

**MEETING**

**CONSTITUTION, ETHICS AND PROBITY COMMITTEE**

**DATE AND TIME**

**TUESDAY 2ND SEPTEMBER, 2014**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX**

**TO: MEMBERS OF CONSTITUTION, ETHICS AND PROBITY COMMITTEE (Quorum 3)**

Chairman: Councillor John Marshall  
Vice Chairman: Councillor Melvin Cohen

**Councillors**

Anthony Finn	Dr Devra Kay Alison Moore	Barry Rawlings Joan Scannell
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**Substitute Members**

Richard Cornelius Ammar Naqvi	Sachin Rajput Alan Schneiderman	Peter Zinkin Claire Farrier
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**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Nathan – Head of Governance**

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Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	1 - 20
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Public Question and comments (If any)	
6.	Members' Items (If any)	
7.	Constitution Review	21 - 224
8.	Any other item(s) that the Chairman decides are urgent	

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# Decisions of the Constitution, Ethics and Probity Committee

24 March 2014

Members:

AGENDA ITEM 1

Councillor Melvin Cohen (Chairman)

\*Councillor Joan Scannell (Vice-Chairman, In the chair)

Councillor Jack Cohen

\*Councillor Alan Schneiderman

\*Councillor Richard Cornelius

\*Councillor Mark Shooter

\*Councillor Anthony Finn

Councillor Andrew Strongolou

\*Councillor Alison Moore

\*Councillor Rowan Quigley Turner

\*Councillor Barry Rawlings

(substitute)

\*Denotes Members present

## 1. MINUTES OF LAST MEETING

RESOLVED – That the Minutes of the meeting held on 14 January 2014 be approved as a correct record.

## 2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Melvin Cohen for whom Councillor Quigley Turner substituted. Councillor Scannell as Vice Chairman was in the role of Chair for the meeting.

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

There were none.

## 4. PUBLIC QUESTION TIME (IF ANY)

There were none.

## 5. MEMBERS' ITEMS (IF ANY)

There were none.

## 6. CONSTITUTION DEVELOPMENT

The Head of Governance introduced the report.

RESOLVED

- (1) The Committee having considered the proposed changes to the Constitution as set out in the report, agreed that the below changes be recommended to full Council for adoption:
- (2) That Officers be instructed make the required amendments to the proposed Constitution for inclusion in the papers for Full Council to consider and approve on 8 April 2014.

No	Section	Reference (papers submitted to Committee)	Changes contained within Document	Recommendation to Full Council
1	Responsibility for Functions	Appendix A Pages 25 to 56	<p><b>1) Policy and Resources Committee (P&amp;R)</b></p> <p><b>a) Internal Transformation:</b> P&amp;R has responsibility for internal transformation programmes. Consideration has been given to the involvement of thematic committees prior to P&amp;R decision as most projects arising out of transformation programmes are likely to have specific themes (e.g. Parking Policy, Early Years Review).</p> <p>It is therefore suggested that an addition is made to the Terms of Reference for each theme committee to recognise their role: – “Discussion of transformation schemes not in service plans but not outside the Council’s budget or policy framework”</p> <p><b>Treasury Management:</b> Amend table under heading (2) to say ‘Treasury Management Strategy’ as ‘activity’ will be included within reports to Performance and Contract Management Committee</p> <p><b>Procurement:</b> Add ‘Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs)’, as this is a Resources issue rather than one relating to the performance of existing contracts.</p> <p><b>Barnet Group:</b> Delete (6) and move the following: ‘approve Annual Report of the Barnet Group Ltd’ as this sits better with Performance and Contract Management, relating to the activities of an external Delivery Unit. Approval of the budget and business plan remains with P&amp;R.</p> <p>NOTE: There is an additional recommended addition to the terms of</p>	<p>Agreed as per report with the following amendments:</p> <p>Amend the membership column for all committees to read “Chairman, Vice Chairman, <i>Members and substitutes</i> to be appointed by Council.</p> <p>Delete “remainder” to read “Committee to be made up in accordance with proportionality”.</p> <p><u>Policy &amp; Resources Committee</u> (6) Amend to read “Approve budget and business plan”.</p>

No	Section	Reference (papers submitted to Committee)	Changes contained within Document	Recommendation to Full Council
			<p>reference contained within the report elsewhere on this agenda in respect of the Joint Venture agreement.</p> <p><b><u>Performance &amp; Contract Management</u></b></p> <p>1. Item (2) in the terms of reference only covers external delivery units. It should also include internal delivery units (Adults &amp; Communities; Children’s, Education &amp; Skills; Street Scene; Public Health; Commissioning Group; Assurance). Recommended amendments to the ToR are as follows:  “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 &amp; Communities; Family Services; Education &amp; Skills; Street Scene; Public Health; Commissioning Group; and Assurance”</p> <p>2. Subject to the approval of the amendment to Item (2) above, Item (3) will need to be amended to refer to external delivery units only</p> <p>3. Item (5) – Thematic committees will be able to agree resources subject to these being approved within the budget and MTFs, and should have responsibility for approving contract extensions, variations etc. as long as they are within budget and compliant with the rules around extensions, variations etc. as set out in the CPRs. This has been incorporated within the Contract Procedure Rules. P&amp;R will be required to approve a waiver of CPRs for any procurement activities that are not compliant with CPRs. These have therefore been taken out of this section.</p> <p>4. Amend table under heading (6) to include ‘Treasury Management Performance’</p>	

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			<p>5. Delete under item (6) 'Corporate Procurement (including agreement of the Procurement Forward Plan and ageing exceptions to CPRs)', as this is a Resources issue rather than one relating to the performance of existing contracts.</p> <p>6. Add responsibility previously under P&amp;R 'approve Annual Report of the Barnet Group Ltd' as this sits better under this committee, relating to the activities of an external Delivery Unit.</p> <p><b>Education Children Libraries and Safeguarding Committee</b></p> <p><i>Co-Opted members</i></p> <p>At present, in order to comply with the Local Government Act and other legislation, the Education Overview and Scrutiny Committee provides for Co-opted Members representing the diocesan bodies and parent governors, as follows:</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> <p>It is proposed these rights transfer to the new Education Children Safeguarding and Libraries Committee, but that their voting power is clarified. They will be able to speak on all matters but only vote on education matters. Matters on which they are entitled to vote will be clearly signalled on each agenda.</p>	

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			<p>In addition the Education Children Libraries and Safeguarding Committee needs to have added a new Term of Reference which was omitted and which is common to all theme committees:</p> <ul style="list-style-type: none"> <li>- Develop Fees and Charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee</li> </ul> <p><b>Audit Committee</b></p> <p>These Terms of Reference have been updated to more accurately reflect the Committee's existing responsibilities in respect of Anti-Fraud work.</p>	
2	Full Council Procedure Rules	Appendix B Page 57 to 68	<p>At the meeting of the Committee on 14 January it was agreed in principle to permit written questions to be submitted to the Leader at Full Council. This is the proposed process to be written into Council Procedure Rules:</p> <p>27.1 Members of the public are permitted to submit written questions to the Leader in accordance with the following provisions:</p> <ul style="list-style-type: none"> <li>• 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,</li> <li>• The question should not relate to a matter previously considered by a committee,</li> <li>• 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.</li> <li>• The question must not be in substance a question that has already been considered by the</li> </ul>	<p>Agreed as per report with the following amendments:</p> <p><u>The Council Procedure Rules</u></p> <p>1(a) – Amend to read “Electing a Mayor and noting the appointment of the Deputy Mayor”</p> <p>1(g) – Amend to read “Appointing the Chairman, <i>Vice Chairman and members of Committees</i>, and other regulatory <i>bodies</i> and approving their respective terms of reference.</p> <p>5.2 – Amend to read “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</p>

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			<p>Leader in the preceding 6 months.</p> <p>Every question will be answered in writing. The Leader may decline to answer a question. Any questions not answered will be directed to the next relevant meeting of the themed committee.</p>	<p>that purpose by the Councillors present"</p> <p>5.3 – Amend to read "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."</p> <p>19.8 – Replace the words "oral elaboration" with "further comment"</p> <p>27.1 (last paragraph) Amend to read –"The question should not relate to a matter previously considered by a committee and subject to the six month rule"</p> <p>"The Leader may decline to answer a question <i>in exceptional circumstances and should include the reason for not answering the question.</i>"</p>
3	Part 4, Section 2- Meetings Procedures	Appendix C Pages 69 to 78	<p>Current Overview and Scrutiny Procedure Rules provide for two non-voting representatives appointed by the Barnet Homes Performance Advisory Group to be invited to attend and speak but not vote at any OSC where an issue relating to housing is being discussed.</p> <p>There is no current provision in the proposed new Constitution for this. The views of the Committee are requested but it is proposed that in practice this,</p>	Agreed as per report.



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			<p>and any other co-optee arrangements, can be discharged through a general power for Chairmen to invite expert witnesses to contribute, which will provide a greater measure of flexibility.</p> <p>A new paragraph has therefore been added at 4.4 to make this explicit.</p> <p>This does not affect the existing membership of Audit Committee which includes two independent non-voting members.</p>	
4	Financial Regulations	Appendix D Pages 79 to 104	<p>These have been reviewed, principally to ensure that the former functions of Cabinet, Cabinet Resources Committee and Cabinet members have been reallocated to appropriate committees. References to the Audit Commission and Council posts that no longer exist have also been changed suitably.</p> <p>The particular attention of the Committee is drawn to table 4.4.3 which consolidates the scenarios in which virements would be posted. It also makes certain scenarios, which were previously silent, explicit (e.g. capital additions and allocations from contingency under £250k). The scheme of delegation gives powers of approvals as follows:</p> <ul style="list-style-type: none"> <li>- to officers in three scenarios; within service virements where the bottom line does not change, contingency allocations below £250k and between service virements below £250k.</li> <li>- to Performance and Contract Management committee for contingency allocations over £250k, in year capital budget and funding transfers between projects and in year project deletions;</li> <li>- to Policy and Resources for resource allocation decisions, i.e. between service virements over £250k and in year capital</li> </ul>	<p>Agreed as per report with the following amendments:</p> <p><u>4.4.3</u> 3rd Row of 1<sup>st</sup> Table – Delete Performance and Contract Management and amend to read “Virements for allocation from contingency for amounts over £250,000 must be approved by <i>Policy and Resources Committee</i>.”</p> <p>9<sup>th</sup> Row of 1<sup>st</sup> Table – Add at the end of sentence “<i>in consultation with the Chairman of Policy and Resources Committee and reported to the next meeting of the Policy and Resources Committee</i>.”</p> <p>4.4.18 – Amend to read “Chief Officers, in consultation with the Chief Finance Officer (section 151 officer), <i>should be encouraged to</i></p>

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			<p>additions to the programme.</p> <p>Explanation of the different roles of Policy and Resources Committee and Performance and Contracts.</p>	<p>explore all feasible.</p> <p>4.4.18 – Delete the last sentence “This may include lobbying Government with new funding proposals”.</p> <p>4.6.6 - Add at the end of sentence “<i>in consultation with the Chairman of Policy and Resources Committee and reported to the next meeting of the Policy and Resources Committee.</i>”</p> <p>5.7.2 (3<sup>rd</sup> bullet point) – Delete the word “should” and replace with “will” and delete “wherever possible”.</p>
5	Contract Procedure Rules	Appendix E Pages 105 to 118	<p>Amendments are required to reflect the new committee system and increase the robustness of the Contract Procedure Rules.</p> <p><u>Section 3 – Scope</u></p> <p>3.2 The current document referred to Exempted services, but this term is not used or authorised therefore has been removed. Approval by Procurement has been removed as it does not relate to any procurement activity and therefore requires Finance approval only.</p> <p><u>Section 7 – Authorisation</u></p> <p>7.1 Removal of additions as this is incorrect. Removal of reference to annual budget as this section relates only to authorisation to procure. Reference ‘Cabinet Resources Committee’ changed to ‘Policy and Resources Committee’ as per the Council change to a committee council structure.</p>	<p>Agreed as per report with the following amendments:</p> <p>15.2 – Amend to read “Directors, Assistant Directors, Lead Commissioners and Heads of Service may take decisions on emergency matters (i.e. an unexpected occurrence requiring immediate action) <i>in consultation with the Chairman of Policy and Resources Committee</i> providing they report to the next available Policy and Resources Committee .....</p> <p>16.12 – Delete Article 11 and amend to read Article 9.</p>

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			<p><u>Section 8 – Procurement Method</u></p> <p>8.2 Additional reference to non-procurement activity in the list to provide complete clarity. Non-procurement defined in definitions.</p> <p><u>Section 12 – Contract Signing and Sealing</u></p> <p>12.3 Formal change of the OJEU threshold due to currency fluctuation. This is a change effected every two years on the 1<sup>st</sup> January.</p> <p><u>Section 13 – Contract Management</u></p> <p>13.1 Increasing the robustness of contract management and action if performance dips. Removed the reference to key performance indicators met, and added key performance indicators are monitored and any reduction in performance is acted upon and recorded;</p> <p>13.4 Formal change of the OJEU threshold due to currency fluctuation. This is a change effected every two years on the 1st January.</p> <p><u>Section 15 – Waivers</u></p> <p>15.4 Removal of ‘and will count as a variation’. A waiver does not necessarily result in a variation of contract and therefore this needs to be removed.</p> <p><u>Section 16 – Definitions</u></p> <p>Re-arrange into alphabetical order.</p> <p><u>Appendix 1 Table A</u></p> <p><i>Procurement Value amended where appropriate</i></p> <ul style="list-style-type: none"> <li>• Formal change of the OJEU threshold due to currency fluctuation. This is a change effected every two years on the 1st January.</li> </ul>	

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			<p><i>Governance</i></p> <ul style="list-style-type: none"> <li>• A proposed revised series of authorisation thresholds have been developed. These reflect the following principles:</li> <li>• Policy and Resources has overall responsibility for procurement strategy and compliance with CPRs, and will sign off the overall Procurement Forward plan to provide democratic authorisation for tender exercises.</li> <li>• Theme Committees are the main vehicles for individual procurements.</li> <li>• Any procurements not on a Forward Plan must be separately agreed by the relevant theme committee</li> <li>• Having a single set of approval procedures for all contracts above the EU threshold, rather than making a distinction between those under or over £500,000.</li> <li>• Acceptance of tenders, provided within budget and not departing from the agreed authorisation, can be agreed by Officers, but above a certain threshold the Chairman of the theme committee must be consulted. This broadly replaces the current powers of individual Cabinet members.</li> </ul>	
6	Asset Land and Property Rules	Appendix F Pages 119 to 132	<p>Changes have been made to reflect the new committee structure and the role of the new Assets, Regeneration and Growth Committee. The frequency of meetings will need to be kept under review to ensure that there are as few urgent transactions as possible which will need to be handled by the Urgency Committee.</p> <p>A number of other changes are proposed to improve the drafting and to reflect current market conditions.</p>	<p>Agreed as per report with the following amendment:</p> <p>Appendix 1, Table A (2<sup>nd</sup> bullet point) – Amend to read “Transactions between £25,000 and £100,000 previously authorised by Cabinet Member delegated power are proposed to be dealt</p>

No	Section	Reference (papers submitted to Committee)	Changes contained within Document	Recommendation to Full Council
			<p>Section 2 - Application</p> <p>2.1 – Inclusion of appropriation (change of status) as this previously missed from the review.</p> <p>2.3 – First bullet changed to be more specific to disposals and additional bullet added for acquisitions.</p> <p>2.4 – Change due to new Committee structure Cabinet Resources Committee to read Assets Regeneration and Growth Committee.</p> <p>2.6 – Changes to the titles of the documents. Asset Management Strategy is now the Strategic Asset Management Plan (SAMP) and Asset Management Plan is now the now the Annual Work Plan (AWP).</p> <p>2.7 – As above</p> <p>2.8 – As above</p> <p>2.9 – Change Asset Management Plan to Annual Work Plan.</p> <p>2.9 (i) - Clarification of disposals of assets within the Annual Work Plan.</p> <p>2.9 (iii) - Inclusion of Appropriation (see 2.1 above)</p> <p>2.10 – Clarification of ancillary accommodation eg sports facilities must be wholly used by the school to transfer to Academy status.</p> <p>2.12 - Changes to the titles of the documents as per 2.6 above.</p> <p>2.15 – Reference made to the Procedures as these must link to the Rules.</p> <p><b>2.16 – This section has been added to describe how to report the</b></p>	<p>with by Officer DPR <i>in consultation with the Chairman of the appropriate Committee</i> (new Row C).</p>

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			<p><b>result of public advertising in the event that there is opposition to the result and no immediate forum is available to report feedback.</b></p> <p><u>Section 3 – Scope</u></p> <p>3.3 - Reference made to The Management of Real Estate, Property and Land Procedures as these must link to the Rules.</p> <p><u>Section 4 – Regulation &amp; Legislation</u></p> <p>4.1 – Removed because it is duplicated within 4.2 and 4.3 (now 4.1 and 4.2).</p> <p>4.2 – Changes to the titles of the documents. –see 2.6 above</p> <p>4.3 – (Now 4.2) Corporate Estates now replaced by the Authority’s Estates Service to reflect outsourcing arrangements.</p> <p><u>Section 5- Roles and Responsibilities</u></p> <p>5 – Sentence re-worded to give clarity on roles and responsibility for Directors who manage Council buildings.</p> <p>5.8 – Addition to the rules to make clear the roles and responsibility of Health and Safety management.</p> <p>5.9 - To ensure that Directors who are responsible for Council buildings work in conjunction with the Authority’s Estates Services.</p> <p><u>Section 6 – Asset Value Consideration</u></p> <p>6.2 - Clarity that the valuer has to be registered.</p> <p>6.3 – Correction as it should have read highest price in comparison to Best Consideration. The word ‘best’ was used incorrectly.</p>	

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			<p>6.4 – Extra clarity of when there is a requirement for special consent and now incorporated into 6.3.</p> <p><u>Section 7 – Authorisation</u></p> <p>7.1 – Change of wording to reflect change to Committee structure (CRC to ARG) and change Asset Management Plan to Annual Work Plan.</p> <p>7.3 - (Now 7.2) Clarification as change of use has planning implications and this section actually refers to service delivery from the building. Change due to Committee structure Cabinet Resources Committee to read Assets Regeneration and Growth Committee.</p> <p><u>Section 8 – Asset Acquisition, Variation and Disposal Method</u></p> <p>8.5 – Clarify the process for a variation to a previous decision.</p> <p><u>Section 12 – Waivers</u></p> <p>Wording added to this section to clarify the process if there is a need for a waiver to the rules to ensure the continuity of Council’s business.</p> <p><u>13 – Definitions</u></p> <p>13.4 – added to included definition of appropriation.</p> <p>13.6 – Asset Management Plan document now call Annual Work Plan.</p> <p>13.9 – The £2million value relates to an approval process and not a definition.</p> <p>13.14 – Addition of leased as this could also be a disposal dependent on length of lease. Best consideration removed as disposal could be less than best. If leased the freehold is retained and not removed from the Asset Register portfolio.</p>	

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			<p>13.15 – Asset Management Strategy should read Strategic Asset Management Plan.</p> <p>13.18 – Expanded the definition to include that market testing includes collation of competitive bids.</p> <p>13.23 – Addition of definition of Council’s Estates Senior Responsible Officer.</p> <p>Appendix 1 Table A</p> <p>Less than £5,000 for property transactions in Barnet is not relevant in today’s market and therefore the lower value has been increase to £10,000 which is still considered low. This will allow the majority of regular commercial lettings to proceed through one common and more efficient process. This will still be a summary DPR sign off.</p> <p>Transactions between £25,000 and £100,000 previously authorised by Cabinet Member delegated power are proposed to be dealt with by Officer DPR. (new Row C).</p> <p>Non value variation post authorisations have been added to capture any amendments that do not have a financial implication.</p> <p>All other changes on the table have been made to reflect the new Committee Structure.</p> <p>Appendix 2 Table B</p> <p>Less than £5,000 for property transactions in Barnet is not relevant in today’s market and therefore the lower value has been increase to £10,000 which is still considered low. This will allow the majority of regular commercial lettings to proceed through one common and more efficient process. This will still be a summary DPR sign off.</p>	



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			All other changes on the table have been made to reflect the new Committee Structure.	
7	HR Regulations	Appendix G Pages 133 to 138	<p>These have been reviewed to cover the following:</p> <p>Generic references to 'Human Resources' have been changed to make clear the Head of Paid Service's statutory responsibilities and to ensure a named position has responsibility;</p> <p>References to the Executive have been deleted.</p> <p>One consequence of this is that any Member, and not only those on the Executive, is able to make a well-founded objection to any proposed Remuneration Committee appointments.</p>	Agreed as per report.
7	Members Code of Conduct	Appendix H Pages 139 to 148	<p>Retain the current Code but make changes where reference has been made to Executive to the following paras:</p> <p>1(4), 8.3, 8.4, 9.2, 12.1, 12.2 and Appendix 2, section (i).</p> <p>At 11.1 add a requirement to declare gifts and hospitality offered but declined, as well as accepted, that are over the £25 de minimis level.</p>	Agreed as per report.
8	Members Planning Code of Practice	Appendix I Pages 149 to 158	No change other than removing reference to Executive at para 1.1	Agreed as per report.
9	Members licensing Code of Practice	Appendix J Pages 159 to 170	No changes proposed.	Agreed.
10	Officer Code of Conduct	Appendix K Pages 171 to 186	No changes proposed.	Agreed.
11	Protocols for Member-Officer	Appendix L Pages 187 to	Below paragraphs have been amended as they made reference to Executive:	Agreed as per report with the following amendments:

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	Relations	202	2.2, 2.4, 5.6, 9.1, 9.2, 13.1	<p>9.9 (6<sup>th</sup> bullet point) - Amend to read "The Chief Executive deals with appointment, induction, discipline and grievances. <i>The representatives of the Groups will conduct the appraisals. The Chief Executive will ensure the appraisals are undertaken by the Groups.</i></p> <p>9.9 (7<sup>th</sup> bullet point) - Amend to read "Council Officers will not require the assistant to divulge confidential information regarding the group, its dealings or its members.</p>
12	Code of Corporate Governance	Appendix M Pages 203 to 216	<p>The Annual Governance Statement needs to be aligned to the Code of Corporate Governance. It is being reviewed with a view to approval by Audit Committee in July.</p> <p>For the time being, the Code has been amended where it makes reference to Executive or Scrutiny function to ensure that it is compliant with the change to a Committee System:</p> <p>2.1, 2.2, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 6.1, 6.3</p>	Agreed as per report.
13	Public Participation Rules	Appendix N Pages 217 to 224	<p>There is a discrepancy between the procedure set out in Tree Preservation Regulations and the Council's Constitution in respect of Public Comments on Tree Preservation Orders.</p> <p>Section 4.1 of the Constitution states "For requests to speak on planning applications or tree preservation orders</p>	Agreed as per report.

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			<p>at planning Committee or Sub-Committee meetings, the following rules apply.” However the term ‘tree preservation orders’ could be ambivalent, as there are two separate procedures;</p> <p>(i) Applications for consent to undertake treatment of tree(s) already included in an Order</p> <p>(ii) The formal procedure of making / confirmation of a Tree Preservation Order itself.</p> <p>In regards to the latter, the Constitution currently allows public speaking in circumstances that appear to undermine the legislative provisions for the making and confirming of TPOs as currently set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012; which is secondary legislation to the Town and Country Planning Act 1990.</p> <p>These detail that, as soon as practicable after making an Order, specified actions need to be undertaken which include serving / making available copies of the Order and information about how to submit objections or other representations in accordance with Regulation 6.</p> <p>Regulation 6 states that objections and representations to an Order must be made in writing within a specified time period and include particular information; and that only if compliance with the stated requirements could not reasonably have been expected, may any other objections or representations be taken into account.</p> <p>Regulation 7 states that the Council must consider duly made objections and representations before deciding whether to confirm an Order.</p> <p><u>Constitution - Public Comments</u></p> <p>There is no requirement in the Constitutional provisions that any</p>	

No	Section	Reference (papers submitted to Committee)	Changes contained within Document	Recommendation to Full Council
			<p>substantive information be submitted – only a request to speak needs to be sent by post or e-mail.</p> <p>Therefore, there is no obligation to submit an objection or representation in accordance with the timeframe and specifications in the Regulations.</p> <p><u>This</u> potentially puts the Council in a position of considering objections or representations that have not been ‘duly made’ as defined by the Regulations and failure to adhere to statutory requirements could result in legal challenge to the validity of a Tree Preservation Order confirmed in such circumstances.</p> <p>Part of the reason for requiring that objections and representations be submitted in writing within a specified timeframe is to allow an opportunity for matters raised to be investigated - which may, for example, involve site visits, further assessment, or cartographical revisions. It would not be possible to undertake such investigations if the first mention of an issue is by a Public Speaker at a Committee or Sub-Committee meeting; and it may not be possible for an Officer to address Speakers or Members queries on new matters.</p> <p>As there is a six month time limit for confirmation of Tree Preservation Orders, there is potential for an Order to lapse if matters are raised at a very late stage with insufficient time for assessment.</p> <p><u>Proposed amendments</u></p> <p>It is therefore proposed that the wording of section 4.1 be amended to clarify that the requests to speak refer only to planning applications or applications for consent to undertake treatment of tree(s) included in a Tree Preservation Order – but not to making / confirmation of a Tree Preservation Order.</p> <p>It is also proposed that section 5.1,</p>	

No	Section	Reference (papers submitted to Committee)	Changes contained within Document	Recommendation to Full Council
			which details exceptions to public speaking arrangements, be amended to include 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 <u>Town and Country Planning (Tree Preservation) (England) Regulations 2012.</u>	

## 7. JOINT VENTURE BOARD AND CONSTITUTIONAL ADDITIONS

The Commercial and Customer Services Director introduced the report.

### RESOLVED

- (1) That the below proposals contained within the report be included in the drafting of the Constitution:

As Cabinet will no longer exist under the new governance arrangements post 2<sup>nd</sup> June 2014, for the List of Reserved Matters from the Joint Venture Agreement that require consent, the consent to agree any reserved matter except for item 8.1.31 (agreement not to pursue a bid) be added to the Policy and Resources Committee Terms of Reference as item 10 of the specific responsibilities.

Under certain circumstances, Clauses 18.3 and 18.4 of the Joint Venture agreement (Appendix B), the Council is obliged to give agreement to the JVCo not to bid as soon as reasonably possible and in any event within 5 business days. Due to this contractual timescale, that this specific task is delegated to the Strategic Director for Growth and Environment in consultation with the Chairman of Policy & Resources Committee and a summary of such decisions be presented to the next Policy and Resources Committee for information.

- (2) That Officers be instructed make the required additions to the Constitution for recommendation to Full Council.

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

There were none.

## 9. VOTE OF THANKS

It being the last meeting of the municipal year 2013/2014, Councillor Joan Scannell as Acting Chairman, thanked all members of the Committee and the Officers for their hard work in carrying out the work of the Committee.

Councillor Richard Cornelius on behalf of the Committee thanked the Chairman, Councillor Melvin Cohen, for the effective way he had conducted the meetings of the Committee in 2013/2014 and also thanked the Vice Chairman, Councillor Joan Scannell.

The meeting finished at 7.55 pm

AGENDA ITEM 7

**Constitution, Ethics and Probity  
Committee**

**2<sup>nd</sup> September 2014**



<b>Title</b>	<b>Constitution Review</b>
<b>Report of</b>	Assurance Director
<b>Wards</b>	None
<b>Status</b>	Public
<b>Enclosures</b>	<p>Appendix A: Introduction                  Appendix B: Article 3                  Appendix C: Article 7                  Appendix D: Article 9                  Appendix E: Article 10                  Appendix F: Article 12                  Appendix G: Responsibility for Functions                  Appendix H: Responsibility for Functions Annex A                  Appendix I: Responsibility for Functions Annex B                  Appendix J: Full Council Procedure Rules                  Appendix K: Meeting Procedure Rules                  Appendix L: Public Participation and Engagement Rules                  Appendix M: Access to Information Rules                  Appendix N: Budget and Policy Framework                  Appendix O: Financial Regulations                  Appendix P: Asset Land and Property Rules                  Appendix Q: HR Regulations                  Appendix R: Protocol for Member-Officer relations</p>
<b>Officer Contact Details</b>	Maryellen Salter, Assurance Director, <a href="mailto:maryellen.salter@barnet.gov.uk">maryellen.salter@barnet.gov.uk</a> , 020 8359 3167

**Summary**

This report seeks discussion and approval of revisions to the Constitution based on the first cycle of meetings under the Committee system of governance.





## **Recommendations**

**1. That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the track change versions attached at Appendix A to Appendix R.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Committee system has had one cycle of meetings and as a result it has been observed how the Constitution works in practice and there are a number of changes proposed as a result to ensure the smooth running of Committees.

1.2 The following table represents the changes proposed to the section of the Constitution (in addition to minor factual corrections and typos) and the reasons for the changes

No.	Section	Reference	Issue Identified	Changes Made
1	Introduction to the Constitution	Appendix A Pages 43 to 48	Citizens Rights Section does not include latest constitutional provision for written questions to Full Council  Minor matter - In the Explanatory Notes, the reference to the working day ending at 11pm it should however end at midnight.	Text amended to clarify that written questions to Full Council are permitted.  Change explanatory note to 12am rather than 11pm.
2	Article 3- Citizens and the Council	Appendix B Pages 49 to 50	The reference to exclusion of press and public from meetings could imply that the whole of a meeting is closed to the public, not just when exempt items are being discussed.	At 3.01 (b) add the words 'part of' to 'the meeting is held in private'
3.	Article 7- Committees, Sub-Area Committees and Forums and the Local Strategic Partnership	Appendix C Pages 51 to 52	Local Strategic Partnership is referred to in the Constitution as a non-statutory body; however in fact this is an advisory Committee with co-opted Members.	Remove the term "non-statutory body" and replace with advisory Committee.
4.	Article 9- Chief Officers	Appendix D Pages 53	Duplication- it is unnecessary to list the specific functions that the Assurance Director can exercise on behalf of the Head of Legal or Head of Governance, as these are	List of functions removed.

No.	Section	Reference	Issue Identified	Changes Made
		to 56	already listed in Responsibility for Functions- Scheme of Delegation to Officers.	
5.	Article 10- Decision Making	Appendix E Pages 57 to 58	Paragraphs 10.04 and 10.05 are insufficiently clear on what Procedure Rules apply, and the difference between Full Council Procedure Rules and Meeting Procedure Rules.	Amendments made to clarify which Procedure Rules apply in particular situations.
6.	Article 12- Review and Revision of the Constitution	Appendix F Pages 59 to 60	Procedures to be followed to change governance system - this section still refers to changes from the Executive Leader and Cabinet system to the Committee System, and so needs to be updated following the authority's transition to the Committee system.	Within 12.01 further procedure added to change to a Cabinet system from a Committee system.
7..	Responsibility for Functions	Appendix G Pages 61 to 68	Whilst having the power to appoint the Head of Paid Service Council also have a power to dismiss the Head of Paid Service, through the process described in the HR Regulations.  The section in Paragraph 5.3 refers to Article 7 of the previous Constitution, in which Area Environment Sub-Committees exercised Executive in addition to Council functions and included provisions for Joint Meetings of Committees, and the relevant sections in that article. The issue about demarcation of boundaries is covered by a	Amend 1.14 of the Full Council Functions to include dismissal of the Head of Paid Service.  Amend Para 5.3 to remove outdated reference and incorporate new para within Terms of Reference of Area Committees under Annex A.

No.	Section	Reference	Issue Identified	Changes Made
			<p>slight amendment in the description of Area Committees under their Terms of reference to make it clear they can only act on matters within their boundary.</p> <p>Paragraph 6.2 and 6.3 describe a process whereby the Chairman of the Area Committee or a specified number of Members of a Committee or Sub-Committee can refer the matter up to Full Council or its parent committee. The legal advice however is that this referral must occur <u>before</u> the decision has been taken at the relevant committee. In addition, 6.2 needs to make clear that any referral that is made must be within the terms of reference of the committee to which it is referred.</p> <p>Paragraph 6.6 and 6.8 need slight amendment to reflect the fact that, as they are no longer sub-committees, Area Planning Committees can refer, rather than refer <i>up</i>, matters to the Planning Committee. These must be matters that are within the Terms of Reference of the Planning Committee, albeit these are broadly defined in terms of town and country planning.</p> <p>Paragraph 6.8 refers to referring up and the last row</p>	<p>Amend 6.2 and 6.3 to state that the referral must occur before the Committee has made a decision on the recommendation. An amendment to 6.2 is also proposed to ensure that a referral can only be made where it is within the committee's terms of reference.</p> <p>Reference to 'referring up' changed to 'referring where within Terms of reference' at 6.6 and 6.8.</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>states all other committees can refer up with 4 members where the Committee has more than 10 members – there is effectively no procedure where there is less than 10.</p>	<p>Replace Membership of 10 or more with 9.</p>
8..	Responsibility for Functions Annex A	Appendix H Pages 69 to 100	<p>i) All petitions that contain between 2,000 and 6,999 signatures currently go to Policy and Resources Committee and then are allocated to the relevant Theme Committee. This has the effect of delaying consideration of the issue.</p> <p>ii). Contract Procedure Rules give theme committees a role to approve authorisation and acceptance of a procurement process but these are not made explicit within the Terms of References of the Theme Committees. As such it is recommended to add into each Theme Committee the specific reference to their procurement authority, in the context of the Contract Procedure Rules and the thresholds set out there.</p> <p>iii) Responsibilities for Neighbourhood Plans (as introduced by the 2011 Localism Act) are currently</p>	<p>Propose that each theme Committee has added to its terms of reference the ability to consider petitions relevant to its remit.</p> <p>Add for each theme Committee '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>Terms of reference of Policy and Resources, Assets Regeneration and Growth, Planning</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>divided between several bodies:</p> <ul style="list-style-type: none"> <li>- Planning Committee – responsible for designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning</li> <li>- Assets, Regeneration &amp; Growth – responsible for Neighbourhood Plans (for adoption by Full Council)</li> <li>- Area Committees – responsible for considering any proposals for Neighbourhood Planning under the 2011 Localism Act and proposing plans to the Assets, Regeneration and Growth Committee.</li> </ul> <p>Responsibility for statutory plans ie the Local Development Framework (renamed as the Local Plan) rests with Policy &amp; Resources Committee.</p> <p>It would be more appropriate to rationalise the number of committees that consider Neighbourhood Development Plans. It is suggested that Planning Committee should determine Neighbourhood Area and Forum designations and Neighbourhood Development Orders, while Policy and Resources approve development of statutory Local</p>	<p>Committees and Area Committees amended accordingly.</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>Plan and Neighbourhood Plans, to enable a joined up approach to spatial planning policy. There would be no additional role for Assets Regeneration and Growth nor Area Committees.</p> <p>iv) General Functions Committee- includes the terms of reference to appointing representatives on outside bodies and appointing representatives on school governing bodies. Under Responsibility for Functions, function 1.8 of Full Council is to 'appoint representatives to outside bodies'. In addition it has been custom and practice for school governing body appointments to be made either at GFC or at Full Council, which meets more frequently. In these circumstances, and to ensure clarity, it is proposed that these be removed from the Terms of Reference of GFC with Full Council having sole responsibility.</p> <p>v) The report to Council on 15 July 2014 amended the existing powers for the Health Overview and Scrutiny Committee (OSC) to establish Joint Health OSCs with other Boroughs for NHS services that cross Borough boundaries, to allow Council to exercise those powers.</p>	<p>These two responsibilities deleted from GFC terms of reference, and Full Council responsibilities clarified that outside bodies includes school governing bodies, at 1.8 of Responsibility for Functions (Appendix G).</p> <p>Text amended to clarify that both HOSC and Council can establish a Joint Health OSC.</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>The recommendation needs clarifying to allow Council to have this power in addition to, and not instead of, the HOSC's powers. It was already agreed at Council that only Council could <i>appoint</i> members to these bodies.</p> <p>vi) The reference to the nature of the Local Strategic Partnership has been amended for the same reason as in Article 7 above.</p> <p>vii) Budget responsibilities of theme committees are ambiguous as they currently stand. Based on the financial regulations in place and the terms of reference of the Policy and Resources Committee, it is suggested that Theme Committees include a reference that they have responsibility to deliver services within their areas of responsibilities within their agreed budget, but have to recommend to Policy and Resources any other matter relating to budgets including budget proposals for the following year, fees and charges proposals, virements or underspends and overspends on their budget.</p>	<p>Text amended.</p> <p>New terms of reference for each theme Committee to cover submitting proposals on the Committee's budget for the following year and making clear that any changes to budget and proposals for fees and charges must go to Policy and Resources.</p>
9.	Responsibility for Functions – Officer of Scheme	Appendix I Pages 101	(i) It is proposed that in addition to the current delegations of the Monitoring Officer to authorise payments of up to	Add to delegated authority of the Monitoring Officer after to authorise payments of up to



No.	Section	Reference	Issue Identified	Changes Made												
	Delegation Annex B	to 124	<p>£5,000 in settlement of maladministration, to make it clear that this is before any finding by the Ombudsman, in accordance with Section 92 of the Local Government Act 2000.</p> <p>(ii) Each Theme Committee has within their terms of reference “grants to the voluntary sector within the remit of the Committee”, but there has been no de minimis level set or a delegation to officers for small amounts. It has been proposed that the Deputy Chief Operating Officer be delegated the responsibility to approve grants up to £5,000. This proposed level is based on the following numbers of grants being assessed year on year and the values:</p> <table border="1" data-bbox="997 763 1391 1512"> <thead> <tr> <th data-bbox="997 1263 1177 1512">Range</th> <th data-bbox="997 1016 1177 1263">Number of grants assessed 2012/13</th> <th data-bbox="997 763 1177 1016">Number of grants assessed 2013/14</th> </tr> </thead> <tbody> <tr> <td data-bbox="1177 1263 1249 1512">£0 - £500</td> <td data-bbox="1177 1016 1249 1263">1</td> <td data-bbox="1177 763 1249 1016">0</td> </tr> <tr> <td data-bbox="1249 1263 1321 1512">£501 - £1000</td> <td data-bbox="1249 1016 1321 1263">2</td> <td data-bbox="1249 763 1321 1016">3</td> </tr> <tr> <td data-bbox="1321 1263 1391 1512">£1,001 - £2,000</td> <td data-bbox="1321 1016 1391 1263">2</td> <td data-bbox="1321 763 1391 1016">1</td> </tr> </tbody> </table>	Range	Number of grants assessed 2012/13	Number of grants assessed 2013/14	£0 - £500	1	0	£501 - £1000	2	3	£1,001 - £2,000	2	1	<p>£5,000 in settlement of maladministration “before any finding by the Ombudsman, in accordance with Section 92 of the Local Government Act 2000”.</p> <p>Under the Scheme of Delegation insert delegations of the Deputy Chief Operating Officer (Deputy Section 151 Officer) to include approving issuance of grants to the voluntary sector for amounts up to £5,000.</p>
Range	Number of grants assessed 2012/13	Number of grants assessed 2013/14														
£0 - £500	1	0														
£501 - £1000	2	3														
£1,001 - £2,000	2	1														

No.	Section	Reference	Issue Identified	Changes Made									
			<table border="1" data-bbox="264 763 472 1514"> <tr> <td data-bbox="264 1263 328 1514">£2,001 - £5,000</td> <td data-bbox="264 1016 328 1263">8</td> <td data-bbox="264 763 328 1016">7</td> </tr> <tr> <td data-bbox="328 1263 392 1514">£5,001 – £10,000</td> <td data-bbox="328 1016 392 1263">12</td> <td data-bbox="328 763 392 1016">12</td> </tr> <tr> <td data-bbox="392 1263 472 1514"><b>Total</b></td> <td data-bbox="392 1016 472 1263"><b>25</b></td> <td data-bbox="392 763 472 1016"><b>23</b></td> </tr> </table> <p data-bbox="472 748 608 1514">The proposal of officers approving grants less than £5,000 will mean approximately half will be approved by a Committee.</p> <p data-bbox="608 748 999 1514">(iii) Section 1.10 sets out delegated powers in respect of virements, in consultation with the Committee Chairman concerned. In Financial Regulations it states that this power is exercised in consultation with the Chairman of Policy and Resources Committee. It is proposed to change section 1.10 to ensure consistency with Financial Regulations.</p> <p data-bbox="999 748 1401 1514">(iv) Section 1.11 sets out some powers of the Section 151 Officer over land and property transactions. These have not been updated to reflect the thresholds included within the Asset, Land and Property Rules that were revised and agreed by Council in the constitutional review. It is suggested that this section is deleted to avoid duplication and ensure consistency of future updates.</p>	£2,001 - £5,000	8	7	£5,001 – £10,000	12	12	<b>Total</b>	<b>25</b>	<b>23</b>	<p data-bbox="703 105 839 748">Under Section 1.10 replace ‘the Committee Chairman concerned’ with ‘the Chairman of Policy and Resources Committee’</p> <p data-bbox="983 105 1166 748">Under Section 1.11 deletion of two bullet points on powers of Section 151 Officer in consultation with Chairman of Assets Regeneration and Growth Committee</p>
£2,001 - £5,000	8	7											
£5,001 – £10,000	12	12											
<b>Total</b>	<b>25</b>	<b>23</b>											

No.	Section	Reference	Issue Identified	Changes Made
10.	Full Council Procedure Rules	Appendix J Pages 125 to 136	<p>(v) Likewise, the table of powers delegated to the Chief Operating Officer (COO)/Director of Finance includes a section on powers in respect to Assets, Land and Property where the thresholds are out of date. It is proposed this section remains but only sets out the general powers and refers to the Asset, Land and Property Rules as the source for setting out the exact rules and thresholds. Again this will ensure consistency in future by only updating in one place.</p> <p><b>Timetabling</b></p> <p>Provision for adjournment motions was agreed by Council in April 2014. It was ambiguous whether the provision that no such motions can be discussed after 10.00pm could be overridden by the Mayor's powers to extend the meeting beyond 10.00pm so it has been made explicit that this is not the case.</p> <p>The powers of the Mayor, or person presiding, to extend the time is currently only set out in Meeting Procedure Rules, and so for completeness and easy reference a</p>	<p>Fourth row from top in COO delegation amended to take out reference to specific thresholds and say that this power must be exercised in accordance with the powers set out in the Asset, Land and Property Rules and legislation relating to Best Consideration.</p>
				<p>Clarification that adjournment debates cannot take place after 10.00pm even if the Mayor has extended the time for business.</p> <p>Additional para 2.2 cross-refers to Meeting Procedure Rules to set out the Mayor's powers to extend the meeting time.</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>section has been added to these rules at 2.2.</p> <p><b>Decisions</b></p> <p>Currently it is not included within the Constitution that decisions shall be taken by a majority of those Members present and voting (although this is the practice), except where statute requires a higher threshold, such as a requirement for a nem com vote to depart from proportionality.</p> <p><b>Rules of debate</b></p> <p>Rule 20.3 allows for reports of Committees to be debated by opening up by the Chairman or Vice Chairman of the relevant Committee and allowing for one more speaker i.e the Leader of each of the other groups, or another member of their group.</p> <p>Rule 21 does not specify the time available for each speaker on other items of Council business (eg reports from Committees or Officers). A suggested set of timings is included which codifies existing custom and practice,</p>	<p>It is proposed to add to 15.2 "Decisions shall be taken by a majority of those members present and voting except where specific provisions in this Constitution provide otherwise".</p> <p>The Committee is asked to consider whether providing a cap on the number of speakers is appropriate.</p> <p>The Committee is asked to consider the suggested amendment at Rule 21.2 which sets out timings.</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>while still allowing the Mayor discretion.</p> <p>Whilst Council has discretion as to its Standing Orders, it is normal for SOs to provide that the mover of a motion may accept an amendment put forward by another member, and remain the mover of the motion, but that where an amendment is carried against the mover, then the mover of the amendment becomes the mover of the substantive motion, and so has the right to sum up at the end of the debate.</p> <p>The order of business at Full Council is discretionary. To aid in the running of the meeting it is proposed that the Questions to the Leader be changed to be first on the agenda after the formalities.</p>	<p>The Committee is asked to discuss whether 20.4 should be changed to ensure that the mover of the substantive motion has the right to end the debate.</p> <p>Part 3 – Questions to the Leader becomes Part 2, and Part 2 Statutory Council Business now becomes Part 3.</p>
11.	Meeting Procedure Rules	Appendix K Pages 137 to 146	<p>Clarify under Members Rights – Member items for the agenda whether a Member’s entitlement to one item of business would include any notice of motion referred by Council. This is to ensure that an item referred from Full Council to a Committee does not count as a Member Item.</p> <p>Rule 12 refers to the circumstances where a referral is</p>	<p>Add under 6.1 “A referral from Full Council will not count as a Member Item for the purposes of this rule”.</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>made to a Committee or Council. It refers to situations where a referral may occur. The provisions in general are confusing and need revision in the light of the new committee system. For example, there is a reference to Planning Committee and General Functions Committee which dates back to the old constitution. The circumstances in which referrals may take place are set out in clause 6 of part 15 and duplication is not advisable. It is therefore suggested that this section should simply refer to clause 6 and require that the original report should be submitted to the Committee or Council as appropriate.</p>	<p>Much of this rule has been deleted and the remainder amended slightly to leave a flexible clause to provide that reports are submitted to the relevant meeting along with any recommendations made.</p>
12.	Public Participation and Engagement	Appendix L Pages 147 to 152	<p>Should Committee agree the proposed change set out above to refer petitions (of 2000-6999 signatures) directly to theme committees rather than Policy and Resources Committee, then the procedure in Section 6.9 will be streamlined to reflect the fact that the Committee considering the issue will be empowered under its Terms of Reference to take its own decision on how to respond.</p> <p>In addition there is no current procedure in the Constitution for Committees to establish Task and Finish</p>	<p>Section 6.9 has been amended to remove requirement for relevant Committee Chairman to attend, since it will be within that Committee's Terms of Reference in any event, and to set out accurately the options available to the Committee to act.</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>Groups or Panels (This does not prevent Members establishing an informal working group to inform the options presented should the Committee request Officers to bring forward a report on the matter to a future committee).</p>	<p>Deletion of Task and Finish Group or Panel as a possible response to petition.</p>
13.	Access to Information Rules	Appendix M Pages 155 to 162	<p>The reference in the heading to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 is no longer required, following the transition to a Committee system.</p> <p>Section 13 - Members' additional rights of access – Members also have a common law "need to know" in respect of any information held by the Council which they need to have access to in order to be able to discharge their functions as a Councillor effectively. Members must state the reason why they need the information when requesting it.</p> <p>In addition, when inspecting documents that a Councillor has a right to inspect there are some procedures that would be useful to guide Members and Officers on how that might occur. These guidelines are not set out in the</p>	<p>Remove reference to Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 from the list of references.</p> <p>Add to 13.1 the following: "Members have a common law right of access to council documents based on a "need to know". When making a request Members should clearly state the reason why they need the information they have requested.</p> <p>Add after 13.5 the following as paragraph 13.6: Where it is not appropriate to send a Member a document on the grounds it is confidential or exempt the following procedures will be adopted for inspection, keeping in mind</p>

No.	Section	Reference	Issue Identified	Changes Made
			<p>law; they are discretionary and stand as a protocol for that inspection process.</p>	<p>paragraph 13.3:</p> <ul style="list-style-type: none"> <li>- Members should have access to the information for supervised reading.</li> <li>- This means that the Member must attend mutually agreed council premises to read the documents.</li> <li>- A paper or electronic copy will not be supplied in these cases nor will photocopying be permitted.</li> <li>- An officer with sufficient understanding and experience to answer any questions should be present, as should a lawyer</li> <li>- In some circumstances Members may be asked to sign confidentiality agreements</li> </ul>
14.	Budget and Policy Framework	Appendix N Pages 163 to 166	<p>The budget and policy framework needs to be amended to set out the specific role for theme committees in budget preparation as they present ideas and options to Policy and Resources Committee for final approval.</p> <p>The Budget and Policy Framework still refers to the</p>	<p>Add within section 3 “procedure for policy development” the following:</p> <p>“(c) Policy and Resources will take into consideration consultation and proposals from theme committees.”</p> <p>Remove section 4 and renumber remaining</p>



No.	Section	Reference	Issue Identified	Changes Made
			<p>Leader (Part 4 adoption of the budget and policies within the statutory framework) which is more appropriate for the Executive Model of governance.</p> <p>The Budget and Policy Framework (section 7) allows in year changes to the statutory policy framework in some circumstances. This does not fit in with the intention for this to be restricted to Council. Provision for urgent decisions is already catered for in section 6..</p>	<p>sections.</p> <p>Remove the latter part of Section 7.</p>
15.	Financial Regulations	Appendix O Pages 167 to 192	The financial regulations are silent on the role of Theme Committees in the budget process. It is suggested that a statement is added on their role in producing proposals for the Policy and Resources Committee.	Add in "Annual Budget Setting" the following:  4.3.3 "Theme Committees will work up proposals for Policy and Resources Committee consideration".
16.	Asset Land and Property Rules	Appendix P Pages 193 to 204	It is suggested that references to the Senior Responsible Officer (the senior officer responsible for client side management of estates) be replaced by a reference to Approved Officer, which would follow the definition in Contract Procedure Rules of a Director, Assistant Director or Head of Service with relevant responsibilities). This allows this power to be exercised by more than one person, for example either the Assistant Director or the	Definition at Para 13 and Tables 1 and 2 changed.

No.	Section	Reference	Issue Identified	Changes Made
			<p>Head of Estates.</p> <p>The implication of this is that there is also a single authorisation process for transactions of up to £10,000 and £25,000, simplifying the Constitution.</p>	<p>Descriptions of Officers in Annex A and B changed, and Rows A and B in Table 1 become a single row.</p>
17.	HR Regulations	Appendix Q Pages 205 to 210	<p>Disciplinary Action – the Chief Executive and the Monitoring Officer should have the specific power to appoint a Designated Independent Person.</p>	<p>Under 2.1.6 (a) second column add “The Head of Paid Service has the power to appoint a Designated Independent Person. Where the process involves the Head of Paid Service the Monitoring Officer shall have this power”.</p>
18.	Protocol for Member Officer Relations	Appendix R Pages 211 to 224	<p>The Code is endorsed by all Group Leaders so needs amending to reflect that there are now only two Political Groups.</p> <p>Section 2.4 includes a description of scrutiny work - the nature of work is still broadly true but an amendment ‘holding the committee and officers <b>and other public services</b>’ would more accurately reflect the specific Overview and Scrutiny arrangements that still survive now that an Executive form of governance has been replaced by a committee form of governance.</p>	<p>Signatories changed.</p> <p>Text added.</p>

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Constitution, Ethics and Probity Committee are required under their terms of reference to proactively review and keep under review all aspects of the Constitution. These proposals are recommended to ensure the smooth running of the Council.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 None considered. The options proposed in this report have been put forward as a result of experience so far in operating the Constitution, for the Committee to consider whether changes are required.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The recommendations will form part of a report for Full Council to make final approval.

## **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 The Council's Constitution under Responsibilities for Functions - the Constitution, Ethics and Probity Committee terms of reference includes "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".

### **5.4 Risk Management**

- 5.4.1 The process of managing changes to the Constitution through the Constitution Ethics and Probity Committee ensures that the proposals 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.

## APPENDIX A

### INTRODUCTION TO THE CONSTITUTION

#### What is the Council's Constitution?

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

The Constitution is divided into the following sections:

#### Introduction to the Constitution

##### **Articles**

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

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

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

##### **Responsibilities for Functions**

##### **The Full Council Procedure Rules**

##### **Meeting Procedure Rules**

##### **Public Participation and Engagement Rules**

##### **Access to Information Rules**

##### **Financial Regulations**

##### **Contract Procedure Rules / Code of Procurement Practice**

##### **Management of Assets, Land and Property Rules**

**Codes and Protocols** (HR Regulations, Members Code of Conduct, Licensing Code of Practice, Members Planning Code of Practice, Officer Code of Conduct, Protocols for Member Officer Relations and Code of Corporate Governance)

##### **Members Allowances Scheme**

## **How the Council operates**

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

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

## **Decision making Structure**

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

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

## **COUNCIL**

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

The Council's functions are set out in detail in the Responsibility for Functions section of the Constitution.

Some functions of Council can be delegated to committees or officers. They cannot be delegated to an individual Councillor.

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

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

## **Urgent and Emergency Decisions**

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

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

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

## **AREA COMMITTEES AND FORUMS**

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

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

### **The Council's Staff**

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

### **Citizens' Rights**

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

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

Citizens have the right to:

- be treated equally
- vote at local elections if they are registered
- contact their local councillor about any matters of concern to them
- obtain a copy of the Constitution
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed
- petition to request a referendum on a mayoral form of executive

- speak at a residents forum as outlined in this Constitution and comment on Council plans and proposals before decisions are made
- ask a question and speak at most meetings, but not meetings of full Council where only written questions are permitted
- see reports and background papers, and any record of decisions made by the Council and its Committees
- complain to the Council if:
  - the Council has not done something it promised to do
  - the Council has treated anyone unfairly or impolitely
  - the Council has not provided a service within the time set
  - another organisation providing services on behalf of the Council has not done so properly
  - there is any other justifiable complaint

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

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

The Council welcomes participation by its citizens in its work.

Citizens have the right to attend all meetings held in public. A weekly list of meetings is available on the Council's website "Barnet On-line" at [www.barnet.gov.uk](http://www.barnet.gov.uk).

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

For further information telephone the Governance Service 020 8359 2000.

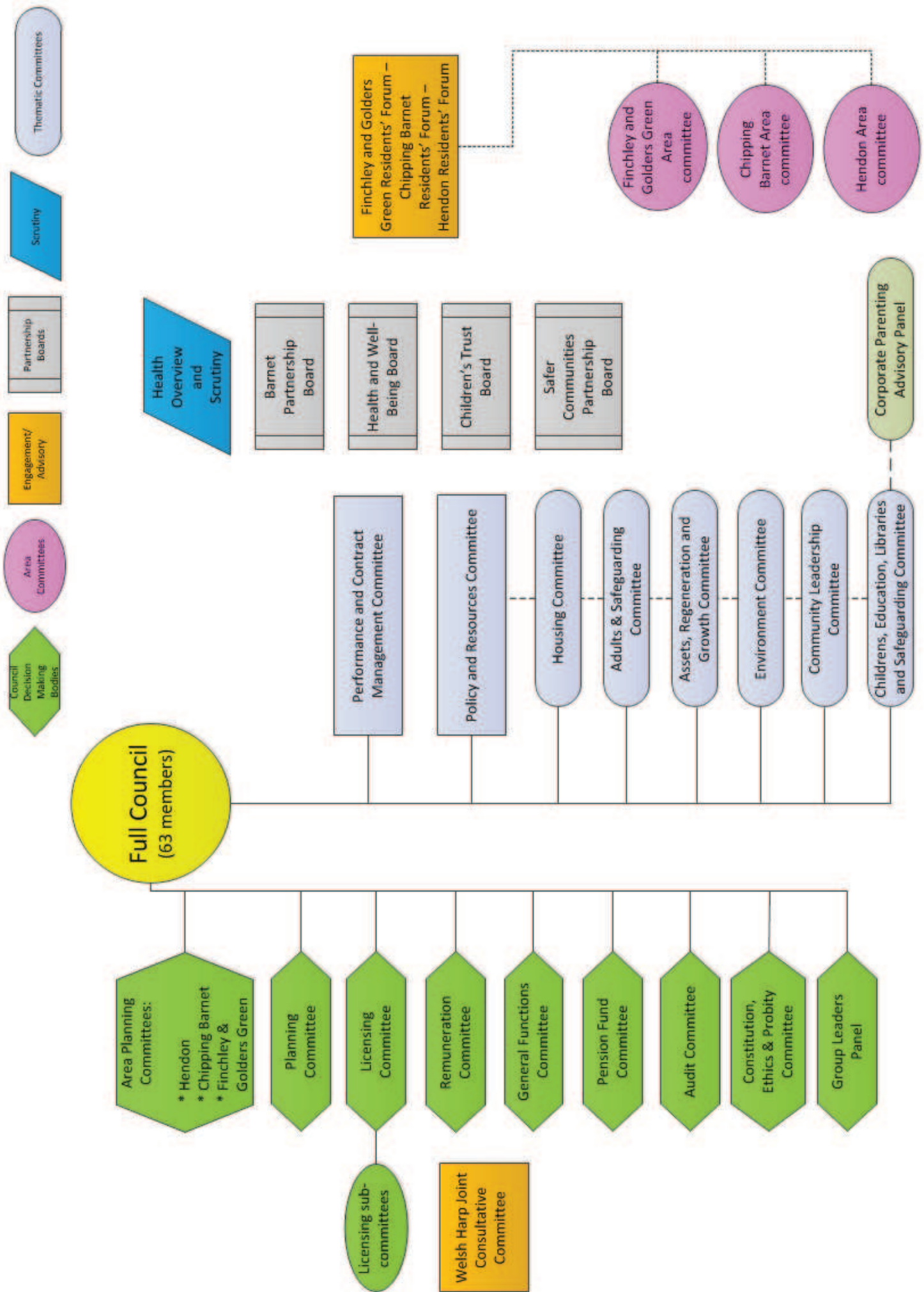
### ***Explanatory Notes***

1. Throughout the Constitution are references to 'Working Day'. For the purposes of the Constitution, a working day is defined as any day, Monday to Friday inclusive, excluding Public Holidays, finishing at ~~4pm~~12am.

2. There are also references to documents, motions, requests, questions, emails, and letters being received on a specified number of 'clear working days' before a



meeting. For the purposes of this definition clear working days do not include the date of the despatch of the document, motion, request, question, emails, or letter or the day of the meeting.



### Article 3 – Citizens and the Council

#### 3.01 Citizens' rights

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

- (a) (i) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution.
- (ii) **Petition scheme.** Citizens who live, work or study in the authority's area and are concerned about a Council service or a decision that is about to be made, may send the Council a petition which shall be considered and responded to in accordance with the Petition Scheme as outlined in the Public Participation and Engagement Rules set out in this Constitution.
- (b) **Information.** Citizens have the right to:
  - (i) Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and ~~that part of the e~~ meeting is therefore held in private;
  - (ii) See agendas, reports and background papers, except where confidential or exempt information is likely to be disclosed , and any records of decisions made by the Council and its committees; and
  - (iii) Inspect the Council's accounts and make their views known to the external auditor.
- (c) **Treatment.** Citizens have the right to:
  - (i) Be treated equally with understanding and respect;
  - (ii) Have equal opportunity with other citizens; and
  - (iii) Receive quality services provided to Best Value principles.
- (d) **Public Engagement.** Citizens have the right to ask questions, receive answers and make comments at committee meetings in accordance with the Public Participation and Engagement Rules and make representations at Residents' Forums.
- (e) **Complaints.** Citizens have the right to complain to<sup>1</sup>:
  - (i) The Council itself under its complaints scheme;
  - (ii) The Local Government Ombudsman (after using the Council's own complaints scheme);
  - (iii) The Monitoring Officer about a breach of the Members Code of Conduct.

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<sup>1</sup> In addition to the right to raise matters with local Councillors  
Article 3 – Citizens and the Council  
June 2014

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## APPENDIX C

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

#### 7.01 Committees

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

#### Sub-Committees and Panels

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

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

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

#### Additional Sub-Committees and Panels

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

#### Appointment of Members to Committees, Sub-Committees and Panels

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

#### Area Committees and Forums and Local Strategic Partnerships

##### 7.05 Area Committees and Forums

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

##### 7.06 Form, composition and function

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

## 7.07 Local Strategic Partnership

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

## APPENDIX D

### Article 9 – Chief Officers

#### 9.01 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated chief officers:

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

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

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

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#### (c) Statutory Officers

The Council will designate the following posts as shown:

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

Article 9 - Chief Officers  
June 2014

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

Such posts will have the functions described in Article 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.

- (b) The Director of Children's Services is responsible for the delivery of the Council's education and social services functions for children, and any health functions for children delegated to the Council by an NHS body.

#### **9.06 Functions of the Director of Adult Social Services**

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

#### **9.07 Functions of the Director of Public Health (DPH)**

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

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

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

#### **9.09 Conduct**

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

#### **9.10 Employment**

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

### Article 10 - Decision Making

#### 10.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual officer has responsibility for particular types of decisions or decisions relating to particular areas or functions.

#### 10.02 Principles of decision making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and equalities;
- (d) a presumption in favour of openness and transparency; and
- (e) clarity of aims and desired outcomes;
- (f) consideration of any alternative options;
- (g) the giving of reasons for the decision and the proper recording of those reasons.

#### 10.03 Type of decision

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

#### 10.04 Decision making by the Full Council

Subject to Article 10.06, the Council meeting will follow the Full Council Procedure Rules in the Constitution when considering any matter. If Full Council Procedure Rules are silent on a matter, then the Meeting Procedure Rules will be followed.

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

Subject to Article 10.06 other Council committees and sub-committees will follow those parts of the Council-Meeting Procedure Rules in the Constitution as apply to them.

#### 10.06 **Decision making by Council bodies acting as tribunals**

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

## Article 12 – Review and Revision of the Constitution

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

### Committee System of Governance

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

#### 12.01 Procedure to be followed to change governance arrangements

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

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

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

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

The Act also specifies that if the Council passes a resolution under the Act to change governance arrangements, it may not pass another resolution to change from one form of governance to another (e.g. from a committee system back to a leader and cabinet system) for 5 years unless a referendum is held on the issue. Subject to the result of the referendum, the relevant provisions of the Localism Act 2011 would then require to be followed in order to bring the new system into effect.

#### 12.02 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Constitution, Ethics and Probity Committee will continue to monitor the effectiveness of the Constitution and decision making structure.

#### 12.03 Changes to the Constitution

- (a) **Approval.** Changes to the Constitution will only be approved by the full Council. The Council may if it considers necessary appoint a special committee to make recommendations for that purpose. Where the Table of Chief Officers in the Constitution needs to be updated, the Head of Governance may make the necessary changes upon receipt of

notification from the Chief Executive that he/she has made changes to these structures following Council or General Functions Committee approval of such changes.

- (b) **Change to a mayoral form of Executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.
- (c) **Change to a Leader and Cabinet form of governance.** If the Council intends to change the form of governance to a Leader and Cabinet form of governance within 5 years of 21<sup>st</sup> January 2014, then it must have held a referendum before passing the necessary resolution.

# 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), 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, ~~and subject to the limitation for deciding matters crossing Committee’s boundary as set out in Article 7 of the Constitution.~~

## 6 MEMBERS’ RIGHTS TO REFER MATTERS TO PARENT BODY

- 6.1 Any Committee listed in the following schedule may decide to report on any matter to Council and any Sub-Committee may report to its parent committee. In such cases the decision is reached by the usual process, such as a majority vote. The report may make recommendations or seek instructions.
- 6.2 A Chairman of an Area Committee may refer any item that it considers with a recommendation to the relevant committee within whose Terms of reference it falls, before the Committee has made a decision on the recommendation in that item.-
- 6.3 A specified number of Members of a Committee or Sub-Committee (see the table below) may require that a matter on which the Committee or Sub-Committee had proposed an action which was as yet untaken is referred up to the next meeting of Full Council or the relevant Committee to which the Committee or Sub-Committee reports, subject to the exceptions set out in 6.5, 6.6 6.7, 6.8 and 6.9 below. This must occur before the decision has been taken at the committee or sub-committee.
- 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 ~~up~~ 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.
- 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 <u>(if within the Terms of Reference of the Planning Committee)</u>
Area Committees	2	Environment or relevant Committee
General Functions Committee	3	The Council
All Other Committees	4 (where Membership <del>10</del> <u>9</u> 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 tiers of responsibilities – the Council, the Pension Fund Committee (PFC) and the Chief Finance Officer. It draws on best practice in other pension funds and guidance provided by the Secretary of State.
- 1.3 As this Pension Fund Committee ~~will now be~~ 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:-

<b>Option 2</b>
<ul style="list-style-type: none"><li>• <i>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;</i></li></ul> <p><i>Substitute members, three from each political group.</i></p>

In line with their responsibilities, only elected members (or their substitutes where appropriate) appointed to the PFC have voting rights at any PFC meeting.

#### 2.2 Responsibilities delegated by Council to the Pension Fund Committee

- 2.2.1 To approve and act in accordance with statutory Pension Fund documents:-
- Statement of Investment Principles
  - Funding Strategy Statement
  - Governance Policy Statement
  - Pension Administration Strategy

- Communication Policy Statement

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

- 2.2.17 To comply with all the 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 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												
<p>Policy and Resources Committee</p>	<p>(1) To be the principal means by which advice on strategic policy and plans is given and co-ordinated and to recommend to Full Council, as necessary, on strategic issues. This is to include:</p> <ul style="list-style-type: none"> <li>• Approval of the Corporate Plan</li> <li>• Council’s Capital and Revenue Budget setting (subject to Full Council) and Medium Term Financial Strategy</li> <li>• Ensuring effective Use of Resources and Value for Money</li> </ul> <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 2092"> <tbody> <tr> <td data-bbox="419 972 735 1137"> <ul style="list-style-type: none"> <li>• Customer Care, Communications and Resident Engagement</li> </ul> </td> <td data-bbox="740 972 1050 1137"> <ul style="list-style-type: none"> <li>• Strategic Partnerships</li> </ul> </td> </tr> <tr> <td data-bbox="419 1144 735 1599"> <ul style="list-style-type: none"> <li>• Equalities, Diversity and Community Cohesion</li> </ul> </td> <td data-bbox="740 1144 1050 1599"> <ul style="list-style-type: none"> <li>• <u>Approve development of statutory Local Plan and Neighbourhood Plans Local Development Framework and associated documents</u> (for adoption by Full Council)</li> </ul> </td> </tr> <tr> <td data-bbox="419 1606 735 1765"> <ul style="list-style-type: none"> <li>• Internal Transformation programmes</li> </ul> </td> <td data-bbox="740 1606 1050 1765"> <ul style="list-style-type: none"> <li>• Local Taxation-Billing, Collection and Recovery</li> </ul> </td> </tr> <tr> <td data-bbox="419 1771 735 1823"> <ul style="list-style-type: none"> <li>• Write off of debt</li> </ul> </td> <td data-bbox="740 1771 1050 1823"> <ul style="list-style-type: none"> <li>• Insurance</li> </ul> </td> </tr> <tr> <td data-bbox="419 1830 735 1951"> <ul style="list-style-type: none"> <li>• Treasury Management Strategy</li> </ul> </td> <td data-bbox="740 1830 1050 1951"> <ul style="list-style-type: none"> <li>• Information Technology provision</li> </ul> </td> </tr> <tr> <td data-bbox="419 1957 735 2092"> <ul style="list-style-type: none"> <li>• Housing Benefit, Council Tax Support and</li> </ul> </td> <td data-bbox="740 1957 1050 2092"> <ul style="list-style-type: none"> <li>• Health and Safety</li> <li>• Mayoralty</li> </ul> </td> </tr> </tbody> </table>	<ul style="list-style-type: none"> <li>• Customer Care, Communications and Resident Engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic Partnerships</li> </ul>	<ul style="list-style-type: none"> <li>• Equalities, Diversity and Community Cohesion</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Approve development of statutory Local Plan and Neighbourhood Plans Local Development Framework and associated documents</u> (for adoption by Full Council)</li> </ul>	<ul style="list-style-type: none"> <li>• Internal Transformation programmes</li> </ul>	<ul style="list-style-type: none"> <li>• Local Taxation-Billing, Collection and Recovery</li> </ul>	<ul style="list-style-type: none"> <li>• Write off of debt</li> </ul>	<ul style="list-style-type: none"> <li>• Insurance</li> </ul>	<ul style="list-style-type: none"> <li>• Treasury Management Strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Information Technology provision</li> </ul>	<ul style="list-style-type: none"> <li>• Housing Benefit, Council Tax Support and</li> </ul>	<ul style="list-style-type: none"> <li>• Health and Safety</li> <li>• Mayoralty</li> </ul>	<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"> <li>• Customer Care, Communications and Resident Engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic Partnerships</li> </ul>													
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Welfare programmes	budget
<ul style="list-style-type: none"> <li>Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs)</li> </ul>	
<p>(3) To submit recommendations to the Council in the event of a difference of opinion arising between committees upon a matter which falls within the terms of reference of more than one committee.</p> <p>(4) To be responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council.</p> <p>(5) To consider and take any necessary action upon proposals for new legislation, Bills before Parliament, Acts of Parliament and other proceedings before Parliament affecting or likely to affect the interests of the Borough or its inhabitants generally where not the specific concern of any other committee(s). The promotion of Bills and Provisional and Statutory Orders in Parliament shall be dealt with by the Council.</p> <p>(6) Approve budget and business plan of the Barnet Group Ltd.</p> <p>(7) To allocate a budget, as appropriate, for Area Committees and agree a framework for governing how that budget may be spent.</p> <p>(8) To represent Barnet’s strategic interests in dealings with sub-regional, regional and national Government and influence relevant tiers of Government</p> <p>(9) To consider petitions <u>within the remit of the Committee</u> that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p><u>(10) Authorise procurement activity within the</u></p>	



	<p><u>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.</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> <table border="1" data-bbox="418 1697 1046 1827"> <tr> <td data-bbox="418 1697 730 1827"> <ul style="list-style-type: none"> <li>Risk Management</li> </ul> </td> <td data-bbox="730 1697 1046 1827"> <ul style="list-style-type: none"> <li>Treasury Management Performance</li> </ul> </td> </tr> </table> <p>(6) Approve the Annual Report of the Barnet Group Ltd.</p> <p>(7) To consider reserved matters of the Joint Venture Company (JVCO).</p>	<ul style="list-style-type: none"> <li>Risk Management</li> </ul>	<ul style="list-style-type: none"> <li>Treasury Management Performance</li> </ul>	<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>
<ul style="list-style-type: none"> <li>Risk Management</li> </ul>	<ul style="list-style-type: none"> <li>Treasury Management Performance</li> </ul>			

	<p><u>(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.</u></p> <p><u>(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.</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>Children, Education, Libraries and Safeguarding Committee</p>	<p>1) Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Planning the adequate provision of school places in the Borough</li> <li>• Investment in educational infrastructure to meet the needs of the Borough’s learners</li> <li>• Development and enhancement of the Library Service</li> <li>• Development of cultural activities</li> <li>• To be responsible for those powers, duties and functions of the Council in relation to Children’s Services (including schools)</li> </ul> <p>(2) Lead the Council’s responsibilities under the Children Act 2004 and Education and inspection Act 2007</p> <ul style="list-style-type: none"> <li>• Oversee effective support for young people in care; and enhance the Council’s corporate parenting role</li> <li>• Oversee the multi-agency Youth Offending Team</li> <li>• Oversee the effective provision of support across partners for the well-being of vulnerable families - including the Troubled Families programme</li> </ul> <p>(3) Approve the Children and Young People Plan and associated sub strategies promoting the following areas:</p> <ul style="list-style-type: none"> <li>• Education</li> </ul>	<p>9</p> <p>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><u>Co-Opted Members</u></p> <p>The following co-opted members will be appointed. They may speak on all matters but cannot vote.</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>

	<ul style="list-style-type: none"> <li>• Inclusion</li> <li>• Child Poverty</li> <li>• Early Intervention and Prevention</li> </ul> <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 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><u>(10) 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.</u></p> <p><u>(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.</u></p> <p><u>(12) 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.</u></p> <p><u>(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</u></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><u>Committee.</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>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"> <li>• Promoting the best possible Adult Social Care services</li> </ul> <p>(2) Work with partners on the Health and Well Being Board to ensure that social care, interventions are effectively and seamlessly joined up with public health and healthcare and promote the Health and Well Being Strategy and its associated sub strategies.</p> <p>(3) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee</p> <p>(4) Specific responsibilities to include:</p> <table border="1" data-bbox="395 1328 1054 1496"> <tr> <td data-bbox="395 1328 722 1496"> <ul style="list-style-type: none"> <li>• Leisure Services.</li> </ul> </td> <td data-bbox="722 1328 1054 1496"> <ul style="list-style-type: none"> <li>• Grants to Voluntary Sector within the remit of the Committee</li> </ul> </td> </tr> </table> <p>(5) To ensure that the Council's safeguarding responsibilities are taken into account.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework</p> <p><u>(8) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with</u></p>	<ul style="list-style-type: none"> <li>• Leisure Services.</li> </ul>	<ul style="list-style-type: none"> <li>• Grants to Voluntary Sector within the remit of the Committee</li> </ul>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>
<ul style="list-style-type: none"> <li>• Leisure Services.</li> </ul>	<ul style="list-style-type: none"> <li>• Grants to Voluntary Sector within the remit of the Committee</li> </ul>			

	<p><u>Public Participation and Engagement Procedure Rules.</u></p> <p><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(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.</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>Environment Committee</p>	<p>(1) To include specific responsibilities for commissioning the following:</p> <table border="1" data-bbox="438 1568 1050 2063"> <tr> <td data-bbox="438 1568 742 1774"> <ul style="list-style-type: none"> <li>Street Scene including pavements and all classes of roads</li> </ul> </td> <td data-bbox="742 1568 1050 1774"> <ul style="list-style-type: none"> <li>Parking provision and enforcement</li> </ul> </td> </tr> <tr> <td data-bbox="438 1774 742 1832"> <ul style="list-style-type: none"> <li>Road Safety</li> </ul> </td> <td data-bbox="742 1774 1050 1832"> <ul style="list-style-type: none"> <li>Street Lighting</li> </ul> </td> </tr> <tr> <td data-bbox="438 1832 742 2063"> <ul style="list-style-type: none"> <li>Transport and traffic management-including agreement of London</li> </ul> </td> <td data-bbox="742 1832 1050 2063"> <ul style="list-style-type: none"> <li>Refuse and recycling</li> </ul> </td> </tr> </table>	<ul style="list-style-type: none"> <li>Street Scene including pavements and all classes of roads</li> </ul>	<ul style="list-style-type: none"> <li>Parking provision and enforcement</li> </ul>	<ul style="list-style-type: none"> <li>Road Safety</li> </ul>	<ul style="list-style-type: none"> <li>Street Lighting</li> </ul>	<ul style="list-style-type: none"> <li>Transport and traffic management-including agreement of London</li> </ul>	<ul style="list-style-type: none"> <li>Refuse and recycling</li> </ul>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to be made up in accordance with proportionality</p>
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Transport Strategy-Local Implementation Plan	
<ul style="list-style-type: none"> <li>• Street Cleaning</li> </ul>	<ul style="list-style-type: none"> <li>• Waste Minimisation</li> </ul>
<ul style="list-style-type: none"> <li>• Waterways</li> </ul>	<ul style="list-style-type: none"> <li>• Allotments</li> </ul>
<ul style="list-style-type: none"> <li>• Parks and Open Spaces</li> </ul>	<ul style="list-style-type: none"> <li>• Fleet Management</li> </ul>
<ul style="list-style-type: none"> <li>• Trees</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery and crematorium and Mortuary</li> </ul>
<ul style="list-style-type: none"> <li>• Trading Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Contaminated land and all statutory nuisances.</li> </ul>
<ul style="list-style-type: none"> <li>• Flood Risk Management (scrutiny aspect)</li> </ul>	

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

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

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

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

(5) Grants to Voluntary Sector within the

	<p>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><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(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.</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>	
Assets, Regeneration and Growth Committee	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Develop and oversee a Regeneration Strategy</li> </ul>	<p>9</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by</p>



	<ul style="list-style-type: none"> <li>• Develop strategies which maximise the financial opportunities of growth- e.g. New Homes Bonus, localisation of business rates</li> <li>• 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)</li> <li>• Engagement with the business community and measures to support local business</li> <li>• Oversee major regeneration schemes- including those of key social housing estates</li> <li>• Town Centre regeneration programmes</li> <li>• Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council</li> <li>• <del>Neighbourhood Plans (for adoption by Full Council)</del></li> </ul> <p>(2) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee.</p> <p>(3) 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><u>(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.</u></p> <p><u>(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</u></p>	<p>Council. Committee to be made up in accordance with proportionality</p>
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	<p><u>Rules.</u></p> <p><u>(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.</u></p> <p><u>(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.</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>	
Housing Committee	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Housing Strategy (incorporating Homelessness Strategy)</li> <li>• 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</li> <li>• Commissioning of Environmental Health</li> <li>• Promote the better integration of privately rented properties into the Borough's framework;</li> <li>• All matters related to Private sector Housing including Disabled Facility Grants</li> <li>• Housing licensing and housing enforcement.</li> </ul> <p>(2) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee.</p> <p>(3) Grants to Voluntary Sector within the remit of the Committee.</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>(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><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(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.</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>	
Community Leadership Committee	<p>Specific responsibilities include:</p> <ul style="list-style-type: none"> <li>• Grants to Voluntary Sector within the remit of the Committee</li> <li>• Registration and Nationality Service</li> </ul>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. Committee to</p>

	<ul style="list-style-type: none"> <li>• Emergency Planning</li> <li>• Civic events</li> </ul> <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>(7) Discussion of transformation schemes not in service plans but not outside the Council’s budget or policy framework.</p> <p><u>(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.</u></p> <p><u>(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.</u></p>	<p>be made up in accordance with proportionality.</p>
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	<p><u>(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.</u></p> <p><u>(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.</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>	
Area Committees	<p><u>In relation to the area covered by the Committee.:</u></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"> <li>• <i>Town Centre Regeneration and Management</i></li> <li>• <i>Sewers, drainage, public conveniences, water courses</i></li> <li>• <i>Refuse collection, litter, cleansing, waste and recycling</i></li> <li>• <i>Parks, open spaces, nature reserves, allotments, recreation and leisure facilities</i></li> <li>• <i>Libraries and Culture</i></li> <li>• <i>Cemeteries and Crematoria</i></li> <li>• <i>Recommending the creation of Conservation Areas to Environment Committee</i></li> <li>• <i>Day to day environmental issues and management of land on Council Housing</i></li> </ul>	<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>

	<p><i>estates</i></p> <ul style="list-style-type: none"> <li>• <i>Local highways and safety schemes</i></li> </ul> <p><del>(3) Considering any proposals for Neighbourhood Planning under the 2011 Localism Act and proposing plans to the Assets, Regeneration and Growth Committee.</del></p> <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>Agreeing increases to fees and charges for licence applications under the Gambling Act 2005.</p> <p>Applications and appeals and revocations relating to Sex Shops, Sex Cinemas and Sex Encounter Establishments.</p> <p>Applications, appeals and revocations relating to Special Treatment Licenses.</p> <p>Application for film classification for films shown within the Borough.</p> <p>Gaming, entertainment, food and miscellaneous licensing including functions relating to: street trading including the designation of permanent pitches for street trading.</p> <p>Safety at sports ground certification.</p>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>
Licensing Sub-Committee	All functions under the Licensing Act 2003 and the Gambling Act 2005 and associated Regulations, as delegated to it by the	<p>3</p> <p>Chairman appointed at</p>

	<p>Licensing Committee.</p> <p>All functions in relation to other licensing as delegated by the Licensing Committee.</p>	<p>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"> <li>1. To consider the audit annual report, plan and opinion.</li> <li>2. To consider summaries of specific internal audit reports as requested.</li> <li>3. To consider reports dealing with the management and performance of the providers of internal audit services.</li> <li>4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.</li> <li>5. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.</li> <li>6. To consider specific reports as agreed with the external auditor.</li> <li>7. To comment on the scope and depth of external audit work and to ensure it gives value for money.</li> <li>8. To liaise with the body responsible over the appointment of the Council's external auditors.</li> <li>9. To commission work from the internal and external audit, proportionate to risk identified and with agreement from Chief Executive.</li> </ol> <p><u>Anti-Fraud Activity</u></p> <ol style="list-style-type: none"> <li>10. To monitor the effective development and operation of the Council's Corporate Anti-Fraud Team (CAFT).</li> <li>11. To consider the anti-fraud strategy,</li> </ol>	<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>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>	
<p>Planning Committee</p>	<p>Take action under Town and Country Planning, and associated legislation including Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges</p> <p>The following functions are reserved to the Committee and cannot be discharged by an Area Sub-committee or officer.</p> <ul style="list-style-type: none"> <li>• planning applications which involve a significant departure from the statutory development plan;</li> </ul>	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>



	<ul style="list-style-type: none"> <li>• planning applications on behalf of the Council or where the Council has a significant interest in the development;</li> <li>• planning applications within the categories of development which must be referred to the Mayor of London; and</li> <li>• matters of significance to the entire borough or where major issues extend across boundaries of <del>sub</del>-committees or across local government boundaries.</li> </ul> <p>(Reports on all the matters reserved to the Committee shall be made direct to the Committee and not through an area <del>sub</del>-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 <u>and considering Neighbourhood Development Orders</u>.</p>	
Area Planning Committees (3)	<p>Determine planning applications within the boundaries of their areas, in accordance with Council policy and within budget, that relate to town and country planning and development control, including tree and hedgerow protection and excluding matters which fall within the terms of reference of the Planning Committee.</p> <p>[For the purposes of this section a planning application is defined as an application for planning permission as defined by the Town and Country Planning Act 1990, as amended, but also includes applications for approval of reserved matters, Listed Building and Conservation Area Consents and consent under Tree Preservation Orders and Hedgerow legislation.]</p> <p>This excludes the functions reserved to the Planning Committee</p> <p>If in cases where the Council has a minor interest in developments where a decision is</p>	<p><b>Chipping Barnet Area Planning Committee</b></p> <p>7 (one councillor representing each of the following Wards:</p> <p>Underhill High Barnet East Barnet Oakleigh Brunswick Park Coppetts Totteridge</p> <hr/> <p><b>Finchley and Golders Green Area Planning Committee</b></p> <p>7 (one councillor representing each of the</p>



	<p>required by a Committee, the Strategic Director for Growth and Environment will refer the matter to the appropriate Area Planning Committee.</p> <p><b>Relevant Considerations for Area Planning Committees</b></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"> <li>● —Chairmen of Area Planning Committees should arrange for site visits to be made in advance of the <u>C</u></li> <li>● <del>C</del>ommittee meeting, particularly where the proposals appear to be contentious or they are of major importance to the area;</li> <li>● 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.</li> </ul> <p>B. In so far as developments where the Council has minor interests in the development, these matters will normally be dealt with by the Assistant Director of Planning and Development Management under delegated powers, unless it proves necessary to refer them to Committee. These are:</p> <ul style="list-style-type: none"> <li>● Minor developments on the public highway or Council owned land – including crossovers, hard standings/ramps, bus shelters, advertisements, satellite dishes, etc.</li> <li>● Minor extensions or ancillary building proposals less than 1000 sq. m to buildings or property, including minor school extensions, housing estate, ancillary</li> </ul>	<p>following Wards:  East Finchley  West Finchley  Woodhouse  Childs Hill  Finchley Church End,  Garden Suburb  Golders Green</p> <p><b>Hendon Area Planning Committee</b></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>buildings, community services, etc.</p> <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"> <li>• <del>Appointing representatives on outside bodies</del></li> <li>• <del>Appointing representatives to School Governing Bodies</del></li> <li>• Staff matters (i.e. salaries and conditions of service) other than those within the remit of Remuneration Committee</li> <li>• Polling Stations</li> <li>• Ward Boundaries</li> <li>• Elections in general</li> </ul> <p>Where decisions have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Policy and Resources Committee.</p> <p>Collective Disputes - In accordance with the Council's Trade Union and Employee Engagement Framework, certain disputes may be referred to the General Functions Committee.</p> <p>a) Only where there has been a failure to agree at People Management Group about the implementation (or proposed implementation) of change affecting working arrangements can the matter be referred to the General Functions Committee at its next scheduled meeting.</p> <p>(b) Issues concerning working arrangements which are submitted to the General Functions Committee will be supported by the minutes of the People Management Group which considered the matter.</p> <p>(c) Where the matter is not resolved at this point, the Collective Disputes Procedure is regarded as exhausted and the Council will advise trade unions and employees of its intentions.</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<p>(d) When considering the report, a representative of the trade unions may be requested to speak with the consent of the Chairman or be questioned by the Committee before a decision is made.</p> <p>(e) Consider reports on restructure in line with the HR Regulations.</p>	
Constitution, Ethics and Probity Committee	<p>To have responsibility for overseeing the Council's governance arrangements.</p> <p>Proactively to review and keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council.</p> <p>To consider and make recommendations to the Council on: (i) how it can satisfy the continuing duty to promote and maintain high standards of conduct for Members; (ii) on the Code of Conduct for Members; and (iii) on ethical standards in general across the authority.</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>
Group Leaders Panel	<p>To investigate and determine allegations of a breach of the Code of Conduct for Members in the context of satisfying the Council's continuing duty to promote and maintain high standards of conduct for Members.</p>	<p>5 (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	<p>As set out in the Pension Fund Governance Compliance Statement appended.</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>
Remuneration Committee	<p>In accordance with supplementary guidance issued by the Department for Communities &amp; 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</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>Remuneration Committee will:</p> <p>Decide on and report back to Council on</p> <ol style="list-style-type: none"> <li>a. Chief Officer salary packages</li> <li>b. Salary packages to be offered of £100,000 or more</li> <li>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).</li> </ol> <p><b>Responsibilities</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>• The level and elements of remuneration for each Chief Officer;</li> <li>• Relationship of the remuneration of Chief Officers and other officers;</li> <li>• A description of the relationship between decisions made on the lowest paid and top paid employees in the organisation;</li> <li>• Remuneration of the lowest paid (with the definition of the lowest paid and the reasons for adopting that definition);</li> <li>• Remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments;</li> <li>• Transparency arrangements;</li> <li>• Reasons for chosen approach to remuneration levels and how this is to be implemented;</li> <li>• Differences of approach to groups of employees and the reasons for them;</li> </ul> </li> </ol>	<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>
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	<ul style="list-style-type: none"> <li>• Pay dispersion.</li> <li>• Incremental progression factors</li> <li>• Use of honoraria and ex-gratia payments</li> <li>• Determine remuneration parameters for officers who have returned to work for a local authority</li> <li>• Appointment and remuneration terms</li> </ul> <p>b. To review annually remuneration, as defined above, for the Council's Chief Officers except those elements determined nationally or pensions.</p> <p>c. To keep under review the terms &amp; 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"> <li>• The employees of Barnet Group</li> <li>• Contractors</li> <li>• Shared management schemes</li> <li>• Outplacements</li> <li>• Agency and other staff</li> </ul> <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>	
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	<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"> <li>• The Council’s own HR function</li> <li>• National and/or Regional employers’ organisations</li> <li>• Independent consultancy organisations with relevant experience in pay market analysis</li> <li>• Submissions made by the Associations on behalf of their members and make recommendations thereon.</li> </ul> <p>k. To ensure that the Public Sector Equality Duty, as set out by the Equality Act 2010, is applied throughout the pay and reward structure.</p> <p>l. To take cognisance of the CLG Code of Recommended Practice for Local Authorities on Data Transparency.</p> <p>m. To reference back to previous year’s actual remuneration for Chief Officers and senior employees ( definition of senior employee is consistent with CLG Code of Recommended Practice for Local Authorities on Data Transparency).</p> <p>n. To obtain assurance that adequate internal and external moderation and benchmarking takes place when senior posts are subject to job evaluation.</p> <p>o. To take account of forward plans and the impact of remuneration on workforce planning, talent management and succession planning.</p> <p>p. To review remuneration arising from performance management and ensure that any performance-related pay mechanisms are fair and transparent.</p> <p>q. To refer such items as necessary to the Council.</p> <p>r. To refer to guidance from the Secretary of</p>	
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	<p>State.</p> <p>s. To deal with Chief Officer Appointments, Discipline and Capability matters.</p> <p><b>Protocols</b></p> <p>t. To declare any conflicts of interest.</p>	
Health and Well-Being Board	<p>(1) To jointly assess the health and social care needs of the population with NHS commissioners, and apply the findings of a Barnet joint strategic needs assessment (JSNA) to all relevant strategies and policies.</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</p>	<p>Chairman, Vice Chairman, Members and 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>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 outcomes.</p> <p>(9) Specific responsibilities for:</p> <ul style="list-style-type: none"> <li>• Overseeing public health</li> <li>• Developing further health and social care integration.</li> </ul>	<p>Allow voting rights to members other than Members of the Council.</p>
<p>Health Overview and Scrutiny Committee</p>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>5. Both Council <u>and the Health and Well-Being Board are</u> 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</li> </ol>	<p>9</p> <p>Chairman, Vice-Chairman, Members and substitutes to be appointed by Council</p>



	<p>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.</p> <p>6. Appointment of Members to any such Committees established can only be made by Full Council.</p>	
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	<p>Residents Forums provide an opportunity for any resident to raise local matters. Items and questions must be received by the Governance Service by 10am on the second working day prior to the meeting for the item to be discussed at the Forum.</p> <p>The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period.</p> <p>The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.</p> <p>Petitions on matters relevant to the Constituency only can also be presented.</p> <p>Matters must not relate to Planning or Licensing Issues.</p> <p>Relevant matters raised at the Forum may be referred by the Forum Chairman onto the agenda for the related Area <del>Sub</del>-Committee.</p> <p>Comments made are reported to the relevant decision maker. Decision makers must respond to the issue(s) raised within 20 working days.</p>	A Chairman and Vice-Chairman of each appointed by the Council.

<p>Local Strategic Partnership (Barnet Partnership Board)</p>	<p>(a) A Local Strategic Partnership is an <del>advisory committee - non-statutory body</del> 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</p>	<p>Leader of the Council</p> <p>Other Council representatives to be appointed by Annual Council</p> <p>Senior representatives from:</p> <p>Met Police</p> <p>Middlesex University</p> <p>Barnet Clinical Commissioning Group</p> <p>Community Barnet</p> <p>Brent Cross Shopping Centre</p> <p>Barnet and Southgate College</p> <p>Job Centre Plus</p>
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	<p>arrangements and the progress made in respect of Sustainable Community Strategy 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"> <li>• Be healthy</li> <li>• Stay safe</li> <li>• Enjoy and achieve</li> <li>• Make a positive contribution</li> <li>• Achieve economic well-being</li> </ul> <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</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"> <li>• LB Barnet</li> <li>• Barnet Clinical Commissioning Group</li> <li>• CommUnity Barnet</li> <li>• Barnet and Southgate College</li> <li>• Metropolitan Police</li> <li>• Primary, Secondary and Special Schools</li> </ul>

	<p>delivered by a range of partners. It is leading the development of inter agency 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"> <li>• 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</li> <li>• 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</li> <li>• 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</li> <li>• To develop and carry out on-going review of a strategic three to five year vision</li> <li>• To oversee development, delivery and reviewing of the CYPP</li> <li>• 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.</li> </ul>	
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	Meetings will be quarterly and a quorum will comprise four members provided this consists of: The Chairman or Vice

	<p>(and required) by the 1998 Crime and Disorder Act and subsequent amendments including the 2006 Police and Justice Act and the 2009 Policing and Crime Act. The SCPB operates within the constitutional requirements of Barnet Council, the Metropolitan Police and other partner agencies, who ensure that the Board's approaches to policy formulation and resource allocation are consistent with those of the agencies concerned. It is a thematic subgroup of the Barnet Partnership Board which has overall strategic responsibility and has delegated to the SCPB the responsibility for delivering the Strong Safe Communities for Everyone theme of the Sustainable Community Strategy.</p> <p>It is taking forward one of the objectives in the strategy to develop an Integrated Offender Management system that brings together the different agencies involved in managing the punishment and rehabilitation of offenders in a much more efficient and joined up way, reducing the risks of reoffending and ensuring far more offenders complete their drug rehabilitation successfully.</p> <p>Barnet Safer Communities Partnership is an unincorporated body and therefore it does not have a legal personality. Its members work collectively within their own individual legal frameworks.</p>	<p>Chairman</p> <p>At least one representative each of the Council and the Metropolitan Police.</p> <p>Other current partners are:</p> <ul style="list-style-type: none"> <li>• London Probation Trust</li> <li>• National Probation Service</li> <li>• London Fire Brigade</li> <li>• Barnet Clinical Commissioning Group</li> <li>• MOPAC- Mayor's Office for Policing and Crime</li> <li>• Barnet Safer Neighbourhood Board</li> <li>• Middlesex University</li> <li>• North West London Magistrates' Court</li> <li>• Community Barnet</li> <li>• Victim Support, North London Division</li> <li>• Department for Work and Pensions</li> </ul> <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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## APPENDIX I

### 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 may use whatever means they consider appropriate to discharge those functions within their scheme of delegation, including:

- incurring expenditure and collecting income;
- engaging and deploying staff;
- deploying other resources within their control;
- placing contracts and procuring other resources within or outside the Council.

- 1.4 Specific chief officers have powers to deal with regulation, licensing enforcement, staffing and other statutory matters which are functions for which the Council is responsible, or for which the Council, acting as Licensing Authority, is responsible. These powers must be set out in the Directorate Scheme of Delegation to Officers.
- 1.5 Before any delegated powers report is signed by a Chief Officer he or she must consider whether the issues involved are likely to raise significant levels of public concern or comment or give rise to policy considerations. Where this is the case, the views of the Chairman of the relevant Committee should be sought as to whether or not it is appropriate to use the delegation. All delegated powers reports must indicate that this process has been undertaken.

#### **Recording of delegated powers to Officers**

- 1.6 Formal reporting of officer decisions will take place if actions or decisions involve the following –
- Specific statutory powers
  - The service of formal notice
  - The incurring of expenditure of £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
  - 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 ~~Committee~~ Chairman ~~concerned 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 Section 151 Officer in consultation with the Chairman of Assets, Regeneration and Growth Committee to make decisions about:
  - ~~○ Entering into new leases with a consideration between £25,000 and £50,000 per annum where the council is granting the lease at best consideration in accordance with the Local Government Act 1972.~~
  - ~~○ Acquisitions of land whether freehold or leasehold where the cost of the interest being acquired is between £20,000 and £30,000 per annum or as a one off consideration.~~~~
- The Strategic Director for Growth and Environment to make decisions about:
  - (i) The acquisition of properties under the private sector leasing scheme, for £20,800 per annum or less or as a one off consideration; and
  - (ii) The Strategic Director for Growth and Environment shall have authority to sign the private sector leases as detailed at (i) above
  - All disposals of freehold interests and leases where a capital premium is obtained for the interest will be agreed by Assets, Regeneration and Growth Committee.

### **Restrictions and Conditions**

- 1.12 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 or summary decisions published on the Internet.
- 1.14 They 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;
  - ~~b.~~i. Comply with the Council's Financial Regulations, Contract Procedure Rules and Human Resources ~~Policies-Regulations~~ in force at the time;
- ~~e.~~b. Only incur expenditure within approved limits/estimates;
- ~~d.~~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;
- ~~e.~~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;
- ~~f.~~e. Inform members with specific functional responsibilities and Ward members about the exercise of powers;
- ~~g.~~f. Consult with other relevant officers with proper regard to any

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- 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, 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, 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, <del>new where this represents best consideration, the entering into new leases of less than 21 years, where the consideration is less than £25,000 per annum and at best consideration and where the Council is granting the lease, and</del> acquisitions of land, whether freehold or leasehold, <del>for less than £10,000 per annum or as a one off consideration, 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 to respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.</del>	Local Government Act 1972
<del>To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.</del>	
Responsibility to report if a Council decision will, or is likely to incur, unlawful expenditure or where expenditure exceeds or is likely to exceed the resources available or would cause a loss or deficiency to the Council or entry of an unlawful item of account.	Section 114 and 114a, Local Government Finance Act (1988)
Report on the robustness of the authority's budget calculations and the adequacy of the Council's proposed financial reserves.	Section 25, Local Government 2003
Authority to provide financial information to the media, members of the public and the community.	Council

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

<b><u>Approving the issue of grants to the voluntary sector for amounts £5,000 and below.</u></b>	<b><u>Council</u></b>
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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
The delivery of all assurance functions for the Council including the functions of the Corporate Anti-Fraud Team and Internal Audit.	Council
Ensuring that the Council meets the highest standards of governance, risk management and probity and that sound governance principles are embedded across the organisation and its partners.	Council
Reporting on the contravention or likely contravention of an enactment or rule of law and any maladministration or injustice where an Ombudsman has carried out an investigation.	Section 5 and 5a, Local Government and Housing Act (1989)
Maintenance of the Register of Members' Interests, Gifts and Hospitality	Sections 29 and 30, Localism Act (2011), The Relevant Authorities (disclosable pecuniary interests) Regulations (2012)
Advice to Members 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 Constitution to give effect to decisions of Council and changes of fact and law.	Council
Power to conduct or appoint officers or others to conduct investigations into allegations of breach of the Code of Conduct.	Council
Authority to stop a proposal or decision being implemented if it is considered that any proposal, decision or omission would give rise to unlawfulness or maladministration.	Council
To authorise payments of up to £5,000 in settlement of maladministration <u>before any finding by the Ombudsman, in accordance with Section 92 of the Local Government Act 2000.</u>	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.	
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## 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

### IN ~~THEIR~~HER CAPACITY AS 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-operation between the Council and its partner organisations to improve the well-being of the children within the authority	Section 10 Children Act 2004
Duty to make arrangements to ensure the Council's functions are discharged having regard to the need to safeguarding and promote the welfare of children	Sections 11 and 18, Children Act 2004
Duty to establish a Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding	Sections 13, 14, 15, 16, Children Act 2004



and promoting the welfare of children in the Council's area.	
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

## DIRECTOR OF ADULTS 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 support).	Council

**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	Council
Taking and implementing any decision required for the operational effectiveness of Street Scene services in conjunction with the Chief Executive	Council

## DIRECTOR OF PUBLIC HEALTH (DPH)

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

Responsibility for functions including:

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

	(4), 69 (4) and 172B (4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act.
Duty to ensure plans are in place to protect the population including through screening and immunisation. Provide independent scrutiny and challenge of the plans of the NHS Commissioning Board (CB), Public Health and Environment (PHE) and providers. PHE will support the Director in the duty to hold the NHS CB to account through the provision of data and information on performance against standards. The Director will need to be satisfied that the combined plans of all these organisations will deliver effective screening and immunisation programmes to their local populations.”	National screening and immunisation programmes. Letter from the Department of Health, 23/08/2012, p5.

## **Definitions**

| For the purposes of this scheme the following will ~~is~~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.

## APPENDIX J

### 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
- (a) (ii) Declarations of interest
- (a) (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;
- (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. Declarations of interest
8. Any business remaining from last meeting

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

- ~~14. Questions to the Leader (and Committee Chairmen if he/she has delegated)~~

**Part 2-3 - 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

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

- ~~14. Questions to the Leader (and Committee Chairmen if he/she has delegated)~~

**Break (15 minutes)**

**Part 4 – Business for Debate (45 minutes)**

15. 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.

16. 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, regardless of any extension of the meeting under 2.2 below. 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.

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### **3. EXTRAORDINARY MEETINGS**

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

### **4. BUDGET COUNCIL MEETINGS**

- 4.1 The Council shall hold a Budget meeting at time, date and place fixed by the Council to approve the budget and Council Tax for the ensuing financial year. Only Parts 1 (Statutory Formalities/Announcements) and ~~2~~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 BUSINESS ITEMS, MOTIONS, AMENDMENTS AND QUESTIONS**

- 8.1 Every Business Item, motion, amendment and question shall be relevant to matters within the Council's powers or duties or which affect the borough. The Mayor shall, if need be, give a ruling as to whether the Business Item is relevant.
- 8.2 If the Head of Governance has any doubts about any Business Item, motion, amendment or question for the agenda for reasons of propriety, he or she may refer it to the Mayor.
- 8.3 If the Mayor considers the Business Item, motion, amendment or question to be vexatious, irrelevant, or otherwise improper, the Head of Governance will return it to the Member who submitted it. The Head of Governance will explain to the Member in writing why it will not be included on the agenda circulated for the meeting.

### **9. GENERAL PROVISIONS FOR BUSINESS ITEMS AND AMENDMENTS**

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

- 9.1 refer a subject of debate to a committee for consideration or reconsideration;  
or
- 9.2 change the words (including deleting or adding words) but such changes must not merely have the effect of negating the Business Item before the Council.

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

## **10. ALTERATIONS TO BUSINESS ITEMS OR AMENDMENTS**

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

## **11. WITHDRAWAL OF BUSINESS ITEMS AND AMENDMENTS**

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

## **12. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

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

- 12.1 appoint a Chairman of the meeting;
- 12.2 question the accuracy of the minutes;
- 12.3 move that an item of business in the summons takes precedence;
- 12.4 appoint a committee (including its members, a Chairman and Vice-Chairman and members having related specified duties);
- 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 or Business Item;
- 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 Business Item is under debate no other motion shall be moved except:

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

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

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

### **14 DIVISION AND VOTING**

#### **14.1 Division bell**

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

### **15. VOTING**

- 15.1 All motions and amendments shall be determined by a show of hands except where otherwise provided by law or in these procedure rules. However, the Mayor may use his/her discretion if the feeling of the meeting is clear, subject to any Member of the

Council being able to request a formal vote. In the event of an equality of voting the Mayor shall have the right to exercise a casting vote, in accordance with the provisions of the Local Government Act 1972.

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

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

## **18. VOTING ON APPOINTMENTS**

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

## **19. QUESTION TIME**

19.1 In part 2 of the meeting the Leader of the Council will answer questions from any member of the Council. The Leader may delegate the responsibility for answering to any Chairman of a relevant committee.

19.2 Questions will be put to the Leader in the order in which they are received by the Head of Governance, except that questions shall be ordered so that a question from one political group is followed by a question from another group until all groups have placed one question each. This sequence shall be maintained until all questions have been dealt with or the time limit for question time is reached.

- 19.3 Any Member wishing to ask a question must deliver by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting.
- 19.4 The Head of Governance shall keep a register recording the date and time the question was received. Any member of the Council may inspect the record.
- 19.5 The Leader may agree to answer a question of which notice has not been given, if it relates to urgent business and has been discussed with him/her before the meeting.
- 19.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.
- 19.7 Every question shall be put and answered without discussion.
- 19.8 An answer will take the form of a written reply circulated two working days before the meeting but the Mayor may allow 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 2-3 AND 4 OF THE MEETING**

### **20. Rules of Debate**

- 20.1 The rules of debate at the meeting are as follows:
- 20.2 Each Business Item will be dealt with in turn in the order set out on the agenda. The Business Item need not be seconded. The Member moving the Business Item, or another member of that group, will open the debate. The Leader of each of the other groups, or another member of their group, will then have an opportunity to comment and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.
- 20.3 For reports of Committees (including Overview and Scrutiny Committees), the Chairman of the relevant committee, or the Vice-Chairman in their absence, will move reception of the report and adoption of the recommendations. This report need not be seconded. The leader of each of the other groups, or another member of their group, will then have an opportunity to comment on the recommendation, and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.
- 20.4 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other Members to move amendments. After all the amendments

have been debated the Business Item will be debated. Then the Member, who opened the debate, or his / her nominee, has the right to respond.

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

20.6 The Mayor will then put the item to the vote.

## 21. Time for Debate

21.1 ~~The time allowed will be set out in the timetable.~~ Each of the first three speakers under Rule 20.2 may speak for a maximum of 5 minutes. All subsequent speakers will be limited to a maximum of 4 minutes. At the end of that period of time the Mayor will bring that part of the meeting to a close, whether or not every member wishing or entitled to speak is speaking or has spoken, and whether or not all the business for that part of the meeting has been dealt with. The Mayor will then put the remaining items of business for that part of the meeting to the meeting in turn, and the Council will decide and if necessary vote on each of them without debate.

21.2 For all other items of business (eg 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.~~2-3~~ The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment, Business Item or recommendation be put to the vote without further debate, or that the order of business be varied. This motion from the Mayor need not be seconded, and will be immediately put to the vote without debate.

21.~~3~~4 The mover of an original Business Item shall have a right of reply at the close of the debate on the Business Item, immediately before it is put to the vote. If an amendment is moved, the mover of the original Business Item 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 Business Item must be delivered by e-mail, and received by the Head of Governance by 10.30am at least six clear working days before the day of the meeting. Any Business Item delivered after 10:30am will be recorded as received on the next working day.

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- 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.

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## APPENDIX K

### 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:

<b>Committee</b>	<b>Membership</b>	<b>Substitute Members</b>	<b>Quorum</b>
Planning Committee	11	6 (3 for each political group)	3
<b>Area Planning Committees:</b>			
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
<b>Area Committees</b>			
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

<b>Committee</b>	<b>Membership</b>	<b>Substitute Members</b>	<b>Quorum</b>
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. 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 ~~appointed substitute~~ 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 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. Councillors' rights to attend and speak at Committees or Sub-Committees when they are not a Member**
- 7.1 Councillors may attend any Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote.
- 7.2 Where a Councillor is not a member of the Committee or Sub-Committee, s/he should sit in the public gallery so that it is clear to the public that the Member is not part of the body taking decisions. 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.
- 7.3 Where a Councillor has a right to attend a Committee or Sub-Committee, s/he may speak at a meeting subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent.
- 7.4 The following arrangements apply in the cases of Licensing Committees and Planning Committees:
- 7.4.1 Members may only attend and speak at Licensing Sub-Committees (or the Licensing Committee if it is conducting the hearing or review of determinations under the Licensing Act of 2003 or the Gambling Act of 2005) in accordance with the Members Licensing Code of Good Practice.
- 7.4.2 Members may only address Area Planning Committees on applications which affect their ward.

- 7.4.3 One ward Member who is not a member of the Planning Committee will have the right to address that Committee when it considers any planning application relating to the ward in question. Where the ward is represented by Members from more than one party group one Member from each party group may address the Committee.
- 7.5 Where an Area 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.
- 8. Disorderly Conduct**
- 8.1 If the Chairman considers that a Member is behaving improperly or offensively they reserve the right to prevent the Member from speaking (but not voting) at the meeting. If the disorderly conduct continues the Chairman may require the Member be removed from the meeting. When a Member is removed, they must leave for the entire remaining part of the meeting.
- 8.2 If a member(s) of the public or press interrupts the proceedings at any meeting, the Mayor or Chairman may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chairman may order his/her removal from the meeting place. In the event that the meeting is disrupted the Mayor or the Chairman may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.

## **Motions and Amendments**

### **9. Validity of Motions and Amendments**

- 9.1 Every motion, amendment or question shall be relevant to matters within the Committee, Sub-Committee or panel's terms of reference and to the agenda for the meeting. The Chairman of the meeting shall, if need be, give a ruling as to whether the motion is relevant.
- 9.2 An amendment must be relevant to the motion and shall be to either:-
- 9.2.1 refer a subject of debate to another Committee for consideration or re-consideration; or
  - 9.2.2 change the words (including leaving out words or adding words);
- but such changes must not merely have the effect of negating the motion before the Committee.
- 9.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.



- 9.4 If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved. This is known as the substantive motion.
- 9.5 If the amendment is lost further amendments may be proposed on the original motion.
- 9.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.
- 9.7 All motions which are moved and voted on will be recorded in the decisions of the Committee or Sub-Committee.

### **10. Motions which may be moved during debate**

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

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

### **Decisions**

11. After each meeting decisions made under the Committee or Sub-Committee's delegated powers will be produced and published on the Council's website and will be made available in paper format on request.

### **12. Reports of Committees to Council or parent body**

- 12.1 There are a number of ways Committees and Sub-Committees may refer reports to their parent bodies, 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.  
~~or Council as follows:~~

~~12.1.1 If a matter is outside the powers of the Committee or Sub-Committee, it must be referred to the parent body~~

~~12.1.2 The Chairman of an Area Committee may refer a matter up to the body, together with the Committee's recommendations~~

~~12.1.3 If the majority of members on the Committee or Sub-Committee decide the parent body should consider the matter; (in this case the Committee may either wish to make a recommendation to the parent body or request the parent body's instructions); or~~

~~12.2 In the case of the Planning Committee and General Functions Committee, a summary of the officer's report to the Committee and the recommendations of the Committee will be submitted to the next meeting of the Council where:-~~

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

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

### **13. Reports of Sub-Committees and Panels**

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

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

13.1.2 any Sub-Committee or panel by agreement or majority vote has agreed to suspend a decision on a particular item until the parent Committee has considered the matter.

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

13.1.4 any Area Committee considering a proposal for discharging a function for a location that crosses their boundaries do not approve recommendations submitted to them.

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

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

- 14.1 No business at any meeting of a Committee or Sub-Committee shall be transacted after 10 pm and any business transacted after that time shall be null and void. At 10 pm and without further debate the Chairman shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.
- 14.2 At any meeting of the Council, Planning Committee and 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/~~Sub-Committee's~~ decisions.
- 14.3 Residents Forums will meet at 6.30 pm and will conclude their business by 8.30 pm at the latest, followed by the Area Committee on the same night and same venue at 7 pm or on the conclusion of the Residents' Forum, whichever is later.
- 14.4 If any items remain on the agenda to be dealt with, the Committee or Sub-Committee may decide to call a special meeting or refer the remaining items to the next ordinary meeting.

#### **Voting and recording of votes**

##### **15. Voting at meetings:**

- 15.1 The mode of voting at all meetings of the Council, its Committees, Sub-Committees or panels shall be determined by a show of hands except where otherwise provided by law or in these standing orders.
- 15.2 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.
- 15.3 The Chairman will always have the right to exercise a casting vote in the event of equality of voting on a motion or amendment, in accordance with the provisions of the Local Government Act 1972, provided s/he has voted when the motion or amendment was first put to the vote.

##### **16. Vote to be recorded**

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

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## APPENDIX L

### Public Participation and Engagement

#### 1. Introduction

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

#### 2. Public Questions

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

committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing

### **3. Public Comments**

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

### **4. Public Comments at Planning Committees and [Sub-Area Planning 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 [Sub-Area Planning Committee](#) meetings, the following rules apply.
- 4.2 Requests to speak should be sent by e-mail or post to the Planning Service and **received** by 10am on the third working day prior to the meeting.
- 4.3 A maximum of three speakers are able to address the committee ~~or Sub-Committee~~ on each application. There can be a maximum of two speakers in favour or against an application. The third speaker slot is reserved for the applicant or their representative whose representation will be taken as the last speaker on an item (in order that they can address any comments or concerns raised). Any Councillor wishing to address the Committee ~~or sub-Committee~~ shall have up to 3 minutes and shall be in addition to the two speakers.
- 4.4 Where more than the maximum number of requests to speak have been received, the public shall decide amongst themselves who is to address

the Committee ~~or Sub-Committee~~. If this does not take place, the Chairman shall use their discretion to determine who is able to speak.

4.5 When registering to speak, members of the public will be asked by the Planning Service if they consent to having their details passed on to other supporters or objectors, thus enabling them to put forward views of others who have an interest in and wish to make representations on the application. If public speakers are representing the views of others, written authorisation is required. Written authorisations must be submitted to the Governance Officer before the meeting commences. Where this authorisation is received, the public speaker must inform the Committee in making their presentation who they are representing in their submission.

4.6 At the meeting, each speaker will have a time period of up to 3 minutes to address the Committee ~~or Sub-Committee~~. Committee members will then have the opportunity to question the speaker.

4.7 Members of the public making comments to Planning Committees ~~and Sub-Committees~~ are able to send a substitute if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of the substitution prior to the meeting commencing.

4.8 Where a Planning Committee or Area Planning ~~Sub-Committee~~ is considering an application that has been recommended for refusal by Officers and there are no objectors speaking on the application, the applicant or their representative shall have the right to address the ~~Planning Committee, or Planning sub-Committee.~~

## **5. Restrictions and Exceptions for Public Questions and Comments**

5.1 Public questions and comments are not permitted:

- If they are requests from or in connection with the aims and activities of a political party
- If they would result in the release of confidential information, or which may prejudice enforcement
- If they relate to a matter where this is a right of appeal against any decision of the Council
- If they are defamatory, abusive or offensive

- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the General Functions Committee
- 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 in one of the following ways:
- i) At the relevant Residents' Forum, if the issue raised relates to matters as defined in the Terms of Reference, contained within Article 7 of the Constitution or
  - ii) Be referred to the appropriate Committee and Director who will provide a written response to Lead Petitioner in respect of the issue(s) raised within 20 working days. In this case, the item will be noted at the next Residents Forum, with any action taken.
- 6.7 In relation to petitions considered at Residents' Forums (as referred to at 6.6 i) above), the following actions are available to the Forum:
- i) Take no action
  - ii) Refer the issues as a relevant matter to the relevant Area ~~Sub~~-Committee (which meets immediately after the Residents' Forum). The Chairman of the Forum will present the petition, outline the issues raised by the petitioner(s) and recommend a course of action, in line with the ~~Sub~~-Committee's terms of reference.
- 6.8 In relation to petitions referred to Area ~~Sub~~-Committees as relevant matters, the following actions are available to the ~~Sub~~-Committee:
- Note the petition
  - Ask officers to present a report to a future meeting of the Area sub-Committee
  - Formally refer to a relevant Committee
  - Formally instruct an officer (within their powers) to take action
  - To bring the matter to the attention of the Ward Councillors (who will consider and respond to the issue individually)
- 6.9 In addition to the procedure outlined in paragraphs 6.6 - 6.8 above, petitions which receive 2,000 signatures and over but less than 7,000 will be considered by the next available meeting of the ~~Policy and Resources~~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 ~~Policy and~~

~~Resources~~ the Committee will request that the relevant Chief Officer ~~and Chairman of the relevant Committee~~ attend the meeting to be called to give account with regard to the issue raised. Details of the procedure to be followed at the meeting and the actions available to the Committee are set out below:

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

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

- i) Lead Petitioner is given five minutes to present the petition;
- ii) Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item.
- iii) The relevant Committee Chairman will respond to the issues raised in the petition and outline the 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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## APPENDIX M

### 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  
Freedom of Information Act 2000  
Environmental Information Regulations 2004  
Local Government (Access to Information) (Variation) Order 2006  
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

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

#### 1. SCOPE

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

#### 2. ADDITIONAL RIGHTS TO INFORMATION

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

#### 3. RIGHTS TO ATTEND MEETINGS

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

#### 4. NOTICES OF MEETING

The Council are required to give at least five clear working 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 [www.barnet.moderngov.co.uk](http://www.barnet.moderngov.co.uk)

**5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

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

**6. SUPPLY OF COPIES**

The Council will supply a limited number of publicly available agendas at meetings. Agendas and reports are also available on the website at [www.barnet.moderngov.co.uk](http://www.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) relating to the subject matter of the report which in his/her opinion:

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

but does not include published works or those which he considers disclose exempt or confidential information, the categories which are set out in paragraph 10.4. These documents will be made available on request.

**8.2 Public inspection of background papers**

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

**9. SUMMARY OF PUBLIC’S RIGHTS**

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

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

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

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

**10.2 Exempt information – discretion to exclude public**

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

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

**10.3 Meaning of confidential information**

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

**10.4 Meaning of exempt information**

Exempt information means information falling within the following categories:

	<b>Category</b>	<b>Qualification</b>	<b>Interpretation</b>
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	

	<b>Category</b>	<b>Qualification</b>	<b>Interpretation</b>
		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 The Charities Act 1993.	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.
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in	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



	<b>Category</b>	<b>Qualification</b>	<b>Interpretation</b>
	connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.		<p>information is exempt or not falls to be determined. "labour relations matter" means—</p> <p>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);</p> <p>or</p> <p>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;</p> <p>"Employee" means a person employed under a contract of service;</p> <p>"Office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p>
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	The Public Interest Test Qualification applies, as in 1 above.	

	<b>Category</b>	<b>Qualification</b>	<b>Interpretation</b>
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		
Information which – a) falls within any of paragraphs 1 to 7 above; and b) is not prevented from being exempt by virtue of paragraph 8 above 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			

**NOTE** – The Public Interest Test

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

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

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

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

#### **11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

11.1 The Council may exclude access by the public to reports which in its opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

11.2 The relevant body is requested in the agenda to confirm the action set out in 11.1 by passing a resolution to exclude the press and public from the meeting. Arrangements will be made to recall the press and public immediately should the motion not be passed.

11.3 If the matter is considered in public, any related report will also become available to the public.

#### **12. JOINT COMMITTEES**

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

#### **13. MEMBERS' RIGHTS TO INFORMATION**

13.1 A member of the Council may, for the purposes of his or her duty as a Member and no other, inspect any document that has been considered by a committee or the Council

including background papers. Applications should be made to the Head of Governance and, if available, copies will be supplied upon request. Members have a common law right of access to council documents based on a 'need to know'. When making a request Members should clearly state the reason why they need the information they have requested.

- 13.2 A Member shall not knowingly inspect or request a copy of any document relating to a matter in which s/he:  
is professionally interested; or  
has a pecuniary interest within the meaning of the Code of Conduct for Members as set out in this Constitution.
- 13.3 This shall not preclude the Monitoring Officer from declining to allow inspection of any document which is or would be protected by privilege in the event of legal proceedings arising from the relationship of solicitor and client and should be exempt under either the Freedom of Information Act or the Data Protection Act.
- 13.4 All reports, background papers to reports and minutes kept by any committee shall be open for the inspection of any member of the Council, as soon as the committee has concluded action on the matter to which such reports or minutes relate.
- 13.5 Members also have a legal right under the Local Government Finance Act 1982 to inspect "books, deeds, contracts, bills, vouchers and receipts".

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

- 13.6 Where it is not appropriate to send a Member a document on the grounds it is confidential or exempt the following procedures will be adopted for inspection, keeping in mind paragraph 13.3:
- Members should have access to the information for supervised reading.
  - This means that the Member must attend mutually agreed council premises to read the documents.
  - A paper or electronic copy will not be supplied in these cases nor will photocopying be permitted.
  - An officer with sufficient understanding and experience to answer any questions should be present, as should a lawyer
  - In some circumstances Members may be asked to sign confidentiality agreements, highlighting the members Code of Conduct provisions on confidentiality.

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## APPENDIX N

### Budget and Policy Framework Procedure Rules

#### *References:*

*Chapter 2, DETR Guidance*

*The Local Authorities (Functions and Responsibilities) (England) Regulations 2000*

#### 1. The framework for decisions

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

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

The Council will be responsible for adopting its budget prepared in accordance with the Financial Planning ~~Regulations~~ in the Constitution.

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

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

#### 2. Procedure for policy development

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

- (a) Policy and Resources Committee may initiate a new policy proposal, or a review of an existing policy, by undertaking consultation with the public and/or persons affected by it before referring it to Council or developing it in detail.
- (b) With or without such consultation, Policy and Resources Committee may refer the proposal or review to Council for discussion. Opposition Groups may also refer policy proposals to Council.

#### 3. Procedure for budget preparation

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

- (a) The Council will publish draft budget headlines for discussion at Policy and Resources;
- (b) Policy and Resources Committee will arrange detailed consultation with the public and others where necessary;

~~(c)~~ The theme committees will consider the budget for their areas of responsibility and submit proposals to the Policy and Resources Committee.

~~(e)~~(d) Policy and Resources will take into account any comments made during consultation, and from the theme committees, before deciding to refer the final budget proposals to full Council for adoption.

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#### ~~4.~~ **Adoption of budget and policies within the statutory framework**

~~(a)~~ ~~In the case of a policy that is within the statutory policy framework, and the final budget proposals (both of which are referred to full Council for adoption) the Council may:~~

- ~~• adopt the proposals;~~
- ~~• amend the proposals; or~~
- ~~• refer the proposals back to Policy and Resources~~

~~(b)~~ ~~If it accepts the recommendation of Policy and Resources Committee without amendment, the Council may make a decision which has immediate effect. Otherwise it may only make an in-principle decision. In either case the decision will be made on the basis of a simple majority of votes cast at the meeting.~~

~~(c)~~ ~~The decision will be published and notified to the Leader.~~

~~(d)~~ ~~An in-principle decision will automatically become effective 7 days from the Council's decision, unless the Leader informs the Head of Governance in writing within 5 days that he/she objects and gives reasons why.~~

~~(e)~~ ~~In that case the Head of Governance will place the matter on the agenda for the next Council meeting (and request the Mayor to summon an extraordinary Council meeting if necessary to meet a statutory deadline). The Council will be required to reconsider its decision and the Leader's written submission. The Council may:~~

- ~~• approve Policy and Resources Committee's recommendation by a simple majority of votes cast at the meeting; or~~
- ~~• approve a different decision, which does not accord with the recommendation of Policy and Resources Committee, by a simple majority.~~

~~(f)~~ ~~The decision shall then be made public and implemented immediately.~~

#### **54. Decisions outside the budget or statutory policy framework**

(a) Subject to relevant provisions in the Financial Regulations and Responsibility for Functions) Committees may only take decisions which are not contrary to the budget and statutory policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the statutory policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 8-5 and 6 below.

- (b) If any Committee and any officers, area committees or joint arrangements want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the statutory policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or statutory policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph ~~7-6~~ (urgent decisions outside the budget and statutory policy framework) shall apply.

#### **65. Urgent decisions outside the budget or statutory policy framework**

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

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of Policy and Resources Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of Policy and Resources Committee, the consent of the Mayor will be sufficient, and in the absence of both, the consent of the Deputy Mayor will be sufficient.

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

#### **76. In-year changes to the policy framework**

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

- ~~(a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;~~
- ~~(b) necessary to ensure compliance with the law, ministerial direction or government guidance;~~

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- ~~(c) in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.~~
- ~~(d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.~~

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## 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
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- 5 Financial Administration
  - 5.1 Accounting
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  - 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 Policy and Resources Committee consideration.](#)

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 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.

4.3.9 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.

4.3.10 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.

4.3.11 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.

4.3.12 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.

4.3.13 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~~ 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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# **The Management of Asset, Property and Land Rules**

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## 1 INTRODUCTION

- 1.1 The Council's holdings of Land and Property (the Built Environment) are a Corporate resource. Directors will keep these holdings under review as part of the Property Review Process managed by the Chief Operating Officer.
- 1.2 Asset Portfolio management and its valuation affect the most important decisions a Council makes because the Council is tasked to ensure that the Built Environment supports the delivery and development of its Services and Localism obligations. The Council's reputation is also important and should be safeguarded from any suggestion of dishonesty, corruption or failure to meet legal and fiduciary responsibilities.
- 1.3 Effective Asset Portfolio management maintains the condition of Assets within the Built Environment, reducing the risk of accidents, enhancing compliance with Health and Safety Regulations, and reducing the risk of Manslaughter actions against the Council.
- 1.4 Any change to the Asset Portfolio must comply with the Management of Asset, Property and Land Rules, Council Policy, Constitution and English law. It is a disciplinary offence to fail to comply with the Management of Asset, Property and Land Rules when undertaking Asset Portfolio Development or Maintenance on behalf of the Council. Council employees, Contractors and Service Providers contracted to the Council have a duty to report breaches of these Rules to an appropriate senior manager and the Chief Operating Officer.
- 1.5 All Asset Portfolio Development activities must be undertaken with regard to the high standards of probity and professionalism set out within the Royal Institution of Chartered Surveyors (RICS) Red Book. The Council has a commitment to transparency and it is important that the Measurement and Valuation processes applied to Asset, Property and Land Development are as transparent and open as possible.

## 2 APPLICATION

- 2.1 The Management of Asset, Property and Land Rules provide the governance structure within which the Council may acquire, lease, act as landlord, licence, develop, appropriate, change use of, or dispose of Assets within its Asset Portfolio.
- 2.2 The Council may delegate responsibility to Authorised Service Providers to manage the Council's Asset portfolio on its behalf, within the boundaries set by these Rules.
- 2.3 The aims of these rules are to:
  - ensure Best Consideration is achieved on the disposal of council assets (unless a Less Than Best Transaction is approved).
  - propriety in spending public money (such as for acquisitions)
  - enable the development of a balanced Asset Portfolio which is fit for purpose when applied to the delivery of Council services
  - enable the Built Environment to be maintained and developed in a manner which enhances Social Value;

- ensure that the Council is not exposed to unnecessary risk and likelihood of challenge arising from non-compliant Asset Portfolio activity;
  - ensure compliance with English law and the current standards and methods of Asset Portfolio measurement and valuation and as defined within the RICS Red Book; and
  - enable Council, authorised Third Party Providers and Third Sector Services to be delivered effectively and efficiently across the Borough
- 2.4 The Assets, Regeneration and Growth Committee may, from time to time, recommend to the Constitution, Ethics and Probity Committee and Council that these rules be amended.
- 2.5 Reference must be made to any approved Scheme of Delegation with regard to identifying any manager with the right to initiate change to the Asset Portfolio as delegated by their Director. Schemes of Delegation will be maintained by the relevant Director and will be published on the Council's website.
- 2.6 Reference must be made to the Council Corporate Plan, which informs the Strategic Asset Management Plan and is delivered through the Annual Work Plan.
- 2.7 The Council may delegate responsibility to Authorised Service Providers to develop and deliver the Strategic Asset Management Plan and Annual Work Plan through the adoption of an Approved Management Structure.
- 2.8 The Strategic Asset Management Plan will govern decisions on the future direction and development of the Council's Built Environment.
- 2.9 An Annual Work Plan will govern decisions on whether to:
- i. Dispose of an Asset for purposes in accordance with Corporate Plan objectives, or;
  - ii. Lease, licence or rent an asset, or;
  - iii. Appropriate an asset
- 2.10 When a school takes Academy status they are granted a 125 year lease of the land and buildings at a notional rent. While the council retain the freehold, the school is free to manage, maintain, and licence as it sees fit. It cannot however dispose of its interest. The Academies Act 2010 has a number of qualifications and conditions, but broadly speaking apart from disposal, or granting an interest in the land that will require our consent, they are free to use and manage as they choose. Any ancillary accommodation must be wholly or mainly used by the school to transfer under the Academies Act 2010.
- 2.11 All Qualified Officers who undertake Asset Portfolio maintenance and development must do so in a manner which avoids any potential conflict of interest, is consistent with procedures set out in the Staff Handbook, and complies with the standards defined within the RICS Red Book and other approved Professional Bodies.
- 2.12 The Chief Operating Officer shall maintain, issue and publish the Management of Asset, Property and Land Rules, the Strategic Asset Management Plan and the Annual Work Plan.

- 2.13 Unless the context otherwise requires, terms used in these Management of Asset, Property and Land Rules shall have the meanings ascribed to them as set out in the Definitions section 13 of these rules.
- 2.14 The Management of Asset, Property and Land Rules are not subject to Contract Procedure Rules or the Procurement Code of Practice except when maintenance or alteration works and related services are procured.
- 2.15 Reference must be made to the Management of Assets, Property and Land Procedures for detailed explanation of the processes associated with these Rules.
- 2.16 In the event of reporting the results of public advertising of the disposal of Public Open Space under Section 123 (2) (~~to~~ [of the Local Government Act 1972](#)), if the relevant Director is not able to comply with the normal reporting cycle, and needs to proceed with urgency, then the Director must inform Ward Members of the results of the advertising so that individual Wards are able to consider and make representation to the Director if desired.

### 3 SCOPE

- 3.1 The Management of Asset, Property and Land Rules apply to all changes to the Asset Portfolio owned by or leased to the Council.
- 3.2 Where the Council is entering into a contract as an ~~Agent~~ [agent](#) or in collaboration with another public body or government department, these Rules apply only in so far as they are consistent with the requirements of the body concerned. Where the Council is acting as Principal, the Management of Asset, Property and Land Rules will take precedence.
- 3.3 The procedures associated with these Rules are as detailed in the Management of Asset, Property and Land Procedures.

### 4 REGULATION & LEGISLATION

- 4.1 Any significant changes to existing legislation or measurement standards and methods which impact upon the Asset Portfolio will be reflected in changes to the Annual Work Plan, Strategic Asset Management Plan and the Corporate Plan.
- 4.2 The Management of Asset, Property and Land Rules will be reviewed and updated by the Authority's Estates Services with any significant changes referred to the Constitution, Ethics and Probity Committee in accordance with paragraph 2.12 above.

### 5 ROLES AND RESPONSIBILITIES

Directors of the Council who deliver services from Authority owned or leased buildings are responsible and accountable for the following;

- 5.1 ensuring compliance with English law, Council Policy, the Management of Asset, Property and Land Rules, and the Regulatory Framework defined by the Royal Institution of Chartered Surveyors;
- 5.2 ensuring that Annual Asset valuations are carried out and recorded based upon CIPFA rules;

- 5.3 establishing and maintaining a system of Asset Life Cycle Management, based upon a published register of Council Assets and rolling 5 year Condition Surveys;
- 5.4 identifying, evaluating, recording and appropriately mitigating risk in connection with the delivery of Services through the Council's Asset Portfolio;
- 5.5 maintaining a Scheme of Delegation in accordance with Constitutional requirements;
- 5.6 taking immediate action in the event of a breach of the Management of Asset, Property and Land Rules within their Delivery Unit;
- 5.7 ensuring that proper records are kept of all changes to the Council Asset Portfolio, which may be inspected by a Member of the Council and kept for the period specified in the Council's Records Retention and Disposal Policy;
- 5.8 establishing and administering a Corporate infrastructure for the management of Health and Safety;
- 5.9 Items 5.1 to 5.8 above are to be delivered in conjunction with the Authority's Estates Services.

## 6 ASSET VALUE CONSIDERATION

- 6.1 Assets will be valued using measurements and methods defined within the RICS Red Book.
- 6.2 Asset valuations may only be made by Council Officers or Third Party Agents qualified to do so through membership of RICS, and as a registered Valuer.
- 6.3 Asset acquisition, development and disposal decisions will be taken upon the basis of Best Consideration applicable at the time of the decision, rather than highest price. A Less than Best Consideration offer may be recommended to Council under special circumstances, following approval by the Secretary of State ~~for~~ [for Communities and Local Government](#) if it falls outside the scope of the General [Disposal Consent 2003](#) ~~development Order~~.

## 7 AUTHORISATION

- 7.1 Any Asset acquisition or disposal included in the Annual Work Plan, as approved by Assets Regeneration and Growth Committee, is deemed as Authorised irrespective of value. Any Asset acquisition or disposal which has not been Authorised as set out in 7.1 must be Authorised in accordance with Delegated Powers as shown in Table A in Appendix 1 of these Management of Asset, Property and Land Rules.
- 7.2 The Chief Operating Officer or designated Officer authorised under a Scheme of Delegation may seek a change of service use decision of a Council Asset from the Assets, Regeneration and Growth Committee

## 8 ASSET ACQUISITION, VARIATION AND DISPOSAL METHOD

- 8.1 The method by which an Asset is acquired or disposed of should be based upon market testing to ensure that Best Consideration is obtained wherever possible.



- 8.2 In the event that market testing is not appropriate then an Independent Valuation must be obtained, provided either by a RICS qualified valuer or the District Valuation Service.
- 8.3 The method employed when acquiring or disposing of an Asset must be consistent with those prescribed within the RICS Red Book in order to safeguard Best Consideration.
- 8.4 The Council must apply appropriate Planning and Building Control rules when changing the use of an Asset.
- 8.5 Any variation to a decision taken by Assets, Regeneration and Growth Committee needs to be processed in accordance with the scheme of delegation detailed in Appendix 1.

## 9 INFORMATION GOVERNANCE

- 9.1 When acquiring or disposing of Council Assets the Senior Responsible Council Officer or Third Party Agent must ensure due diligence checks are carried out to provide sufficient guarantees that the seller or buyer technical and organisational security measures for handling and protection of information and data are appropriate, suitable and lawful. This is a requirement under Principle 7 of the Data Protection Act.
- 9.2 Evidence of these checks, copies of policies and guarantees provided by the seller or buyer must be retained by the Delivery Unit responsible for management of the Asset and be regularly reviewed throughout the life cycle of the Asset.

## 10 ACCEPTANCE

- 10.1 Acceptance of Asset acquisition or disposal in all cases is subject to:
  - a. Evidence of Best Consideration;
  - b. Evidence of appropriate consultation when required;
  - c. Budgetary provision;
  - d. A compliant Asset Management process; and
  - e. Confirmation of acceptable financial means of a buyer when considering Asset disposal.
- 10.2 Powers are delegated to Officers to accept the outcome of Asset acquisition or Disposal recommendations subject to [TableABLE B](#) in Appendix 2.

## 11 CONTRACT SIGNING and SEALING

- 11.1 Every contract, deed or contract novation must be in a form approved by the Monitoring Officer (on consultation with HB [Public Law](#)) or delegated Officer.

## 12 WAIVERS

- 12.1 In the event that the application of these rules prevents or inhibits the delivery or continuity of service, Directors or Assistant Directors, Lead Commissioners and Heads of Service may

apply for a waiver. All applications for a waiver of these Land Rules must be submitted to Assets Regeneration and Growth Committee specifically identifying the reason for which a waiver is sought, including justification and risk.

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

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

## 13 DEFINITIONS

13.1 **“Acceptance”** is the authorisation to conclude an Asset acquisition, change or disposal process;

13.2 **“Acquisition”** is the process by which the Council adds Assets to its Asset Portfolio;

13.3 **“Third party Agent”** is a qualified person contracted to act on behalf of the Council;

13.4 **“Appropriation”** - The transfer of land from one service use to another;

13.5 **“Asset Life Cycle Management”** is the overall process by which a Council Asset is managed, from acquisition through ongoing maintenance and alteration, through to addressing dilapidations and disposal;

~~13.6~~ **“Annual Work Plan”** is the annual, detailed plan upon which Asset Portfolio actions are programmed;

~~13.7~~ **“Approved Officer”** means any Director, Assistant Director, Lead Commissioner or Head of Service in accordance with the Scheme of Delegation who has responsibility for client management of the Estates function. all contracts tendered and let by their respective area of responsibility including contract monitoring and management once contract is in place.

~~13.6~~

~~13.7~~13.8 **“Authorisation”** is the approval required to enable an Asset acquisition, change or disposal process to commence;

~~13.8~~13.9 **“Best Consideration”** is the best value that is reasonable obtained for an Asset. Under the Local Government Act 2000;.

~~13.9~~13.10 **“Less Than Best Transaction”** is where Councils may dispose of land at under best value where this is done to secure the promotion or improvement of the economic, social or environmental well-being of the area;

~~13.10~~13.11 **“Budget”** is the annually agreed budget and supporting plans and strategies for each Delivery;

~~13.11~~13.12 **“Built Environment”** is the buildings and other human made space in which people live, work and use for recreation on a day to day basis;

~~13.12~~13.13 **“Condition Surveys”** are detailed reports of the physical condition of an Asset within the Asset Portfolio of the Council;

- ~~13.13~~13.14 **“Corporate Plan”** is the plan which set out the Council’s main strategic challenges and priorities on an annual basis, and the way in which they will be tackled;
- 13.1413.15 **“Disposal”** is the process by which a Council Asset is sold or leased;
- 13.1513.16 **“Strategic Asset Management Plan”** is the strategic planning document designed to develop the Asset Portfolio to achieve the Corporate Objectives of the Council;
- 13.1613.17 **“Lease”** is a legal document which outlines the terms by which the Council agrees to exclusively rent land or property either to or from another Third Party for a specified time;
- 13.1713.18 **“Licence”** is a right to occupy land or a property for a defined period of time;
- 13.1813.19 **“Market Testing”** is the process by which Assets for disposal are offered in the market in order to attract competitive bids to secure best consideration;
- 13.1913.20 **“Monitoring Officer”** is defined within the Constitution as the Chief Officer of the Council, or delegated officer;
- 13.2013.21 **“Asset Portfolio”** is the register of Council Assets (Land and Buildings) wholly or partially owned, or leased by the Council;
- 13.2113.22 **“Red Book”** is the Regulatory Framework of Standards and Best Practice Methods and Processes employed by Members of the Royal Institution of Chartered Surveyors when engaged in Asset Life Cycle Management and Asset Valuation;
- 13.2213.23 **“Royal Institution of Chartered Surveyors” (RICS)** is the Regulatory Body charged with establishing a Framework of Standards, Methods and Processes which are compliant with English law and represent Best Practice within the Asset Management profession;
- ~~13.23 **“Estates Senior Responsible Officer (SRO)”** is the senior responsible officer within the Commissioning Group, who is responsible for Estates Client Management.~~

APPENDIX 1 - TABLE A – Authorisation Delegated Powers<sup>i</sup>

	Authorisation Level <sup>ii</sup>	Acquisitions	Lease in	Lease out for Rent or Consideration	Licences, Easements and Consents	Compensations, Settlements and Covenants	Disposals
<b>A</b>	Less than £10,000	<del>Estates-SRO sign-off with summary DPR</del>	<del>Estates-SRO sign-off with summary DPR</del>	<del>Estates-SRO sign-off with summary DPR</del>	<del>Estates-SRO sign-off with summary DPR</del>	<del>Estates-SRO sign-off with summary DPR</del>	Full DPR – Director or Deputy Chief Operating Officer (unless a Less Than Best Transaction, which must be reported to Assets, Regeneration and Growth Committee (ARG))
<b>BA</b>	£10,001 to Less than £25,000	Summary DPR – <del>Assistant-Director</del> <u>Approved Officer</u>	Summary DPR – <del>Assistant-Director</del> <u>Approved Officer</u>	Summary DPR – <del>Assistant-Director</del> <u>Approved Officer</u>	Summary DPR – <del>Assistant-Director</del> <u>Approved Officer</u>	Summary DPR – <del>Assistant-Director</del> <u>Approved Officer</u>	
<b>C</b>	£25,001 to £100,000	Full DPR – Director or Deputy Chief Operating Officer in consultation with the Chairman of the appropriate Committee	Full DPR – Director or Deputy Chief Operating Officer in consultation with the Chairman of the appropriate Committee	Full DPR – Director or Deputy Chief Operating Officer in consultation with the Chairman of the appropriate Committee	Summary DPR – Director or Deputy Chief Operating Officer in consultation with the Chairman of the appropriate Committee	Summary DPR – Director or Deputy Chief Operating Officer in consultation with the Chairman of the appropriate Committee	

<sup>i</sup> This Table applies to Land and Building activity NOT included in the approved Annual Work Plan

<sup>ii</sup> These values may be either Capital or Annualised Income/Expenditure

<b>D</b>	More than £100,001	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)
<b>E</b>	'Non-Value' Variations post Authorisation	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Report to Assets Regeneration and Growth Committee (ARG)	Summary DPR – Director or Deputy Chief Operating Officer  Report to next Asset Regeneration and Growth Committee (ARG)

**APPENDIX 2 - TABLE B – Acceptance Delegated Powers (Acquisitions and Disposals)**

	Authorisation Level	Acceptance meets Authorisation Criteria and is Compliant	Acceptance does not meet Authorisation Criteria, or is not Compliant
<b>A</b>	Less than £10,000	<del>Estates-SRO</del> <u>Approved Officer</u> sign off with summary DPR	Summary DPR –Assistant Director/Deputy Chief Operating Officer
<b>B</b>	£10,001 to £25,000	Summary DPR - Director/Chief Operating Officer	Summary DPR – Director/Chief Operating Officer
<b>C</b>	£25,001 to £100,000	Summary DPR – Chief Operating Officer note to Assets, Regeneration and Growth Committee	Full DPR Chief Operating Officer
<b>D</b>	More than £100,000	Assets Regeneration and Growth Committee Report	Assets Regeneration and Growth Committee Report

## APPENDIX Q

### HR Regulations

Except for the powers reserved to General Functions Committee and the Remuneration Committee, the offer, appointment, varying and ending of contracts of employment is a matter for the Head of Paid Service. The Head of Paid Service will discharge their responsibilities at an operational level through the Human Resources Director, save as to where such functions may not be discharged by Third Parties. Where a matter sits outside these Regulations then it must be referred to the Head of Paid Service for decision in consultation with the Council's Monitoring Officer.

Where the following issues arise from an organisational restructure, the restructure will be considered to have major implications and a report must be submitted to General Functions Committee for approval:

- The anticipated outcome of statutory consultation will mean that 20 or more employees are put at risk of redundancy/TUPE transferred
- Terms and conditions of employment are to be introduced (this excludes compliance with statutory requirements) or replaced (this means a new term or condition).

#### 1. The Council Establishment

Directors, Assistant Directors, Lead Commissioners and Heads of Service are responsible for the provision of timely and accurate information about Establishment changes so that accurate lists are maintained and to ensure that establishment costs are within budget. Any changes to establishment must be recorded through a delegated powers report.

#### 2. Offer, Appointment, Varying and Ending Contracts of Employment

##### 2.1 Officer Employment Procedure Rules.

The Local Government Act 2000 and the Local Authorities (Standing Orders) Regulations 2001 require the Council to have rules relating to the recruitment, appointment and dismissal of officers. These are set out below in Section 2.1.

##### 2.1.1 *Recruitment and appointment*

###### (a) Declarations

<b>Rule</b>	<b>Action</b>
(i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or of the partner of such	All candidates must complete a code of conduct declaration of interests statement as part of the appointment process.

persons.	
(ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.	The application will be passed to the Human Resources Director for the relevant Chief Officer decision.

(b) Seeking support for appointment

(i) The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.	This forms part of the application process.
(ii) No councillor will seek support for any person for any appointment with the council.	Forms part of the application process.

**2.1.2 Recruitment of Head of Paid Service and Chief Officers**

Where the council proposes to appoint a chief officer (including any appointment that may be made exclusively from among their existing officers), the council will:

<p>(a) draw up a statement specifying:</p> <ul style="list-style-type: none"> <li>(i) the duties of the officer concerned; and</li> <li>(ii) any qualifications or qualities to be sought in the person to be appointed;</li> </ul> <p>(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;</p> <p>(c) make arrangements for a copy of the statement mentioned in paragraphs (1) and 2(a) to be sent to any person on request; and</p> <p>(d) Agree the minimum criteria by which objective selection may be made.</p>	Appointment of Chief Officers is a function reserved to the Remuneration Committee and may include an external appointment process
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**2.1.3. Appointment of Head of Paid Service**

(a) The full council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee of the council. Full Council must also approve the dismissal of the Head of Paid Service.	The Remuneration Committee will make a recommendation on the appointment of the Head of Paid Service for approval by Full Council.
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(b) The full Council may only make or approve the appointment of the Head of Paid Service.	
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#### 2.1.4. **Appointment of Chief Officers**

(a) A Committee of the council will appoint Chief Officers.	Appointment of Chief Officers is a functions reserved to the Remuneration Committee.
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#### 2.1.5. **Other appointments**

##### (a) Officers below Chief Officer.

Appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors.	The Head of Paid Service will ensure that all appointments shall be made in accordance with the Council's contractual terms and conditions.
The Head of Paid Service will consult the Chair of the Chief Officers Appointments Panel before making an appointment of deputy Chief Officers.	The Head of Paid Service will consult the chairman of the Remuneration Committee. Appointment of Deputy Chief Officers will be reported to Remuneration Committee for information.

##### (b) Appointment of political assistants

<p>(i) The council may appoint up to three posts to provide assistance to the members of any political group to which members of the council belong to discharge any of their functions as members of the council.</p> <p>(ii) Each post shall first be allocated to a political group in accordance with Section 9 of the Local Government and Housing Act 1989, and will then fall to be filled from time to time in accordance with the wishes of that group. No post shall be allocated to a political group that does not qualify for one.</p> <p>(iii) No appointment shall be made to any such post until the council has allocated a post to each political group that qualifies for one. No more than one post shall be allocated to any one political group.</p>	<p>The Monitoring Officer will be responsible for the allocation of posts.</p> <p>The Head of Paid Service will ensure that all appointments shall be made in accordance with the Council's contractual terms and conditions.</p>
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### 2.1.6. *Disciplinary action*

<p>(a) <b>Suspension:</b> The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.</p>	<p>The Head of Paid Service will be responsible to ensure that the correct processes are followed. Where the process involves the Head of Paid Service, the Council's Monitoring Officer will be responsible.</p> <p><u>The Head of Paid Service has the power to appoint a Designated Independent Person. Where the process involves the Head of Paid Service the Monitoring Officer shall have this power</u></p>
<p>(b) <b>Independent person:</b> No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.</p>	<p>The Head of Paid Service will be responsible to ensure that the correct processes are followed. Where the process involves the Head of Paid Service, the Council's Monitoring Officer will be responsible.</p>
<p>(c) Councillors will not be involved in the disciplinary action against any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.</p>	<p>The Head of Paid Service will be responsible to ensure that the correct processes within the Council's contractual Terms and Conditions are followed.</p>

### 2.1.7. *Dismissal*

<p>(a) Councillors will not be involved in the dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.</p>	<p>The Head of Paid Service will be responsible to ensure that the correct processes as allowed for within the Council's contractual Terms and Conditions are followed.</p>
<p>(b) Any decision to dismiss the Head of Paid Service must be taken by full Council</p>	
<p>(c) Decisions to dismiss a Chief Officer shall be taken by the Remuneration Committee</p>	

## **2.2 Varying Terms and Conditions of employment**

With the exception of chief officers, terms and conditions for employees will be determined by the Head of Paid Service within the agreed negotiating mechanisms. Where an Individual Market Factor Supplement is to be included for a position on grades LBB1 to LBB7, the Head of Paid Service, Directors or Assistant Directors must consult with the Chairman of the Remuneration Committee and record the results of that consultation through a Delegated Powers Report.

Directors, Assistant Directors, Heads of Service and Lead Commissioners are responsible for the provision of timely and accurate information about changes to individual's Terms and Conditions of employment e.g. work place adjustments and flexible working request.

The Human Resources Director will ensure that contractual variations are properly authorised and allowed for within the Council's contractual Terms and Conditions and are made on an accurate and timely basis.

## **2.3 Leavers**

The Head of Paid Service through the Human Resources Director will ensure that Leavers are managed in accordance with the Council's contractual Terms and Conditions and changes are made on an accurate and timely basis.

## **3 Employee Records**

Directors, Assistant Directors and Lead Commissioners and Heads of Service are responsible for the provision of timely and accurate information about changes to employee Records e.g. absence information and input of Performance Reviews.

## **4. Salaries & allowances payable to Council employees and Pensioners**

The Human Resources Director will ensure that properly authorised payments for Salaries and Allowances shall be made in accordance with the Council's contractual terms and conditions and these will be made on an accurate and timely basis.

## **5. Members Allowances**

5.1 The Chief Finance Officer shall make payments of allowances to Members of the Council, co-opted members and members of the public who attend other Council bodies who are entitled to make such claims on submission of the approved form.

5.2 The Human Resources Director will ensure that these payments are made on an accurate and timely basis.

5.3 The Monitoring Officer will be responsible for notifying the Human Resources Director of any changes to Members' Allowances.

## **6 Pensions Administration**

6.1 The Head of Paid Service through the Human Resources Director will ensure that on an annual basis that each pensioner residing overseas provides a life certificate.

6.2 The Human Resources Director will ensure that on an annual basis that the Council's discretions under Regulation 66 of LGPS (administration) regulations 2008 and LGPS (Miscellaneous) Regulations 2012 are provided to the Chief Finance Officer for agreement.

6.3 The Human Resources Director will ensure that properly authorised payments for Pensions shall be made in accordance with the Council's contractual terms and conditions and these will be made on an accurate and timely basis.

**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

~~Jack Cohen~~  
~~Leader of the~~  
~~Liberal Democrat 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' 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 reasons. 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.
- 4.4 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.
- 4.8 Unless specifically authorised to do so, a member of the Council shall not:
- 4.8.1 issue any order for any work which is being carried out by or on behalf of the Council or
- 4.8.2 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.

## 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 Council work and then let Officers get on with running things as much as possible, whilst 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 whistle blowing policy and procedure for Officers. This sets out the process under which Officers can raise concerns with the whistleblowing 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.

14.4 In accordance with the Whistleblowing 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 malicious. If this is proven to Chief Executive will take appropriate action if frivolous or malicious allegations are made.

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.

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