

MEETING**COUNCIL****DATE AND TIME****TUESDAY 14TH APRIL, 2015****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

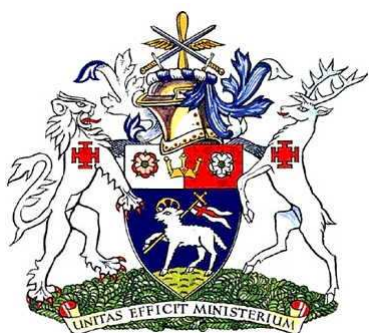
Dear Councillors,

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
2.3	REPORT FROM CONSTITUTION ETHICS AND PROBITY COMMITTEE - CONSTITUTION REVIEW	1 - 208

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Council
14 April 2015

<p>Title</p>	<p>Report of the Constitution Ethics and Probity Committee</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Annexe A: Report from Constitution Ethics and Probity Committee</p> <p>Appendix A: Article 9 (Chief Officers)</p> <p>Appendix B: Responsibility for Functions</p> <p>Appendix C: Responsibility for Functions, Annex A (Committees Membership and Terms of Reference)</p> <p>Appendix D: Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers)</p> <p>Appendix E: Meetings Procedure Rules</p> <p>Appendix F: Public Participation & Engagement Rules</p> <p>Appendix G: Access to Information Procedure Rules</p> <p>Appendix H: Members Information Management Policy (<i>For Information Only</i>)</p> <p>Appendix I: Financial Regulations</p> <p>Appendix J: Contract Procedure Rules</p> <p>Appendix K: Protocols for Member / Officer Relations</p> <p>Appendix L: Full Council Procedure Rules</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>

Summary

The Constitution, Ethics and Probity Committee at its meeting of 31 March 2015 considered a report on the Constitution, reviewing various sections. Only Full Council may amend the Constitution and therefore Council are recommended to approve the various recommendations of the Committee that would alter the Constitution.

Recommendations

- 1. That Council approve the recommendations contained in the report from the Constitution Ethics & Probity Committee at Annexe A, and the track change versions attached at Appendix A to Appendix L (except for Appendix H which is for noting only).**
- 2. That the Monitoring Officer be authorised to implement these revisions and publish a revised Constitution.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council adopted a new Constitution at the annual meeting on 2 June 2014 when a Committee System form of governance was introduced. At the end of 2014 a number of changes were proposed to the Constitution to ensure the smooth running of committees. These were considered by the Constitution, Ethics and Probity (CEP) Committee on 25 November and adopted by Full council on 16 December.
- 1.2 Following a further cycle of meetings some additional changes have been proposed to address inconsistencies and ensure correct process are clearly set out. These were considered and agreed by CEP Committee meeting held on 31 March 2015. The report from the Committee (Annexe A) sets out the proposed changes agreed by the Committee for recommendation to full Council for adoption. The actual changes to the sections of the Constitution are then set out in Appendices A to L, as amended.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Constitution, Ethics and Probity Committee is required under its terms of reference to proactively review and keep under review all aspects of the Constitution. These proposals were discussed by that Committee and are now recommended to ensure the smooth running of the Council.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Options were put forward to the Committee and the attached report reflects the options chosen (as amended by the Committee) for recommendation to Council following discussion and debate.
- 3.2 The option of not changing the Constitution was not recommended as a number of issues had been identified that required amendment or clarification to ensure that the Council operated effectively and in accordance with its statutory requirements.

4. POST DECISION IMPLEMENTATION

- 4.1 The Monitoring Officer will make arrangements for any changes agreed to be actioned, together with minor drafting and housekeeping changes. The revised Constitution will be published online and for existing hard copies issued to be revised and replaced.
- 4.2 The Constitution Ethics and Probity Committee will continue to proactively keep the Constitution under review and may make further recommendations in the next municipal year.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Barnet London Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. By keeping the Constitution under review it ensures that the framework in which the Council is governed supports the delivery of corporate priorities and performance.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 There are no resource implications as a result of these proposals.

5.3 Legal and Constitutional References

- 5.3.1 There are no legal issues in the context of this report.
- 5.3.2 Council Constitution, Responsibilities for Functions, Functions of Full Council, Paragraph 1.2: "Only the Council will adopt and change the Constitution, except where otherwise provided in the Constitution or by resolution of the Council".
- 5.3.3 Council Constitution, Responsibilities for Functions – the Constitution, Ethics

and Probity Committee terms of reference includes to: “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”.

5.3.4 Council Constitution, Chief Officers “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”.

5.4 Risk Management

5.4.1 The process of managing changes to the Constitution through the Constitution Ethics and Probity Committee ensures that the proposals submitted to Council are developed through Member participation and consideration.

5.5 Equalities and Diversity

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

5.6 Consultation and Engagement

5.6.1 None in the context of this decision.

6. BACKGROUND PAPERS

6.1 None.

Decisions of the Constitution, Ethics and Probity Committee

31 March 2015

Members Present:-

Councillor John Marshall (Chairman)
Councillor Melvin Cohen (Vice-Chairman)

Councillor Anthony Finn
Councillor Dr Devra Kay
Councillor Alison Moore

Councillor Barry Rawlings
Councillor Joan Scannell

1. MINUTES OF LAST MEETING

RESOLVED – that the minutes of the meeting held on 24 November 2014 be approved as a correct record, subject to the amendment of minute item 8 as follows:

“At the invitation of the Chairman, Councillor Moore introduced her Members’ Item.

The Monitoring Officer advised the Committee that the second proposal in the Members’ Item was not required as Members who were the subject of a conduct complaint did have a right of access to the Independent Person and should not have been prevented from having access in previous cases considered by the Group Leaders Panel. On that basis, Councillor Moore agreed that the second proposal should be removed.

Having considered the request set out in the Members’ Item, the Committee voted on the two remaining proposals contained therein.

In relation to the request set out in the Members’ Item to “Reinstate a Standards Committee with an independent Chair (as well as the Independent Persons) and one representative from each of the three political groups” a Member MOVED that the wording be deleted and replaced with “A review of the Standards Committee be undertaken at the end of the 2014/15 municipal year.” The proposal was duly SECONDED. Votes were recorded as follows:

In Favour: 4
Against: 3
Abstentions: 0

RESOLVED that:

1. The Committee agree that a review of the Standards Committee be undertaken at the end of the 2014/15 municipal year.
2. The Committee instruct that any councillor subject to a complaint under the Code of Conduct is allowed legal representation.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTION AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. CONSTITUTION REVIEW

The Head of Governance introduced the report and accompanying addendum report.

Councillor Melvin Cohen MOVED an amendment to Responsibility for Functions Annex A (Committees Membership and Terms of Reference) to clarify that theme committees, the Planning Committee and Licensing Committee have responsibility for developing (above inflation) fees and charges for implementation, and that these be reported to Policy and Resources Committee for noting.

Upon being put to the VOTE the proposal was CARRIED. Votes were recorded as follows:

In Favour	4
Against	0
Abstentions	3

Following consideration of the report and addendum report the Committee

RESOLVED –

- 1. That the Committee recommend to Council amendments to Responsibility for Functions, Annex A (Committees Membership and Terms of Reference) to:**

- a. Clarify that theme committees have responsibility for developing (above inflation) fees and charges for implementation, and that these be reported to Policy and Resources Committee for noting
 - b. Clarify that the Planning Committee has responsibility to approve land charges fees and charges for those areas under the remit of the Committee
2. That the Committee recommend to Council an amendment to Protocols for Member Officer Relations, 14.3 to add “safeguarding concerns” to the list of issues Members have a duty to raise.
 3. That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this the table below and the track change versions attached at Appendix A to Appendix L.
 4. That further work be undertaken to advise the Committee whether further changes to Protocols for Member Officer Relations be recommended taking into account the Council’s new arrangements with external delivery units.

No.	Section	Changes contained within document	Recommendation on to Full Council
1	Article 9, Chief Officers	<p>Amend section 9.01 (b) to reflect the new senior officer structure</p> <p>Updating titles of statutory officers in section 9.01 (c)</p> <p>Create a new section 9.01 (d) to include ‘Other Officers’ in the classification of Chief Officers</p> <p>Amend section 9.05 to reflect new officer responsible for the discharge of statutory functions.</p> <p>Amend section 9.06 to reflect new officer responsible for the discharge of statutory functions.</p> <p>Create a new section 9.08 to enable chief officers (other than those with statutory officer designations) to discharge the statutory functions that sit within their portfolio of responsibility.</p>	Agreed as per report
2	Responsibility for Functions, Annex B, Scheme of Delegated	<p>Amend section 1.11 to reflect new officer post title.</p> <p>Amend section 1.13 to clarify wording around different</p>	Agreed, subject to adding “Having regard to Section 3 (Delegation of Powers)...” before the description of functions delegated to the

No.	Section	Changes contained within document	Recommendation on to Full Council
	Authority to Officers	<p>categories of delegated decisions. Amend delegated authority to the Chief Executive to reflect changes to the Strategic Commissioning Board.</p> <p>Delete responsibilities of Strategic Director for Communities.</p> <p>Create responsibilities for the Strategic Director of Commissioning with authority to discharge any of the functions delegated to the Commissioning Directors.</p> <p>Designate the Commissioning Director for Children & Young People as the statutory Director of Children's Service and include additional responsibilities as approved in the Commissioning Restructure.</p> <p>Designate the Commissioning Director for Adults & Health as the statutory Director of Children's Service and include additional responsibilities as approved in the Commissioning Restructure.</p> <p>Add new sections detailing the responsibilities of the Commissioning Director for Environment and the Commissioning Director for Growth & Development.</p> <p>Delete the responsibilities of the Strategic Director for Growth & Environment.</p> <p>Amend the post title of the Director of Public Health to accord with the new title designated in the Commissioning Restructure.</p>	Strategic Director for Commissioning and the Commissioning Directors.

No.	Section	Changes contained within document	Recommendation on to Full Council
3.	Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers	Amend section 1.6 to add the officer decisions prescribed in the regulations to the list of matters where formal reporting of officer decisions will take place	Agreed as per report
4.	Responsibility for Functions, Pension Fund Compliance Statement	<p>Amended section 1.2 of the Pension Fund Compliance Statement to include a reference to the Local Pension Board</p> <p>Add to new section 2.3 to include the council's responsibilities in relation to the Local Pension Board. Once the preferred option has been agreed by the General Functions Committee, two of the three options will need to be deleted.</p> <p>Add a new section 2.4 to detail the responsibilities of the Local Pension Board.</p>	Agreed as per report
5.	Responsibility for Functions, Annex A	<p>Amend the terms of reference of Residents Forums to include the requested changes.</p> <p>Amend the wording relating to post-Forum responses to clarify that further written responses will be provided only where the Forum Chairman has undertaken to provide these.</p> <p>Amend wording to include a provision for Chairmen to accept urgent items at their discretion.</p> <p>Amended wording to give discretion to the Forum Chairman to stipulate when a further written response should be provided to the issue(s) raised.</p>	Agreed as per report
6.	Public Participation & Engagement Rules	Amend section 5.2 to remove the restriction around submitting comments/ questions at the Licensing Committee.	Agreed as per report

No.	Section	Changes contained within document	Recommendation on to Full Council
7.	Public Participation & Engagement Rules	Move section 2.3 and create new expanded section 1.4 to outline how public comments and questions will be structured at committees	Not approved. Agreed that this issue should be added to the matters for future consideration by the Constitution, Ethics and Probity Committee.
8.	Full Council Procedure Rules	Amend section 1 (e)	Agreed, subject to an amendment to 1 (e) to replace the proposed wording with "Noting the appointment of the Deputy Leader of the Council"
9.	Responsibility for Functions, Annex A	Amend the terms of reference of the Community Leadership Committee to include this function	Agreed as per report
10.	Responsibility for Functions, Annex A	Delete 'Health and Safety' from the terms of reference of the Policy & Resources Committee and add to the terms of reference of the General Functions Committee	Agreed as per report
11.	Responsibility for Functions, Annex A	Amend terms of reference of theme committees, the Licensing Committee and Planning Committee to reflect the that those committees have delegated responsibility for agreeing fees and charges within their remit	Agreed amendments to theme committees terms of reference Delete approval of fees and charges for land charges from the terms of reference of the General Functions Committee and include the terms of reference of the Planning Committee Add a responsibility to the terms of reference of the Policy & Resources Committee to "To note decisions taken by theme committees, the Planning Committee and Licensing Committee on fees and charges within the remit of those committees.

No.	Section	Changes contained within document	Recommendation on to Full Council
12.	Public Participation and Engagement Rules	<p>Delete section 4.1 as requests to speak could be made on items that are no planning applications or tree preservation orders.</p> <p>Revise section 4.4 to clarify the rules as they apply to planning committees and remove references to Members rights to address committees as these are covered in Meetings Procedure Rules</p> <p>Revise subsequent sections to remove reference to planning committees</p>	Agreed as per report
13.	Meetings Procedure Rules	Add a new section 17 to detail the Council's policy in relation to recording and filming of proceedings at meetings	<p>Not approved.</p> <p>Deferred for consideration at the next meeting of the Constitution, Ethics and Probity Committee.</p>
14.	Access to Information Procedure Rules	<p>Amendments to give effect to the proposed changes</p> <p>Details of the Members Information Management Policy (agreed at the General Functions Committee on 23 March 2015) is appended for Council to note due to the direct link to the Access to Information Procedure Rules</p>	Agreed as per report
15.	Protocols for Member Officer Relations	Amendments to support the changes to the Access to Information Procedure Rules and Members Information Management Policy referred to above	Agreed, subject to an amendment to section 14.3 to add "safeguarding concerns" to the list of issues Members have a duty to raise
16.	Responsibility for Functions	Amend section 6.7 to stipulate that non-planning matters can be referred by the Planning Committee	Agreed as per report
17.	Contract Procedure	Amendments to the Contract Procedure Rules to reflect new	Agreed as per report

No.	Section	Changes contained within document	Recommendation on to Full Council
	Rules	<p>regulations</p> <p>Merge Contract Procedure Rules and Procurement Code of Practice.</p> <p>Subject to the changes being approved by the Committee, delete Procurement Code of Practice as a separately published section of the Constitution</p>	
18.	Responsibility for Functions	Amend section 6.2	Agreed as per report
19.	Responsibility for Functions, Annex A	<p>Delete from the terms of reference of the theme committees responsibility for "Grants to Voluntary Sector within the remit of the Committee."</p> <p>Add to the terms of reference of the Community Leadership Committee responsibility for approving all grants to the voluntary sector.</p>	Agreed amendments are detailed in Responsibility for Functions, Annex A (Committees Membership and Terms of Reference) attached at Appendix C
20.	Responsibility for Functions, Pension Fund Compliance Statement	Amend the Pension Fund Compliance Statement (which includes the responsibilities of the Pension Fund Committee) to include approval of the Pension Fund Statement of Accounts	Agreed as per report
21.	Responsibility for Functions, Annex A	Merge the terms of reference of the General Functions Committee with those of the Remuneration Committee, except for functions relating to dealing with Chief Officer Appointments, Discipline and Capability matters	Agreed as per report
22.	Responsibility for Functions, Annex A	<p>No changes proposed.</p> <p>Detailed proposals for the establishment of a Community Leadership Committee Sub-Committee comprising the chairman, vice-chairman and</p>	Agreed in principle, subject to detailed proposals being reported to and agreed by the Community Leadership Committee on 14 April 2015. Details of the sub-committee to be included in the report

No.	Section	Changes contained within document	Recommendation on to Full Council
		opposition spokesperson, to convene for the purposes of considering Community Right to Bid applications in cases where there is no full meeting of the Committee scheduled which falls within the eight week statutory deadline.	on Appointment of Standing Committees and Political Proportionality at the Annual Council meeting on 13 May 2015.

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

None.

The meeting finished at 8.00 pm

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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~~
Strategic Director for Commissioning
Commissioning Director, Children and Young People
Commissioning Director, Growth and Development
Commissioning Director, Adults and Health
Commissioning Director, Environment
 Assurance Director
~~Adults and Communities Director~~
~~Director of Public Health~~ Commissioner (~~Director of 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.

(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
<u>Commissioning Director, Children and Young People</u> Strategic Director for Communities	Director of Children's Services
<u>Commissioning Director, Adults and Health</u> 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

(d) Other Chief Officers

Post
<u>Strategic Director for Commissioning</u>
<u>Commissioning Director, Growth and Development</u>
<u>Commissioning Director, Environment</u>

Such posts will have the functions described in Article 9.02-9.07 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.

References:

(Section 5), Local Government and Housing Act 1989

Sections 60, 64-66, Local Government Act 2000

Chapters 8 and 9, DETR Guidance

Part 10, sections 183 to 203 of the Local Government and Public Involvement in Health Act 2007

Section 29(1), Localism Act 2011

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. The Commissioning Director, Children and Young People will fulfil the role of 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 Commissioning Director, Adults and Health ~~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 Commissioning Director, Adults and Health ~~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 Other Chief Officers

The other Chief Officers as referred to in 9.01 (d) will discharge the statutory functions detailed in Responsibility for Functions, Annex B (Scheme of Delegated Authority to Officers).

9.09 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.

9.0910 Conduct

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

9.10-11 Employment

The recruitment, selection and dismissal of officers will comply with the Human Resources (HR) Regulations as set out in this Constitution.

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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, 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 (including school governing bodies) where an urgent decision is required before the next scheduled General

Functions Committee, 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 Committees.
- 1.13 Conferring the title of Freeman of the Borough.
- 1.14 Confirming the appointment or dismissal 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 byelaws 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.
- 1.20 Approval of annual pay policy statement.

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 list
- Decisions reserved to the Council meeting in Article 4 of the Constitution

5.2 The Area Planning Committees can take decisions within their terms of reference provided they are not within the list of matters reserved to the Planning Committee, or contrary to Council policy or outside budget.

5.3 Area Committees may take decisions within their terms of reference provided they are not matters which are the responsibility of the Licensing Committee or Licensing Sub-Committee, or contrary to Council policy (or contrary to the Statement of Licensing Policy) or outside budget.

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 and/or Area Planning Committee may refer any item that it considers with a recommendation to the relevant committee within whose Terms of reference it falls, by indicating immediately after the decision is taken that they require the decision to be referred up before the Committee has made a decision on the recommendation in that item.

6.3 Subject to the exceptions set out below, a specified number of Members of a Committee or Sub-Committee (see the table below) may require that any decision of the Committee or Sub-Committee is referred up to the next practicable meeting of Full Council or the relevant Committee to which the Committee or Sub-Committee reports, by indicating immediately after the decision is taken that they require the decision to be referred up. The report to Full Council or the relevant Committee to which the Committee or Sub-Committee reports on the referral shall set out the reasons given for the referral.

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 -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 to the Planning Committee unless it falls within the terms of reference of the Planning Committee.

6.7 The third exception is the Planning Committee, where no matter relating to town and country planning may be referred up to the Council meeting except where required by law. The Planning Committee may only refer up non-planning matters.

6.8 The fourth exception is the Pension Fund Committee.

Committee/Sub-Committee	No. of members required to support a referral	Council / reporting committee
Planning	3	Council
Area Planning Committees	2	Planning Committee (if within the Terms of Reference of the Planning Committee)
Area Committees	2	Environment or relevant Committee
General Functions Committee	3	The Council
All Other Committees	3 (where the Membership is less than 9) and 4 (where the Membership 9 or more)	Council

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

7. URGENCY PROVISIONS

7.1 If a decision on an 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 three 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

8.1 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.
- London Councils Transport and Environment Committee Agreement dated 13 December 2001.
- 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~~-four tiers of responsibilities – the Council, the Pension Fund Committee (PFC), the Local Pension Board 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 the Pension Fund Committee is 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:-

Seven elected members on a politically-balanced basis to a Pension Fund Committee (PFC), responsible for discharging the Council's leadership and strategic management responsibilities regarding its Pension Fund;

Substitute members, three from each political group.

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 meet review and approve the Pension Fund Statement of Accounts, income and expenditure and balance sheet or record of payments and receipts (as the case may be)
- 2.2.4 To receive and approve the Pension Fund Annual Report.
- 2.2.5 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.
- 2.2.6 To appoint independent investment advisors.
- 2.2.7 To appoint Pension Fund investment managers.
- 2.2.8 To appoint Pension Fund actuaries.
- 2.2.9 To appoint a performance management company.
- 2.2.10 To appoint custodians.
- 2.2.11 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.
- 2.2.12 To consider actuarial valuations and their impact on the Pension Fund.
- 2.2.13 To consider advice given by the Chief Finance Officer, independent advisors, and views expressed by non-voting representatives at Pension Fund Committee meetings.
- 2.2.14 To approve applications from organisations wishing to become admitted bodies into the Pension Fund where legislation provides for discretion, including the requirements for bonds.
- 2.2.15 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.
- 2.2.16 To convene regularly each quarter and additionally at such times outside the regular quarterly cycle as the Chairman deems appropriate

- 2.2.17 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 rules as set out in the Meeting Procedure Rules.
- 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 of Council in relation to the Local Pension Board

2.3.1 To appoint:-

Five members (two employers side (one councillor, one employer representative from an admitted body), two employee side (1 active member, one deferred member) and one independent member/advisor), responsible for assisting the Pension Fund Committee in ensuring compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme.

2.4 Responsibilities of the Local Pension Board

2.4.1 The role of the local Pension Board, as defined by sections 5(1) and (2) of the Public Services Pension Act 2013 and regulation 106 of the Local Government Pension Scheme (LGPS) Governance Regulations 2013.

- To assist with:
 - securing compliance with LGPS Government regulations and any other legislation relating to the governance and administration of the LGPS
 - securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator.
 - such other matters that the LGPS regulations may specify
- Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund
- Ensure the Pension Fund's strategy and policy documents are in place and have been maintained in accordance with the LGPS Regulations. These documents are the: communications policy statement; funding strategy statement; governance compliance statement; pensions administration strategy; Pension Fund annual report and accounts; statement of investment principles
- Ensure the Pension Fund's internal Risk Register is in place and reviewed at least annually

- Review the Pension Fund's performance in complying with the requirements of the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS
- Review the Pension Fund's performance in complying with the requirements of the Pension Regulator
- Annually submit a proposed work plan for the forthcoming financial year, to the Pension Fund Committee
- To carry out any other activities relating to the efficient governance and administration of the Pension Fund.

2.4.2 The Local Pension Board does not replace the Administering Authority or make decisions or carry out duties other duties which are the responsibility of the Administering Authority (refer to Compliance statement)

2.4.3 The Administering Authority retains ultimate responsibility for the administration and governance of the scheme. The role of the Board is to support the Administering Authority to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.

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.

ANNEX A TO RESPONSIBILITY FOR FUNCTIONS - Membership and Terms of Reference of Committees and Partnership Boards

Body responsible	Functions	Membership												
Policy and Resources Committee	<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="419 972 1050 2072"> <tbody> <tr> <td data-bbox="419 972 742 1137"> <ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement </td> <td data-bbox="746 972 1050 1137"> <ul style="list-style-type: none"> • Strategic Partnerships </td> </tr> <tr> <td data-bbox="419 1144 742 1525"> <ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion </td> <td data-bbox="746 1144 1050 1525"> <ul style="list-style-type: none"> • Approve development of statutory Local Plan and related documents and Neighbourhood Plans (for adoption by Full Council) </td> </tr> <tr> <td data-bbox="419 1532 742 1697"> <ul style="list-style-type: none"> • Internal Transformation programmes </td> <td data-bbox="746 1532 1050 1697"> <ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery </td> </tr> <tr> <td data-bbox="419 1704 742 1749"> <ul style="list-style-type: none"> • Write off of debt </td> <td data-bbox="746 1704 1050 1749"> <ul style="list-style-type: none"> • Insurance </td> </tr> <tr> <td data-bbox="419 1756 742 1877"> <ul style="list-style-type: none"> • Treasury Management Strategy </td> <td data-bbox="746 1756 1050 1877"> <ul style="list-style-type: none"> • Information Technology provision </td> </tr> <tr> <td data-bbox="419 1883 742 2072"> <ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes </td> <td data-bbox="746 1883 1050 2072"> <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"> • Approve development of statutory Local Plan and related documents and Neighbourhood Plans (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 	<ul style="list-style-type: none"> • Information Technology provision 	<ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes 	<ul style="list-style-type: none"> • Health and Safety • Mayoralty budget 	<p>12</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>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 													
<ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion 	<ul style="list-style-type: none"> • Approve development of statutory Local Plan and related documents and Neighbourhood Plans (for adoption by Full Council) 													
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<ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes 	<ul style="list-style-type: none"> • Health and Safety • Mayoralty budget 													

- Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs)

(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.

(4) To be responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council.

(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.

(6) Approve budget and business plan of the Barnet Group Ltd.

(7) To allocate a budget, as appropriate, for Area Committees and agree a framework for governing how that budget may be spent.

(8) To represent Barnet's strategic interests in dealings with sub-regional, regional and national Government and influence relevant tiers of Government

(9) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.

(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and

	<p>thresholds set out in Contract Procedure Rules.</p> <p>(11) To receive reports reviewing the progress of petitions considered at theme committees</p> <p>(12) To receive reports on the issuance of grants below £5000 by Officers in accordance with their delegated authority.</p> <p><u>(13) To note decisions taken by theme committees, the Planning Committee and Licensing Committee on fees and charges within the remit of those committees.</u></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>Performance and Contract Management Committee</p>	<p>(1) Overall responsibility for quarterly budget monitoring, including monitoring trading position and financial strategy of Council Delivery Units.</p> <p>(2) Monitoring of Performance against targets by Delivery Units and Support Groups including Customer Support Group; Re; the Barnet Group Ltd (including Barnet Homes and Your Choice Barnet); HB Public Law; NSL; Adults and Communities; Family Services; Education and Skills; Street Scene; Public Health; Commissioning Group; and Assurance.</p> <p>(3) Receive and scrutinise contract variations and change requests in respect of external delivery units.</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) Specific responsibility for the following functions within the Council:</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>Committee to be made up in accordance with proportionality</p>

	<table border="1" data-bbox="419 120 1042 250"> <tr> <td data-bbox="419 120 730 250"> <ul style="list-style-type: none"> • Risk Management </td> <td data-bbox="730 120 1042 250"> <ul style="list-style-type: none"> • Treasury Management Performance </td> </tr> </table> <p data-bbox="395 286 986 360">(6) Note the Annual Report of the Barnet Group Ltd.</p> <p data-bbox="395 398 1031 472">(7) To consider reserved matters of the Joint Venture Company (JVCO).</p> <p data-bbox="395 510 1005 689">(8) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p data-bbox="395 728 1027 947">(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p data-bbox="395 985 1043 1276">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"> • Risk Management 	<ul style="list-style-type: none"> • Treasury Management Performance 	
<ul style="list-style-type: none"> • Risk Management 	<ul style="list-style-type: none"> • Treasury Management Performance 			
<p data-bbox="92 1339 288 1512">Children, Education, Libraries and Safeguarding Committee</p>	<p data-bbox="395 1339 887 1368">1) Specific responsibilities include:</p> <ul data-bbox="443 1375 1038 1821" 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 Library Service • Development of cultural activities • To be responsible for those powers, duties and functions of the Council in relation to Children's Services (including schools) <p data-bbox="395 1859 1023 1964">(2) Lead the Council's responsibilities under the Children Act 2004 and Education and inspection Act 2007</p> <ul data-bbox="443 1971 1002 2074" style="list-style-type: none"> • Oversee effective support for young people in care; and enhance the Council's corporate parenting role 	<p data-bbox="1077 1339 1098 1368">9</p> <p data-bbox="1077 1391 1433 1753">Chairman, Vice Chairman, Members and substitutes to be appointed by Council. Requirement to have a Lead Member for Children's Services. Committee to be made up in accordance with proportionality</p> <p data-bbox="1077 1823 1362 1854"><u>Co-Opted Members</u></p> <p data-bbox="1077 1877 1422 2051">The following co-opted members will be appointed. They may speak on all matters but cannot vote.</p>		

	<ul style="list-style-type: none"> • 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>(8) Develop To approve Fees and Charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee.</p> <p>(9) Discussion of transformation schemes not in service plans but not outside the Council’s budget or policy framework</p> <p>(10) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(11) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(12) To submit to the Policy and Resources Committee proposals relating to the</p>	<p>Three Voluntary Aided School Representatives - to provide a faith perspective on education matters (Church of England; Roman Catholic; and Jewish Voluntary Aided representatives).</p> <p>Two Parent governor representatives (PGRs) elected by other parent governors to represent the views of all parents and hold the authority to account by consulting with and feeding back to parents on discussions and decisions relating to education.</p>
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	<p>Committee's budget for the following year in accordance with the budget timetable.</p> <p>(13) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</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>Adults and Safeguarding Committee</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>(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 To approve 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> <div style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> • Leisure Services. • Grants to Voluntary Sector within the remit of the Committee </div> <p>(5) To ensure that the Council's safeguarding responsibilities are taken into account.</p> <p>(6) To approve any non-statutory plan or</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee 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>(7) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(11) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</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>Environment Committee</p>	<p>(1) To include specific responsibilities for commissioning the following:</p> <table border="1" data-bbox="438 1935 1050 2098"> <tr> <td data-bbox="438 1935 740 2098"> <ul style="list-style-type: none"> Street Scene including pavements and all classes of </td> <td data-bbox="740 1935 1050 2098"> <ul style="list-style-type: none"> Parking provision and enforcement </td> </tr> </table>	<ul style="list-style-type: none"> Street Scene including pavements and all classes of 	<ul style="list-style-type: none"> Parking provision and enforcement 	<p>11 Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with</p>
<ul style="list-style-type: none"> Street Scene including pavements and all classes of 	<ul style="list-style-type: none"> Parking provision and enforcement 			

	roads		proportionality
	<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 London Transport Strategy-Local Implementation Plan 	<ul style="list-style-type: none"> • Refuse and recycling 	
	<ul style="list-style-type: none"> • Street Cleaning 	<ul style="list-style-type: none"> • Waste Minimisation 	
	<ul style="list-style-type: none"> • Waterways 	<ul style="list-style-type: none"> • Allotments 	
	<ul style="list-style-type: none"> • Parks and Open Spaces 	<ul style="list-style-type: none"> • Fleet Management 	
	<ul style="list-style-type: none"> • Trees 	<ul style="list-style-type: none"> • Cemetery and crematorium and Mortuary 	
	<ul style="list-style-type: none"> • Trading Standards 	<ul style="list-style-type: none"> • Contaminated land and all statutory nuisances. 	
	<ul style="list-style-type: none"> • Flood Risk Management (scrutiny aspect) 		
	<p>(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</p> <ul style="list-style-type: none"> • creating, stopping up and diverting footpaths and bridleways • asserting and protecting public rights to use highways • removing things deposited on highways which cause nuisance <p>(3) Gaming, entertainment, food and miscellaneous licensing in so far as not otherwise the responsibility of the Licensing Committee or the Licensing Sub-Committee,</p>		

	<p>and Health and Safety regulation (otherwise than as an employer).</p> <p>(4) Develop <u>To approve</u> fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee</p> <p>(5) Grants to Voluntary Sector within the remit of the Committee.</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>(7) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(11) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</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</p>	
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	appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.	
Assets, Regeneration and Growth Committee	<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 Children’s 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 <p>(2) Develop To approve fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee.</p> <p>(3) Grants to Voluntary Sector within the remit of the Committee.</p> <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>(5) Discussion of transformation schemes not in service plans but not outside the Council’s budget or policy framework.</p> <p>(6) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>

	<p>(7) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(8) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(9) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</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 Committee	<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 <u>To approve</u> fees and charges for</p>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>

those areas under the remit of the Committee
~~for consideration by Policy and Resources
Committee.~~

~~(3) Grants to Voluntary Sector within the
remit of the Committee.~~

(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.

(5) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.

(6) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.

(7) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.

(8) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.

(9) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.

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.	
Community Leadership Committee	<p>Specific responsibilities include:</p> <ul style="list-style-type: none"> • Grants to Voluntary Sector within the remit of the Committee • 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><u>(7) To receive nominations and determine applications for buildings / land to be listed as an Asset of Community Value (Community Right to Bid)</u></p> <p>(8) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(9) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality.</p>

	<p>Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(11) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(12) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</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>	
Area Committees	<p>In relation, to the area covered by the Committee:.,</p> <p>(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.</p> <p>(2) Discharge any functions, within the budget and policy framework agreed by Policy and Resources, of the theme committees that they agree are more properly delegated to a more local level. These include but are not limited to:</p> <ul style="list-style-type: none"> • <i>Town Centre Regeneration and Management</i> • <i>Sewers, drainage, public conveniences, water courses</i> 	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>One Member and one Substitute member for each Ward.</p>

	<ul style="list-style-type: none"> • <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> <p>(4) Administer any local budget delegated from Policy and Resources Committee for these committees in accordance with the framework set by the Policy and Resources Committee.</p> <p>(5) Powers to deal with small public works.</p> <p>Area 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>	
Council acting as the Licensing Authority	Agreeing and reviewing the Statement of Licensing Policy.	All Members of the Council
Licensing Committee	<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>To approve fees and charges for those areas under the remit of the Committee. 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</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<p>designation of permanent pitches for street trading.</p> <p>Safety at sports ground certification.</p>	
Licensing Sub-Committee	<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>3</p> <p>Chairman appointed at each meeting of a Sub-Committee.</p>
Audit Committee	<p>Statement of Purpose</p> <p>The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p>Terms of Reference</p> <p><u>Audit Activity</u></p> <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. 9. To commission work from the internal and 	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>Committee to be made up in accordance with proportionality. 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>external audit, proportionate to risk identified and with agreement from Chief Executive.</p> <p><u>Anti-Fraud Activity</u></p> <p>10. To monitor the effective development and operation of the Council's Corporate Anti-Fraud Team (CAFT).</p> <p>11. To consider the anti-fraud strategy, annual anti-fraud work plan and CAFT Annual Report.</p> <p>12. To consider regular anti-fraud progress reports and summaries of specific fraud issues and investigation outcomes.</p> <p>13. To monitor the Council's Counter Fraud framework and policies within and recommend their application across the Council.</p> <p><u>Regulatory Framework.</u></p> <p>14. To review any issue referred to it by the Chief Executive or a director, or any Council body.</p> <p>15. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>16. To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.</p> <p><u>Accounts</u></p> <p>17. 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>18. 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>19. The Audit Committee shall prepare a report to Full Council on annual basis on its activity and effectiveness.</p>	
Planning Committee	Take action under Town and Country Planning, and associated legislation including	11 Chairman, Vice

	<p>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 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 - 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 and considering Neighbourhood Development Orders.</p> <p><u>To approve building control and land charges fees and charges for those areas under the remit of the Committee</u></p>	<p>Chairman, Members and substitutes appointed by Council.</p>
<p>Area Planning Committees (3)</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 and excluding matters which fall within the terms of reference of the Planning Committee.</p> <p>[For the purposes of this section a planning</p>	<p>Chipping Barnet Area Planning Committee</p> <p>7 (one councillor representing each of the following Wards:</p> <p>Underhill</p> <p>High Barnet</p>

	<p>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 Committee</p> <p>If in cases where the Council has a minor interest in developments where a decision is required by a Committee, the Strategic Director for Growth and Environment will refer the matter to the appropriate Area Planning Committee.</p> <p>Relevant Considerations for Area Planning Committees</p> <p>A. consideration of planning applications by Area Planning Committees:</p> <p>The work of the Area Planning 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>One potential cause of such delays is the deferral by 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 Committees should arrange for site visits to be made in advance of the Committee meeting, particularly where the proposals appear to be contentious or they are of major importance to the area; • 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</p>	<p>East Barnet Oakleigh Brunswick Park Coppetts Totteridge</p> <p>Finchley and Golders Green Area Planning Committee</p> <p>7 (one councillor representing each of the following Wards: East Finchley West Finchley Woodhouse Childs Hill Finchley Church End, Garden Suburb Golders Green</p> <p>Hendon Area Planning Committee</p> <p>7 (One Councillor representing the following wards: Hale Edgware Burnt Oak West Hendon Colindale Hendon Mill Hill</p>
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	<p>necessary to refer them to Committee. These 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. <p>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.)</p>	
<p>General Functions Committee</p>	<p>All other Council functions that are not 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) other than those within the remit of Remuneration Committee • Polling Stations • Ward Boundaries • Request a ward boundary review by the Local Government Boundary Commission for England • Elections in general • <u>Health and safety</u> • <u>Approving premises for marriages and the formation of civil partnerships</u> <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>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</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.

(b) Issues concerning working arrangements which are submitted to the General Functions Committee will be supported by the minutes of the People Management Group which considered the matter.

(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.

(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.

(e) Consider reports on restructure in line with the HR Regulations.

Develop building control fees and charges for those areas under the remit of the Committee for consideration by the Policy & Resources Committee.

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:

Decide on and report back to Council on

a. Chief Officer salary packages

b. Salary packages to be offered of £100,000 or more

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 and 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 the annual pay policy statement for full Council approval 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

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| | <p><u>b. To review annually remuneration, as defined above, for the Council's Chief Officers except those elements determined nationally or pensions.</u></p> <p><u>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 Policy and Resources Committee and/or General Functions Committee.</u></p> <p><u>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</u></p> <ul style="list-style-type: none"> <u>• The employees of Barnet Group</u> <u>• Contractors</u> <u>• Shared management schemes</u> <u>• Outplacements</u> <u>• Agency and other staff</u> <p><u>e. To have oversight to ensure that remuneration terms of appointments are appropriate.</u></p> <p><u>f. To take advice from the Pension Fund Committee with regard to decisions on pay that would impact upon pension arrangements or contributions.</u></p> <p><u>g. To set parameters for the remuneration of Chief Officers on recruitment.</u></p> <p><u>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.</u></p> <p><u>i. To have oversight of the national pay agenda and consider the implications in the local context.</u></p> <p><u>j. To commission relevant research and/or comparative information on salaries in the public and private sectors e.g. from:</u></p> | |
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	<ul style="list-style-type: none"> • <u>The Council's own HR function</u> • <u>National and/or Regional employers' organisations</u> • <u>Independent consultancy organisations with relevant experience in pay market analysis</u> • <u>Submissions made by the Associations on behalf of their members and make recommendations thereon.</u> <p>k. <u>To ensure that the Public Sector Equality Duty, as set out by the Equality Act 2010, is applied throughout the pay and reward structure.</u></p> <p>l. <u>To take cognisance of the CLG Code of Recommended Practice for Local Authorities on Data Transparency.</u></p> <p>m. <u>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).</u></p> <p>n. <u>To obtain assurance that adequate internal and external moderation and benchmarking takes place when senior posts are subject to job evaluation.</u></p> <p>o. <u>To take account of forward plans and the impact of remuneration on workforce planning, talent management and succession planning.</u></p> <p>p. <u>To review remuneration arising from performance management and ensure that any performance-related pay mechanisms are fair and transparent.</u></p> <p>q. <u>To refer such items as necessary to the Council.</u></p> <p>r. <u>To refer to guidance from the Secretary of State.</u></p> <p><u>Protocols</u></p> <p>s. <u>To declare any conflicts of interest.</u></p>	
Constitution, Ethics and Probity	To have responsibility for overseeing the	7

Committee	<p>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>	Chairman, Vice Chairman, Members and substitutes appointed by Council.
Group Leaders Panel	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>5 (By convention the Members comprise the Leaders of the political groups).</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>The Panel will take account of the views of an Independent Person.</p>
Pension Fund Committee	As set out in the Pension Fund Governance Compliance Statement appended.	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>
<p>Remuneration Committee Chief Officer Appointment Panel</p>	<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> <p>a. Chief Officer salary packages</p> <p>b. Salary packages to be offered of £100,000 or more</p> <p>c. Severance packages per individual of £100,000 or more. (Severance</p>	<p>5</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. By convention the Members comprise:</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>

~~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 and 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 the annual pay policy statement for full Council approval 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~~
- ~~b. To review annually remuneration, as defined above, for the Council's Chief~~

		<p>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 Policy and 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 Pension Fund 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> <ul style="list-style-type: none"> ● The Council's own HR function ● National and/or Regional employers' organisations 	
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	<ul style="list-style-type: none"> • 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>e. 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>t. To declare any conflicts of interest.</p>	
Health and Well-Being Board	(1) To jointly assess the health and social care needs of the population with NHS	Chairman, Vice Chairman, Members and

	<p>commissioners, and apply the findings of a Barnet joint strategic needs assessment (JSNA) to all relevant strategies and policies.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(5) To receive assurance from all relevant commissioners and providers on matters relating to the quality and safety of services for users and patients.</p> <p>(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.</p> <p>(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.</p> <p>(8) Receive the Annual Report of the Director of Public Health and commission and oversee further work that will improve public health</p>	<p>substitutes appointed by Council.</p> <p>Three Members of the Council</p> <p>Director of Public Health, Barnet and Harrow</p> <p>Strategic Director for Communities (Director for Children’s Service)</p> <p>Adults and Communities Director</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 if 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 proportionality</p> <p>Allow voting rights to members other than Members of the Council.</p>
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	<p>outcomes.</p> <p>(9) Specific responsibilities for:</p> <ul style="list-style-type: none"> • Overseeing public health • Developing further health and social care integration. 	
Health Overview and Scrutiny Committee	<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. Both Council and the Health Overview and Scrutiny Committee are authorized pursuant to Regulation 30 Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 to establish together with the health overview and scrutiny committees of one or more other local authorities a joint overview and scrutiny committee. Any such joint overview and scrutiny committee shall have such terms of reference and shall exist for so long, as the appointing Overview and Scrutiny Committees may agree. 6. Appointment of Members to any such Committees established can only be 	<p>9</p> <p>Chairman, Vice-Chairman, Members and substitutes to be appointed by Council</p>

	made by Full Council.	
Urgency Committee	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.	3 Appointed by Council.
Residents Forums <u>Chipping Barnet Residents Forum</u> Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards. <u>Hendon Residents Forum</u> Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards <u>Finchley and Golders Green Residents Forum</u> Woodhouse, West Finchley, Finchley Church End, Garden Suburb, Golders Green, Childs Hill and East Finchley Wards	Residents Forums provide an opportunity for any resident to raise local matters. Local matters are any matters which are relevant to the Council except for matters relating to specific planning or licensing applications. Items and questions must be received by the Governance Service by 10am on the second - <u>fifth</u> working day prior to the meeting for the item to be discussed at the Forum. <u>Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place.</u> <u>The Forum Chairman has the discretion to accept items and questions with less than five days notice if they deem the matter to be urgent. Responses to urgent matters will be responded to by officers at the Forum meeting.</u> The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period. The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman. Petitions on matters relevant to the Constituency only can also be presented. Matters must not relate to Planning or Licensing Issues. Relevant matters raised at the Forum may be referred by the Forum Chairman onto the agenda for the related Area Committee. Comments made are reported to the relevant decision maker <u>Where a Forum Chairman agrees that the Council will provide an additional response or update on a local matter, petition or consultation discussed at a Forum, the response will be provided.</u> Decision makers must respond to the issue(s) raised within 20 working days.	A Chairman and Vice-Chairman of each appointed by the Council.
Local Strategic	(a) A Local Strategic Partnership is an	Leader of the Council

<p>Partnership (Barnet Partnership Board)</p>	<p>advisory committee 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</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>priorities and objectives.</p> <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>Children's Trust Board</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 families are delivered by a range of partners. It is leading the development of inter agency</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>arrangements to support families with complex needs, through the expansion of the Intensive Family Focus Programme. 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 on-going 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. 	
Safer Communities Partnership Board	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	Meetings will be quarterly and a quorum will comprise four members provided this consists of: The Chairman or Vice Chairman At least one

	<p>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>representative each of the Council and the Metropolitan Police.</p> <p>Other current partners are:</p> <ul style="list-style-type: none"> • London Probation Trust • National Probation Service • London Fire Brigade • Barnet Clinical Commissioning Group • MOPAC- Mayor's Office for Policing and Crime • Barnet Safer Neighbourhood Board • Middlesex University • North West London Magistrates' Court • Community Barnet • Victim Support, North London Division • Department for Work and Pensions <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 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

i. POWERS DELEGATED TO OFFICERS

General Powers

1.1 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~~ Chief Officers 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.

Scheme of Delegated Authority to Officers - ~~September~~ March 2014 ~~2015~~

- 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 Chief Officers 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

- 1.6 Formal reporting of officer decisions will take place if actions or decisions involve the following –
- Specific statutory powers
 - The service of formal notice
 - Awarding a contract or incurring expenditure which, in either case, materially affects the Council's financial position
 - ~~The incurring of expenditure of £10,000 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
 - Granting a permission or licence
 - Affect the rights of an individual (i.e. to change an individual's legal rights)
 - 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
- 1.7 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.
- 1.8 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

1.9 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

1.10 In addition, in consultation with the Chairman of Policy and Resources Committee:

Directors have the power (subject to Chief Financial Officer approval as set out in Financial Regulations) 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 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.

1.11 The following Officers also have the powers indicated:

- The ~~Strategic Director for Growth and Environment~~Commissioning Director, 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 Commissioning Director, Growth and Environment ~~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

1.12 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.

1.13 Decisions taken by officers must be recorded and made available to members of the Council either as individual decisions or via lists of summary decisions taken under delegated powers published on the Internet.

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

1.15 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

3.1 In exercising delegated powers officers must:

- a. Comply with any strategy, policy, plan or direction directed by Members of the Council;
 - i. Comply with the Council's Financial Regulations, Contract Procedure Rules and Human Resources Regulations in force at the time;
- b. Only incur expenditure within approved limits/estimates;
- c. 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;
- d. Ensure compliance with the law and all policies, regulations, orders, codes, protocols and similar documents approved by the Council or one of its Committees;
- e. Inform members with specific functional responsibilities and Ward members about the exercise of powers;
- f. Consult with other relevant officers with proper regard to any advice given;

- h. Authorise another officer or officers to exercise those powers when they are absent or cannot be notified;
 - i. Keep appropriate records and registers of decisions and report to Council, or Committee if required;
 - j. Be accountable to the Council and Members or Committee, from which those powers derive;
 - k. Be subject to decisions by the Chief Executive or the Monitoring Officer on whether officers should exercise any delegated power;
 - l. Operate under the terms of officers holding politically restricted posts.
- 3.2 Where appropriate the Chief Executive may exercise any function delegated to any other officer, unless prohibited by law.
- 3.3 Chief Officers may exercise any function delegated to any other officer within their ~~directorates~~ Scheme of Delegation, unless prohibited by law.
- 3.4 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.
- 3.5. 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.
- 3.6 Officers exercising delegated powers may make decisions that were not anticipated within the budget or Service Plan but nevertheless relate to everyday business.
- 3.7 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.
- 3.8 The use of Delegated Power Reports (DPR) will be by exception and only when there is a clear need to do so.
- 3.9 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. A matter 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 and Strategic Director for Commissioning, 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 and Chief Officers have the following general powers:

- a. To manage and promote the services and functions for which they are responsible.
- b. Taking and implementing any decision required for operational effectiveness.
- c. To discharge of the powers conferred on Chief Officers by Standing Orders, Financial Regulations, Human Resources Policies and Contract Procurement Rules.
- d. Authorisation and acceptance of quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules.
- e. Expenditure within approved revenue budget estimates.
- f. Virement of resources for sums in excess of £50,000 between service directorates and employee and non-employee expenditure
- g. Agreement of settlements of up to £1,000 subject to the approved budget.
- h. Bidding for external resources for services within their remit.
- i. Writing off of debts and disposal of assets as prescribed in Council Financial Regulations.
- j. Liaison with and development of partnerships with external agencies, government departments and stakeholder organisations.
- k. The setting, variation and recovery of costs, fees and charges for goods funded by the Council.

- l. 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.

- m. 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.

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 as set out in Article 9 as Statutory Officers.	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	Council

Registration Officer and, where required, the Returning Officer	
Appointment and proper management of the authority's staff subject to the DCLG guidance on appointment of staff with remuneration packages of £100,000 by the Remuneration Committee.	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 Regulations.

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 HB Public Law.	Council
Authority to write off overpayments of salary allowances or pensions which occur as a result of the death of an	Section 30, Local Government

employee or pensioner.	(Miscellaneous Provisions) Act 1976
Responsibilities as set out in the Pension Fund Governance Compliance Statement.	Council
With HB Public Law to make decisions about operational and works licences, easements, rent reviews and licences to assign, lease renewals, new leases, and acquisitions of land, whether freehold or leasehold, in accordance with legislation relating to Best Consideration and with the Asset, Land and Property Rules, specifically the thresholds set out in Annexes A and B	Local Government Act 1972
To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.	
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
The delivery of all assurance functions for the Council including the functions of the Corporate Anti-Fraud Team and Internal Audit.	Council

DELEGATED AUTHORITY TO THE DEPUTY CHIEF OPERATING OFFICER (DEPUTY SECTION 151 OFFICER)

Approving the issue of grants to the voluntary sector for amounts £5,000 and below.	Council
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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
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 on 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	Council

Constitution to give effect to decisions of Council and changes of fact and law.	
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 before any finding by the Ombudsman, in accordance with Section 92 of the Local Government Act 2000.	Council
Considering requests for and where appropriate granting dispensations under section 33 of the Localism Act 2011, with any dispensation granted being reported to the Committee where the dispensation is being granted.	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.	

HEAD OF GOVERNANCE

Responsibility for functions including:

All Head of Governance functions in the constitution	Council
Members declarations of acceptance of office	Council
Members notice of resignation	Council
Giving notice of casual vacancies	Council
Convening Council to fill Mayoral casual vacancy	Council
Signing summonses for council meeting and receiving notices as to Members addresses for summonses	Council
Receiving notification of political groups for the calculation of political balance	Council Local Government and Housing Act 1989
Deposit of documents	Council
Certification and authentication of documents, byelaws and copy minutes and signing of other relevant formal notices and documents.	Council
Returning Officer for election of parent governor representatives to Committee	Council

~~DELEGATED AUTHORITY FOR THE STRATEGIC DIRECTOR FOR COMMUNITIES~~

Taking and implementing any decision required for operational effectiveness of Children's Services in accordance with her role as Director of Children's Services in conjunction with the Chief Executive	Council
Taking and implementing any decision required in relation to the commissioning of services for children's services, adult social care and education and skills	Council

DELEGATED AUTHORITY TO THE STRATEGIC DIRECTOR FOR COMMISSIONING

<u>Having regard to Section 3 (Delegation of Powers) authority to discharge any of the functions delegated to the Commissioning Directors for: Children & Young People; Adults & Health; Environment; and Growth & Development (as detailed in this Scheme) - except where officers are exercising specific responsibilities under statute as set out in Article 9 as Statutory Officers.</u>	<u>Council</u>
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IN THEIR CAPACITY AS DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR, CHILDREN & YOUNG PEOPLE (DIRECTOR OF CHILDREN'S SERVICES (DCS))

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-	Section 10

operation between the Council and its partner organisations to improve the well-being of the children within the authority	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 2006 on behalf of an NHS body as far as those results relate to children.	Section 18, Children Act 2004
Responsibility for any additional functions as the authority consider appropriate	Section 18, Children Act 2004
<u>Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of early years, schools, family support, youth services, libraries, children's safeguarding and children's social care</u>	<u>Council</u>

DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR ADULTS & HEALTH (DIRECTOR OF ADULT SOCIAL SERVICES)

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	Council

support).	
<u>Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of health & well-being partnerships, adult social care, adults safeguarding, sports & physical activity and leisure services</u>	<u>Council</u>

DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR GROWTH AND DEVELOPMENT

<u>Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of planning and development management, regeneration, housing enterprise, skills, employment, building control, trading standards and licensing, environmental health, land charges and strategic planning</u>	<u>Council</u>
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DELEGATED AUTHORITY FOR THE COMMISSIONING DIRECTOR FOR ENVIRONMENT

<u>Having regard to Section 3 (Delegation of Powers) authority for commissioning services and making any decision for the operational effectiveness of waste management, street cleansing, community safety, cemeteries and crematorium, parks and open spaces, highways and regulatory services</u>	<u>Council</u>
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Strategic Director for Growth and Environment

Commissioning services for and making any decision for the operational effectiveness of housing, cemeteries and crematoriums, highways, regeneration, planning and development management, building control, trading standards and licensing, environmental health, land charges and strategic planning	<u>Council</u>
Taking and implementing any decision required for the operational effectiveness of Street Scene services in conjunction with the Chief Executive	<u>Council</u>

PUBLIC HEALTH COMMISSIONER (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

<p>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.”</p>	<p>Act. National screening and immunisation programmes. Letter from the Department of Health, 23/08/2012, p5.</p>
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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.

Meetings 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 AND 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	11	6 (3 for each political group)	3
Area Planning 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
Area 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

Committee	Membership	Substitute Members	Quorum
Licensing Committee	11	Not applicable	3
Constitution, Ethics and Probity Committee	7	6 (3 for each political group)	3
Group Leaders Panel	5	4 (2 for each Political Group)	3
Urgency Committee	3	3 (1 for each Member)	3
Licensing Sub-Committee	3	All other members of the Licensing committee	All three Members must be present for the meeting to proceed
Audit Committee	7	6 (3 for each political group)	3
Remuneration Committee	5	4 (2 for each political group)	3
Performance and Contract Management Committee	11	6 (3 for each political group)	3
Children, Education, Libraries and Safeguarding Committee	9		
Adults and Safeguarding Committee	9		
Environment Committee	11		
Assets, Regeneration and Growth	9		

Committee			
Housing Committee	9		
Community Leadership Committee	11		
Health Overview and Scrutiny Committee	9		
Policy and Resources	12	6 (3 for each political group)	3
General Functions Committee	7	6 (3 for each political group)	3
Pension Fund Committee	7	6 (3 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. In the case of Area Committees and Area Planning Committees, substitutions are made on the basis of ward. 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.
- 4.4 The Chairman shall have the power to invite any persons or bodies with a particular expertise on a given agenda item to give evidence to the Committee and answer questions. This power is in addition to the Public Participation Rules elsewhere in the Constitution.

5. Minutes

- 5.1 Apologies for absence, declaration of interests and the confirmation of the minutes of previous meetings are the first items 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 Members appointed as substitutes by Council) 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. A referral from Full Council will not count as a Member's item for the purposes of this rule.
- 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. Urgent Business

- 7.1 There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting of a committee.
- 7.2 When an urgent matter has arisen after the publication and despatch of an appropriate agenda the following procedure applies:-

The Chairman has the authority to agree to take urgent items not on the agenda. By convention, the Chair will consult with the Vice-Chairman and Opposition Spokesperson for the committee. The Chairman (with advice from the Monitoring Officer as appropriate) needs to be satisfied as to the need for urgency under the following criteria:-

- i) the item has arisen between the compilation of the agenda and the date of the meeting.
 - ii) the item requires an urgent decision in the public interest which cannot be dealt with by other means
- 7.3 In all cases the reason for the urgency shall be clearly stated and recorded in the minutes of the meeting and the urgent item will be taken at the end of other items of business.

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

- 8.1 Councillors may attend any Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote.
- 8.2 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. However if the Committee has excluded the press and public then councillors who are not members of the Committee may in most circumstances remain. There may be occasions when they will be asked to leave by the committee if the exempt item contains personal information which they do not need to know in order to fulfil their role as a councillor.
- 8.3 Except for the committees detailed in section 8.4 below, Wwhere 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. Any Councillor wishing to address the Committee or Sub-Committee shall have up to 3 minutes.

8.4 The following arrangements apply in the cases of Licensing Committees ~~and Planning Committees~~:

- 8.4.1 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.

8.5 The following arrangements applies in the case of Planning Committees

- 8.5.1 Members may only address Area Planning Committees on applications which affect their ward. When a Ward Member wishes to address a Committee they should give notice to the Chairman of the meeting before the start of the meeting. Any Ward Member wishing to address the Committee shall have up to 3 minutes.
- 8.5.2 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. When a Ward Member wishes to address a Committee they should give notice to the Chairman of the meeting before the start of the meeting. Any Ward Member wishing to address the Committee shall have up to 3 minutes.

- 8.5 Where an Area Planning Committee has referred an item up to a relevant committee, the Chairman of the Committee will have a right to attend and speak at the meeting of the Committee where the referral is being considered.

9. Disorderly Conduct

- 9.1 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.
- 9.2 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

10. Validity of Motions and Amendments

- 10.1 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.
- 10.2 An amendment must be relevant to the motion and shall be to either:-
- 10.2.1 refer a subject of debate to another Committee for consideration or re-consideration; or
 - 10.2.2 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.
- 10.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.
- 10.4 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.

- 10.5 If the amendment is lost further amendments may be proposed on the original motion.
- 10.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.
- 10.7 All motions which are moved and voted on will be recorded in the decisions of the Committee or Sub-Committee.

11. Motions which may be moved during debate

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

- 11.1 to amend the motion;
- 11.2 to adjourn the meeting;
- 11.3 to adjourn the debate;
- 11.4 that the question be now put;
- 11.5 by the Chairman
 - that a Member be prevented from speaking;
 - that a Member must leave the meeting;
- 11.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

Decisions

12. 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.
13. **Reports of Committees to Council or parent body**
 - 13.1 There are a number of ways Committees and Sub-Committees may refer reports to their parent bodies, other Committees or Council which are set out in Paragraph 6 of the Responsibility for Functions section of the Constitution. Where a referral is made under that paragraph, the Officer's report to the Committee and any recommendations of the Committee or Sub-Committee will be submitted to the next meeting of the Council or the Committee concerned.

14. Reports of Sub-Committees and Panels

- 14.1 A report of a Sub-Committee or panel will be submitted to the next meeting of the parent committee where:-
- 14.1.1 the Sub-Committee or panel has made recommendations on a matter within its terms of reference but outside its delegated powers; or
 - 14.1.2 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.
 - 14.1.3 a Chairman of an Area 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.
 - 14.1.4 any Area Committee considering a proposal for discharging a function for a location that crosses their boundaries do not approve recommendations submitted to them.
- 14.2 Any report from a Sub-Committee or panel on its proceedings shall be submitted to the parent Committee and not direct to the Council.

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

- 15.1 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.
- 15.2 At any meeting of the Council, Planning Committee and Area Planning 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 decisions.
- 15.3 Residents Forums will meet at 6.30 pm and will conclude their business by 8.30 pm at the latest, followed by the Area Committee on the same night and same venue at 7 pm or on the conclusion of the Residents' Forum, whichever is later.
- 15.4 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

16. Voting at meetings:

- 16.1 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.
- 16.2 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.
- 16.3 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.

17. Vote to be recorded

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

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 three 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 paragraph 3.2 and these will be published as an addendum to a report

4. **Public Comments Requests to speak at Planning Committees, and Area Planning Committees and Area Committees**

~~4.1 For requests to speak on planning applications or applications for consent to undertake treatment of tree(s) included in Tree Preservation Orders at Planning Committee or Area Planning Committee meetings, the following rules apply.~~

4.1 Requests to speak should be submitted to the relevant Governance Officer sent by e-mail or post to the Planning Service and received by 10am on the third working day prior to the meeting.

4.2 A maximum of three speakers are able to address the committee on each application or item.

4.3 In respect of planning committees only, 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 shall have up to 3 minutes and shall be in addition to the two speakers.~~
- 4.4 Where more than ~~the maximum number of three~~ requests to speak have been received, the public shall decide amongst themselves who is to address the 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 Council~~ 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 ~~or item~~. If a member of the public is representing the views of others, they must inform the Committee who else they are representing when making their presentation. .
- 4.6 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 the speaker.
- 4.7 Members of the public making comments to ~~Planning~~ 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 Area Planning~~ Committee is considering an application ~~or item~~ 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 Committee.
- 4.9 Where an application ~~or item~~ being considered by ~~an Area Planning~~ Committee is referred to ~~the Planning Committee~~ its parent committee for approval, the speaking rights of members of the public who have registered to speak on the application ~~or item~~ will automatically transfer ~~from the Area Planning Committee to the Planning Committee to the~~ parent 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
- If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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 as follows:
- i) Be reported to the next available relevant Residents' Forum, if the issue raised relates to matters as defined in the Terms of Reference, contained within Responsibility for Functions, Annex A of the Constitution or
 - ii) After consideration at the Residents Forum and/or Area Committee, the relevant Director or Lead Commissioner will provide a written response to Lead Petitioner in respect of the issue(s) raised within 20 working days taking into account any discussions held at the relevant Residents Forum and/or Area Committee. The response of the Director or Lead Commissioner will be reported at the next available 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 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 Committee's terms of reference.
- 6.8 In relation to petitions referred to Area Committees as relevant matters, the following actions are available to the 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 relevant theme 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 the Committee will request that the relevant Chief Officer 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 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
 - Agree a recommended course of action.
 - Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised.

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 decision route (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.

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Access to Information Procedure Rules

References:

Sections 100A-H and Schedule 12A Local Government Act 1972
 Local Government (Access to Information) Act 1985
Data Protection Act 1998
 Section 22 of the Local Government Act 2000
 Chapter 7, DETR Guidance on New Council Constitutions
Freedom of Information Act 2000
Environmental Information Regulations 2004
 Local Government (Access to Information) (Variation) Order 2006

*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 Rules or Council Procedure Rules section s 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 day's notice of any statutory meeting by posting details of the meeting at Hendon Town Hall, The Burroughs, Hendon, NW4 4BG (the designated office) or other designated place and on its website at <http://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 <http://barnet.moderngov.co.uk>

7. ACCESS TO MINUTES AFTER THE MEETING

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. Where a vote is taken, the Minutes will record the number of votes for and against and abstentions will also be recorded;
- (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.

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) which will be made available on request and relate ~~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 s/he considers disclose exempt or confidential information, the categories which are set out in paragraph ~~109~~.4.

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.~~

~~409. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS~~

~~409.1 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.

9.2 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.

~~409.23 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.~~

~~409.4 Meaning of exempt information~~

Sections 100A-H and Schedule 12A Local Government Act 1972 define Exempt information means as information falling within the following categories:

	Category	Qualification <u>Explanation</u>	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).	
2	Information which is likely to reveal the identity of an individual.	The Public Interest Test Qualification applies, as in 1 above.	
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	The Public Interest Test Qualification applies, as in 1 above. "Financial or business affairs" includes contemplated, as well as past or current, activities. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under – The Companies Act 2006; The Friendly Societies Act 1974; The Friendly Societies Act 1992; The Industrial and Provident Societies Acts 1965 to 1978; 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).]; or	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. "Person" includes any public authority, company, or other legally constituted organisations and the partners in a partnership or firm.

	Category	Qualification <u>Explanation</u>	Interpretation
4	Information relating to any consultations or 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.	The Charities Act 1993. The Public Interest Test Qualification applies, as in 1 above.	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. "labour relations matter" means— 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 any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition 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

	Category	Qualification Explanation	Interpretation
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	The Public Interest Test Qualification applies, as in 1 above.	
6	Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.	The Public Interest Test Qualification applies, as in 1 above.	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. "Person" includes any public authority, company, or other legally constituted organisations and the partners in a partnership or firm.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	The Public Interest Test Qualification applies, as in 1 above.	
8	Information is not exempt if it relates to the proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and County Planning General Regulations 1992		
<p>Information which –</p> <ul style="list-style-type: none"> a) falls within any of paragraphs 1 to 7 above; and b) is not prevented from being exempt by virtue of paragraph 8 above <p>is exempt information 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</p>			

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~~ is where “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~~ Would disclosure further the understanding of and participation in the public debate of issues of the day?
- Would disclosure ~~Does it~~ promote accountability and transparency by public authorities for decisions taken by them or in the spending of public money?
- Would disclosure ~~Does it~~ allow individuals and companies to understand decisions made by public authorities affecting their lives?
- Would disclosure ~~Does it~~ bring to light information affecting public health and public safety?
- Would disclosure irreparably damage the council or a third parties interest?

11. **EXCLUSION OF ~~ACCESS BY~~ THE PUBLIC'S ACCESS TO REPORTS**

- 11.1 The Council may exclude the public's 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 RELATING TO COMMITTEES AND COUNCIL MEETINGS

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 (within the last six years) including background papers (within the last four years). In accordance with Section 100F (2) of the Local Government Act 1972 exempt information may not be disclosed if so determined by the Monitoring Officer. 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.

14. MEMBERS' RIGHTS TO INFORMATION NOT RELATING TO COMMITTEES AND COUNCIL MEETINGS

14.1 Members' rights of access to information not relating to committees and council meetings are set out in the Members' Information Management Policy.

~~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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Appendix H

Members' Information Management Policy

London Borough of Barnet

Document Name	Members' Information Management Policy		
Document Description	Document which provides guidance for members and others on councillors' right to access information, and how requests should be handled and provides best practice advice.		
Document Author 1) Team and 2) Officer and contact details	1) Information Management Team 2) Sarah Laws, Sarah.laws@barnet.gov.uk , ext 2587		
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Version Control

Version number	Date	Author	Reason for New Version
V1	Mar 2014	V Blyth	Policy creation
V1.1	Nov 2014	S Laws	Proposed amendments taking into account changes in constitution and methodology for dealing Members requests for information
02.03	December 2014	Sarah Laws	Incorporating comments from others, IMGs and comms
02.04	Jan 2015	Sarah Laws	Amended following discussions with governance and councillor
02.05	March 2015	General Functions Committee	Amended to reflect the amendments agreed at the committee meeting held on 23 March 2015.

Contents

1.	Introduction.....	1
2.	Purpose and scope.....	1
3.	The role of the elected Member.....	1
4.	Notification.....	2
5.	Freedom of Information requests.....	2
5.1.	Requests to the council	2
5.2.	Helping a resident make an FOI request	3
6.	Data Protection Act (DPA) Requests.....	3
6.1.	Requests by individuals for their own information.....	3
6.2.	Requests of the council	3
6.3.	Requests for information held by a Member	4
7.	Members' access to information	4
7.1.	Access to Information	4
7.2.	Local Authority Accounts	6
7.3.	Member Enquiry Service	7
7.4.	Member FOI Requests	7
8.	Confidentiality	7
8.1.	Right to Make Public.....	7
9.	Data Protection.....	8
9.1.	Passing on Information from Constituents	8
9.2.	Handling of Records	9
10.	Access to council systems and information	9
10.1.	Access to the network when overseas:	10
10.2.	Requirements for Safe Handling of Council Information.....	10
10.3.	Constituency Information.....	11
10.4.	Loss of equipment or information	11
11.	Records Retention.....	11
11.1.	General Principles	11
11.2.	Information relating to council business.....	12
11.3.	Constituency information	12
11.4.	Information relating to political beliefs.....	12
12.	Advice for Officers	12
13.	Contact information / further guidance.....	13

1. Introduction

Members of the Council have both rights and responsibilities when it comes to accessing and handling information, especially personal information about individuals. These rights and responsibilities fall under a variety of legislation, council policy and common law.

As Members of the Council, councillors have duties to ensure that the London Borough of Barnet meets its statutory obligations with regard to handling information. In addition, they are individually responsible and liable to legal action under the Data Protection Act 1998 for some of the information they handle about individuals.

2. Purpose and scope

The purpose of this policy is to provide Members with information about their rights to access information, the rights of individuals to access information held by the council and individually by Members, and requirements on Members for how to handle information.

This policy includes the good practice standards recognised by the Information Commissioner's Office (ICO). The Information Commissioner is responsible for administering the provisions of the Data Protection Act 1998 (DPA), The Freedom of Information Act 2000 (FOIA) and other information legislation. The ICO has powers to take legal action against organisations or individuals, including Members, found to be acting in breach of the DPA or other information legislation.

The policy is also relevant for officers of the council to understand what information Members are entitled to access and any actions required to be undertaken by the council when providing information to Members.

3. The role of the elected Member

In terms of information legislation, elected Members of a local authority are considered to fulfil three roles:

1. They act as a Member of the Council, for example, as a member of a committee.
2. They act as a representative for residents of their ward.
3. They may represent a political party, especially at election time.

These three roles have different rights of access and different responsibilities under information legislation, which are covered as part of this policy. In addition, the ICO provides a [Good Practice Note](#) for elected representatives that Members are encouraged to read.

4. Notification

The DPA requires Data Controllers to 'notify' or register with the ICO. A Data Controller is the person or organisation that determines the manner in which personal data is processed, such as what is collected, what is done with it, how it is stored and when it is deleted or disposed of.

The council registers with the ICO as an organisation and work done by Members in their role as a Member of the Council is covered by that registration.

Members are individually responsible for personal data they manage in their role of ward representative and the ICO requires councillors to register as separate Data Controllers. This is a completely separate notification to any council wide or political party notification.

Whilst many authorities require Members to undertake their own individual registrations with the ICO, Barnet Council undertakes a Member's annual notification to the ICO on their behalf. Members are required to notify the Information Management Team of any changes of name or address in order that the ICO registration can be kept up to date.

5. Freedom of Information requests

5.1. Requests to the council

The Freedom of Information Act 2000 (FOIA) provides a right of access to information held by a public authority. The Environmental Information Regulations 2004 (EIR) also provides a right of access to information but more specifically deal with environmental information. For the purposes of this policy the use of FOI / FOIA is deemed to cover EIR as well.

In their role as a Member of the Council information held by Members is subject to the FOIA and may be disclosed, unless an exemption applies. For example, emails between a councillor and an officer in relation to a report to a committee or a policy would be covered by the FOIA and therefore subject to disclosure.

The council has a commitment to transparency and openness and information is regularly and routinely released under FOIA. This includes correspondence between Members and officers where it is required to release under FOIA.

Members may receive requests from the Information Management Team or from FOIA link officers across the council asking if they have any information that relates to an FOI request. Members are obliged by law to provide any relevant information that they hold. If a Member believes that a valid FOI exemption may apply, they must still provide the information, but advise the officer why it is thought that an exemption may apply. Failure to provide information for a valid FOI request is a breach of the legislation.

Information that Members hold in their role of ward representative or as a member of a political party is not covered by the FOIA and is therefore not subject to disclosure, even if it is held on Barnet Council systems. This is because the council is holding information 'on their behalf' and it is not managed or controlled by the council. For example, an email between a councillor and a resident about a problem they have asked for help with would not be covered by FOIA, even if held on a Member's Barnet email account.

If a Member receives a request for information held by the council, this must be passed to the council's Information Management Team foi@barnet.gov.uk as soon as possible. The council is legally required to respond to a request for information promptly and no later than 20 working days after the request was made. Failure to respond within the proscribed timetable can lead to complaints to, and investigations and monitoring by, the ICO.

More detailed information on FOIA and EIR is available in the council's [FOI and EIR Policy](#).

5.2. Helping a resident make an FOI request

An FOI request must be in writing and must give the name of the requester and a clear description of the information that they are requesting. The council has an [FOI request form](#) on its website or a request can be made by email to foi@barnet.gov.uk. The [ICO website](#) has detailed information on making an FOI request and what exemptions apply.

6. Data Protection Act (DPA) Requests

6.1. Requests by individuals for their own information

The DPA allows individuals the right to access their own information. These requests are known as Subject Access Requests (SARs). Requests can be made for information held by the council, which includes Members acting in their role as a Member of the Council.

Members are considered individual Data Controllers in their own right, for personal information they hold in their role as ward representative.

The DPA requires that information must be provided promptly and within 40 calendar days, unless any exemptions listed in the DPA apply.

6.2. Requests of the council

Members will not routinely be asked if they hold information about individuals. However, if an individual makes a SAR where the scope of the enquiry may cover personal information held by a Member in the course of their work for the council, the Information Management Team or a service link officer may ask a Member to search their paper and electronic records.

Information should only be provided where it is held by the councillor in their role of Member of the Council, and not in their role as ward representative or political party member.

6.3 Requests for information held by a Member

If a Member receives a request from an individual asking for their own information the Member needs to determine whether the individual is asking for information held by the Member acting as a ward representative, or whether they are asking for information held by the council. If it is a request to the council the Member should forward this immediately to the Information Management Team

data.protection@barnet.gov.uk

Example: "I would like to see all information the council holds about my renting an allotment"

If the Member holds any information in their role as Member of the Council, they should provide this to the Information Management Team at the same time as passing on the request.

If the Member determines that it is a request to them in their role as ward representative, they are responsible for responding to it in an appropriate manner under the legislation.

Example: "I would like to see a copy of all emails you have sent about me when helping me rent my allotment."

The ICO has guidance on [how to respond to a SAR](#). Additionally, the Information Management Team can provide advice, although the Member remains individually responsible for handling the request.

7. Members' access to information

7.1. Access to Information

By nature of being an elected representative, Members have access to a large amount of information that is not publicly available or where public awareness is such that an FOI request is unlikely.

i. Access to information contained in committee papers

The council's [Access to Information Procedure Rules](#), part of the council's Constitution, details the rights of Members to access documents associated with committee meetings. These rules relate specifically to information concerning meetings of the Council and cover rights established under the Local Government Act 1972 (as amended), among others. Members have a general right of access to all information classified as exempt in committee reports except in some exceptional circumstances (such as reports relating to Member conduct complaints being considered by the Group Leaders Panel).

ii. Access to information not contained in committee papers

Establishing a 'need to know'

For access to information and documents which are not contained in committee papers Members have the right to request information where they can show a reasonable 'need to know' that information in order to perform their duties as a councillor. Access to information in this way is a common law right which has been confirmed in case law. When requesting access to non-committee information, Members should provide information supporting the reasons that they need to know the information requested. Members will have a particular duty to fully demonstrate their need to know when requesting personal information about an individual.

In many circumstances a Member's 'need to know' will be presumed, such as a committee member wishing to inspect documents or briefings relating to the functions of that committee, or a Ward Member requesting information on local matters affecting their ward. However, the law does not allow a 'roving commission' and in some circumstances, such as when requesting personal information about individuals, or information that might be considered to be commercially sensitive or business confidential in some way the motive for requesting information will be relevant and a Member will be expected to justify their request for information.

Requesting non-committee information and assessing the 'need to know'

Members can request information in the ways explained in section 7.3 (Member Enquiry Service). The request for information should also provide evidence supporting the Member's need to know that information. Where the service area is satisfied that a reasonable 'need to know' has been demonstrated by the Member, the information will be released. If the service area considers that the reasonable 'need to know' has not been demonstrated and the information should not be released they should seek advice from the Information Management Team before making that decision.

Should a Member be dissatisfied with the response they receive (for example if access to information is refused or partly refused), they may wish to resolve this informally with the relevant Head of Service. Alternatively they may contact the council's SIRO (Senior Information Risk Owner), who is the Deputy Chief Operating Officer. The SIRO is the council's information risk owner.

Appeal against a decision to not disclose non-committee information

Members should email or meet with the SIRO to explain what information they have requested, what the response has been, why they are dissatisfied and the reasons for wishing to access the information. The SIRO will investigate the matter, taking into account the representations made by the Member, and taking expert advice where required from relevant professionals (for example the Monitoring Officer or the

Data Protection Officer etc.). The SIRO will decide whether the requested information can be provided to the Member, and whether any redactions should be made to enable more information to be provided. Decisions taken by the SIRO to not provide information to Members in accordance with this policy will be reported quarterly to the General Functions Committee for information.

Should the SIRO form the opinion that the Member concerned does not have the 'need to know' or 'for some other reason' then the SIRO must prepare a report for the Chief Executive who must investigate this further and notify the Member of his findings.

Should the Member concerned disagree with the findings of the Chief Executive then they shall have the right to have their request re-heard by the General Functions Committee who will make the final decision.

Members' interests and non-committee information

Members should not ask for information on a matter which would personally affect them, in which they are professionally interested or in respect of which they have a pecuniary interest as set out in the Code of Conduct for Members in the council's constitution. Members are able to seek guidance from the Monitoring Officer on matters where they consider they might have a pecuniary or non-pecuniary interest.

Distribution of non-committee information

Guidance on the further distribution of information pursuant to this paragraph is in section 8 of this policy.

Members' rights to make Freedom of Information requests

Members are reminded of their ability to make a Freedom of Information (FOI) request as detailed in section 7.4 below.

7.2. Local Authority Accounts

The Audit Commission Act 1998 sections 14-16, and the Accounts and Audit (England) Regulations 2011 Regs 21, 22 and 25 provide a right to inspect the council's accounts, take copies of documents and question the auditor. These rights are available to everyone – members of the public and Members alike. The rights to access documents are restricted to prevent access to personal information and to information considered to be commercially sensitive.

Requests to access information under these rights should be made to the council's Deputy Chief Operating Officer.

Members may be able to gain access to information restricted under the Audit Commission Act under their common law right of access as detailed in 7.1 above. When accessing information that would be withheld from the public under the Audit

Commission Act right of access, members are reminded of their obligations under the Members' Code of Conduct not to disclose this information to third parties.

7.3. Member Enquiry Service

The Member Enquiry Service is the central point of contact for Members to submit requests for information from the council. There is a central Member Enquiry Team (MET) within Customer Services who log, route, track and chase each request from a Member.

Any enquiries sent through by Members or MPs must be responded to within 5 working days.

Members can request information by:

- contacting the MET on 020 8359 2002
- emailing members.enquiries@barnet.gov.uk
- emailing their preferred contact in any service with a cc to members.enquiries@barnet.gov.uk

7.4. Member FOI Requests

Members have the same rights as anyone to make a request under FOIA. However, as a release of information under FOIA is a release of information to the public at large, a request from a Member is treated the same as if it were from a member of the public.

As Members may have access to more information than members of the public (as explained in 7.1 above) they may find that using the Members Enquiry Service as detailed in 7.3 above) will usually be a more appropriate route than making a FOI request. A FOI request will give them the same information as a member of the public would receive, as FOI responses are considered to be publically available documents.

Occasionally there may be situations where Members wish to know how much information would be publically available in respect of a particular issue and so may wish to make a FOI request.

8. Confidentiality

8.1. Right to Make Public

The right of access is not the same as the right to publish or make public. As per section 4 of the [Members Code of Conduct](#):

You must not:-

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:—

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so.

If a Member intends to refer to conclusions reached from having read confidential or exempt material, they may wish to consult with the Monitoring Officer or Information Management Team for guidance to prevent the unintentional disclosure of that information.

Disclosing confidential information may be considered a breach of the Members Code of Conduct. If a Member believes that the disclosure of confidential information is necessary for the effective performance of their duties as a Member they should seek advice from the Chief Executive or the Monitoring Officer. This should be undertaken prior to any disclosure is made.

Information released through an FOI request or information published on the council's website as part of the committee process are considered to be in the public domain and therefore may be shared with others.

9. Data Protection

Personal information held by Members on behalf of the council must be handled appropriately and kept secure. This section has guidance on how to do this. Disclosing this information inappropriately or handling it poorly would leave the council liable to action under the law and by the ICO.

Personal information held by Members as ward representatives is the responsibility of the individual Member. As a Data Controller under the DPA, each Member is responsible to ensure appropriate processing and security of the information. Disclosing personal information inappropriately, or refusing to disclose information when required by law are likely to be a breach of the Members Code of Conduct and, where there is a breach of the DPA, it is likely to be an offence for which a Member is personally liable.

9.1. Passing on Information from Constituents

Where a constituent has contacted a Member directly, they are usually doing so in a Member's capacity as their elected representative. Members are therefore acting in their own right and not on behalf of the council. As such Members are responsible as Data Controllers for the handling of that information.

When requesting information or action from the council on behalf of a resident a Member should only forward the minimum details necessary for the issue to be dealt with and not, for example, an entire letter or email chain. It may also not be relevant to disclose the identity of the resident. Alternatively, Members may ask the

constituent's permission to pass on information or correspondence. This is especially true where sensitive personal information is concerned..

Personal data is information which would allow an individual to be identified, such as name, address, telephone number, reference numbers, car registration numbers and such like. The Data Protection Act 1998 section 2 defines "sensitive personal data" as personal information which also is information relating to race or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition, sexual life (which includes sexuality) and whether they have committed or are alleged to have committed an offence.

It is important that special care is taken when disclosing or sharing sensitive personal information. If the person's express consent has not been obtained to disclose or share, and Members are unsure whether the disclosure or sharing would be necessary or appropriate, advice should be sought from the Information Management Team prior to disclosure to ensure that the Data Protection Act is not inadvertently breached. Sensitive personal information must always be stored in a safe location. Advice is provided in 10.2 below.

The ICO's Good Practice Note provides more information on a Member's responsibilities Handling of Information

9.2 Handling of Records

It is recognised that the majority of confidential or personal information handled by Members will be in their own homes, rather than a council office environment. However, information must be held and transported securely. A loss of personal information is a breach of the DPA, and may lead to action against the council or the Member.

10 Access to council systems and information

Only LBB corporately managed machines (computers and mobile equipment such as phones and tablet devices) may be used to access the LBB network and its systems and / or to work on Council information. The network can be accessed from a home broadband or public Wi-Fi via Citrix or VPN, or through Blackberry and Mobile Iron technology on phones and tablet devices.

Users should not attempt to access the council's network from privately owned devices as this puts the council's network at risk. In emergency situations where business continuity plans are brought into effect, these rules may be relaxed. These situations will be notified to members when they occur by the Members IT Support Team.

Giving access to corporately managed computers and mobile equipment such as phones and tablet devices to anyone except the council IT department is not allowed.

10.1 Access to the network when overseas:

If a situation arises in which Members need to take their device out of the UK they must first check with the Members IT Support service (020 8359 3333) membersICTsupport@barnet.gov.uk if this is appropriate, as it may put council information and the council network at risk. Some countries are barred from connecting to Public Services Network connected networks. Certain countries may also confiscate encrypted devices on entry and/or force a user to enter passwords and bypass security. Confiscated devices may not be returned on exit in all cases. Please contact the Members IT Support service if you need to work outside the UK and have to have roaming enabled on your device. Members are requested to use wi-fi wherever available.

10.2 Requirements for Safe Handling of Council Information

Confidential council information and personal information about individuals should be held securely both when in use, and when stored away, whether at a council building or in the home/work place of a Member. Encrypted council equipment should be used for electronic records and paper records should be stored and transported securely.

The following are best practice guidelines on how to handle information appropriately:

- Don't carry paper records 'loosely' as this increases the risk of dropping or losing them, or that they come loose from the rest of the file.
- Don't carry paper records/ in the same bag as your tablet or in any other bag containing valuables, as these are often the primary target for thieves.
- Because valuable items in a Member's home may be a primary target for thieves, council paper records should be kept separately from valuable items. Ensure electronic equipment has the encryption engaged during travel by turning off the tablet or laptop.
- Ensure paper records are not in transit or away from your main place of work for any longer than is necessary. They should be delivered to their destination at the earliest opportunity, or returned to your main place of work promptly.
- Don't leave bags or cases containing paper files or electronic equipment visible in a car; if it is unavoidable to leave items in a car, lock them in the boot or glove compartment. eg whilst filling up with petrol.
- When travelling on public transport keep your bag/case containing paper records close by at all times. Items should not be placed in luggage racks or storage areas, as this increases the possibility of theft or the misplacing of the item.

- Paper records should only be transported for necessity and not for convenience. Where paper records have to be taken away from or transported between the office or home environment, only the minimum amount of personal or other confidential data necessary for the job in hand should be removed and, where possible, data should be anonymised.
- It is good practice to keep a record of what information you are transporting so that an appropriate risk assessment can be done in case of loss.
- When collecting information the same considerations should be taken, and the information appropriately protected at all times.

Any loss of personal or confidential information must be reported to the Information Management Team data.protection@barnet.gov.uk who will assess the incident in line with the council's Data Protection and Information Security policies.

10.3 Constituency Information

Members are responsible for keeping personal information relating to their ward constituency work secure and in line with the [Principles of the DPA](#). Guidance is available on the ICO website by following the link above. Whilst responsibility remains with the Member, they may wish to follow the guidance provided in 10.2 for council information for their own constituency records as well.

In the event of a loss of constituency personal information, Members are responsible for this and should refer to the [ICO's guidance on losing personal data](#).

10.4 Loss of equipment or information

The loss of a council owned device, such as tablet or BlackBerry, must immediately be reported to the:

- Members' IT Support on 020 8359 3333 or membersICTsupport@barnet.gov.uk
- Insurance team on 020 8359 7197

The loss of any council information should be reported to the Information Management Team as above.

Timeliness of reporting is key to ensure measures are put in place to contain and mitigate any security risks or data loss.

11 Records Retention

11.1 General Principles

Members will collect a lot of information as part of their duties. It is recommended that Members create appropriate storage to ensure that information relating to their three roles as an elected representative is kept separate.

It is a requirement of the DPA that personal data should only be retained for as long as it is required for the purpose it is submitted. It is also a requirement for it to be accurate and up to date, kept and disposed of securely (e.g. shredded if in paper format) in accordance with the council's Records Retention Policy.

It is not permissible to keep personal information 'just in case' or to use it for a different purpose than it was originally given. The [ICO has detailed guidance](#).

11.2 Information relating to council business

This is information generated by officers or Members in relation to work for the council or on behalf of the council. Examples of these records are minutes, agendas, or any document issued by the council.

The relevant service area is responsible for keeping these records in line with the council's Records Retention Policy. Therefore Members should only keep this information for as long as they require it.

However, if a Member is unsure if the council holds a document and retains it as a record, they should check with the relevant service before they dispose of it.

11.3 Constituency information

Information relating to a Member's work as a ward representative is between the Member and their constituent and the Member is personally responsible for its safekeeping and appropriate handling. This information will inevitably contain personal data, so the principles of the DPA must be abided by.

As discussed in 11.1, personal information should only be kept as long as necessary, only used for the purpose it was originally given, and disposed of securely.

11.4 Information relating to political beliefs

If a Member is affiliated to a political party then they will have information that relates to party business; these records should be dealt with in accordance with advice from the party in question.

12 Advice for Officers

This policy applies when Members are entitled to access information and therefore when it is appropriate for an officer to provide information to a Member.

It is important to note that whilst Members have the right of access to a wide range of council information, there is not an automatic right to all information or to personal information about individuals. In addition, it is the responsibility of the officer providing the information to make the Member aware of what they are allowed to do with the information. For example, personal information provided so that a Member can respond to a constituent's request for help, must only be used for that purpose.

If an officer is in doubt about what information should be supplied, advice should be sought from the Information Management Team.

All Members enquiries should be responded to within 5 working days. Regardless of who receives the query in any service area, it should be sent immediately to the relevant [Member Enquiry Link Officer](#) for each service area/department to co-ordinate, and copied to members.enquiries@barnet.gov.uk

13 Contact information / further guidance

The Information Management Team is available to both Members and officers to advise on access to and the proper handling of information.

Address: Information Management Team, London Borough of Barnet
1st Floor, Building 2 North London Business Park
Oakleigh Road South
London N11 1NP

Tel No: (020) 8359 2029

Email: data.protection@barnet.gov.uk or foi@barnet.gov.uk

Website: www.barnet.gov.uk/data-protection-act and on the intranet at this link: <https://employeeportal.lbbarnet.local/home/departments-and-services/central-services/information-management/information-management-policies/information-governance-policies.html>

Financial Regulations

- 1 Introduction
- 2 Status of Financial Regulations
- 3 Responsibilities
- 4 Financial Management
 - 4.1 Budget Strategy
 - 4.2 Medium Term Financial Strategy
 - 4.3 Annual Budget Setting
 - 4.4 Budget Management and Monitoring
 - 4.5 Closing of Accounts and Statement of Accounts
 - 4.6 Treasury Management Framework
 - 4.7 Pension Fund Management
- 5 Financial Administration
 - 5.1 Accounting
 - 5.2 Internal Audit
 - 5.3 Corporate Anti-Fraud Team (CAFT)
 - 5.4 Risk Management
 - 5.5 Banking Arrangements
 - 5.6 Assets
 - 5.7 Imprest Accounts
 - 5.8 Income
 - 5.9 Insurance
 - 5.10 Investments, Borrowing, Capital Financing and Trust Accounts
 - 5.11 Ordering of Supplies, Works and Services
 - 5.12 Salaries, Pensions and Allowances
 - 5.13 Amenity and Unofficial Funds

The Financial Regulations should be read in conjunction with the Budget and Policy Framework and Procedure Rules.

1. Introduction

- 1.1 The Financial Regulations govern the way the Council undertakes financial forward planning, annual budget setting, budget monitoring and closing of the accounts. These aspects are set out in section 4: Financial Management.
- 1.2 The Financial Regulations also govern the way day to day financial administration is conducted and financial controls are exercised. These aspects are set out in section 5: Financial Administration.

2. Status of Financial Regulations

- 2.1 Financial regulations apply to every member and officer of the authority and anyone acting on its behalf. All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.
- 2.2 The responsibilities of the Chief Finance Officer are discharged by the Chief Operating Officer. Thus this post is responsible for the proper administration of the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972 (and all subsequent amendments). This includes responsibility for producing and updating these Financial Regulations.
- 2.3 The Scheme for Financing Schools governs School Governors, Headteachers and school staff of Maintained schools with delegated budgets. In these cases the Financial Regulations do not apply.
- 2.4 Where applicable consultants or agencies acting for the Council will be bound by these procedures and it should be a condition of their employment or engagement that they do so.
- 2.5 This should be used in conjunction with other points of the constitution, legal requirements and other codes of practice.
- 2.6 Chief Officers are responsible for ensuring that all staff in their departments are made aware of the existence and content of the authority's Financial Regulations and other internal regulatory documents, and that they comply with them. They must also ensure that either hard or electronic copies are available for reference within their departments.
- 2.7 Substantial breaches of Financial Regulations shall be reported to the Chief Finance Officer (section 151 officer) by the relevant Chief Officer and may be treated as disciplinary offences. Where the Chief Finance Officer (section 151 officer) considers it appropriate he/she will report to the next meeting of the Audit Committee any substantial breach of these Regulations that is identified.
- 2.8 These Financial Regulations shall not override any statutory provisions that apply.

- 2.9 The Chief Finance Officer (section 151 officer) shall be responsible for ensuring that the Council's continuing compliance with the Accounts and Audit Regulations 2011 and all relevant Accounting Codes of Practice and Auditing Standards.
- 2.10 These procedures shall be reviewed regularly by the Chief Finance Officer (section 151 officer) but at least every three years. The Constitution, Ethics and Probity Committee approve all amendments and summaries of changes resulting from the review. Relevant financial thresholds (e.g. write-offs, petty cash payments) should additionally be reviewed against inflation on an annual basis wherever possible.
- 2.11 The Chief Finance Officer (section 151 officer) is responsible for issuing advice and guidance to underpin the Financial Regulations that members, officers and others acting on behalf of the authority are required to follow.
- 2.12 Each Chief Officer is required to maintain a scheme of financial delegation in accordance with the minimum standards as determined by the Chief Finance Officer (section 151 Officer) or Nominated Deputy, and which accords to the financial limits included within the overall scheme of delegation and contract rules.

3. Responsibilities

- 3.1 Section 151 of the Local Government Act 1972 states that each local authority "shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs".
- 3.2 The "arrangements" include the Council's Financial Regulations, Contract Procedure Rules and the Scheme of Delegation (so far as it relates to financial matters). In approving those arrangements, Members are bound by the general principles of administrative law. The Council has an appointed Chief Finance Officer (Section 151 Officer). In performing his/her functions as the appointed officer, he/she shall seek to ensure that the management of the Council's financial affairs accord with the arrangements approved by Council subject to his overarching statutory duties. The Chief Finance Officer (section 151 officer) owes a fiduciary duty to the public to carry out those duties effectively and these cannot be overridden by the Council.
- 3.3 The responsibilities of the Council and Committees are set out in the Constitution: Responsibility for Functions.

4. FINANCIAL MANAGEMENT

4.1 BUDGET STRATEGY

- 4.1.1 The Budget Strategy, approved by Full Council, sets out the Council's approach on a range of issues, including:

- the way in which corporate service priorities are considered as part of the Council's capital and revenue budget processes;
- the level of balances and reserves (having taken account of advice from the Chief Finance Officer (section 151 officer));
- the management of financial risks

The setting of fees and charges and the Council's policies for the recovery of debt, which do not form part of the budget strategy are separately approved by the Policy and Resources Committee

4.1.2 The Budget Strategy and Medium Term Financial Strategy will normally be recommended by the Policy and Resources Committee to Full Council for approval at the start of each financial year.

4.2 MEDIUM TERM FINANCIAL STRATEGY

4.2.1 The Chief Finance Officer (section 151 officer), in consultation with the Chairman of the Policy and Resources Committee, will maintain a Medium Term Financial Strategy that covers a period of at least three financial years, including the current financial year.

4.2.2 The Medium Term Financial Strategy will be produced and reported in conjunction with the annual budget, council tax and rent proposals to the Policy and Resources Committee and Council before 11 March of the preceding financial year. Further updates on the Medium Term Financial Strategy may be reported during the year.

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

4.2.4 In respect to resources, the Medium Term Financial Strategy will take account of the following:

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

4.2.5 In respect to expenditure, the Medium Term Financial Strategy will take account of the following:

- full year effects of previous decisions;
- changes in responsibility arising from new or amended legislation or regulations, net of increased income from new fees and charges;
- re-direction of resources to achieving Corporate Plan priorities and targets and away from non priority areas;
- forecast changes in service demand;

- forecasts of inflation, pay awards and interest rates;
- efficiency savings;
- planned service reductions;
- prudential borrowing;
- financial risks.

4.2.6 In that the Medium Term Financial Strategy has a three year horizon it is to be expected that figures in later years will often be preliminary estimates and/or aspirations of future decisions and changes in council policy.

4.3 ANNUAL BUDGET SETTING

4.3.1 The Council will publish a draft budget for consultation. Arrangements for budget consultation will be determined by the Council.

4.3.2 The Chief Finance Officer (section 151 officer) will set the council tax base for tax-setting purposes before 31 January of the preceding financial year, and notify precepting and levying bodies of this figure by this date. The Chief Finance Officer (section 151 officer) will, at the same time, notify all Council Members.

4.3.3 The Policy and Resources Committee will finalise its recommendations to Council on the revenue budget, council tax, capital programme and rent levels taking account of the results of budget consultation. This will normally be in February, following announcement of the Final Local Government Finance Settlement. Theme Committees will work up proposals for consideration by the Policy and Resources Committee.

4.3.4 Policy and Resources Committee's recommendations to Council must be made in time for Council to set the capital and revenue budget and council tax before 11 March of the preceding financial year.

4.3.5 The budget and capital programme that Policy and Resources Committee recommends to Council must be based on reasonable estimates of expenditure and income, and take account of:

- outturn forecasts for the current year;
- guidance from the Chief Finance Officer (section 151 officer) on the appropriate level of reserves, balances and contingencies;
- financial risks associated with proposed budget developments, reductions and ongoing projects;
- forecasts of capital receipts;
- affordability of prudential borrowing over the period of the council's financial forward plan;
- recommendations from the external auditor on matters such as the level of reserves and provisions.

4.3.6 The Chief Finance Officer (section 151 officer) shall advise the Council whether s/he is able to certify that the draft Budget contains robust estimates and reserves for the purpose of Section 25 of the Local Government Act 2003.

4.3.7 Fees and Charges

The budget recommended by Policy and Resources will incorporate the latest projection of income from fees and charges.

4.3.8 For the fees and charges within their remit, theme Committees must approve changes to fees and charges that are significantly different from inflation, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.

4.3.9 Policy and Resources Committee must approve changes to fees and charges that are significantly different from inflation, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle in relation to licensing (as proposed by the Licensing Committee), planning and building control (as proposed by the Planning Committee) and land charges (as proposed by the General Functions Committee).

4.3.10 Chief Officers may approve changes to fees and charges annually where the change is broadly in line with inflation. The date for annual increases need not be 1 April.

4.3.11 Alternative Budget Motions

Any member proposing to put forward to Council any amendment to the draft Budget or any alternative Budget should provide a copy thereof to the Chief Finance Officer (section 151 officer) at least 5 clear days before the Council meeting, so that he/she may advise Council whether the resulting amended or alternative Budget would provide robust estimates and reserves for the purpose of Section 25 of the Local Government Act 2003.

4.3.12 The alternative budget motion must set out the appropriate changes to the Policy and Resources Committee's recommendations as they affect the budget for the forthcoming year and any element of the Financial Forward Plan (e.g. balances, full year effects, council tax levels). The Chief Finance Officer (section 151 officer) may also require further information to be included if he/she considers it will improve the Council's understanding of the financial implications in the forthcoming or future years.

4.3.13 Any Member proposing to put an alternative budget motion to Council is responsible for ensuring it is received by the Head of Governance by the date set by the Head of Governance. It is also their responsibility to ensure they give the Chief Finance Officer (section 151 officer) sufficient time to fully validate their alternative budget proposals.

4.3.14 The Chief Finance Officer (section 151 officer) is responsible for validating any alternative budget motions put forward by Members. The Chief Finance Officer (section 151 officer) may require further information to be included in the proposal if he/she considers it will improve the Council's understanding of the financial implications in the forthcoming or future years.

4.4 BUDGET MANAGEMENT & MONITORING

4.4.1 Latest Approved Budget

The latest approved budget for a service or capital project is the budget determined by Council prior to the start of the year, as amended subsequently by approved variations in budget and capital financing throughout the year.

4.4.2 The Chief Finance Officer (section 151 officer) is responsible for maintaining the latest approved revenue and capital budget in accordance with the scheme of revenue and capital virement as set out below.

4.4.3 Making changes to the budget

Amendments to the revenue budget can only be made with approval as per the scheme of virement table below:

Virements for allocation from contingency for amounts up to £250,000 must be approved by the Section 151 Officer in consultation with appropriate Chief Officer
Virements for allocation from contingency for amounts over £250,000 must be approved by Policy and Resources Committee
Virements within a service that do not alter the bottom line are approved by Service Director
Virements between services (excluding contingency allocations) up to a value of £50,000 must be approved by the relevant Chief Officer
Virements between services (excluding contingency allocations) over £50,000 and up to £250,000 must be approved by Chief Officer and Chief Finance Officer in consultation with the Chairman of the Policy and Resources Committee and reported to the next meeting of the Policy and Resources Committee
Virements between services (excluding contingency allocations) over £250,000 must be approved by Policy and Resources Committee

Capital Virements

Performance and Contract Management approval is required for all capital budget and funding virements and yearly profile changes (slippage or accelerated spend) between approved capital programmes i.e. as per the budget book. The report must show the proposed:

- i) Budget transfers between projects and by year;
- ii) Funding transfers between projects and by year; and
- iii) A summary based on a template approved by the Section 151 Officer

Funding substitutions at year end in order to maximise funding are the responsibility of the Section 151 Officer.

4.4.4 Budget Monitoring

4.4.5 Chief Officers are required to notify the Chief Finance Officer of all underspends, over-recovery of income or windfall benefits arising within their

revenue and capital budgets. Where these occur they should in the first instance be returned to central contingencies unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or other financial benefits are to be used to offset uncontrollable overspends elsewhere within the service. Where these exceptions occur, the chief officer is responsible for notifying the Chief Finance Officer that this is to occur.

4.4.6 Budget Monitoring – Revenue

- 4.4.6.1 Chief Officers should ensure that their revenue cost centre managers do not enter into commitments before satisfying themselves there is sufficient approved budget provision. Chief Officers have no authority to overspend revenue budgets, or under-recover income budgets under their control, and are responsible for monitoring their budgets to ensure this situation does not arise.
- 4.4.6.2 It is the responsibility of Chief Officers to notify the Chief Finance Officer (section 151 officer) of forecast revenue budget or capital project overspends regardless of whether offsetting savings or additional income have been identified.
- 4.4.6.3 Having notified the Chief Finance Officer (section 151 officer) of a forecast revenue budget overspend, the Chief Officer must submit proposals to the Chief Finance Officer (section 151 officer) for offsetting the forecast overspend, together with an assessment of the impact these corrective actions will have on service delivery and performance targets. Approval to these budget variations will be in line with the scheme of virement.
- 4.4.6.4 When notifying the Chief Finance Officer (section 151 officer) of such a situation, Chief Officers must advise if the problem relates solely to the current financial year or needs to be addressed within the financial forward plan as well.
- 4.4.6.5 Chief Officers are required to notify the Chief Finance Officer (section 151 officer) of all revenue underspends, over-recovery of income or other financial benefits arising within their revenue budgets. Where these occur they should in the first instance be returned to central contingencies unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where these exceptions occur, the Chief Officer is responsible for notifying the Chief Finance Officer (section 151 officer) that this is to occur.

4.4.7 Budget Monitoring – Capital

- 4.4.7.1 Forecast overspends on approved capital projects must be communicated to the Chief Finance Officer immediately. Having notified the Chief Finance Officer (section 151 officer), the Director or Head of Service must submit options to the Chief Finance Officer (section 151 officer) for offsetting the forecast overspend

(e.g. by reducing the project specification, or budget for other projects) and/or identifying additional funding.

4.4.7.2 Due to the uncertainty around the generation and timing of capital receipts, and the impact that delays could have on the level of prudential borrowing, capital project managers must obtain the prior approval of the Chief Finance Officer (section 151 officer) before entering into any individual capital commitment on an approved capital project over £1m.

4.4.8 Central Contingency

The Chief Finance Officer (section 151 officer) will determine which budget developments are to be held within the central contingency.

4.4.9 Allocations from the central contingency relating to planned developments will be approved by the Chief Finance Officer (section 151 officer), in consultation with the Chairman of the Performance and Contract Management Committee, following the receipt from a Chief Officer of a fully costed proposal to incur expenditure that is in line with planned development (including full year effect). Where there is a significant increase in the full year effect, the contingency allocation must be approved by the Performance and Contract Management Committee.

4.4.10 Allocations from the central contingency for unplanned expenditure, including proposals to utilise underspends previously generated within the service and returned to central contingency, will be approved by the Chief Finance Officer in consultation with the Chairman of Performance and Contract Management . Where there are competing bids for use of underspends, additional income or windfalls previously returned to central contingency, priority will be given to the service(s) that generated that return.

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4.4.11 Allocations for unplanned expenditure over £250,000 must be approved by Performance and Contract Management Committee.

4.4.12 Budget Monitoring – reporting

4.4.13 The Chief Finance Officer (section 151 officer) will report in detail to Performance and Contract Management Committee at least four times a year, at the end of each quarter, on the revenue and capital budgets and wider financial standing.

4.4.14 Reports on the revenue budget will normally include:

- a revised forecast outturn including details as part of which, Chief Officers will inform Performance and Contract Management Committee:
 - i) of those cost centres for which they are responsible that are projecting net overspends or underspends either over £100,000 or over £50,000 where the cost centre's gross budget is less than £1m; and
 - ii) of the actions proposed to ensure that these overspends or underspends are not realised.

- advice from the Chief Finance Officer (section 151 officer) on whether action is required to address any diminution in reserves and, if necessary, proposals and/or options for action that needs to be taken.

4.4.15 These reports will make recommendations for varying the approved budget (revenue and capital) in the following circumstances:

- allocations from the central contingency for unplanned expenditure over £250,000, or for planned expenditure where there are significant full year effects;
- underspends and windfall benefits returned to the centre;
- increases in service revenue budgets where overspends are considered unavoidable and cannot be contained within the overall budget managed by a Chief Officer;
- variations in capital project budgets;
- additions to the capital programme outside of the main budget cycle.

4.4.16 Authorisation of Non-Budgeted Expenditure

In cases of urgency or emergency, the Chief Finance Officer (section 151 officer) may approve revenue or capital expenditure in excess of the latest approved budget.

4.4.17 The Chief Finance Officer (section 151 officer) may approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that:

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

In all circumstances, the expenditure must be consistent with the Corporate Plan and management agreements and should be reported to the next Performance and Contract Management Committee meeting.

4.4.18 Chief Officers, in consultation with the Chief Finance Officer (section 151 officer), should be encouraged to explore all feasible options that maximise external funding available to the Council. External funding covers bids to Government and other organisations that are offering funding for projects that meet certain criteria. It also covers contributions being sought from participating organisations and individuals, from either public or private sources.

4.4.19 Chief Officers must provide the Chief Finance Officer (section 151 officer) with details of all bids for external funding. Bids will follow the requirements of the Council's investment appraisal process. In particular, the following information must be provided:-

- how the bid supports achievement of Corporate Plan targets;
- whether the bid is for capital and/or revenue funding;
- revenue and capital matched funding contributions required from the Council, and how these will be identified;

- revenue and capital matched funding contributions required from other organisations and individuals, how these amounts will be secured, and the risks associated with them;
 - an 'exit strategy', which sets out how budgets will be adjusted after the grant expires;
 - where the bid is for revenue funding:-
 - whether this is to support existing levels of activity or enhanced / new activities;
 - proposals for reducing the activity OR incorporating it in the base budget once the external funding is exhausted;
 - where the bid is for capital funding :-
 - whether an asset will be created, and if so, how this fits in with the Council's Asset Management Strategy;
 - how the ongoing cost of maintaining the asset will be funded;
 - whether the asset can / will be disposed of at a later date.
- 4.4.20 Chief Officers must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed, unless approval has been given by the Chief Finance Officer (section 151 officer). Decisions to proceed ahead of confirming external funding will be taken after assessing all relevant risks. The Chief Finance Officer (section 151 officer) has the right to refer the decision to the Policy and Resources Committee.
- 4.4.21 Chief Officers must advise the Chief Finance Officer (section 151 officer) of all grant and subsidy notifications as soon as they are received. Where the amount notified is greater than the budget, the excess will be deemed a windfall and should in the first instance be returned to the central contingency unless regulations specify restrictions on their use which make this inappropriate or the underspend, additional income or windfall is to be used to offset uncontrollable overspends elsewhere within the service. Where the amount notified is less than the budget, the Director or Head of Service must notify the Chief Finance Officer (section 151 officer) of options for containing any potential overspend.
- 4.4.22 Where external funding is applied for, it is the responsibility of the Chief Officer to ensure that the monies are received from the paying body and, wherever possible, received ahead of the planned expenditure being incurred by the Council.
- 4.4.23 Chief Officers must ensure that all conditions associated with external funding are met and that information and evidence required to complete grant and subsidy claims are provided on time.
- 4.4.24 Chief Officers are responsible for ensuring that they comply with all requirements for the audit of external funding where applicable.
- 4.4.25 Full year Effects
In preparing any estimates of expenditure and income, Directors and Heads of Service must give proper consideration to full year effects.
- 4.4.26 Annual Governance Statement

Chief Officers must support the work on corporate risk management led by the Monitoring Officer, contributing to the production of the Annual Governance Statement that has to be published alongside the Statement of Accounts. Details of this are set out in the Code of Corporate Governance.

4.4.27 Partnership Working

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

4.4.28 General Requirements

Chief Officers must consult the Chief Finance Officer (section 151 officer) at an early stage on any current or future matter or decision that has financial implications that are not incorporated in the Financial Forward Plan or could impact on the Medium Term Financial Strategy.

4.5 CLOSING OF ACCOUNTS & STATEMENT OF ACCOUNTS

4.5.1 The Chief Finance Officer (section 151 officer) is responsible for making arrangements for closing the accounts and producing the annual Statement of Accounts, as well as all matters relating to their audit and public inspection.

4.5.2 Chief Officers are responsible for ensuring that they and their staff adhere to the timetable and requirements set out by the Chief Finance Officer (section 151 officer) for the closing of accounts, and provide any information and evidence required in relation to this.

4.5.3 The Statement of Accounts will be prepared in accordance with the CIPFA Code of Accounting Practice, which includes the deadline for their production and the requirement to include an Annual Governance Statement (AGS).

4.5.4 Chief Officers must provide on time any information and evidence the Chief Finance Officer requires to close the accounts and complete all grant and subsidy claims.

4.5.5 In closing the accounts, the Chief Finance Officer (section 151 officer) may amend the originally approved funding of revenue and capital services and projects if this is to the Council's financial benefit.

4.5.6 The Annual Audit Letter includes the external auditor's report and opinion on the audit of the accounts, as well as comments and recommendations on whether the Council provides Value for Money. This will be reported each year to the Audit Committee, together with an appropriate action plan.

4.6 TREASURY MANAGEMENT FRAMEWORK

4.6.1 The Council adopts the key recommendations contained in "The Prudential Code for Capital Finance in Local Authorities – fully revised second edition (CIPFA, 2009), "Treasury Management in the Public Services: Code of Practice

and cross sectoral guidance notes (CIPFA, 2009) and any subsequent recommended good practice by CIPFA.

4.6.2 Adherence to Prudential Code

The Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services Code of Practice, as described in Section 4 of that code.

4.6.3 Policy and Resources Committee will create and maintain a Treasury Management Policy Statement, stating the policies and objectives of its treasury management activities.

4.6.4 The Chief Finance Officer (section 151 officer) will create and maintain suitable Treasury Management Practices, setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

4.6.5 The Performance and Contract Management Committee will receive reports on its treasury management policies, practices and activities, including an annual strategy and plan in advance of the year, and an annual report after its close in the form prescribed in the Treasury Management Practices. These reports will incorporate the prudential borrowing limits and performance indicators.

4.6.6 The Chief Finance Officer (section 151 officer) has the delegated authority to undertake long term borrowing on behalf of the Authority and will issue a Delegated Powers Report immediately after this power is exercised to inform Members in consultation with the Chairman of the Policy and Resources Committee and reported to the next meeting of the Policy and Resources Committee..

4.6.7 The Council delegates responsibility for the implementation and the monitoring of its treasury management policies and practices to Performance and Contract Management Committee and the updating of the Treasury Management Practices, and for the execution and administration of treasury management decisions to the Chief Finance Officer (Section 151 officer), who will act in accordance with the organisation's policy statement and Treasury Management Practices and CIPFA's Standard of Professional Practices on Treasury Management.

4.7 **PENSION FUND MANAGEMENT**

The Chief Finance Officer (section 151 officer) is responsible for, or responsible for delegating authority for:

- approving early payment of deferred benefits under regulation 30 of the Benefits Regulations or similar provisions in previous Regulations
- exercising discretion on compassionate grounds not to actuarially reduce deferred benefits paid early under regulation 30 of the Benefits Regulations or similar provisions in previous Regulations;
- exercising the power to accept late applications (made more than 30 days after return to work or, if does not return to work, 30 days after the date of leaving) from a member who wishes to pay optional contributions for a period of absence (Regulation 22 of the Administration Regulations);

- informing a member, who is entitled to a pension or retirement grant under two or more provisions, which provision shall apply (Regulation 34 of the 1997 Regulations);
- determining that late applications to convert scheme AVCs into a membership credit will be accepted provided such a late claim is not made within one year of attaining NRD or six months after leaving service whichever is the later (Regulation 26 of the Administration Regulations).
- determining (for Barnet Council Employees only) whether to accept any request for the inwards transfer of pension rights made more than 12 months after the member joined the Scheme (Regulation 83 of the Administration Regulations).
- determining (for Barnet Council employees only) whether to accept any request
- for joining previous Scheme membership (either with this Employer and/or with another scheme employer) made more than 12 months after the member rejoined the Scheme (Regulation 16 of the Administration Regulations).
- exercising absolute discretion in determining the recipient(s) of any death grant payable from the Scheme (Regulations 23, 32 and 35 of the Benefits Regulations);
- deciding whether to treat education or training as continuous despite a break for the purpose of determining eligibility for a child's pension (Regulation 26 of the Benefits Regulations);
- communicating with other employers that are scheduled or admitted bodies as appropriate

5. FINANCIAL ADMINISTRATION

5.1 ACCOUNTING

- 5.1.1 All accounting arrangements across the council shall be in a manner approved by the Section 151 Officer, taking into account best practice guidance issued by relevant external bodies, such as CIPFA and national guidance.
- 5.1.2 There must be adequate separation of duties to ensure that no one officer is able to handle any financial transaction from start to finish without there being some mechanism for independent checking. By finish is meant the completion of the accounting for the transaction.
- 5.1.3 All accounting should occur on the Council's Accounting System and any exceptions must be specifically authorised by the Chief Finance Officer (section 151 officer).

5.2 INTERNAL AUDIT

- 5.2.1 Under the Accounts and Audit Regulations 2011 the Council has a statutory obligation to have an adequate and effective system of internal audit. The Chief Internal Auditor has the delegated authority for providing and maintaining this service.

- 5.2.2 The Chief Internal Auditor is responsible for providing an internal audit function which meets the requirements of the Public Sector Internal Audit Standards (PSIAS). He / she is also responsible for providing an opinion, in support of the Annual Governance Statement, on how the Council's risk management processes identify, evaluate, monitor and report that controls are operating effectively within the Council. The Chief Internal Auditor helps the Chief Finance Officer discharge his/her responsibilities under section 151. Irrespective of the organisational position of internal audit, this officer should have the right to report on matters concerning internal audit and internal control directly to the Chief Executive and the Audit Committee.
- 5.2.3 Internal Audit is an assurance function that provides 'an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.'
- 5.2.4 Management are responsible for establishing and maintaining appropriate risk management processes, control systems, accounting records and governance arrangements. Internal Audit plays a vital part in advising the organisation that these arrangements are in place and operating properly. The annual internal audit opinion, which informs the Annual Governance Statement, both emphasises and reflects the importance of this aspect of internal audit work. Management's response to internal audit activity should lead to the strengthening of the control environment and, therefore, contribute to the achievement of the organisation's objectives.
- 5.2.5 Internal Audit has unrestricted access to all information (including records, computer files, property and personnel) and activities undertaken by the Council, in order to review, appraise and report on:
- the adequacy and effectiveness of the systems of financial, operational and management control and their operation in practice in relation to the business risks to be addressed;
 - the extent of compliance with, relevance of, and financial effect of, policies, standards, plans and procedures established by the Council and service management and the extent of compliance with legislation and regulations, including reporting requirements of regulatory bodies;
 - the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause and that adequate business continuity and risk management strategies exist;
 - the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information;
 - the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic goals;

- the suitability of the organisation of the units audited for carrying out their functions, to ensure that services are provided in a way which is economical, efficient and effective;
- the follow-up action taken to remedy weaknesses identified by Internal Audit review, ensuring that good practice is identified and communicated widely; and
- the operation of the Council's Governance arrangements.

5.2.6 Independence

Internal Audit should be independent of the activities that it audits to enable auditors to perform their duties in a way that allows them to make impartial and effective professional judgements and recommendations. Internal auditors should not have any operational responsibilities.

5.2.7 Audit advice and recommendations, including where Internal Audit has been consulted about significant changes to the internal control systems, are given without prejudice to the right of Internal Audit to review and make further recommendations on the relevant policies, procedures, controls and operations at a later date.

5.2.8 The status of Internal Audit should enable it to function effectively. The support of the organisation is essential and recognition of the independence of Internal Audit is fundamental to its effectiveness. The Chief Internal Auditor should have direct access to and freedom to report in his or her own name and without fear or favour to, all officers and members and particularly to those charged with governance.

5.2.9 The Chief Internal Auditor shall be able to meet the Chairman of the Audit Committee alone outside of the normal Audit Committee meetings.

5.2.10 Responsibility & Authority

Internal Audit is an integral part of the organisation and functions under the policies established by management and the Council.

5.2.11 The purpose, scope, authority and responsibility of the internal auditing service is defined in a formal charter. The charter makes clear the independence of the internal auditing service and emphasises that it must not be restricted when carrying out its responsibilities.

5.2.12 Chief Officers shall have regard to the principles of risk management, and to the Council's risk management policy. It is the responsibility of Internal Audit to review the adequacy and effectiveness of the council's arrangements for risk management.

5.2.13 The Chief Internal Auditor shall report to the Chairman of the Audit Committee all significant concerns that he/she may have over the adequacy and effectiveness of internal controls and risk management activities within the organisation.

5.2.14 Ethical Governance

The Chief Internal Auditor shall raise the profile and awareness of governance activities throughout the Council and set standards for modern, proactive and cost-effective governance in the Council.

5.3 CORPORATE ANTI-FRAUD TEAM (CAFT)

5.3.1 Under Section 151 of the Local Government Act 1972 the Council has a statutory obligation to ensure the protection of public funds and to have an effective system of prevention and detection of fraud and corruption. The Assurance Assistant Director has the delegated authority for providing and maintaining this service.

5.3.2 As part of these Regulations, Directors should ensure that there are arrangements to enable staff and the public to raise and report any issues of concern in accordance with the Council's Whistleblowing policy.

5.3.3 Objective & Scope

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

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

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

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

5.3.6 Independence

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

5.3.7 Responsibility & Authority

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

5.3.8 All Council Members and employees are personally responsible for ensuring they (and any subordinates) are aware of the Council's Counter Fraud Framework and the procedures and policies within it. All suspected breaches must be reported to the Assurance Assistant Director, the Chief Internal Auditor or any member of the CAFT.

5.3.9 The Assurance Assistant Director will nominate an officer to undertake the duties of the Council's Money Laundering Reporting Officer as detailed within the Council's Anti Money Laundering Policy Statement and procedure.

5.3.10 The Assurance Assistant Director is the designated Whistleblowing officer for the London Borough of Barnet and shall undertake the responsibilities of the role as described within the Council's Whistleblowing Policy.

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

5.3.12 The Assurance Assistant Director is designated as the London Borough of Barnet's 'Senior Appropriate Officer' for the authorisation of production orders, restraint orders, customer information orders and account monitoring orders as described within the Proceeds of Crime Act 2000.

5.3.13 The Assurance Assistant Director and/or the CAFT Counter Fraud Managers are the London Borough of Barnet's responsible officers for the authorisation of arrest and prosecution of offenders including deciding on any appropriate sanction action available within the law. Those officers are responsible for ensuring that all CAFT investigations are conducted in accordance with the Criminal Procedures & Investigations Act 1996 (CPIA) the Police & Criminal Evidence Act 1984 (PACE) and the Human Rights Act 2000.

5.3.14 The Council's Senior Responsible Officer in relation to the Regulation of Investigatory Powers Act 2000 (RIPA) has been designated as the Monitoring Officer. The Assurance Assistant Director and the CAFT Counter-Fraud Managers are the designated officers for the authorisation of directed surveillance and use of Covert Human Intelligence Source (CHIS) as defined within the Regulation of Investigatory Powers Act 2000 (RIPA). All investigating

officers granted authorisation to carry out directed surveillance or use of a covert human intelligence source by a designated officer of the Council are authorised to appear before the Magistrates Court on behalf of the Council to apply for judicial approval in accordance with the requirements of sections 37 and 38 of the Protection of Freedoms Act 2012.

5.3.15 The Chief Finance Officer (section 151 officer), or other authorised representative, such as the Monitoring Officer, the Assurance Assistant Director, the Chief Internal Auditor and all CAFT Investigation Officers shall have authority to:

- Enter or visit any land, premises, offices or establishments of the Council; and carry out any necessary searches of the aforementioned.
- have unrestricted access to, search, and remove any and all records, documents and correspondence, including electronically held correspondence, documents and records, and property and assets of the Council;
- receive such explanations as are necessary concerning any matter under examination, and / or fraud investigation;
- in conjunction with the relevant Chief Officer, suspend any employee of the Council under CAFT investigation from duty: acting in accordance with the Council's disciplinary procedures; and, in cases concerning illegal working, employees may be exited from the organisation and/or may be suspended without pay pending investigation.
- require any employee of the Council to produce and surrender any cash, stores, equipment or any other Council property under his or her control
- interview any and all employees and individuals in connection with investigations including interviews in accordance with the Police & Criminal Evidence Act (on tape).

5.4 RISK MANAGEMENT

5.4.1 Chief Officers are responsible for ensuring that they and their staff uphold the requirements of the Corporate Risk Management Policy Statement and Framework.

5.5 BANKING ARRANGEMENTS

5.5.1 The Chief Finance Officer (section 151 officer) must approve all banking and card acquiring arrangements across the Council, and must be satisfied with the safe keeping of all controlled banking stationery.

5.5.2 The Chief Finance Officer (section 151 officer) will maintain a register of all bank and card acquiring contracts.

5.5.3 Cheques above certain financial limits set by the Chief Finance Officer (section 151 officer) shall be manually countersigned by those designated officers authorised to do so by the Chief Finance Officer (section 151 officer).

5.5.4 The Chief Finance Officer (section 151 officer) will be responsible for ensuring that the Council's banking arrangements are reviewed on a regular basis and that the banking contract is reviewed every three years.

5.5.5 Chief Officers are responsible for ensuring that the any staff in their areas that use the Procurement Cards adhere to the requirements of the LBB Purchasing Card (PCard) Guide and Terms and Conditions.

5.6 ASSETS

5.6.1 Chief Officers are responsible for the proper security of all buildings, stocks, furniture, equipment and cash etc. within their service. The Chief Executive shall exercise a co-ordinating role on security issues and shall be consulted where it is felt that security is inadequate or in special circumstances.

5.6.2 Maximum limits for cash holdings shall be set by the Chief Finance Officer (section 151 officer), which may not be exceeded without prior authority. Areas where cash is counted and held must be secure and with access restricted only to authorised staff.

5.6.3 Chief Officers are responsible for the sale or disposal of assets employed in their service, and for accounting for these transactions. All disposals in excess of £6,000 (or a higher figure that is consistent with capital accounting regulations) are to be notified to the Chief Finance Officer (section 151 officer).

5.6.4 The Council has set a *de minimis* threshold for capital expenditure at £10,000. This figure provides guidance only; the Chief Finance Officer may exercise discretion on the *de minimis* threshold.

5.6.5 Chief Officers are responsible for implementing a system for the maintenance of stocks and stores including regular stock checks and write offs when required.

5.7 IMPREST ACCOUNTS

5.7.1 The Chief Finance Officer (section 151 officer) must authorise all imprest accounts.

5.7.2 The imprest account holder must:

- provide a certificate showing the state of the account at the end of the financial year and additionally when requested by the Chief Finance Officer (section 151 officer);
- only reimburse expenditure up to a limit set by the Chief Finance Officer (section 151 officer);
- obtain receipts for all payments made, which will be proper VAT receipts;
- properly account for VAT in all float reimbursements;
- not allow the account to be overdrawn and shall arrange for reimbursement at regular intervals;
- not pay any salaries, wages or allowances from the account;
- not pay income into the account;
- provide the Chief Finance Officer (section 151 officer) with a full account for the advance when ceasing to be the imprest account holder.

5.8 INCOME

- 5.8.1 Officers should encourage payment in advance or at point of service delivery wherever possible as per the Debt Management Policy, and minimise the amount of credit given to customers.
- 5.8.2 All records relating to income due to the Council, accounts raised, and receipts issued shall be in a format agreed by the Chief Finance Officer (section 151 officer).
- 5.8.3 Officers responsible for controlled stationery must keep it secure. Methods of payment must be agreed by the Chief Finance Officer (section 151 officer).
- 5.8.4 The Chief Finance Officer (section 151 officer), or officer nominated by the Chief Finance Officer (section 151 officer), may authorise payment by instalments if full payment cannot be obtained immediately, in accordance with the Debt Management Policy.
- 5.8.5 Officers receiving monies shall keep an accurate and chronological account of all receipts and bankings.
- 5.8.6 Monies received must be banked on the day of receipt wherever possible, and not later than the next working day. All amounts paid in must be referenced to enable subsequent identification of the accounts to which they relate. All cheques, postal orders etc. shall be crossed with the crossing stamp provided.
- 5.8.7 No deductions may be made from monies received.
- 5.8.8 Heads of Service must notify the Chief Finance Officer (section 151 officer) of all monies due to the Council under contracts, leases or other agreements and the cessation of use or change of user affecting this income.
- 5.8.9 Invoicing & Debt Recovery
Officers responsible for raising invoices must ensure that VAT has been properly accounted for.
- 5.8.10 The Council's Debt Management Policy sets out the Council's policy and procedures in relation to the billing, collection and recovery of monies owed to the Council and is to be adopted across all services within the London Borough of Barnet.

5.9 INSURANCE

- 5.9.1 The Chief Finance Officer (section 151 officer) is responsible for maintaining the Insurance Strategy arranging adequate insurance cover for the Council and keeping comprehensive records of all risks covered.
- 5.9.2 Chief Officers must notify the Chief Finance Officer (section 151 officer) immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks.

- 5.9.3 Any incident which could give rise to an insurance claim must be promptly notified to the Chief Finance Officer (section 151 officer) by the relevant officer, who shall also inform the Police if appropriate.
- 5.9.4 The Chief Finance Officer (section 151 officer) will handle all insurance claims, in conjunction with the Monitoring Officer and/or the insurance company if proceedings are issued.
- 5.9.5 Officers must consult the Chief Finance Officer (section 151 officer) and Monitoring Officer in all cases where the Council is requested to give an indemnity.
- 5.9.6 Officers in receipt of a motor vehicle allowance must produce registration documents, insurance policy, certificate of insurance and test certificate if required by the Chief Finance Officer (section 151 officer). Insurance policies must be comprehensive and cover use on official business.
- 5.9.7 Schools
Where funds for insurance are delegated to any school, the Council may require the school to demonstrate that cover relevant to the Council's insurable interests, under a policy arranged by the Governing Body, is at least as good as the relevant minimum cover arranged by the Council. If the Council makes such arrangements, either paid for from central funds or from contributions from schools' delegated budgets, the Council will have regard to the actual risks, which might reasonably be expected to arise at the school in question in operating this requirement rather than applying an arbitrary minimum level of cover for all schools.
- 5.9.8 It is the responsibility of the governing body to ensure adequate arrangements are made for insurance against risks arising from the exercise of the community facilities power, taking professional advice as necessary. Such insurance may be funded from the school budget share.
- 5.9.9 The Council is empowered to undertake its own assessment of the insurance arrangements made by a school in respect of community facilities, and if it judges those arrangements to be inadequate, make arrangements itself and charge the resultant cost to the school. Such costs could be charged to the school's budget share.

5.10 INVESTMENTS, BORROWING, CAPITAL FINANCING & TRUST ACCOUNTS

- 5.10.1 All investments, except bearer securities, controlled by the Council shall be registered in the Council's name or in the name of nominees approved at a Policy and Resources Committee.
- 5.10.2 All securities shall be held securely by the Council's bankers, the Chief Finance Officer (section 151 officer) or custodians approved at a the Policy and Resources Committee.

- 5.10.3 The Chief Finance Officer (section 151 officer) shall ensure that all borrowing and, whenever applicable trust funds, are registered in the name of the Council.
- 5.10.4 The Chief Finance Officer (section 151 officer) will set Prudential indicators, as outlined in the Prudential Code for Capital Finance in Local Authorities, for the forthcoming and following two financial years. The Chief Finance Officer (section 151 officer) will also provide regular monitoring reports to Performance and Contract Management Committee and report any breaches or amendments of the code to Council.
- 5.10.5 The key objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plan of the local authorities are affordable, prudent, sustainable and in accordance with good professional practice – or, in exceptional cases, to demonstrate that there is a danger of not ensuring this, so that the authority can take timely remedial action.
- 5.10.6 The Chief Finance Officer (section 151 officer) will be the Council’s registrar of all stocks and bonds. In addition this officer will maintain a register of all loans and investments made in the name of the Council.
- 5.10.7 The Chief Finance Officer (section 151 officer) shall ensure that all legislative amendments and changes in treasury or capital limits are approved at Policy and Resources Committee and where necessary full Council.

5.11 ORDERING OF SUPPLIES, WORKS & SERVICES

- 5.11.1 Procurement of supplies, works and services must be in accordance with Contract Procedure Rules and Procurement Code of Practice. It is a disciplinary offence to fail to comply with Contract Procedure Rules and the Procurement Code of Practice when letting contracts. Council employees have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager and the Monitoring Officer. The procedures for initiating procurement activity, for authorising and accepting tenders and the financial limits for procurement are set out in the Contract Procedure Rules and are not repeated here.
- 5.11.2 With respect to third party organisations, if a supplier is awarded business in excess of 25% of their turnover, then a risk assessment needs to be carried out to ensure that the supplier is not overly dependant on the Council. Where the supplier is a consortium, the relevant figure is the combined turnover of the consortium’s constituent members.
- 5.11.3 Chief Officers are responsible for all contracts tendered and let by their service areas. Their duties in relation to contract letting and management are:
- to ensure compliance with English Law, U.K. and EU legislation and Council policy;
 - to ensure value for money and optimise risk allocation in all procurement matters;
 - to ensure compliance with the Contract Procedure Rules and the Procurement Code of Practice

- 5.11.4 Chief Officers must have systems in place to ensure that only authorised officers are allowed to place purchase orders, and that purchase orders are only raised when there is sufficient budget available.
- 5.11.5 **Creation of a purchase Order (PO):** Once the purchase has been agreed, a purchase order must be raised on the council's accounting system. **Payment of an invoice :** Authorised officers must ensure that a purchase order has been raised on the accounting system and successfully communicated to the supplier. Invoices in respect to works, supplies and services will be paid by the Central Accounts Payable Team, but only after the authorising officer has, where necessary, first receipted the supply on the accounting system.
- 5.11.6 All invoices must reference a valid purchase order number, otherwise the Central Accounts Payable Team reserves the right to refuse payment of an invoice.
- 5.11.7 Only invoices presented in an acceptable format will be passed for payment. This includes invoices that do not comply with VAT Regulations.
- 5.11.8 To enable the Council to comply with the Late Payment of Commercial Debts Act, no amended invoices will be accepted. Chief Officers must ensure that their services must return an invoice to the supplier and seek a new invoice with a revised date, whenever:-
- the invoice is dated prior to receipt of supplies, works or services and this is contrary to the agreed payment terms;
 - the invoice is incorrect;
 - the invoice does not reference a valid Purchase Order number.
- 5.11.9 When certifying an invoice for payment that was initially disputed, record the date on which the invoice was actually validated.
- 5.11.10 The Central Accounts Payable Team will perform a three-way match against the purchase order, goods receipt and invoice, prior to making a payment. Invoices from trusted suppliers, (as advised by the Strategic Procurement Team) will only require a two-way match. Invoices that do not pass this criteria will be returned to the service for amendment.
- 5.11.11 **Payments in advance :** Directors, Assistant Directors, Lead Commissioners and Heads of Service, prior to authorising payments in advance, must undertake a risk assessment of the supplier or service provider defaulting. All payments in advance in excess of £100,000 must be notified to the Chief Finance Officer (section 151 officer).

5.12 SALARIES, PENSIONS & ALLOWANCES

- 5.12.1 Details of payroll arrangements and responsibilities are set out in the HR Regulations.

5.13 AMENITY & UNOFFICIAL FUNDS

- 5.13.1 Amenity or Unofficial Fund relates to all sums of money other than those which

are required to be paid into the Council's General Account (or such other account so authorised by the Chief Finance Officer (section 151 officer)) or Trust Fund monies outside the authority of the Council.

- 5.13.2 All accounts shall be opened by the Chief Finance Officer (section 151 officer) and their names shall include the name of the Borough and the establishment concerned.
- 5.13.3 Provided the Chief Finance Officer (section 151 officer) approves and is satisfied with accounting and security arrangements, separate accounts need not be opened for funds of small amounts.
- 5.13.4 The head of each establishment which sets up such a fund shall inform the relevant Chief Officer of its existence.
- 5.13.5 Responsibility for the administration of the fund shall rest with the head of the establishment and with such other member(s) of staff as that person shall decide.
- 5.13.6 Expenditure from the fund shall be at the discretion of the establishment head in conjunction with other member(s) of staff as felt necessary.
- 5.13.7 Cheques shall be signed and countersigned by the head and deputies of the establishment. All transactions above a limit set by the Chief Finance Officer (section 151 officer) shall be signed by at least two authorised officers.
- 5.13.8 Auditors shall be appointed by the head of the establishment and the fee (if any) shall be charged to the fund. Where the turnover of the fund exceeds an amount set by the Chief Finance Officer (section 151 officer), the fund must be audited by auditors approved by that officer. The Chief Finance Officer shall have the right to inspect the accounts.
- 5.13.9 At the end of each financial year the head shall submit an audited summary of the fund to the Chief Finance Officer (section 151 officer) (and Governing Body if appropriate).

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Contract Procedure Rules

CONTENTS

1	INTRODUCTION.....	3
2	APPLICATION	3
3	SCOPE.....	4
4	REGULATION & LEGISLATION	5
5	ROLES AND RESPONSIBILITIES	6
6	CONTRACT VALUE CALCULATION	7
7	AUTHORISATION.....	8
8	PROCUREMENT METHOD.....	8
9	SINGLE TENDER ACTION	11
10	INFORMATION GOVERNANCE	12
11	ACCEPTANCE.....	13
12	CONTRACT SIGNING and SEALING.....	13
13	CONTRACT MANAGEMENT	14
14	EXTENSIONS and VARIATIONS.....	15
15	WAIVERS	17
16	DEFINITIONS and Interpretation AND INTERPRETATION	17
17	APPENDIX 1 - TABLE A – Authorisation and Acceptance Thresholds	21

1 INTRODUCTION

1.1 Procurement decisions are among the most important decisions a manager makes because the money involved is public money and the Council is concerned to ensure that as a minimum high quality supplies, works and services are provided in a timely manner. Effective and efficient use of resources in order to achieve best value is a [legal/legislative](#) duty. The Council's reputation is also important and should be safe guarded from any suggestion of dishonesty, corruption or failure to meet legal responsibilities.

1.2 Any Procurement activity must comply with [the Law](#), [these](#) Contract Procedure Rules, Council policy, [and the](#) Constitution ~~and English law~~. It is a disciplinary offence to fail to comply with Contract Procedure Rules when undertaking Procurement on behalf of the Council. Council employees and third party service providers have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager [for action](#) and the Chief Internal Auditor [for noting](#).

[1.3](#) All Procurement must be undertaken with regard to high standards of probity. The Council has a commitment to transparency and it is important that the ~~p~~Procurement process is as transparent and open as possible.

~~1.3~~[1.4](#) [These Contract Procedure Rules are to be read in conjunction with the Public Contracts Regulations 2015, Cabinet Office Procurement Policy Notes and ~~London Borough of Barnet~~ the Council's Officer Code of Conduct.](#)

2 APPLICATION

2.1 The Contract Procedure Rules provide the governance structure within which the Council may procure works, supplies and services. The aims of these rules are to:

- ensure value for money and propriety in the spending of public money;
- enable works, supplies and services to be delivered effectively and efficiently without compromising the Council's ability to influence strategic decisions;
- ensure that the Council is not exposed to unnecessary risk and likelihood of challenge arising from non-compliant ~~p~~Procurement activity; and
- ensure compliance with current ~~legislation~~Law, ~~update all appropriate guidance notes, tools and templates and follow Procurement Policy Notes (PPN) issued by Cabinet Office.~~

[2.2](#) [These Contract Procedure Rules apply to all persons who commission and or procure contracts on behalf of the Council, including external consultants or third party service providers.](#)

~~2.22.3~~ The Policy and Resources Committee may, from time to time, recommend to the Constitution, Ethics and Probity Committee and Council that the [financial](#) thresholds ~~as~~ set out in these [Contract Procedure Rules](#) be amended.

~~2.3~~ ~~Refer to any approved Scheme of Delegation with regard to identifying any manager with the right to undertake Procurement as delegated by their Commissioning Director, Director, Assistant Director, or Head of Service. Schemes of Delegation will be maintained by the relevant Commissioning Director. Reference must be made to any approved Constitutional Scheme of Delegation with regard to identifying any manager with the right to undertake Procurement as delegated by their Director, Assistant Director, Lead Commissioner or Head of Service. Schemes of Delegation will be maintained by the relevant Director, Assistant Director or Lead Commissioner and will be published on the Council's website.~~

~~2.4~~ ~~Reference must be made to the Procurement Code of Practice for more detailed explanation of Procurement procedures, processes, associated Council policies, and required Contract terms. The Procurement Code of Practice must be read together with these Contract Procedure Rules. Further detailed guidance can be provided by Central Procurement.~~

~~2.52.4~~ All officers ~~should~~must undertake Procurement in a manner which avoids any potential conflicts of interest and ~~should~~must follow the procedure ~~as~~ set out in the ~~Staff Officer~~ Code of Conduct.

~~2.62.5~~ The Commercial and Customer Services Director in consultation with the Chief Operating Officer shall maintain and issue the Contract Procedure Rules, ~~and the Procurement Code of Practice.~~

~~2.72.6~~ Unless the context otherwise requires, terms used in these Contract Procedure Rules shall have the meanings ascribed to them ~~as set out in the Definitions section 16 (Definitions and Interpretation)~~ of these rules.

~~2.8~~ ~~The Contract Procedure Rules take precedence over the Procurement Code of Practice.~~

3 SCOPE

3.1 The Contract Procedure Rules ~~are applicable~~apply to all Procurement activities, including ~~where~~ expenditure of external funding, such as grant allocation, received by the Council from external sources.

3.2 The Contract Procedure Rules ~~are not applicable~~do not apply to Non-Procurement activities as defined in Section 16.178 (Definitions) of these Contract Procedure Rules. Payments to ~~Third Parties~~ for Non Procurement activities shall be subject to authorisation by Finance.

- 3.3 Where the Council is entering into a ~~e~~Contract as an agent ~~and/or~~ in collaboration with another public body or organisation which is the principal or lead body in the collaboration, these Contract Procedure Rules apply only in so far as they are consistent with the requirements of the principal or lead body concerned. Where the Council is acting as principal or the lead body, these Contract Procedure Rules will take precedence. ~~Where the Council enters into a Framework Agreement, the Framework Agreement Terms and Conditions will take precedence. Prior to entering into a Framework Agreement it is essential that due diligence checks are carried out to demonstrate fitness for purpose and value for money.~~
- 3.4 Where the Council's schools have to abide by the Scheme for Financing Schools which requires them to follow Contract Standing Orders (CSO) for Schools, then the CSO for Schools shall take precedence over these se Contract Procedure Rules.
- 3.5 Any interest in land, transaction in land and or lease transaction is excluded from the Contract Procedure Rules but must be authorised in accordance with the requirements set out in the Constitution and, specifically, the Management of Asset, Property and Land Rules.
- ~~3.5.6~~ Section 75 NHS Act 2006 arrangements are not subject to these Contract Procedure Rules

Comment [SD1]: See 8.6 below

4 REGULATION & LEGISLATION

- 4.1 ~~Customer Support Group (CSG)~~ Central Procurement is responsible for ensuring Council awareness and compliance with the requirements of all relevant legislation ~~Law~~. Any significant changes to existing legislation ~~and/or new legislation~~ Law will be ~~updated~~ reflected in these Contract Procedure Rules, and in the Procurement Code of Practice.
- 4.2 The ~~Procurement Code of Practice~~ Contract Procedure Rules will be regularly reviewed and updated by ~~Central~~ CSG Procurement with any significant changes referred to the Constitution, Ethics and Probity Committee in accordance with paragraph ~~s 2.2 and~~ 2.65.
- 4.3 Officers must treat suppliers equally and without discrimination and must act in a transparent and proportionate manner.
- 4.4 Before commencing a Procurement procedure officers may conduct market consultations with a view to preparing the Procurement and informing suppliers of their Procurement plans and requirements provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency. Officers may, for example, seek or accept advice from independent experts or authorities or from market participants.

- 4.5 Officers must take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of Procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all suppliers. This obligation covers any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the Procurement procedure.
- 4.6 Where a candidate or tenderer, or an undertaking related to a candidate or tenderer has advised the Council or has otherwise been involved in the preparation of the Procurement procedure, the Council shall take appropriate measures to ensure that competition is not distorted by the participation of that candidate or tenderer.
- 4.7 Such measures shall include the communication to the other candidates and tenderers of relevant information exchanged in the context of or resulting from the involvement of the candidate or tenderer in the preparation of the Procurement procedure; and the fixing of adequate time limits for the receipt of tenders. The measures taken must be documented
- 4.8 The candidate or tenderer concerned shall only be excluded from the procedure where there are no other means to ensure compliance with the duty to treat suppliers equally and prior to any such exclusion, candidates or tenderers shall be given the opportunity to prove that their involvement in preparing the Procurement procedure is not capable of distorting competition.

5 ROLES AND RESPONSIBILITIES

- 5.1 Directors, Assistant Directors, ~~Lead Commissioners~~ Senior Directors and Heads of Service are accountable for all Procurements in their respective Delivery Units/area of responsibility. Their duties in relation to all Procurements and ~~e~~Contract ~~m~~Management are to:
- 5.2 ensure compliance with ~~English the~~ the Law, Council policy ~~and the~~ Contract Procedure Rules ~~and the Procurement Code of Practice~~;
- 5.3 identify, deliver, measure and record value for money;
- 5.4 ensure that a written pre-tender estimate of anticipated costs, ~~as~~ calculated in accordance with Section 6 (Contract Value Calculation) of these Contract Procedure Rules, is prepared, ~~and has is in b~~ Budget provision and recorded in writing;
- 5.5 identify, evaluate, record and appropriately mitigate risk e.g. provision of performance bond or parent company guarantee;
- 5.6 maintain a Scheme of Delegation, ~~in~~ accordance with Constitutional requirements;

- 5.7 ensure that all appropriate staff comply with the provisions of the Contract Procedure Rules ~~and the Procurement Code of Practice and~~ have attended ~~Central CSG Procurement approved~~ training before undertaking ~~P~~Procurement and ~~e~~Contract ~~M~~Management activities;
- 5.8 take immediate action in the event of a breach of the Contract Procedure Rules ~~or Procurement Code of Practice~~ within their area of responsibility;
- 5.9 ensure that all ~~existing and~~ new ~~e~~Contracts above the published limits and planned during the forthcoming financial year are clearly identified in their Budget and ~~Annual Procurement Forward Plan~~;
- 5.10 ensure that ~~e~~Contract terms and conditions to be used in a Procurement have been approved by HB Public Law (~~Joint Legal Service~~) or a Legal Advisor approved by the Monitoring ~~Responsible~~ Officer ~~in consultation with the Head of CSG Procurement~~;
- 5.11 ensure ~~that~~ an original signed ~~e~~Contract is provided to the Deeds Officer and a digital copy of the signed version, together with Acceptance ~~and Authorisation approval~~ documents and any waiver of these Contract Procedure Rules are placed ~~in~~ the Council's contract repository and a version approved by the ~~S~~supplier is prepared for publication;
- 5.12 ensure that proper records of all ~~e~~Contracts ~~and~~ tenders ~~etc. including minutes of tender evaluation panels and other meetings~~ are kept on the Council's approved Electronic Procurement Portal, which may be inspected and kept for the period specified in the Council's Records Retention and Disposal Policy;
- 5.13 ensure that the appropriate Procurement ~~Method process as~~ set out in Section 8 of these Contract Procedure Rules is followed;
- 5.14 keep a register of all ~~e~~Contracts with total values of £5,000 or over, which may be inspected, and will support the annual ~~B~~Budget review. ~~Central CSG Procurement~~ will keep and publish a consolidated register of all ~~e~~Contracts with total values of £10,000 or over, subject to ~~commercial confidentiality and D~~data ~~P~~rotection requirements;
- 5.15 ensure that all ~~e~~Contract ~~M~~Management is ~~executed carried out~~ in accordance with Section 13 (Contract Management) of these Contract Procedure Rules;

6 CONTRACT VALUE CALCULATION

- 6.1 Contract value means the estimated aggregate or recurring value payable in pounds sterling exclusive of Value Added Tax over the entire ~~e~~Contract period including any ~~form of options or~~ extensions of the ~~e~~Contract.
- 6.2 Where the ~~e~~Contract term is ~~without not~~ fixed ~~length~~ the estimated value of the ~~e~~Contract ~~should must~~ be calculated by ~~multiplying the~~ monthly ~~spend~~ value ~~of spend multiplied~~ by 48 in accordance with Regulation ~~86~~ of the ~~EU Public Contracts~~ Regulations ~~2015~~.

~~6.3~~ Contracts must not be artificially underestimated or disaggregated into two or more separate contracts ~~where the effect is to~~ with the intention of avoiding the application of Contract Procedure Rules or English the Law.

~~6.3~~ Please refer to the Code of Practice for further information.

~~6.4~~ ~~Where a~~ In the case of Framework Agreements or Dynamic Purchasing Systems is ~~planned~~ the contract value must be calculated to include the total estimated value, net of VAT, of all the ~~individual~~ contracts arrangements envisaged for the total term of ~~under~~ the Framework Agreement or the Dynamic Purchasing System.

7 AUTHORISATION

7.1 Any Procurement, including extensions and variations to eContracts (permitted within the existing eContract) submitted in the Annual Procurement Forward Plan, ~~for and~~ approved by the Policy and Resources Committee, is deemed as Authorised irrespective of the Contract value.

7.2 Any Procurement which has not been Authorised as set out in 7.1 must be Authorised in accordance with Table A in Appendix 1 of these Contract Procedure Rules.

8 PROCUREMENT METHOD

~~8.1~~ Where a ~~p~~ Procurement will result in a ~~f~~ Framework a ~~Agreement~~, Dynamic Purchasing System or eContract refer to Table A in Appendix 1 of these Contract Procedure Rules to determine the Procurement process that should be used. If any further clarification is required ~~reference should be made~~ to the CSG ~~Central~~ Procurement Team.

~~8.1~~

~~8.2~~ All tender opportunities for works, goods or services, ~~including call-offs from Framework Agreements~~, over £10,000 (except for Social Care Placements, Special Educational Needs listed in 8.58 and ~~a~~ Non-p ~~Procurement~~ activities defined in 16.176) must be advertised using the central-CSG e-procurement portal and in accordance with Appendix 1, Table A and be subject to Tender Review, ~~as set out in the Procurement Code of Practice~~.

~~8.3~~ All Procurements for goods and services over £25,000 must be advertised on Contracts Finder within 24 hours of the time when the Procurement is advertised in any other way. Procurement over the EU financial threshold must be advertised in the OJEU first and then on Contracts Finder. A Contract award notice must also be published on Contracts Finder.

~~8.28.4~~ Commissioners may decide to award a contract in the form of separate lots and may determine the size and subject-matter of such lots. They must document the main reasons for their decision not to subdivide into lots.

8.5 Where the ~~p~~Procurement is carried out in accordance with 8.1 above and results in a Framework Agreement or Dynamic Purchasing System, any subsequent call-offs must be carried out in accordance with the ~~Terms and Conditions of~~ rules laid down in the Framework Agreement or the Dynamic Purchasing System.

8.6 Where the Council accesses an existing Framework Agreement, the Framework Agreement terms and conditions of contract must be used, amended as appropriate as permitted by the Framework Agreement. Before entering into a Framework Agreement due diligence checks must be carried out to demonstrate that the Council can lawfully access the Framework Agreement and that it is fit for purpose and provides value for money.

8.3

~~8.48.7~~ Where a performance bond or guarantee ~~would be~~ is required to ensure Contract performance and/or to protect the Council for the execution of the contract, the requirement must be pre-notified and the bond or guarantee must be in place before ~~e~~Contract signature.

8.8 For ~~a~~Non-~~p~~Procurement activity that results in a contractual obligation for social care placements and special education needs (SEN) where the decision has been made on the ~~e~~Council's behalf (such as court directed order, personal budget/statement request or an individual's specific needs) the authority to sign off to award an individual funding agreement in accordance with the decision making framework ~~asis~~ is contained within the Responsibility for Functions as set out in the Constitution.

8.9 Procurement activity for Contracts for certain health, social, community, educational and cultural related services whose value is equal to or over the threshold of €750,000 must be tendered and awarded in compliance with Chapter 3, Section 7, of the Public Procurement Regulations 2015. Refer to the ~~Central~~SG Procurement Team to advise on the procedures to be applied in connection with the award of these Contracts which will take into account the specificities of the services in question

8.10 For Procurements below the EU financial threshold only Suitability Assessment Questions can be asked. This means there can be no PQQ stage.

~~8.58.11~~ ~~Commissioners shall base the award of Contracts~~ will be based on the most economically advantageous tender assessed from the Council's point of view. That tender shall be identified on the basis of the price or cost, using a cost-effectiveness approach, such as Life-Cycle Costing, and may include the best price-quality ratio, which shall be assessed on the basis of criteria, such as qualitative, environmental and/or social aspects, linked to the subject-matter of the Contract in question.

|

~~8.68.12~~ shall require tenderers to explain the price or costs proposed in the tender where tenders appear to be abnormally low in relation to the works, supplies or services

9 SINGLE TENDER ACTION

~~9.1~~ A single tender action or commitment is not allowed unless it is in compliance with the Law and approved in advance by the Commercial and Customer Services Director. Refer to the Procurement Code of Practice for detailed guidance.

9.1 Single tender action is the awarding of a Contract to a contractor without undertaking a competitive tendering exercise. Single tender actions are permitted under Regulation 32 of The Public Contracts Regulations 2015 in the following exceptional circumstances:

- where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of the Contract are not substantially altered;
- where the works, supplies or services can be supplied only by a particular supplier for any of the following reasons:
 - i. the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,
 - ii. competition is absent for technical reasons,
 - iii. the protection of exclusive rights, including intellectual property rights, but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.
- insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the Council, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with;
- in the case of goods contracts, for additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance;
- in the case of works or services contracts, new works and services consisting of the repetition of similar works or services entrusted to the contractor to which the Council awarded the original Contract, provided that such works or services are in conformity with a basic project for which the original Contract was awarded following a

Page-23

competitive procedure under the Public Contracts Regulations 2015. The basic project must indicate the extent of possible additional works or services and the conditions under which they will be awarded. As soon as the first project is put up for tender, the possible use of this procedure shall be disclosed and the total estimated cost of subsequent works or services shall be taken into consideration by the contracting authority when assessing the estimated contract value.

- 9.2 Where a competition has been undertaken, in accordance with Section 8, and only a single bid has been received, the Commercial and Customer Services Director can approve the award of a eContract, subject to a value for money review being undertaken and an audit trail being available for inspection. The award of the eContract cannot proceed without this authorisation.

10 INFORMATION GOVERNANCE

10.1 When engaging a ~~provider~~contractor to ~~undertake~~provide a service ~~on behalf of~~to the eCouncil which involves the handling of personal data ~~you must carry out due diligence checks must be carried out with regards to~~ Ddata Pprotection. Checks must provide sufficient guarantees that the contractor's technical and organisational security measures for the handling and protection of personal information and data are appropriate, suitable and lawful. This is a requirement under the seventh Pprinciple 7 of the Data Protection Act.

10.2 Evidence of these checks, copies of policies and guarantees provided by the contractor must be retained by the officer responsible for management of the eContract and be regularly reviewed throughout the life of the eContract (at least annually). ~~NB: If you are in~~there is any doubt as to whether the checks provide sufficient guarantees for the service provision you are engaging, you must seek sign off fromrefer to the BarnetCouncil's Information Management team.

10.3 Appropriate Ddata Pprotection clauses must be included in the Contract used when engaging a ~~service provider~~contractor to ~~undertake~~provide a service ~~on behalf of~~to the eCouncil which involves the handling of personal data. As a minimum the clauses contained in the Council's sStandard Terms and Conditions of Contract must be used. Changes must not be made without consultation with the BarnetCouncil's Information Management Team.

10.4 Refer to the Council's Data Protection Compliance Toolkit for further guidance on your Ddata Pprotection responsibilities, ~~a copy of~~including the current Due Diligence Checklist and ~~a~~the hHow to gGuide for interpreting your responses.

Appropriate Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR) clauses must be used when engaging a ~~provider~~contractor to ~~undertake~~provide a service ~~on behalf of~~to the eCouncil. The clauses contained in the Council's sStandard Terms and Conditions of Contract must be used. Changes must not be made without consultation with the BarnetCouncil's Information Management Team. ~~It must be noted that~~ The eContract must not contain clauses which say that the eContract itself or any information held or produced etc under it are exempt from FOI or EIR, ~~and that~~ The eContract must not

~~contain any clauses which describe which information would be exempt from disclosure under FOI or EIR.~~

~~10.6 Refer to the Council's FOI/EIR Toolkit for further guidance on your FOI/EIR responsibilities.~~

~~10.1 When procuring a new eContract which involves the processing of a significant amount of personal information the senior responsible Council officer must ensure due diligence checks are carried out to provide sufficient contractual guarantees that the contractor's technical and organisational security measures for handling and protection of personal information and data are appropriate, suitable and lawful. This is a requirement under the seventh principle Principle 7 of the Data Protection Act.~~

~~10.2 Evidence of these checks, copies of policies and guarantees provided by the contractor must be retained by the officer responsible for management of the eContract and be regularly reviewed throughout the life of the eContract.~~

~~10.3 Refer to the Procurement Code of Practice section on Information Governance for more detailed guidance or contact the Information Management Team.~~

11 ACCEPTANCE

11.1 Acceptance of eContracts must be in accordance with Appendix 1 Table A and in all cases is subject to:

- ~~Budgetary~~ provision;
- a compliant ~~P~~Procurement process; and
- confirmation of acceptable financial status of the service provider

11.2 Acceptance thresholds for eContract extensions and variations of all values are subject to further conditions as set out in Section 14 (Extensions and Variations) of these Contract Procedure Rules.

11.3 The financial evaluation of tenders will be undertaken by:

- CSG Procurement if the Contract is valued at less than £172,514 for supplies or services or less than £4,348,350 for works, or;

A Financial Officer as delegated by the Chief Finance Officer if: (a) the contract is valued at £172,514 or more, for supplies or services; or (b) the contract is valued at £4,348,350 or more for works; or (c) the contract is considered to have significant impact on the local community.

12 CONTRACT SIGNING and SEALING

12.1 Every eContract or eContract novation must be in a form approved by the Monitoring ~~Responsible~~ Officer (e) in consultation with HB Public Law) or delegated officer, if its value exceeds ~~£25,000~~£24,999 or where appropriate to the nature of the eContract.

- 12.2 All ~~eContracts signed awarded~~ following ~~A European Procurement Procedure a Procurement process with a Contract value above the EU financial threshold (£172,514)~~ shall be sealed unless the Monitoring ~~Responsible~~ Officer or delegated officer directs otherwise.
- 12.3 ~~Contracts~~ ~~Contracts~~, ~~Dynamic Purchasing Systems~~, ~~approved lists~~ or Framework Agreements entered into with respect to the provision of social care to individual service users must be sealed. Call-off placements from a ~~Framework Agreement~~ under ~~OJEU~~ ~~the EU financial~~ threshold ~~of £172,514~~ do not require sealing and ~~in this case~~ need only be signed by the respective Director in accordance with the ~~s~~Scheme of ~~d~~Delegation.
- 12.4 Where the ~~Responsible~~ Monitoring Officer or delegated officer considers it desirable that a ~~eContract~~ should be sealed other than as specified above, then such a ~~eContract~~ must be sealed.

13 CONTRACT MANAGEMENT

- 13.1 During the life of the ~~eContract~~ Directors, Assistant Directors, ~~Lead Commissionersing Directors~~ and Heads of Service must ensure that the Council's approved processes for ~~eContract Management~~ ~~Management~~, as set out in the ~~Procurement Code of PracticeContract Management Toolkit~~ are adhered to. In particular to ensure continuous improvement and ~~Value for Money~~ is achieved Directors, Assistant Directors, ~~Lead Commissionersing Directors~~ or Heads of Service must ensure that those responsible for managing contracts undergo ~~Central CSG~~ Procurement approved training to ensure:
- ~~eContract~~ performance and key performance indicators are monitored and any reduction in performance is acted upon and recorded;
 - compliance with specification and ~~eContract~~ terms; and
 - cost management including reconciliation of payments against work done, supplies or services delivered;
- 13.2 Throughout the life of the ~~eContract~~, contract managers must ensure the elimination of unlawful discrimination and the promotion of equality in accordance with current ~~legislationLaw~~.
- 13.3 Contract managers or owners must ensure appropriate security measures are applied to prevent the unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.
- 13.4 For services or goods ~~eContracts~~ valued above £172,514 and works ~~eContracts~~ above ~~£499,999500,000~~ a ~~eContract~~ monitoring and review check must be performed 6 months after ~~eContract~~ commencement.

14 EXTENSIONS and VARIATIONS

14.1 Regulation 72 of the Public Contracts Regulations 2015 permits an amendment, extension or renewal of an existing Contract without triggering a new Procurement exercise in the following cases:

- a) The original Contract includes a “clear, precise and unequivocal review clause” (including a price review clause) allowing for a certain modification to be made, provided the review clause(s) clearly state(s) the scope and nature of the changes that can be made and the conditions under which such a change can be made. The overall nature of the Contract must not be altered as a result of the change;
- b) A change of contractor cannot be realistically made for economic or technical reasons and would cause significant inconvenience or substantial duplication of the Council’s costs, and new works, services or supplies need to be purchased from the contractor. This is subject to the provision that each change does not increase the Contract’s value by more than 50 per cent as a result;
- c) Circumstances have arisen that the Council could not reasonably have foreseen and that require an amendment to the existing Contract. The Contract’s overall nature must not be altered and the Contract’s value must not increase by more than 50 per cent as a result of any change;
- d) A new contractor is required to replace the contractor originally party to the Contract, either because this is the result of corporate restructuring, including takeover, merger, acquisition or insolvency leading to a universal or partial succession of the original contractor, or because this change was envisaged in a review clause in the original Contract. This provision cannot be relied on if the contractor is being replaced for a different reason;
- e) The proposed modifications are insubstantial. Modifications will not be insubstantial if they result in any of the following:
 - o the Contract would become materially different;
 - o the scope of the Contract would extend considerably;
 - o the outcome of the initial Procurement procedure would have been different had the modification been implemented at that time. For example, other tenders would have been accepted or other candidates would have been admitted;
 - o the economic balance would shift in favour of the contractor; or
 - o a new contractor would replace the original contractor in a circumstance not provided for in d) above.
- f) The value of the modification is both below the EU procurement financial threshold and less than 10 per cent of the initial Contract value (where the contract is for supplies or services) or less than 15 per cent of the initial Contract value, in the case of a works contract. More than one change can be made under this provision provided the cumulative value of the modifications do not exceed the EU procurement financial threshold.

14.2 Commissioners must consult CSG Procurement to confirm that any of the circumstances set out in section 14.1 above apply, permitting a Contract amendment, extension or renewal and Commissioners must also comply with the Authorisation and Acceptance Thresholds in Appendix 1

~~14.1~~14.3 Placement Agreements for individuals in Social Care or Educational Needs may be varied or extended without reference to the Variation or Extension Acceptance levels and documentation set out in Appendix 1 Table A.

~~14.2~~14.4 The value referred to in Appendix 1 Table A in the column headed 'Variation or extension Acceptance' is the total value of the original eContract value plus the addition of the value of any extensions and/or variations i.e. the total value of the extended or varied eContract.

~~14.3~~14.5 Contracts may only be extended or varied if all of the following conditions have been met:

- the initial eContract was based on a Contract Procedure Rules compliant competitive tender or quotation process;
- the value of the extension or variation added to the value of the original eContract does not exceed the original Authorisation threshold as defined in Appendix 1, Table A;
- the extension or variation has an approved bBudget allocation;
- the extension or variation is in accordance with the terms and conditions of the existing eContract;
- if the initial eContract was subject to an EU regulated tender procedure, that the extension option was declared within the OJEU contract notice and the original Acceptance report (Delegated Powers Report/relevant Committee Report); and
- the eContract has not been extended before;

~~14.4~~14.6 Where the pProcurement results in a eContract which includes a provision for an extension, any aAcceptance of that extension needs to be in accordance with Appendix 1 Table.

~~14.5~~14.7 ~~In the event that if~~ any of the conditions at 14.14 or 14.36 cannot be met, ~~and the total value of the eContract (plus including extension(s) and variations) is over £100,000, then either a waiver must be sought in accordance with Section 15 (Waivers) or a new pProcurement exercise must be~~ commenced.

~~14.6~~14.8 Where a variation or extension moves the total value of the Contract into a higher threshold, then acceptance must be sought in accordance with Appendix 1, Table A.

~~14.7~~ Any variation or extension that has the effect of raising the contract value above the relevant OJEU threshold is not allowed as this would contravene English law.

~~The Acceptance thresholds for eContract extensions and variations are set out in Appendix 1, Table A of these Contract Procurement Rules.~~

14.9 A Contract Variation Notice needs to be sent to OJEU in the case of contract variations permitted and made in accordance with paragraphs b) and c) of section 14.1 above.

15 WAIVERS

~~15.1~~ ~~In the event that~~ If the application of these Contract Procedure Rules prevents or inhibits the delivery or continuity of service, Directors or Assistant Directors, ~~Lead Commissioners~~ ersing Directors and Heads of Service may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Policy and Resources Committee specifically identifying the reason for which a waiver is sought, including justification and risk.

15.2 Directors, Assistant Directors, ~~Lead Commissioners~~ ersing Directors and Heads of Service may take decisions on emergency matters (i.e. an unexpected occurrence requiring immediate action) in consultation with the Chairman of Policy and Resources Committee providing they report to the next available Policy and Resources Committee, setting out the reasons for the emergency waiver. A copy of the relevant Policy and Resources Committee report must be provided to ~~Central-CSG~~ Procurement and stored on the Councils contract repository.

15.3 Inadequate planning and organisation of resources does not constitute an acceptable justification for a waiver.

15.4 Any waiver can only be granted for a maximum period of 12 months.

~~15.4~~15.5 Waivers cannot be granted where this would breach the Law

16 DEFINITIONS and INTERPRETATION

16.1 **“Acceptance”** is the authorisation to enter into a eContract with a particular supplier(s) on the terms, conditions and at the price(s) as set out in the eContract documents.

16.2 **“Annual Procurement Forward Plan”** means the annual report compiled by the Council setting out their planned contractual Procurements for the forthcoming financial year and submitted to the Policy and Resources Committee for authorisation.

~~16.1~~16.3 _____

~~16.2~~16.4 **“Approved Officer”** means the Director, Assistant Director, Service Lead, ~~or Lead Commissioner~~ ing Director or Head of Service in accordance with the Scheme of Delegation who has responsibility for all eContracts tendered and let by their respective area of responsibility including eContract monitoring and Contract mManagement once eContract is in place.

~~16.3~~16.5 **“Authorisation”** is the approval required to enable any Procurement to occur.

~~16.4~~16.6 **“Budget”** is the annually agreed budget and supporting plans and strategies for each Delivery Unit.

16.7 **“Contract”** means a formal written agreement between the Council and the provider of any goods, services or works, including Tterms and Cconditions ~~as approved by Joint Legal Services~~ HB Public Law.

~~16.5~~16.8 “Contract Management” is the process of managing contracts to achieve optimal goods, works and services at optimal cost in accordance with the Council’s Contract Management Toolkit

~~16.6~~ “CPT” means Central Procurement Team.

~~16.9~~ “Contracts Finder” means a web-based portal provided for the purposes of Part 4 of the Public Contracts Regulations 2015 by or on behalf of the Cabinet Office;

~~16.10~~ “DPR” means Delegated Powers Report. Templates and guidance for completion are available from the Assurance Group (Governance).

~~16.7~~16.11 “Dynamic Purchasing System” is appropriate for commonly used purchases the characteristics of which, as generally available on the market, meet the Council’s requirements. The rules for using it are set out in regulation 34 of the Public Contracts Regulations 2015.

~~16.8~~16.12 “Emergency” where immediate action is needed to protect life or property or to maintain a critical service. Decisions that were not anticipated within the ~~b~~Budget or ~~b~~Budget plan but nevertheless relate to everyday business, not major changes/decisions outside the approved ~~b~~Budget and statutory plans.

“English Law” means all laws and regulations which set the legislative boundaries and obligations of the Council within the context of Public Sector Procurement. European Procurement Directives are incorporated into English Law.

~~16.9~~16.13 “EU” means European Union.

~~16.14~~ “Framework agreement” is an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. ~~In the UK we would know this as a “standing offer to treat (see Code of Practice).~~

~~16.15~~ “Law” means any law, statute, subordinate legislation within the meaning of section 21(1) of the Interpretation Act 1978, bye-law, enforceable right within the meaning of section 2 of the European Communities Act 1972, regulation, order, mandatory guidance or code of practice, judgment of a relevant court of law, or directives or requirements of any regulatory body with which the Council is bound to comply

~~16.16~~ “Life-Cycle Costing” shall, to the extent relevant, cover part or all of the following costs over the life cycle of a product, service or works:—

(a) costs, borne by the Council or other users, such as:

(i) costs relating to acquisition, .

(ii) costs of use, such as consumption of energy and other resources, .

(iii) maintenance costs, .

(iv) end of life costs, such as collection and recycling costs; .

(b) costs imputed to environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. These costs may include the cost of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs

16.17 **“Light Touch Regime”** is defined as XXXXX refers to the contract award procedures applicable to contracts for services set out in schedule 3 of the Public Contracts Regulations 2015 which are valued at EUR 750,000 (or around £625,000) or more. These contract opportunities and contract award notices must be advertised in OJEU and Contracts Finder. CSG Procurement will advise on the Procurement procedures to apply to these Contracts which will take into account the specifics of the services in question and which will ensure compliance with the principles of transparency and equal treatment of suppliers.

16.18 **“Monitoring Officer”** is defined within Article 9 of the Constitution means the Council's Director of Assurance **“Non-Procurement”** expenditure applies where the Council has to pay for a Service which it did not initiate or for payments where it is not appropriate to tender including (but not exclusively) inter-authority and inter-agency payments, subscriptions/memberships, emergency temporary accommodation for vulnerable people, assessments and recoupment.

16.19 **“OJEU”** means the Official Journal of the European Union.

16.10 —

16.11 **“Part A Procurement”** covers all goods or services not defined as Part B Procurement or Works.

16.12 **“Part B Procurement”** means a procurement activity which includes the provision of Health services, Social Care services, Educational services, Temporary Housing needs, recreational, cultural and sporting services.

16.13 16.20 **“Procurement”** means the acquisition by means of a public contract of works, supplies or services by one or more contracting authorities from economic operators chosen by those contracting authorities, whether or not the works, supplies or services are intended for a public purpose. This includes any activity which includes the identification of need, options appraisal and the execution of a competitive selection process, quotation or tendering process.

16.21 **“Annual Procurement Forward Plan”** means the annual report compiled by the Council setting out their planned contractual Procurements for the forthcoming financial year and submitted to the Policy and Resources Committee for authorisation. **“Public Contracts Regulations 2015”** are the regulations implementing EU Directive 2014/24/EU of the European Parliament and Council into English Law

16.14 —

16.15 16.22 **“Purchase”** means the activity which uses a mechanism to undertake Procurement under the Council's standard terms and conditions (Purchase Card or Purchase Order) or against an accepted contract.

~~“Non-Procurement” expenditure applies where the Council has to pay for a Service which it did not initiate or for payments where it is not appropriate to tender including (but not exclusively) inter-authority and inter-agency payments, subscriptions/memberships, emergency temporary accommodation for vulnerable people, assessments and recoupment.~~

~~“OJEU” means the Official Journal of the European Union.~~

~~16.23~~ **“Quotation”** means a priced bid for the provision of goods, a service, or supply of works.

~~16.16~~ —

~~16.24~~ **“Reasonable means of selection”** means an unbiased selection process based on the relative merits of the quotation provided and taking account of previous purchasing practices for supplies, services or works of a similar type. This process would normally involve attaining more than one quotation, audit trail of action undertaken and confirmation from the relevant approved officer that budget is available and rationale for appointment is accepted. ~~Reasonable means of selection process are detailed in the Procurement Code of Practice.~~

~~16.17~~~~16.25~~ **“Suitability Assessment Question”** means a question which relates to information or evidence which the Council requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing

~~16.18~~~~16.26~~ **“Works”** means building & engineering works, including capital works.

17 APPENDIX 1 - TABLE A – Authorisation and Acceptance Thresholds

Procurement value	Authorisation to commence a procurement process	Authorisation Documentation	Procurement method	Acceptance process	Acceptance Documentation	Variation or extension Acceptance
<p><u>Up to £25,000 Under £10,000 (Purchase Order)</u></p> <p>A</p>	<p>Head of Service <u>Council Officer</u> as designated by approved Scheme of Delegation</p>	<p>Audit trail; <u>recommended to be on forward plan over £10,000</u></p>	<p>Reasonable means of select <u>selection</u>, including budget authorisation and audit trail and evidence of having <u>sourced and considered the local Barnet supplier market</u></p>	<p>Head of Service or <u>Council Officer</u> as designated by approved Scheme of Delegation</p>	<p>Audit Trail Over £10,000 – Summary DPR</p>	<p><u>Summary DPR</u> <u>Must</u> <u>move to next threshold if above £10,000</u></p>
<p><u>£1025,001,001 to £172,514,25,000</u></p> <p>B</p>	<p><u>Director/Assistant Director/Head of Service</u> <u>Council Officer</u> as designated by approved Scheme of Delegation</p>	<p><u>Procurement Forward Plan</u> <u>On forward Plan</u> <u>or Full Officer DPR</u></p>	<p>Minimum 2 written Competitive Quotations received in <u>No PQQ</u> <u>“Suitability Assessment Questions” only can be asked</u></p>	<p><u>Approved Officer/Head of Service</u> <u>Council Officer</u> as designated by approved Scheme of Delegation</p>	<p>Summary DPR</p>	<p><u>Full DPR (maximum £172,514 – please refer to 14) Summary DPR</u></p>
<p><u>£172,514 and over 25,001 - £172,514</u></p> <p>C</p>	<p><u>Relevant Thematic Committee</u> <u>or P and R Plan Director/Assistant Director</u></p>	<p><u>Procurement Forward Plan</u> <u>or Forward Plan</u> <u>or Theme Committee report</u></p>	<p>Minimum 2 written Competitive Quotations <u>received</u></p>	<p><u>Council Officer</u> as designated by approved Scheme of Delegation <u>or Chairman of relevant</u></p>	<p>Summary DPR <u>if within budget and agreed savings target on forward plan</u> <u>Officer Full DPR</u></p>	<p>Summary DPR <u>if within budget – Relevant Thematic</u></p>

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			educational, cultural and social care related services: Feth OJEU Light Touch Regime Tender above 750,000 Euro (c. £625,000)	<u>Committee</u>	
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All ~~pp~~ procurements above £10,000 must be advertised on the E-portal (see 8.2). All ~~pp~~ procurements over £25,000 must be advertised on UK Contracts Finder

*Reasonable means of selection as defined in section 16.2~~54~~

**Under OJEU threshold the Commercial and Customer Services Director may waive the requirement of 2 written quotes subject to a Summary DPR provided, demonstrating that the market place has been fully tested and we have obtained value for money.

~~† All procurements above £10,000 must be advertised on the E-portal (see 8.2). All procurements over £25,000 must be advertised on UK Contracts Finder~~

~~†† All procurements above £10,000 must be advertised on the E-portal (see 8.2). All procurements over £25,000 must be advertised on UK Contracts Finder~~

~~Under £75,000 Head of Procurement may waive requirement of 2 written quotes subject to assurance that the market place has been fully tested~~

~~‡ To determine if the goods or services to be purchased are Part A or Part B refer to Definitions (see 16.13 and 16.14) or Central Procurement~~

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PROTOCOLS FOR MEMBER-OFFICER RELATIONS

1. WHY PROTOCOLS

- 1.1 The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for a modern local government. The government has stated that without such high standards, local government's powers will not be extended.
- 1.2 Each Group Leader and the Chief Executive has endorsed this code as setting the standard for the conduct of officers and Members in Barnet.

Andrew Travers
Chief Executive

Alison Moore
Leader of the
Labour Group

Richard Cornelius
Leader of the
Conservative Group

- 1.3 The Nolan Committee report lays down ten principles of public life.

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do, to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should always act in a way that secures or preserves public confidence.

- 1.4 These protocols seek to establish the roles and responsibilities of Members and Officers to avoid confusion and misunderstanding. Both Officers and Members need to understand the pressures both sides are under. Most problems between Members and Officers arise not from disagreements about policy but from a failure to understand the pressures that each other face when trying to make and implement policy.

2 THE ROLE OF MEMBERS

- 2.1 Members are elected democratically. It is their policies, ideas and decisions which people vote for. Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability,

ensuring that Officers uphold the values of the organisation and deliver those policies that have been determined by democratic means. Members are the channel for the voices of the people in their wards.

- 2.2 The Council meets as a body when all its Members are summoned to attend a Council meeting. This meeting has responsibility for specific functions. The Council can delegate authority to committees and sub-committees of Members (and co-opted members in some circumstances) and to Officers. So when Members meet as a committee or sub-committee they can take decisions and act on behalf of the Council, within that body's terms of reference and delegated powers, again subject only to the law.
- 2.3 Members will also be involved in a variety of less formal meetings, correspondence and discussions with other Members, Officers and people outside the Council, to help the Council develop policies and deliver services.
- 2.4 Members may have different roles:-
 - the policy making role - deciding the broad direction of Council policy and how those policies are to be delivered in practice
 - the scrutiny role - holding the committees and officers and other local public services to account for their decisions and actions
 - the ward member role - representing the interests of individual residents or residents groups within their ward, in the overall public interest.
- 2.5 The Officers of the Council will support all Members to enable them to perform these roles effectively in the interests of the Council and the public. They will provide support, information and advice to Members to help them in these roles in accordance with these protocols.

3. **SUPPORT SERVICES FOR MEMBERS**

- 3.1 The Council provides a range of support services for Members. These include computer hardware and software, telephones, stationery and office equipment which can be selected by the individual member, subject to a maximum cost allowance for each Member, the use of photocopying facilities and postage. Each political group has its own office, and the Council employs two political assistants (Labour and Conservative) to help Members of that group in their work.
- 3.2 The only basis on which the Council can provide support services of this kind to Members, is to assist them discharge their role as Members of the Council. They are for use on Council business and to help Members in their roles as advocates for their local communities. They should not be used in connection with party political campaigning. Each Member wishing to use these support services is asked to sign detailed protocols as to their use. These cover the operation of the notional allowance, the mail room, the need to avoid using the facilities for party political purposes or for campaigning, the use of unavoidable spare capacity, the processes for ordering, maintaining, insuring and returning equipment personal taxation issues, authority to use software licences and data protection.

- 3.3 The Chief Executive will from time to time arrange training programmes for Members. These might involve induction for new members, presentations and discussions on particular topics, and training in specialist areas of the Council's work, for example planning. Sometimes training may be a requirement before a Member can take part in a specialist committee. Training may be for all members of the Council or targeted at members of particular committees.
- 3.4 The Council runs a mayoral car with a chauffeur and a second car for use on official business when the mayoral car is unavailable or inappropriate. These vehicles can only be used by members or officers for official Council purposes.

4. **MEMBERS' RIGHTS TO INFORMATION NOT RELATING TO COMMITTEES AND COUNCIL MEETINGS MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS, LAND AND PREMISES**

4.1 Barnet has adopted a policy of Open Local Government. This means information will be provided to ~~the~~ members of the public and Members of the Council unless it falls within a list of items which are exempt or confidential or for other ~~proper~~ legal reasons. Members' rights of access to other information held by the Council are set out in the Members' Information Management Policy. ~~Also, Councillors have rights to access committee papers and other information. This is set out in the relevant parts of the Council Constitution. If you can establish that in order to carry out your duties as Councillor you need information to which you are not automatically entitled to have access then the Chief Executive may provide access.~~

~~4.2—Members are free to approach any Council Service to provide them with information, explanation and advice (about the Service's functions) as they may reasonably need in order to respond to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Director/Assistant Director, Lead Commissioner or Head of Service or another senior Officer of the Service concerned.~~

~~4.3—Members are not entitled to confidential information which is not directly relevant to their role as a Councillor. Members should not request confidential information in order to use it for a purpose not legitimate for their role as a Councillor, because they are in a position of trust. A Member's motive for requesting confidential information is relevant and Members should be prepared to disclose the reason for their request. Members must not abuse this trust by disclosing information that is confidential or exempt from disclosure to the public.~~

~~4.42 Confidential information should not be disclosed to any third party unless:-~~

- ~~• the Member is legally compelled to do so, for example there is a legal duty to make disclosure in the public interest~~
- ~~• the disclosure is at the request, or with the consent, of the party that provided the information.~~

~~4.5—Members who believe that the disclosure of confidential information is necessary for the effective performance of their duties as Members should seek advice from the Chief Executive or the Monitoring Officer. Improper disclosure of confidential information can put the Council at legal and financial risk.~~

~~4.6—Members should not ask for information on a matter on which they would have to declare an interest.~~

~~4.7—If you are refused access to documents you feel you have the right to see, the dispute will be determined by the Chief Executive.~~

4.83 Unless specifically authorised to do so, a member of the Council shall not:

4.87.1 issue any order for any work which is being carried out by or on behalf of the Council or

4.87.2 claim by virtue of his/her membership of the Council any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter.

4.4 Officers should keep Ward Members informed about local matters affecting their wards to enable them to effectively represent the views of their communities. Where it has been indicated that information provided to Ward Members is of a confidential nature, the local Ward Member must not make public nor make personal use of any information or material supplied to them.

5. **THE ROLE OF OFFICERS**

5.1 Officers can also have a variety of roles.

- They must advise Members to help them to take decisions;
- Some Officers have personal statutory powers and duties, for example, the officers designated as Head of Paid Service (Chief Executive), the Chief Finance Officer, the Monitoring Officer, Director of Adult Social Services and Director of Children's Service. Others, such as the Registrars of Births, Deaths and Marriages or Health and Safety at Work Inspectors, work under special statutory regimes;
- The Council has given delegated powers to Directors and Chief Officers so that they can act and take decisions on behalf of the Council in many areas, provided they follow the rules of delegation and Members have access to their decisions; and
- The Council is a very large organisation, and officers have a role to play within the organisation itself.

5.2 The organisational role of Officers has two important dimensions. Some Officers have professional skills relevant to a particular organisational task.

Others have a primarily managerial responsibility. Many have elements of both in their job.

5.3 Professional Officers reasonably expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support) and the chance to 'explain' what appears to be a performance failure or inconsistency. Their task is facilitated by clear political guidance and policy.

5.4 In addition, Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of officers to manage the implementation of policy. This does not necessarily imply no Member involvement in implementation issues, but rather a set of understandings which both parties can agree to.

5.5 Officers service the whole Council. They work to the instructions of their Director/Assistant Director, Lead Commissioner or Head of Service or the Chief Executive - not individual Members of the Council, whatever office the Member might hold.

5.6 Officers should always know that they must:-

- pursue every known lawful policy of the Council
- implement the decisions of Council, committees and sub-committees
- inform Members immediately of any decision that they cannot fully implement
- be helpful and respectful to Members
- behave in a professional manner
- serve all Members, not just those of the Administration group(s)
- maintain confidentiality
- deal with Member enquiries efficiently
- strive continually to comply with the Council's performance management and scrutiny processes
- support Members in their role as ward Councillors.

6. **THE COUNCIL AS EMPLOYER**

6.1 Officers are employed by the Council (there are a few exceptions in special cases) and both they and the Council are governed by their contracts of employment and the Council's personnel procedures.

6.2 In making employment decisions, the key principles to follow (derived from the Nolan report) are:-

- Members should not gain financially or personally, nor should their family or friends
- Members have a duty to declare any private interest, and to protect the public interest
- Members should therefore have no involvement in employment or recruitment cases in which they have a personal interest of this kind

- In making public appointments or recommending people for rewards or benefits, Members must make choices on merit, using objective criteria
 - Members should be open about, and are accountable for, the decisions they make in the role of employer. However, some employment matters should be dealt with in confidence.
- 6.3 Members should remember that, although the Council has an open access to information policy, there is no automatic right to information about:-
- any individual applicant to become an employee, or
 - any individual who is an employee (this includes details of grade and pay, and any disciplinary, grievance or other employment issue that involves a particular employee), or
 - consultation or negotiations over any labour relations matter
- 6.4 When acting as employer, Members are bound by the complete framework of national and European employment law and may be personally liable for decisions which discriminate on the basis of race, gender or disability. The Council is an equal opportunity employer and members should be guided by this principle in all their relationships with staff.
- 6.5 In addition under the Constitution,
- Members must not solicit a job with the Council for any person (but may give them a written testimonial)
 - Canvassing support for a candidate for a job with the Council disqualifies the candidate from that job.
- 6.6 Political activities and affiliations may only be taken into account in recruitment in relation to the specific posts of political assistant. These are subject to special legal rules.
- 6.7 Members will be involved in individual staffing matters if they are a member of a Committee or Panel set up for that purpose. The Constitution sets out the role of relevant committees for Chief Officer Appointments, and for disciplinary and grievance processes relating to the Chief Executive, Directors and Chief Officers.
- 6.8 In other circumstances, however, Members must not become embroiled in the management of the Council (for example, all other disciplinary, capability or grievance processes are officer-only affairs). They must not engage in activities which might undermine the management line of command or adherence to Council personnel procedures, or try to influence the recruitment process.
- 6.9 Likewise, Officers must not raise directly with Members any personal matter to do with their jobs, or relating to any potential appointment.

7. **MONITORING THE PERFORMANCE OF OFFICERS**

7.1 Members ~~should~~ set the ~~parameters for policy framework of the Council. work and then let~~ Officers are responsible for running services within the agreed budget and policy get on with running things as much as possible, ~~whilst~~framework and guaranteeing that strong scrutiny and performance management systems are in place.

7.2 Members have a right to criticise reports or the actions taken by Officers, but they should always:-

- avoid personal attacks on Officers
- ensure that criticism is ~~constructive and~~ well founded.

7.3 Complaints about officers or Council services should be made to the Director/Assistant Director/Lead Commissioner or Head of Service where a Member feels the fault lies or to the Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.

7.4 Members should avoid undermining respect for Officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. In general Officers are unable to 'answer back' or defend themselves against criticism in a public forum.

8. **MEETINGS**

8.1 Both Members and Officers should take proper account of pressures each is under when arranging meetings particularly at short notice.

8.2 Ward members cannot always expect Officers to attend meetings arranged by them without prior consultation.

9. **OFFICER ADVICE/POLITICAL NEUTRALITY OF OFFICERS**

9.1 There is statutory recognition for party groups and sometimes consultation is required with committee chairmen. It is common practice for meetings to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision-making body or officers under delegated powers. .

9.2 The extent to which it is appropriate for Officers to attend meetings of this kind depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent facilities are available to all political groups represented on the Council if they so request.

- Officers, apart from political assistants, should not attend party group meetings, or party political meetings involving party colleagues who are not members of the Council, without the agreement of the Chief Executive. Conversely, the Chief Executive may arrange meetings with, or presentations to, party groups on particular topics.

- Officers may make presentations to party groups of members of the Council on request. All requests for advice of this kind should be routed through the Chief Executive who would be responsible for advising the other groups who could then ask for the same briefing.
- Officers may attend briefing meetings with the Leader of the Council, Chairmen and Vice-Chairmen, either on a specific topic or prior to a formal meeting or the like.
- Officers may meet Chairmen prior to consulting them formally as a precondition to exercising delegated powers.
- Officers may attend for briefing with the Leader and Lead Members of all political parties on the Council in their offices.
- The Leader of the Council may arrange regular meetings and invite Directors and other senior officers to attend, in accordance with the following principles.

9.3 Certain points must however be understood by all those participating in this type of process, Members and Officers alike. In particular:-

- (a) Officer support in these circumstances should not extend beyond providing information and advice in relation to matters of Council business, and Officers should not be expected to be involved in advising on matters of party business.
- (b) Such meetings, whilst they may form part of the preliminaries to decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions, and should not be interpreted as such.
- (c) Similarly, where Officers provide information and advice to such meetings in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant body when the matter in question is considered.

9.4 Special care needs to be exercised if Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons will not be bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a meeting where those in attendance are bound by the provisions of the code.

9.5 Officers must respect the confidentiality of any discussions at which they are present with Members. If officers receive information which, although confidential, they have a duty to disclose elsewhere, they must indicate that this is the case.

9.6 Any particular case of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

9.7 Officers must never allow their own personal or political opinions to interfere with their work. Officers should not take part and Members should not ask officers to take part in any activity which could be seen as influencing support for a party. Members should raise with the Chief Executive any concerns about the political neutrality of an officer.

9.8 Senior officers and political assistants are subject to legal rules limiting their political activities outside work.

9.9 The protocols governing the duties of political assistants are summarised below:-

- They are Council employees and subject to Council contracts of employment, *the Council Constitution* and staff instructions.
- They cannot stand in for Members at events or decision-making bodies, although they can attend as non-speaking observers, but not as representatives.
- Each group has appointed a group officer to direct day to day work.
- They cannot be required to breach the Council Constitution, the terms of their contract of employment or the legal restrictions on them.
- They must respect confidentiality regarding the party, group and individual Members.
- The Chief Executive deals with appointment, induction, discipline and grievances. The representatives of the Groups will conduct the appraisals. The Chief Executive will ensure the appraisals are undertaken by the Groups.
- Council Officers will not require the assistant to divulge confidential information regarding the group, its dealings or its members.
- The assistant's normal contact points are members of Service Management Teams, Policy Officers and Governance Service. In making contact the assistant must be careful not to misrepresent the intentions of the group, and must clarify whether they are representing the whole group or individual members.
- The existence of assistants should not detract from normal Member/officer relationships.
- They cannot access files that a Councillor cannot access, unless the Councillor has demonstrated the need to know.
- In external relationships, they must make it clear that they are acting on group instructions, not for the whole Council. They must not speak to a

public audience on terms which might create the impression that they are speaking as a representative of their political party.

10. **PERSONAL RELATIONSHIPS**

10.1 Good working relationships between Officers and Members are at the heart of good local government.

10.2 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:

24. "Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual councillors and officer can damage this relationship and prove embarrassing to other Councillors and Officers".

10.3 The Nolan report provides the following quote to illustrate its view of the correct spirit of Member-Officer relations:

"I do not think it is part of the proper relationship between Officers and Councillors if Officers are somehow seen in public as people who can be appropriately harangued or criticised or told that they do not know what they are doing. I think that the best relationship between Officers and councillors is much more a partnership relationship"
- Gerry Stoker, Professor of Government, University of Strathclyde.

10.4 However there is potential for improper behaviour if the normal professional relationship becomes either too cosy or too combative.

11. **EXCESSIVE FAMILIARITY**

11.1 Members and Officers will often work closely together and develop good relationships. This can be beneficial, but there are limits and risks for all concerned in this area and it is not enough to avoid actual impropriety. Members and Officers should at all times avoid any situation which can give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between employees and individual councillors.

11.2 Members must declare to their Group Leader and to the Chief Executive any relationship with an Officer which might be seen as influencing their work as a Member. This includes any family, business or sexual relationships. Officers, too, have a duty to declare any such relationship to their Director or Head of Service.

11.3 Members must not sit on or participate in decisions by any Council committee or other Council body which directly affects an employee to whom they are:-

- the partner
- otherwise closely related such as sisters, brothers, parents and grandparents
- in any other relationship which would jeopardise the work of the Council or make their attendance improper under the National Code of Local Government Conduct.

This is a simplification of the requirements under the law and National Code of local Government conduct and members should refer to other more detailed guidance.

12. **COMBATIVENESS AND PRESSURE**

- 12.1 In line with the National Code's reference to 'mutual respect', it is important that any dealings between Members and Officers both written and oral should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 12.2 Members must remember that Officers cannot respond to personal criticism in the same way that politicians can and should make their comments accordingly. Members need to be especially careful about contact with less senior staff and must avoid deliberately or unwittingly intimidating staff. Members and Officers should be aware that problems often arise in informal situations, where Members and Officers are sometimes prone to lose their inhibitions. This should not prevent reasonable ~~constructive~~ criticism of the work of Officers by Members.
- 12.3 Members should not put pressure on an Officer on matters which have been delegated for Officer decision. This might lead Officers to make decisions that:
- are not objective and cannot be accounted for
 - favour unfairly one member of the public over another.
- 12.4 Nor should they bring undue influence to bear on an Officer to take any action which is against procedure or policy, such as
- a breach of personnel procedures
 - a conflict with the Council Constitution
 - conflict with planning procedures and policies.
- 12.5 Members must declare any special relationships with constituents when dealing with Council Officers. Although Members are elected to represent the interest of their constituents, they should not seek special treatment for any individual.

13. **RELATIONS BETWEEN OFFICERS AND CHAIRMEN**

- 13.1 It is especially important that there should be a close working relationship between the Chairmen and Vice Chairmen of committees and other bodies, Directors, Assistant Directors, Lead Commissioners, Heads of Service and

other Senior Officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other party groups.

13.2 Whilst the Chairmen will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that the Director, Assistant Director, Lead Commissioner or Head of Service will always be fully responsible for the contents of any report submitted in his/her name and the Chief Executive for preparing the agenda. Members must not seek to influence an officer to limit or modify recommendations put forward or withhold information which s/he should properly report.

13.3 Officers within a service are accountable to their Director, Assistant Director, Lead Commissioner or Head of Service. Whilst Officers should always seek to assist Members they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director, Assistant Director, Lead Commissioner or Head of Service, and should not be expected to do so.

14. **WHISTLEBLOWING**

14.1 The Council has adopted a ~~w~~Whistle-blowing ~~P~~policy and ~~P~~procedure ~~for Officers~~. This sets out the process under which Officers can raise concerns with the ~~W~~whistleblowing ~~O~~officer, or, with the Monitoring Officer. It sets out how this works, and the responsibilities of the people concerned.

14.2 The Council neither tolerates improper conduct by its employees or Members, nor the taking of reprisals against those who come forward to disclose such conduct. It is committed to the highest possible standards of openness, probity and the aims and objectives of the Public Interest Disclosure Act 1998. As such all Members have a duty to comply with the Council's Whistleblowing policy and;

- promptly raise with the council's Whistleblowing Officer, Monitoring Officer or Chief Executive any irregularities and matters which they feel have been dealt with improperly
- provide them with all the evidence or relevant information they have.

14.3 In particular, Members have a duty to raise any issues they have reason to think might involve fraud, corruption, bribery, ~~or~~ money laundering activity or safeguarding issues.

14.4 In accordance with the Whistleblowing ~~P~~policy, any person who makes a report in ~~–~~good faith will be protected from victimisation or reprisal.

14.5 No action will be taken against any person if a report has been made in good faith, but is not confirmed by the investigation.

14.6 Conversely, any person should not make a report, which they do not reasonably believe to be true, or which ~~are~~ is malicious. ~~If this is proven to Chief Executive will take appropriate action if frivolous or malicious allegations are made~~ Disciplinary proceedings may be taken against any workers who makes false allegations maliciously or with a view to personal gain.

- 14.7 The provisions of this code are in addition to the right of any Member or employee to raise an issue of concern with an appropriate body outside the Council.

Full 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)
 - (i) Apologies for absence
 - (ii) Declarations of interest
 - (iii) Electing a Mayor and noting the appointment of the 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~~ Noting the appointment of the Deputy Leader of the Council;
- (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, Vice Chairman and members 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. Apologies for absence

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

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

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

Part 3 - Statutory Council Business (60 minutes)

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

Break (15 minutes)

Part 4 – Business for Debate (45 minutes)

14. 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, subject to: the opposition motion debated will be determined by the opposition if there is more than one submitted.

15. 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.

- 2.2 The provisions in Meeting Procedure Rules 14.1 and 14.2 also apply to Council, namely that no business shall be transacted after 10 pm and any business transacted after that time shall be null and void, but that at any meeting of Full Council, the Mayor or person presiding as Chairman may extend the period for the transaction of business to 10.30 pm.

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 3 (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 if still a Councillor shall preside if chosen for that purpose by the Councillors present.
- 5.3 If the Mayor and Deputy Mayor are absent from the meeting or if the Deputy Mayor being present is not chosen, then 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 MOTIONS, AMENDMENTS AND QUESTIONS

8.1 Every 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 Motion is relevant.

8.2 If the Head of Governance has any doubts about any 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 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 MOTIONS AND AMENDMENTS

An amendment must be relevant to a Motion 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 Motion before the Council.
- 9.3 No member may submit more than one amendment to a particular Motion or report on the agenda.
- 9.4 If requested by the Mayor, the mover of a Motion or amendment shall put it in writing and hand it to the Mayor before it is discussed or put to the vote. This procedure rule does not apply to Motions or amendments where notice has been given in accordance with these procedure rules.

10. ALTERATIONS TO MOTIONS OR AMENDMENTS

- 10.1 A Member may amend a Motion 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 Motion in their name orally from the floor.

11. WITHDRAWAL OF BUSINESS ITEMS AND AMENDMENTS

- 11.1 The Member who has submitted a Motion 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);
- 12.5 receive reports or adoption of recommendations of committees and officers and any resolutions following on from them;
- 12.6 agree to hear oral representations;
- 12.7 give leave to withdraw a Motion;
- 12.8 extend the time limit for speeches;

- 12.9 move that "the question be now put" (to the vote);
- 12.10 move that "the debate be now adjourned";
- 12.11 move that "the Council do now adjourn";
- 12.12 exclude or to re-admit the press and public under section 100A(4) of the Local Government Act 1972;
- 12.13 move that a Member be not further heard or exclude them from the meeting;
- 12.14 deal in public with a staff matter;
- 12.15 give consent of the Council where consent is required by these procedure rules;
- 12.16 grant urgent action powers.

13 MOTIONS WHICH MAY BE MOVED DURING DEBATE AND CLOSURE MOTIONS

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

- 13.1 To withdraw or amend the Motion;
- 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 Motions 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 Motion 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 Motion 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.
- 15.2 Decisions shall be taken by a majority of those members present and voting except where specific provisions in this Constitution provide otherwise. 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.
- 15.4 For the Council budget meeting the minutes shall reflect on how each Member present voted, on any decision relating to the budget or Council tax.

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 Motion 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

- 18.1 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 further comment from the Leader or appropriate Committee Chairman. In the absence of the appropriate Chairman further comment 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 3 AND 4 OF THE MEETING

20. Rules of Debate

- 20.1 The rules of debate at the meeting are as follows:
- 20.2 Each Motion 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 Motion, or another member of that group, will open the debate. The Leader of each of the other groups, or another member of their group, will then have an opportunity to comment 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 Motion 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 Each of the first speakers from each Group 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 For all other items of business (e.g. reports of Committees or from Officers), each of the first two speakers may speak for a maximum of three minutes and all other speakers a maximum of two minutes.
- 21.3 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment, Motion or recommendation be put to the vote without further debate, or that the order of business be varied. This motion from the Mayor need not be seconded, and will be immediately put to the vote without debate.
- 21.4 The mover of an original Motion shall have a right of reply at the close of the debate on the Motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original Motion has the right to respond or to accept the amendment.

22 Motions

- 22.1 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.

22.2 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 Motion 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 Motion 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.

27 Public Questions to the Leader of the Council

- 27.1 Members of the public are permitted to submit written questions to the Leader in accordance with the following provisions:
- Any question must be delivered by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting. Any questions submitted after that time will not be considered,
 - The question should not relate to a matter previously considered by a committee and subject to the six month rule,
 - The question should not relate to a matter that is within the remit of a committee, or be a matter best addressed by a committee. If this is the case, then the question should be directed to the appropriate committee.

- The question must not be in substance a question that has already been considered by the Leader in the preceding 6 months.

Every question will be answered in writing. The Leader may decline to answer a question in exceptional circumstances and should include the reason for not answering the question. Any questions not answered will be directed to the next relevant meeting of the themed committee.