and Housing Act (1989)
Maintenance of the Register of Members' Interests, Gifts and Hospitality	Sections 29 and 30, Localism Act (2011), The Relevant Authorities (disclosable pecuniary interests) Regulations (2012)
Advice to Members of the Members Code of Conduct	Members Code of Conduct
Key role in the framework for local determination of complaints	Sections 28-34, Localism Act (2011)
Advice to Members on Compensation or remedy for maladministration	Section 92, Local Government Act (2000)
The provision of advice on the scope of powers and authorities to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.	Council
Holding of any reserve powers to exercise all or any of the powers delegated to the Head of Legal or the Head of Governance under the Constitution subject to the Inter Authority Agreement between the London Boroughs of Barnet and Harrow	

The maintenance of the Constitution and its availability to members, officers and the public. Authority to amend the Constitution to give effect to decisions of Council and changes of fact and law.	Council
Power to conduct or appoint officers or others to conduct investigations into allegations of breach of the Code of Conduct.	Council
Authority to stop a proposal or decision being implemented if it is considered that any proposal, decision or omission would give rise to unlawfulness or maladministration.	Council
To authorise payments of up to £5,000 in settlement of maladministration, subject to subsequent report to the Portfolio Holder.	Council

LEGAL SERVICES

The Council operates a joint legal service with Harrow Council. It has resolved to delegate the exercise of its legal functions to the London Borough of Harrow under Section 101 of the Local Government Act 1972 and of the Local Government (Arrangement for the Discharge of Functions) (England) Regulations 2000. Its functions and delegated powers include:

Responsibility for functions including:

Acting as Solicitor to the Council and to institute, conduct and, where appropriate, defend and settle criminal and civil legal proceedings and claims concerning the Council's responsibilities and interests except in relation to those covered by the Council's insurance policies.	
Taking any action in order to protect the interests of the Council or of any person or property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council.	
Lodging appeals against any adverse finding against the Council in any tribunal or court.	
Signing any documentation to give effect to any resolution of the Council in any tribunal or court.	
Signing any document necessary to give effect to any resolution of the Council, or any Committee or Sub-Committee.	

DELEGATED AUTHORITY FOR THE STRATEGIC DIRECTOR FOR COMMUNITIES

Responsibility for functions including:

Those duties conferred on or exercisable in its capacity as a local education authority.	Section 18 (3), Children Act 2004
Powers to take all necessary action to ensure that the Council's duties are properly and effectively discharged in child protection and care cases	Section 18 (3), Children Act 2004
Exercise all functions, powers and duties of a Children's Services Authority under all relevant legislation, but not limited to, Education, Social Services and Health functions.	Local Authorities Social Services Act 1970 and Section 75, National Health Service Act 2006
Functions relating to looked after children	Section 18 (23c - 24d) Children's Act 1989 and Section 18, Children Act 2004
Duty to make and sustain arrangements to promote co-operation between the Council and its partner organisations to improve the well-being of the children within the authority	Section 10 Children Act 2004
Duty to make arrangements to ensure the Council's functions are discharged having regard to the need to safeguarding and promote the welfare of children	Sections 11 and 18, Children Act 2004
Duty to establish a Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding and promoting the welfare of children in the Council's area.	Sections 13, 14, 15, 16, Children Act 2004
Establish and maintain information databases in relation to the well-being and safeguarding of children.	Section 12 and 18, Children Act 2004
Preparation and publication of a Children's and Young People Plan	Sections 17 and 18, Children Act 2004
Duty to promote the educational achievement of looked after children.	Children's Act 1989 (as amended)
Duty to provide the Secretary of State , if so directed, with information on individual children	Children's Act 1989 (as amended)
Any function under section 75 of the National Health Act	Section 18,

2006 on behalf of an NHS body as far as those results relate to children.	Children Act 2004
Responsibility for any additional functions as the authority consider appropriate	Section 18, Children Act 2004

ADULTS AND COMMUNITIES

Responsibility for functions including:

Exercise the functions of the Council with regard to the delivery of those functions in respect of adults (other than those for which the Director of Children's Services is responsible)	Section (1a) and Schedule 1 of the Local Authority Services Act 1970
Exercise of all functions, powers and duties of an Adult Services Authority including, but not limited to Social Services, safeguarding of adults, Deprivation of Liberty, Mental Health services and Health functions	
Arrangement for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including people disabilities, older people, people with mental health needs, people with substance misuse problems and adults with learning disabilities.	Council
Assessment of the need for, and where necessary provide, services and/or residential accommodation for those suffering from a disability, including a mental disability.	Pursuant (but not limited to) the National Assistance Act 1948, the Mental Health Act, the Chronically Sick and Disabled Persons Act, the Disabled Persons (Services, Consultation and Representation) Act, the National Health and Community Care Act, the Health and Social Care Act and the Mental Capacity Act.
Assessment and planning to meet the needs of carers of vulnerable people.	The Carers and Disabled Children

	Act 2000.
Acting as the 'appropriate adult' in relation to persons with a mental disorder (which may include a disability) who are detained at a police station.	The Police and Criminal Evidence Act
Leadership of the continuous improvement of high quality care and support services to adults including the development of commissioned and care and support services and the delivery of assessment/care management services (including ensuring resource allocations to eligible individuals to but care and support).	Council

DIRECTOR OF PUBLIC HEALTH (DPH)

The Council operates a joint Specialist Public Health Service with Harrow Council. It has resolved that the statutory responsibilities for local health protection, health improvement and reducing health inequalities should be hosted by Harrow Council.

Responsibility for functions including:

Write and publish the Annual Report on the health of the local population	Section 73B (5) & (6) of The NHS Act 2006, inserted by section 31 of the 2012 Act). (Directors of Public Health in Local Government: i. Roles, responsibilities and context (Oct. 2012, p.9., para. 3.2.)
All of the local authority's duties to take steps to improve public health	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act, Directors of Public Health in Local Government: i. Roles, responsibilities and context Oct. 2012, p.9., para. 3.3
Exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to public health	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act.
Responsibility for the local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act.
Responsibility for the local authority's public health response as a responsible authority in areas such as making representations about licensing applications	The Licensing Act 2003 and regulations made under section 73A (1) of the 2006 Act, inserted by section 30 of the Health and Social Care Act 2012. Sections 5 (3), 13 (4), 69 (4) and 172B

	(4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act.
Duty to ensure plans are in place to protect the population including through screening and immunisation. Provide independent scrutiny and challenge of the plans of the NHS Commissioning Board (CB), Public Health and Environment (PHE) and providers. PHE will support the Director in the duty to hold the NHS CB to account through the provision of data and information on performance against standards. The Director will need to be satisfied that the combined plans of all these organisations will deliver effective screening and immunisation programmes to their local populations.”	National screening and immunisation programmes. Letter from the Department of Health, 23/08/2012, p5.

Definitions

For the purposes of this scheme the following will be used through-out the document and therefore the common definitions are attached:

“Authority” – refers to the legal entity of Barnet Council

“Council” – refers to 63 Councillors meeting as a body

“Delegated Powers Report (DPR)” – a delegated powers report is a summary of the decision that has been made and the powers being used by the Officer.

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Part 4

Procedure Rules, Public Participation and
Engagement Rules, Contract Procedure
Rules and Financial Regulations

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PART 4 Section 1 – The Council Procedure Rules

Types of meetings

1. ANNUAL MEETINGS OF THE COUNCIL

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. The matters to be considered at the Annual Meeting shall be

- (a) Electing a Mayor and appointing a Deputy Mayor;
- (b) Approve the minutes of the last meeting;
- (c) Receive official announcements;
- (d) Electing the Leader of the Council for the ensuing four year period;
- (e) Receive a report from the Leader on the appointment of the Deputy Leader
- (f) Noting 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;
- (g) Appointing the Chairman and membership of Committees, and other regulatory bodies and approving their respective terms of reference;
- (h) Agreeing the Scheme of Delegation or such part of it as the Constitution determines it is for Council to agree;
- (i) Appointing representatives to Outside Bodies unless the appointment has been delegated by the Council;
- (j) Agree the Council Calendar of meetings including for ordinary meetings of the Council;
- (k) Reports from other Committees and Officers as required to in the proper discharge of functions delegated by Council.

2. ORDINARY MEETINGS

2.1 The matters to be considered at an Ordinary Council meeting shall be:

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 - Statutory Council Business (60 minutes)

- 7 Petitions for Debate (20 minutes). A petition organiser (up to 5 minutes) and Members responding (up to 15 minutes)
8. Reports from the Leader
9. Reports from Council Committees
- 10 Reports of Officers
11. Questions to Council Representatives on Outside Bodies

Part 3 - Question Time (30 minutes or until 8.15 p.m. whichever is longer)

12. Questions to the Leader (and Committee Chairmen if he/she has delegated)

Break (15 mins)

Part 4 – Business for Debate (45 minutes)

13. Motions (45 minutes)

Discussion of up to two motions: At least one motion originating from the Opposition to be debated if submitted. The Opposition is the next largest political group after the ruling administration.

The motion debated will be determined by Council if there is more than one submitted.

14. Motions for Adjournment

If time permits at the end of a meeting further motions may be debated. The selection of motions to be debated will be decided following a member moving a particular motion and the Mayor putting this to a vote by members present. Voting will be by a show of hands. If agreement is not reached in relation to the first proposed motion, further motions may be proposed until agreement on the motion to be debated is reached. The other Rules of debate in relation to motions set currently within the Constitution will apply to Motions for Adjournment. The process can be repeated, but no motions shall be transacted after 10pm. At 10pm without further debate, the Mayor shall immediately put to the vote the motion under debate and end the meeting.

3. EXTRAORDINARY MEETINGS

- 3.1 The Mayor may call an Extraordinary Meeting of the Council at any time.

- 3.2 Five Members of the Council may also request the Mayor to call an Extraordinary Meeting. The meeting must be called within seven days of the notice being present to the Mayor, although there is no time limit by which the meeting must take place.
- 3.3 If the Mayor refuses, or does not call the meeting within seven days, any five Members may themselves call an Extraordinary Meeting.
- 3.4 The only business permitted at an extraordinary meeting is that which appears in the summons.

4. BUDGET COUNCIL MEETINGS

- 4.1 The Council shall hold a Budget meeting at time, date and place fixed by the Council to approve the budget and Council Tax for the ensuing financial year. Only Parts 1 (Statutory Formalities/Announcements) and 2 (Statutory Council Business) will apply to the Budget meeting.

5. ROLE OF MAYOR.

- 5.1 At the meeting of the Council, the Mayor, if present shall preside.
- 5.2 If the Mayor is absent from a meeting of the Council then the person appointed by the Mayor as Deputy Mayor shall preside.
- 5.3 If the Mayor or Deputy Mayor are absent from the meeting of the Council, another Councillor chosen by the Councillors present shall preside.
- 5.4 Any procedural issues or challenges to the conduct of the meeting that arise during the course of a meeting shall be determined by the Mayor (or other person presiding at the meeting)
- 5.5 The ruling of the Mayor or person presiding at the meeting concerning the interpretation or application of these procedure rules shall not be challenged at any meeting of the Council.

6. VARIATION

The following order of business may not be changed:

- 6.1 To deal with any business required by statute to be done before any other business

The order of any other business may be varied:

- 6.2 By the Mayor at his or her discretion either at or before the meeting; or
- 6.3 By a Business Item put forward, seconded, and carried without discussion, by a majority of members at the meeting. No written notice of the Business Item is required.

7. SUSPENSION OF PROCEDURE RULES

The Council at any of its meetings may suspend any procedure rule provided that:

- 7.1 Either due notice has been given, or Council agrees that it is a case of urgency, and
- 7.2 The Business Item to suspend a procedure rule is moved, seconded and carried without discussion by a majority of the members of the Council present and voting.

RULES THAT APPLY TO THE WHOLE OF ALL COUNCIL MEETINGS

8. VALIDITY OF BUSINESS ITEMS, MOTIONS, AMENDMENTS AND QUESTIONS

- 8.1 Every Business Item, motion, amendment 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 Business Item is relevant.
- 8.2 If the Head of Governance has any doubts about any Business Item, motion, amendment or question for the agenda for reasons of propriety, he or she may refer it to the Mayor.
- 8.3 If the Mayor considers the Business Item, motion, amendment or question to be vexatious, irrelevant, or otherwise improper, the Head of Governance will return it to the Member who submitted it. The Head of Governance will explain to the Member in writing why it will not be included on the agenda circulated for the meeting.

9. GENERAL PROVISIONS FOR BUSINESS ITEMS AND AMENDMENTS

An amendment must be relevant to a Business Item on the agenda and shall be to either:

- 9.1 refer a subject of debate to a committee for consideration or reconsideration;
or
- 9.2 change the words (including deleting or adding words) but such changes must not merely have the effect of negating the Business Item before the Council.
- 9.3 No member may submit more than one amendment to a particular Business Item or report on the agenda.
- 9.4 If requested by the Mayor, the mover of a Business Item or amendment shall put it in writing and hand it to the Mayor before it is discussed or put to the vote. This procedure rule does not apply to Business Items or amendments where notice has been given in accordance with these procedure rules.

10. ALTERATIONS TO BUSINESS ITEMS OR AMENDMENTS

- 10.1 A Member may amend a Business Item in their name by submitting the amendment in writing to the Head of Governance by 10.30am the day before the meeting.
- 10.2 Amendments to items on the agenda will be e-mailed to Members and hard copies placed in the Group Rooms by midday of the day of the meeting.
- 10.3 After the deadline referred to at 10.1 above, a Member may only move an amendment to a Business Item in their name orally from the floor.

11. WITHDRAWAL OF BUSINESS ITEMS AND AMENDMENTS

- 11.1 The Member who has submitted a Business Item can withdraw the item prior to its consideration.

12. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

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

- 12.1 appoint a Chairman of the meeting;
- 12.2 question the accuracy of the minutes;
- 12.3 move that an item of business in the summons takes precedence;
- 12.4 appoint a committee (including its members, a Chairman and Vice-Chairman and members having related specified duties) Receive reports or adoption of recommendations of committees and officers and any resolutions following on from them;
- 12.5 agree to hear oral representations;
- 12.6 give leave to withdraw a Motion or Business Item;
- 12.7 extend the time limit for speeches;
- 12.8 move that "the question be now put" (to the vote);
- 12.9 move that "the debate be now adjourned";
- 12.10 move that "the Council do now adjourn";
- 12.11 exclude or to re-admit the press and public under section 100A(4) of the Local Government Act 1972;
- 12.12 move that a member be not further heard or exclude them from the meeting;
- 12.13 deal in public with a staff matter;
- 12.14 give consent of the Council where consent is required by these procedure rules;
- 12.15 grant urgent action powers.

13. MOTIONS WHICH MAY BE MOVED DURING DEBATE AND CLOSURE MOTIONS

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

- 13.1 To withdraw or amend the Business Item;
- 13.2 Motion moved by the Mayor or another member that a member:
 - (a) "be not further heard";
 - (b) "must leave the meeting";
- 13.3 Motion to exclude the press and public
- 13.4 Closure Business Items as follows:
 - A member may move without comment, at the conclusion of a speech of another member;
 - (c) "That the question be now put";
 - (d) "That the debate be now adjourned"; or

(e) "That the Council do now adjourn".

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

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

14 DIVISION AND VOTING

14.1 Division bell

When the mover of an original Business Item is called by the Mayor to speak in response to any debate or amendment, but not on the adoption of a committee report, the Head of Governance shall arrange for a bell to be rung.

15. VOTING

15.1 All motions and amendments shall be determined by a show of hands except where otherwise provided by law or in these procedure rules. However, the Mayor may use his/her discretion if the feeling of the meeting is clear, subject to any Member of the Council being able to request a formal vote. In the event of an equality of voting the Mayor shall have the right to exercise a casting vote, in accordance with the provisions of the Local Government Act 1972, provided s/he has voted when the motion or amendment was first put to the vote.

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

15.3 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.

16 VOTE TO BE RECORDED

16.1 If, immediately after a vote is taken, a member requests his or her vote to be recorded, the Head of Governance will record in the minutes whether that member:

- (a) cast his or her vote for or against the question; or
- (b) abstained from voting.

17 DIVISION

17.1 If following a vote, ten members rise in their place and demand a formal division, the Head of Governance shall call over the names of all the members, and record and enter in the minutes those:

- (a) voting for or against the Business Item or amendment;
- (b) abstaining from voting; and
- (c) absent from the meeting when the division was taken.

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

18. 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.

19. QUESTION TIME

- 19.1 In part 2 of the meeting the Leader of the Council will answer questions from any member of the Council. The Leader may delegate the responsibility for answering to any Chairman of a relevant committee.
- 19.2 Questions will be put to the Leader in the order in which they are received by the Head of Governance, 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.
- 19.3 Any Member wishing to ask a question must deliver by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting.
- 19.4 The Head of Governance shall keep a register recording the date and time the question was received. Any member of the Council may inspect the record.
- 19.5 The Leader 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.
- 19.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.
- 19.7 Every question shall be put and answered without discussion.
- 19.8 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 Leader or appropriate Committee Chairman. In the absence of the appropriate Chairman an oral elaboration may be allowed from The relevant Vice-Chairman.
- 19.9 One supplementary question and answer will be allowed on the same subject from the same members.
- 19.10 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.

GENERAL RULES THAT APPLY TO PARTS 2, AND 4 OF THE MEETING

20. Rules of Debate

- 20.1 The rules of debate at the meeting are as follows:
- 20.2 Each Business Item will be dealt with in turn in the order set out on the agenda. The Business Item need not be seconded. The Member moving the Business Item, 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. 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.
- 20.3 For reports of Committees (including Overview and Scrutiny Committees, the Chairman of the relevant committee, or the Vice-Chairman in their absence, will move reception of the report and adoption of the recommendations. This report 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, 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.
- 20.4 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 Business Item will be debated. Then the Member who opened the debate, or his/her nominee, has the right to respond.
- 20.5 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 Business Item.
- 20.6 The Mayor will then put the item to the vote.

21. Time For Debate

- 21.1 The time allowed will be set out in the timetable. Each of the first three speakers under Rule 20.2 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.
- 21.2 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment, Business Item 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.
- 21.3 The mover of an original Business Item shall have a right of reply at the close of the

debate on the Business Item, immediately before it is put to the vote. If an amendment is moved, the mover of the original Business Item 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 Business Item to exercise his or her final right to reply.

22.1. Motions

22.2 Motions must consist of comments or requests addressed to the Council . They must address broad policy issues and relate to the Council's powers or duties or matters that affect the Borough or its residents.

22.3 Motions may not promote a policy initiative which has been rejected, or negate a policy initiative that has been agreed by Council or its committees in the six months before the meeting.

23. Members Motions

23.1 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 Business Item must be delivered by e-mail, and received by the Head of Governance by 10.30am at least six clear working days before the day of the meeting. Any Business Item delivered after 10:30am will be recorded as received on the next working day.

23.2 The Head of Governance shall keep a record of the date the notice was received and any member of the Council may inspect the record.

23.3 The Head of Governance shall set out in the summons for the meeting all Motions in order of receipt.

23.4 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.

23.5 If the Member's Motion is not dealt with by the end of the meeting, it will be referred to the appropriate Council Committee or sub-Committee for consideration and any necessary action. (However, if the proposer has specifically asked in his or her notice for the Motion to be voted on at that Council meeting it will be voted on without discussion).

23.6 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 appropriate council committee. The member must sign the Motion Item and deliver it to the Head of Governance by hand, post, or e-mail.

RULES THAT APPLY TO PART 2 OF THE MEETING

24. Questions on Committee reports

A member may ask the 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 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.

25. Questions to Council representatives on Outside Bodies

- 25.1 At an ordinary meeting, a member, who has given 10 clear working days written notice to the Head of Governance, 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.
- 25.2 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.
- 25.3 An answer may take the form of:
 - (a) an oral or written answer (officers will invariably give written answers); or
 - (b) a reference to a Council publication; or
 - (c) 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.
- 25.4 No discussion shall be permitted about any question or the reply to it.
- 25.5 Questions and answers will be recorded.

26. Procedure for Policy and Resources budget report

- 26.1 The Chairman of Policy and Resources, or in his/her absence the Vice-Chairman, must move a motion for the report to be received. The mover may speak for five minutes.
- 26.2 If the motion is approved, the recommendations in the report shall be moved for reception by each page number being called out.
- 26.3 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.
- 26.4 Only one amendment may be moved, discussed and voted on at any one time.
- 26.5 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 Business Item must be seconded and voted on without further discussion.

PART 4, SECTION 2- Meeting Procedure Rules

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. Membership and Quorum

- 1.1 The following table outlines Committee and Sub-Committee Membership arrangements:

Committee	Membership	Substitute Members	Quorum
Planning Committee	10	10 (reflecting the political structure of the Council.)	3
Area Planning Sub-Committees:			
East Area	10	10 (one substitute for each ward)	3
West Area	11	11 (one substitute for each ward)	3
Area Sub-Committees			
Finchley and Golders Green	7	7 (one per ward and one substitute for each ward)	3
Chipping Barnet	7	7 (one per ward and one substitute for each ward)	3
Hendon	7	7 (one per ward and one substitute for each ward)	3
Licensing Committee	10	Not applicable	3

Constitution, Ethics and Probity Committee	10	6 (2 for each political group)	3
Group Leaders Panel	5	3	3
Urgency Committee	3	3	3
Licensing Sub-Committee	3	All other members of the Licensing committee	All three Members must be present for the meeting to proceed
Audit	7	3 (1 for each political group)	3
Remuneration Committee	5	3 (1 for each political group)	3
Performance and Contract Management, Children, Education, Libraries and Safeguarding, Adults and safeguarding, Environment, Assets, Regeneration and growth, Housing, Community Leadership and Health Overview and Scrutiny Committees	10	6 (2 for each political group)	3
Policy and Resources	12	6 (2 for each political group)	3
General Functions Committee	7	6 (2 for each political group)	3

Pension Fund Committee	6	6 (2 for each political group)	3
Health and Well-being Board	12	3 (1 for each Member)	3 This must include at least one elected Councillor

2. Substitute Members – Rules

- 2.1 A substitute Member may only attend, speak or vote at a meeting in place of a member from the same political group who is unable to attend the meeting. If a meeting is adjourned, the substitution will carry forward into any subsequent adjourned meetings to consider the outstanding item(s).
- 2.2 Details of membership substitutions or apologies for absence will be detailed in the formal record of the meeting.

3. Quorum – Rules

- 3.1 If a Committee or Sub-Committee is inquorate, it cannot transact any business. 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 have elapsed, the Head of Governance or their representative will count the number of Members present and if there is no quorum, s/he will advise the meeting that no business can be transacted and the meeting will be cancelled.
- 3.2 If the Chairman finds that a quorum of Members is not present at any time during the meeting, the Chairman must adjourn the meeting until such time as a quorum is returned.

4. Chairman of Meetings

- 4.1 If the Chairman is absent from a meeting the Vice-Chairman will take the Chair. If both are absent, the Head of Governance (or their representative) will open the meeting and he/she will seek nominations for the position of Chairman. A Chairman must be elected for the business of the meeting to be transacted. Where more than two persons are nominated for any position to be filled by the Committee or Sub-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.

- 4.2 In exceptional circumstances, the Chairman may change the date of any meeting, cancel or postpone any meeting or call any additional meeting by seeking and gaining the agreement of a majority of Members of the Committee.
- 4.3 Any procedural issues or challenges to the conduct of the meeting that arise during the course of a meeting shall be determined by the person presiding at the meeting.

5. Minutes

- 5.1 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.
- 5.2 Minutes can only be amended to correct factual inaccuracy in the record, and not to make any retrospective amendment to the decisions made. 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.

Members' Rights

6. Members' Items for the Agenda

- 6.1 A Member (including appointed substitute Members) 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 s/he serves. This rule does not apply to the Licensing Committee and Licensing Sub-Committees.
- 6.2 Members' Items must be relevant to the terms of reference of the body which will consider the item.
- 6.3 The Head of Governance must receive written notice of a Member's item, at least seven clear working days before the meeting. Any item received after 5pm will be recorded as received on the next working day. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.

7. Councillors' rights to attend and speak at Committees or Sub-Committees when they are not a Member

- 7.1 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.
- 7.2 Where a Councillor is not a member of the Committee or Sub-Committee, s/he should sit in the public gallery so that it is clear to the public that the Member is not part of the body taking decisions.
- 7.3 Where a Councillor has a right to attend a Committee or Sub-Committee, s/he may speak at a meeting subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent.
- 7.4 The following arrangements apply in the cases of Licensing Committees and Planning Committees:
 - 7.4.1 Members may only attend and speak at Licensing Sub-Committees (or the Licensing Committee if it is conducting the hearing or review of determinations under the Licensing Act of 2003 or the Gambling Act of 2005) in accordance with the Members Licensing Code of Good Practice.
 - 7.4.2 Members may only address Area Planning Sub-Committees on applications which affect their ward.
 - 7.4.3 One ward Member who is not a member of the Planning Committee will 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.
- 7.5 Where an Area Sub-Committee has referred an item up to the parent committee, the Chairman of the Sub-Committee will have a right to attend and speak at the meeting of the parent Committee where the referral is being considered.

8. Disorderly Conduct

- 8.1 If the Chairman considers that a Member is behaving improperly or offensively they reserve the right to prevent the Member from speaking (but not voting) at the meeting. If the disorderly conduct continues the Chairman may require the Member be removed from the meeting. When

a Member is removed, they must leave for the entire remaining part of the meeting.

- 8.2 If a member(s) of the public or press interrupts the proceedings at any meeting, the Mayor or Chairman may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chairman may order his/her removal from the meeting place. In the event that the meeting is disrupted the Mayor or the Chairman may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.

Motions and Amendments

9. Validity of Motions and Amendments

- 9.1 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.
- 9.2 An amendment must be relevant to the motion and shall be to either:-
- 9.2.1 refer a subject of debate to another Committee for consideration or re-consideration; or
 - 9.2.2 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.
- 9.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.
- 9.4 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.
- 9.5 If the amendment is lost further amendments may be proposed on the original motion.
- 9.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.
- 9.7 All motions which are moved and voted on will be recorded in the decisions of the Committee or Sub-Committee.

10. Motions which may be moved during debate

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

- 10.1 to amend the motion;
- 10.2 to adjourn the meeting;
- 10.3 to adjourn the debate;
- 10.4 that the question be now put;
- 10.5 by the Chairman
 - that a Member be prevented from speaking;
 - that a Member must leave the meeting;
- 10.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

Decisions

11. After each meeting decisions made under the Committee or Sub-Committee's delegated powers will be produced and published on the Council's website and will be made available in paper format on request.
12. **Reports of Committees to Council or parent body**
 - 12.1 There are a number of ways Committees and Sub-Committees may refer reports to their parent bodies or Council as follows:
 - 12.1.1 If a matter is outside the powers of the Committee or Sub-Committee, it must be referred to the parent body
 - 12.1.2 The Chairman of an Area Sub-Committee may refer a matter up to the parent body, together with the Sub-Committee's recommendations
 - 12.1.3 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
 - 12.2 In the case of the Planning Committee and General Functions Committee, 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:-

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

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

13. Reports of Sub-Committees and Panels

13.1 A report of a Sub-Committee or panel will be submitted to the next meeting of the parent committee where:-

13.1.1 the Sub-Committee or panel has made recommendations on a matter within its terms of reference but outside its delegated powers; or

13.1.2 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.

13.1.3 a Chairman of an Area Sub-Committee has referred the decision up under paragraph 12.1(2), in which case the Sub-Committee's recommendation will be referred up to the parent committee.

13.1.4 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.

13.2 Any report from a Sub-Committee or panel on its proceedings shall be submitted to the parent Committee and not direct to the Council.

14. Suspension of business at Committee and Sub-Committee meetings

14.1 No business at any meeting of a Committee or Sub-Committee shall be transacted after 10 pm and any business transacted after that time shall be null and void. At 10 pm and without further debate the Chairman shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.

14.2 At any meeting of the Council, Planning Committee and an Area Planning Sub-Committees, the Chairman at their sole discretion may extend the period for the transaction of business to 10.30 pm. This will be recorded in the Committee's / Sub-Committee's decisions.

14.3 Residents Forums will meet at 6.30 pm and will conclude their business by 8.30 pm at the latest, followed by the Area sub-Committee on the same night and same venue at 7 pm or on the conclusion of the Residents' Forum, whichever is later.

- 14.4 If any items remain on the agenda to be dealt with, the Committee or Sub-Committee may decide to call a special meeting or refer the remaining items to the next ordinary meeting

Voting and recording of votes

15. Voting at meetings:

- 15.1 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.
- 15.2 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.
- 15.3 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 s/he has voted when the motion or amendment was first put to the vote.

16. Vote to be recorded

- 16.1 A member of the body can request that his/her vote to be recorded in the minutes.

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Part 4, Section 3 – Public Participation and Engagement

1. Introduction

- 1.1 This section relates to how members of the public can participate in the formal decision making process of the Council. There are other less formal ways that the public can engage with the Council (such as Residents Forums, consultations and other working groups) all of which form part of the governance and accountability framework.
- 1.2 There are three ways in which members of the public can participate in Committee meetings. These are:
 - By asking a public question
 - By making a public comment
 - By submitting a petition
- 1.3 The following sections outline the process by which members of the public can exercise their right to participate in formal committee meetings, as well as giving details of the rules governing the exercise of these powers.

2. Public Questions

- 2.1 Questions must relate to an item being considered on a committee agenda and be addressed to the Committee Chairman. Committee agendas are published on the Council's website five working days prior to the meeting. Members of the Public should state their current/business address or organisation when submitting questions.
- 2.2 Questions should be submitted to the relevant Governance Officer by 10am on the second working day prior to the meeting. Any questions submitted after this time will not be considered.
- 2.3 At the meeting, a time period of up to 30 minutes, , is available for public questions and comments in total.
- 2.4 Written responses to public questions will be circulated to the questioner in advance, or at the meeting. If they wish, members of the public can ask the Committee Chairman one supplementary question at the Committee meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the Chairman.

- 2.5 Members of the public submitting questions are able to send a substitute to ask their supplementary question if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing

3. Public Comments

- 3.1 Comments must relate to an item being considered on a Committee agenda and provide members of the public with an opportunity to address Committee Members. Committee agendas are published on the Council's website five working days prior to the meeting.
- 3.2 Requests to speak should be submitted to the relevant Governance Officer named on the front page of the agenda and received by 10am on the second working day prior to the meeting. Any requests to make comments after this time will not be considered.
- 3.3 At the meeting, each speaker will have a time period of up to 3 minutes to address the Committee. Committee Members will then have the opportunity to question each speaker on the representation that they have made.
- 3.4 Comments may also be made in writing within the same deadlines as para 3.2 and these will be published as an addendum to a report

4. Public Comments at Planning Committees and Sub-Committees

- 4.1 For requests to speak on planning applications or tree preservation orders at planning Committee or Sub-Committee meetings, the following rules apply.
- 4.2 Requests to speak should be sent by e-mail or post to the Planning Service and **received** by 10am on the third working day prior to the meeting.
- 4.3 A maximum of three speakers are able to address the committee or Sub-Committee on each application. There can be a maximum of two speakers in favour or against an application. The third speaker slot is reserved for the applicant or their representative whose representation will be taken as the last speaker on an item (in order that they can address any comments or concerns raised). Any Councillor wishing to address the Committee or sub-Committee shall have up to 3 minutes and shall be in addition to the two speakers.

- 4.4 Where more than the maximum number of requests to speak have been received, the public shall decide amongst themselves who is to address the Committee or Sub-Committee. If this does not take place, the Chairman shall use their discretion to determine who is able to speak.
- 4.5 When registering to speak, members of the public will be asked by the Planning Service if they consent to having their details passed on to other supporters or objectors, thus enabling them to put forward views of others who have an interest in and wish to make representations on the application. If public speakers are representing the views of others, written authorisation is required. Written authorisations must be submitted to the Governance Officer before the meeting commences. Where this authorisation is received, the public speaker must inform the Committee in making their presentation who they are representing in their submission.
- 4.6 At the meeting, each speaker will have a time period of up to 3 minutes to address the Committee or Sub-Committee. Committee members will then have the opportunity to question the speaker.
- 4.7 Members of the public making comments to planning Committees and Sub-Committees are able to send a substitute if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of the substitution prior to the meeting commencing.
- 4.8 Where a Planning Committee or Planning Sub-Committee is considering an application that has been recommended for refusal by Officers and there are no objectors speaking on the application, the applicant or their representative shall have the right to address the Planning Committee or Planning sub-Committee.

5. Restrictions and Exceptions for Public Questions and Comments

- 5.1 Public questions and comments are not permitted:
 - If they are requests from or in connection with the aims and activities of a political party
 - If they would result in the release of confidential information, or which may prejudice enforcement
 - If they relate to a matter where this is a right of appeal against any decision of the Council
 - If they are defamatory, abusive or offensive

- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the General Functions Committee.

The Chairman of the relevant Committee or Sub-Committee, in consultation with the Head of Governance shall decide whether any particular comment or questions will be permitted.

5.2 Public questions and comments are not permitted at the following meetings:

- Council (other than the written questions to the Leader)
- Informal meetings
- Licensing Committees and sub-Committees – the procedure for making representations on licensing applications is prescribed by the Licensing Act 2003

6. Petitions

- 6.1 Petitions must have a minimum of 25 signatures and be relevant to the functions of the authority. The petition will be presented to the Governance Service who will forthwith present it to the relevant Director and the relevant Committee Chairman.
- 6.2 Petitions can either be submitted in hard copy to the Head of Governance or by using the authority's e-petitions facility. It is acceptable to combine paper petitions and e-petitions, providing the action the Council is being requested to take in the petitions are the same. An e-petition will only be accepted if it complies with the terms and conditions set out in the Council's e-petitions facility.
- 6.3 Petitions will not be accepted if they are:
- vexatious or abusive
 - relate to any enactment or statutory provision
- 6.4 Petitions relating to planning or licensing applications, appeals or reviews will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. Petitions that are submitted to the Council that do relate to Planning or Licensing matters will be taken into account by the relevant service during the consideration of an application.

- 6.5 Petitions will be acknowledged within 10 working days. The acknowledgement will include information on action that will be taken by the Council in respect of the petition.
- 6.6 Petitions which receive over 25 signatures will be considered in one of the following ways:
- i) At the relevant Residents' Forum, if the issue raised relates to matters as defined in the Terms of Reference, contained within Article 9 of the Constitution or
 - ii) Be referred to the appropriate Committee and Director who will provide a written response to Lead Petitioner in respect of the issue(s) raised within 20 working days. In this case, the item will be noted at the next Residents Forum, with any action taken.
- 6.7 In relation to petitions considered at Residents' Forums (as referred to at 6.6 i) above), the following actions are available to the Forum:
- i) Take no action
 - ii) Refer the issues as a relevant matter to the relevant Area Sub-Committee (which meets immediately after the Residents' Forum). The Chairman of the Forum will present the petition, outline the issues raised by the petitioner(s) and recommend a course of action, in line with the Sub-Committee's terms of reference.
- 6.8 In relation to petitions referred to Area Sub-Committees as relevant matters, the following actions are available to the Sub-Committee:
- Note the petition
 - Ask officers to present a report to a future meeting of the Area sub-Committee
 - Formally refer to a relevant Committee
 - Formally instruct an officer (within their powers) to take action
 - To bring the matter to the attention of the Ward Councillors (who will consider and respond to the issue individually)
- 6.9 In addition to the procedure outlined in paragraphs 6.6 - 6.8 above, petitions which receive 2,000 signatures and over but less than 7,000 will be considered by the next available meeting of the Policy and Resources Committee. Petitions are required to be received 15 days before the Committee meeting and only one petition will normally be heard per meeting. The Chairman of Policy and Resources will request that the relevant Chief Officer and Chairman of the relevant Committee attend the meeting to be called to give account with regard to the issue raised. Details of the procedure to be followed at the meeting and the actions available to the Committee are set out below:

- i) Lead Petitioner is given five minutes to present the petition;
- ii) Committee Members have an opportunity to ask questions of the Lead Petitioner;
- iii) Chief Officer and Chairman of the relevant Committee respond to the issues raised in the petition;
- iv) Committee Members ask questions of the Chief Officer and relevant Committee Chairman;
- v) Committee will then consider the issues raised and the responses received and take one of the following actions:
 - Take no action
 - Note the petition
 - Make representations to the relevant Chief officer and relevant Committee Chairman on the issue(s) and a recommended course of action. Such representation requires a formal response to the Chairman of Policy and Resources and Lead petitioner within 20 working days.
 - Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised.
 - Commission a committee report on the issue(s)
 - Commission a Task and finish Group or Panel to consider the issue(s)

6.10 Petitions which receive 7,000 signatures or over will be considered at the next available Full Council meeting. Petitions are required to be received 15 days before the Council meeting, and only one petition will be heard per meeting. Details of the procedure to be followed at the meeting are set below:

- i) Lead Petitioner is given five minutes to present the petition;
- ii) Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item.
- iii) The relevant Committee Chairman will respond to the issues raised in the petition and outline the action (if any) he/she proposes to take

6.11 Any received hard copy petition will be published on the council's website via the Council's e-petition facility.

Access to Information Procedure Rules

There is a general right to access recorded information (such as e-mails, meeting minutes, research or reports) held by the Council. In all cases, the Council will endeavour to supply the requested information promptly, although some information could be exempt from disclosure. These rules relate specifically to information concerning meetings of the Council.

1. SCOPE

These rules apply to all statutory meetings of the Council, and its Committees and Sub-Committees (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not limit or diminish any more specific rights to information conferred on the public or on Members elsewhere in this Constitution or the law; nor do these rules limit or diminish or limit the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998.

3. RIGHTS TO ATTEND MEETINGS

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these rules.
- 3.2 If a member of the public or press interrupts the proceedings at any meeting the rules relating to disruption as set out in the Meetings Procedures or Council Procedure Rules section of this Constitution will apply.
- 3.3 The public shall be excluded from any meeting during an item of business whenever confidential or exempt information is likely to be disclosed.

4. NOTICES OF MEETING

The Council are required to give at least five clear working days notice of any statutory meeting by posting details of the meeting at Hendon Town Hall, The Borroughs, Hendon, NW4 4BG (the designated office) or other designated place and on its website at www.barnet.moderngov.co.uk

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports for meetings open to the public available for inspection on the website and at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply a limited number of publicly available agendas at meetings. Agendas and reports are also available on the website at www.barnet.moderngov.co.uk

7. **ACCESS TO MINUTES AFTER THE MEETING**

7.1 The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

7.2 Where a vote is taken the minutes will record the number of votes for and against and abstentions will be recorded.

8. **BACKGROUND PAPERS**

8.1 **List of background papers**

The Head of Governance will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which he considers discloses exempt or confidential information, the categories which are set out in paragraph 10.4.

These documents will be made available on request.

8.2 **Public inspection of background papers**

The Council will facilitate access to each of the documents on the list of background papers for four years after the date of the meeting.

9. **SUMMARY OF PUBLIC'S RIGHTS**

Rules 3 – 8 constitute the written summary of the public's rights to attend meetings and to inspect and copy documents.

10. **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

10.1 **Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Such decision to exclude the public is to be made by resolution of the relevant decision making body.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by any enactment or Court Order.

10.4 Meaning of exempt information

Exempt information means information falling within the following categories:

Category	Qualification	Interpretation
1. Information relating to any individual	The exemption applies only if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information (see note on public interest at the end of the table).	

<p>2. Information which is likely to reveal the identity of an individual.</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p> <p>"Financial or business affairs" includes contemplated, as well as past or current, activities.</p> <p>Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under –</p> <p>(a) the Companies Act 2006;</p> <p>(b) the Friendly Societies Act 1974;</p> <p>(c) the Friendly Societies</p>	<p>Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined.</p> <p>"person" includes any public authority, company, or other legally constituted organizations and the partners in a partnership or firm.</p>

	<p>Act 1992;</p> <p>(d) the Industrial and Provident Societies Acts 1965 to 1978;</p> <p>(e) the Building Societies Act 1986 ["registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).];</p> <p>or</p> <p>(f) the Charities Act 1993.</p>	
<p>4. Information relating to any consultations or</p>	<p>The Public Interest Test Qualification applies, as in</p>	<p>Any reference to "the authority" is a reference to the Council or, as</p>

<p>negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>1 above.</p>	<p>the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined. "labour relations matter" means—</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition</p>
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the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to officeholders under the authority as they apply in relation to employees of the authority;

"employee" means a person employed under a contract of service;

"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	
<p>6. Information which reveals that the authority proposes—</p> <p>6.1 to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>6.2 to make an order or direction under any enactment.</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	<p>Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined.</p> <p>"person" includes any public authority, company, or other legally constituted organizations and the partners in a partnership or firm.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	

prosecution of crime.		
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NOTE -The Public Interest Test

The Public Interest Test in the Freedom of Information (FOI) Act 2000 is specifically defined – The Authority must release the information unless “*in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information*”.

The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations.

- There is a distinction between the public interest and what merely interests the public.
- Does it further the understanding of and participation in the public debate of issues of the day?
- Does it promote accountability and transparency by public authorities for decisions taken by them or in the spending of public money?
- Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?
- Does it bring to light information affecting public health and public safety?

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

- 11.1 The Council may exclude access by the public to reports which in its opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.
- 11.2 The relevant body is requested in the agenda to confirm the action set out in 11.1 by passing a resolution to exclude the press and public from the meeting. Arrangements will be made to recall the press and public immediately should the motion not be passed.
- 11.3 If the matter is considered in public, any related report will also become available to the public.

12. Joint Committees

If the joint committee contains members who are not on the Executive of any participating authorities then the access to information rules in Part VA of the Local Government Act 1972, as applicable to meetings of the Full Council and its committees will apply.

13 MEMBERS' RIGHTS TO INFORMATION

- 13.1 A member of the Council may, for the purposes of his or her duty as a Member and no other, inspect any document that has been considered by a committee or the Council including background papers. Applications should be made to the Head of Governance and, if available, copies will be supplied upon request.
- 13.2 A Member shall not knowingly inspect or request a copy of any document relating to a matter in which s/he:
is professionally interested; or
has a pecuniary interest within the meaning of the Code of Conduct for Members as set out in this Constitution.
- 13.3 This shall not preclude the Monitoring Officer from declining to allow inspection of any document which is or would be protected by privilege in the event of legal proceedings arising from the relationship of solicitor and client and should be exempt under either the Freedom of Information Act or the Data Protection Act.

- 13.4 All reports, background papers to reports and minutes kept by any committee shall be open for the inspection of any member of the Council, as soon as the committee has concluded action on the matter to which such reports or minutes relate.
- 13.5 Members also have a legal right under the Local Government Finance Act 1982 to inspect “books, deeds, contracts, bills, vouchers and receipts”.

Requests for information should be directed to the Director or Chief Officer concerned. If a member is unhappy with a particular Director or Chief Officer’s decision, the Chief Executive will review the Director’s decision. If the member is still unhappy, the request for the information will be put before the General Functions Committee.

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Budget and Policy Framework Procedure Rules

1. The framework for decisions

References in these rules to the statutory policy framework are to the plans and strategies required by law to be adopted by the Council as set out in Article 4.

The Council will be responsible for the adoption of its statutory policy framework.

The Council will be responsible for adopting its budget prepared in accordance with the Financial Planning Rules in Part 4 of the Constitution.

The Council will also be responsible for the adoption of all other policies including those listed in Part 3 of the Constitution (Section 3 - Responsibility for Functions).

Once a budget or a policy within the statutory policy framework is in place, it will be the responsibility of the Council to implement it.

2. Meetings to develop budget and policy

Policy and Resources will develop the policy and budget framework, normally at private meetings attended by members of Policy and Resources and relevant officers.

These meetings will –

- **Policy** – hold general discussions, receive briefings and consider draft reports and advice from political assistants on policy initiatives that Policy and Resources wishes to promote and draft policies that Policy and Resources is developing.
- **Budget** – hold general discussions receive briefings and consider draft reports and advice from officers (including political assistants) in order to prepare draft estimates of income and expenditure.

Private meetings of Policy and Resources will comply with the Access to Information Procedure Rules in Part 4 of the Constitution, and will be separate from public meetings of Policy and Resources

3. Procedure for policy development

The procedure for developing policies before they are submitted to Council, and policies that are not submitted to Council, shall be at the discretion of Policy and Resources but the following procedure will usually be followed.

- (a) Policy and Resources may initiate a new policy proposal, or a review of an existing policy, by undertaking consultation with the public and/or persons affected by it before referring it to Council or developing it in detail.

- (b) With or without such consultation, Policy and Resources may refer the proposal or review to Council for discussion. Opposition Groups,
- (c) With or without prior discussion at Council, Policy and Resources will publish policy proposals that it intends to promote by including references to them in the at a meeting which will normally be arranged in April each year, following publication of the draft Corporate Plan for consideration by Policy and Resources. Where this is known, this will include the arrangements for publicising and consulting on the proposals and the timetable for decisions on them.

4. Procedure for budget preparation

The Council will follow the process set out in the Financial Regulations in Part 4 of the Constitution, or a similar process determined by it. This will include the following elements.

- (a) The Council will publish draft budget headlines for discussion at Policy and Resources;
- (b) Policy and Resources will arrange detailed consultation with the and the public and others where necessary ;
- (c) Policy and Resources will take into account any comments made during consultation, before deciding to refer the final budget proposals to full Council for adoption.

5. Adoption of budget and policies within the statutory framework

- (a) In the case of a policy that is within the statutory policy framework, and the final budget proposals (both of which are referred to full Council for adoption) the Council may:
 - adopt the proposals;
 - amend the proposals; or
 - refer the proposals back to Policy and Resources
- (b) If it accepts the recommendation of Policy and Resources without amendment, the Council may make a decision which has immediate effect. Otherwise it may only make an in-principle decision. In either case the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (c) The decision will be published and notified to the Leader.
- (d) An in-principle decision will automatically become effective 7 days from the Council's decision, unless the Leader informs the Head of Governance in writing within 5 days that he/she objects and gives reasons why.

- (e) In that case the Head of Governance will place the matter on the agenda for the next Council meeting (and request the Mayor to summon an extraordinary Council meeting if necessary to meet a statutory deadline). The Council will be required to reconsider its decision and the Leader's written submission. The Council may:
- approve Policy and Resources' recommendation by a simple majority of votes cast at the meeting; or
 - approve a different decision, which does not accord with the recommendation of Policy and Resources, by a simple majority.
- (f) The decision shall then be made public and implemented immediately.

6. **Decisions outside the budget or statutory policy framework**

- (a) Subject to the provisions of paragraphs 3.8 and 6.6 of Part 3 of the Council's Constitution (virement) and paragraph 8 (in year changes to the statutory policy framework) Committees may only take decisions which are not contrary to the budget and statutory policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the statutory policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 8 below.
- (b) If any Committee and any officers, area committees or joint arrangements want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the statutory policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or statutory policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 7 (urgent decisions outside the budget and statutory policy framework) shall apply.

7. **Urgent decisions outside the budget or statutory policy framework**

- (a) A Committee or officers, area committees or joint arrangements may take a decision which is contrary to the Council's statutory policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
- (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the chairman of Policy and Resources agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of Policy and Resources' consent to the decision being taken as a matter of urgency must be noted on the

record of the decision. In the absence of the Chairman of Policy and Resources the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

8. In-year changes to the policy framework

The responsibility for agreeing the budget and statutory policy framework lies with the Council, and decisions by Committees or officers, Area sub-Committees or joint arrangements must not conflict with it. No changes to any policy and strategy which make up the statutory policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.