

MEETING

CONSTITUTION, ETHICS AND PROBITY COMMITTEE

DATE AND TIME

TUESDAY 25TH NOVEMBER, 2014

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

Chairman: Councillor John Marshall
Vice Chairman: Councillor Melvin Cohen

Councillors

Melvin Cohen	Dr Devra Kay	Barry Rawlings
Anthony Finn	Alison Moore	Joan Scannell

Substitute Members

Richard Cornelius	Sachin Rajput	Peter Zinkin
Ammar Naqvi	Alan Schneiderman	Claire Farrier

You are requested to attend the above meeting for which an agenda is attached.

Andrew Nathan – Head of Governance

Governance Services contact: Andrew Charlwood 020 8359 2014
andrew.charlwood@barnet.gov.uk

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 - 18
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' Item- Councillor Barry Rawlings	19 - 22
7.	Members' Item - Councillor Dr Devra Kay	23 - 26
8.	Members' Item - Councillor Alison Moore	27 - 30
9.	Constitution Review	31 - 134
10.	Any other item(s) that the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

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Decisions of the Constitution, Ethics and Probity Committee

2 September 2014

Members Present:-

AGENDA ITEM 1

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

Councillor Anthony Finn
Councillor Dr Devra Kay
Councillor Alison Moore

Councillor Barry Rawlings
Councillor Joan Scannell

1. MINUTES OF LAST MEETING

RESOLVED – That the minutes of the meeting held on 24 March 2014 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

There were none.

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

There were none.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

There were none.

5. PUBLIC QUESTION AND COMMENTS (IF ANY)

There were none.

6. MEMBERS' ITEMS (IF ANY)

There were none.

7. CONSTITUTION REVIEW

The Assurance Director introduced the report.

RESOLVED that:

1. the Committee, having considered the changes to the Constitution as set out in Appendices A to R, agree that the below changes be recommended to full Council for adoption.
2. Officers be instructed to make the required amendments to the proposed Constitution for inclusion in the papers for full Council to consider and approve on 23 September 2014.

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
1	Introduction to the Constitution	Appendix A Pages 43 to 48	<p>Citizens' Rights Amend text to clarify that written questions to Full Council are permitted.</p> <p>Explanatory Notes Change explanatory note to 12am rather than 11pm.</p>	<p>Agreed as per report</p> <p>Agreed as per report with the following amendments:</p> <p>Amend wording in explanatory notes to read '12 midnight'</p>
2	Article 3 – Citizens and the Council	Appendix B Pages 49 to 50	<p>Citizens' Rights At 3.01 (b) (i) add the words "that part of" after "and" and before "meeting". Amended section 3.01 (b) (i) to read: "Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed and that part of the meeting is therefore held in private"</p>	Agreed as per report
3	Article 7 – Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership	Appendix C Pages 51 to 52	<p>Local Strategic Partnership Remove the term "non-statutory body" and replace with "advisory Committee".</p>	Agreed as per report

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
4	Article 9 – Chief Officers	Appendix D Pages 53 to 56	Management Structure In paragraph 9.01 (b) delete list of powers exercised by the Monitoring Officer as set out in the report	Agreed as per report
5	Article 10 – Decision Making	Appendix E Pages 57 to 58	Decision making by the Full Council At the end of paragraph 10.04 add the following sentence: “If Full Council Procedure Rules are silent on a matter, then the Meeting Procedure Rules will be followed.” Decision making by other committees and sub-committee established by the Council In paragraph 10.05 delete “Council” and replace with “Meeting”.	Agreed as per report
6	Article 12 – Review and Revision of the Constitution	Appendix F Pages 59 to 60	Procedure to be followed to change governance arrangements At the end of paragraph 12.01 add the following sentence: “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.”	Agreed as per report
7	Responsibility for Functions	Appendix G Pages 61 to 68	Functions of the Full Council Amend paragraph 1.14 to include the wording “or dismissal” after “appointment” and before “of”. Amended section 1.14 to read “Confirming the appointment or dismissal of the Head of Paid Service.” Limitations on delegation to Council committees	Agreed as per report Agreed as per report

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			<p>and sub-committees At the end of section 5.3 delete the wording "...and subject to the limitation for deciding matters crossing Committee's boundary as set out in Article 7 of the Constitution."</p> <p>Members' rights to refer matters to parent body In paragraph 6.2 add the following wording after "committee": "...within whose Terms of Reference it falls before the Committee has made a decision on the recommendation in that item"</p> <p>At the end of paragraph 6.3 add the following sentence: "This must occur before the decision has been taken at the committee or sub-committee."</p> <p>At the end of paragraph 6.6 delete "up" and add the following wording after "referred": "to the Planning Committee unless it falls within the terms of reference of the Planning Committee."</p> <p>Table at paragraph 6.8 – After "Planning Committee" add "(if within the Terms of Reference of the Planning Committee)"; and In the column titled 'No. of Members required to support a referral' and in the row 'All Other Committees' amend to read "4 (where Membership 9 or more"</p>	<p>Agreed as per report with the following amendment: Add "<i>and / or Planning</i>" after "Area" and before "Committee"</p> <p>Agreed as per report</p> <p>Agreed as per report</p> <p>Agreed as per report</p>

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
8	Responsibility for Functions Annex A	Appendix H Pages 69 to 100	<p>Annex A to Responsibility for Functions – Membership and Terms of Reference of Committees and Partnership Boards</p> <p>Add to the terms of reference each theme committee the following wording: “To consider petitions within the remit of the Committee that contain between 2,000 and 6,999 signatures in accordance with the Public Participation and Engagement Rules”.</p> <p>Add to the terms of reference of 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>Neighbourhood Plans: Amend the terms of reference of Policy and Resources, Assets Regeneration and Growth, Planning Committees and Area Committees amended accordingly as per the report</p> <p>Remove from General Functions Committee terms of reference responsibility for “Appointing representatives on outside bodies” and “Appointing representatives to School Governing Bodies”</p>	<p>Agreed as per report</p> <p>Agreed as per report</p> <p>Agreed as per report</p> <p>Not agreed General Functions Committee (GFC) to retain primacy in making appointments on outside bodies and school governing bodies. Where the appointment is</p>

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			<p>Functions of Full Council Add to section 1.8 after “bodies” and before “unless” “...(including school governing bodies)...”</p> <p><i>Additional recommendation</i></p> <p>Health Overview and Scrutiny Committee, Terms of Reference. Amend section 5 to include after “Council” and before “authorised” add “...and the Health Overview and Scrutiny Committee are...”</p> <p>Local Strategic Partnership Terms of Reference. Amend section (a) to delete “a non-statutory body” and replace with “an advisory committee”</p> <p>Add to the Terms of Reference of each theme committee: “Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget</p>	<p>urgent and required before the next scheduled GFC, Full Council is empowered to take the decision</p> <p>As above</p> <p>General Functions Committee terms of reference. Add after Ward Boundaries “ – request a ward boundary review by the Electoral Commission”</p> <p>Agreed as per report</p> <p>Agreed as per report</p> <p>Agreed as per report</p>

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			<p>in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee."</p> <p>Add to the Terms of Reference of the Policy & Resources Committee the following responsibilities:</p> <ul style="list-style-type: none"> • Review of progress of petitions considered at theme committees; and • Report on the issuance of grants below £5,000 by officers 	Agreed
9	Responsibility for Functions – Officer Scheme of Delegation Annex B	Appendix I Pages 101 to 124	<p>Delegated Authority to the Monitoring Officer</p> <p>In relation to authorising payments of up to £5,000 for maladministration add to the existing wording after "maladministration" the following: "...before any finding by the Ombudsman, in accordance with Section</p>	Agreed as per report

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			<p>92 of the Local Government Act 2000”</p> <p>Delegated Authority to the Deputy Chief Operating Officer (Deputy Section 151 Officer) Add the following wording: “Approving the issue of grants to the voluntary sector for amounts £5,000 and below”</p> <p>Section 1.10 amend to read “In addition, in consultation with the Chairman of the Policy and Resources Committee:”</p> <p>Section 1.11 delete the following wording:</p> <ul style="list-style-type: none"> • the Section 151 Officer in consultation with the Chairman of Assets, Regeneration and Growth Committee to make decisions about: <ul style="list-style-type: none"> ○ 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.” 	<p>Agreed as per report</p> <p>Agreed as per report</p> <p>Agreed as per report</p>

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council				
			<p>Delegated Authority to the Chief Operating Officer / Director of Finance Amend table as follows:</p> <table border="1" data-bbox="703 465 1123 1715"> <tr> <td data-bbox="703 465 991 1420">With HB Public Law to make decisions about operational and works licences, easements, rent reviews and licences to assign, lease renewals, new leases, and acquisitions of land, whether freehold or leasehold, ,in accordance with legislation relating to Best Consideration and with the Asset, Land and Property Rules, specifically the thresholds set out in Annexes A and B</td> <td data-bbox="991 465 1123 1420">Local Government Act 1972</td> </tr> <tr> <td data-bbox="703 1420 991 1715">To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.</td> <td data-bbox="991 1420 1123 1715"></td> </tr> </table>	With HB Public Law to make decisions about operational and works licences, easements, rent reviews and licences to assign, lease renewals, new leases, and acquisitions of land, whether freehold or leasehold, ,in accordance with legislation relating to Best Consideration and with the Asset, Land and Property Rules, specifically the thresholds set out in Annexes A and B	Local Government Act 1972	To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.		Agreed as per report
With HB Public Law to make decisions about operational and works licences, easements, rent reviews and licences to assign, lease renewals, new leases, and acquisitions of land, whether freehold or leasehold, ,in accordance with legislation relating to Best Consideration and with the Asset, Land and Property Rules, specifically the thresholds set out in Annexes A and B	Local Government Act 1972							
To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.								
10	Full Council Procedure Rules	Appendix J Pages 125 to 136	Amend section 2.1, bullet 15 as follows: Add the following wording after "...if there is more than one submitted": "The opposition motion debated will be determined by the opposition if there is more than one submitted."	Agreed				

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			<p>Addition to section 2.1 to include after "10pm" "...regardless of any extension to the meeting under 2.2 below"</p> <p>Add a new section 2.2 as follows: "The provisions in Meeting Procedure Rules 14.1 and 14.2 also apply to Council, namely that no business shall be transacted after 10pm 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 10.30pm."</p> <p>Add to the start of 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>Time for debate At the beginning of section 21.1 delete the following sentence: "The time allowed will be set out in the timetable"</p> <p>Add a new section 2.2 (and renumber subsequent sections) as follows: "For all other items of business (e.g. reports of Committees or from</p>	<p>Consideration deferred to enable a detailed report on adjournment motions to be considered at the next meeting</p> <p>Agreed as per report</p> <p>Agreed as per report</p> <p>Agreed as per report with the following amendments:</p> <p>Delete "Each of the first three speakers under Rule 20.2 may speak for a maximum of 5 minutes." and replace with "Each</p>

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			<p>Officers), each of the first two speakers may speak for a maximum of three minutes and all other speakers a maximum of two minutes.”</p> <p>Amend order of business of Full Council to consider ‘Question Time’ at Part 2</p>	<p>of the first speakers from each Group under Rule 20.2 may speak for a maximum of 5 minutes.”</p> <p>Agreed as per report</p>
11	Meeting Procedure Rules	Appendix K Pages 137 to 146	<p>Members’ Rights Amend section to read: “A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a Committee or Sub-Committee on which s/he serves. This rule does not apply to the Licensing Committee and Licensing Sub-Committees. A referral from Full Council will not count as a members item for the purposes of this rule.”</p> <p>Reports of Committees to Council or parent body Delete sections 12.1 and 12.2 and replace with: “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</p>	<p>Agreed as per report</p> <p>Agreed as per report</p>

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			to the next meeting of the Council or the Committee concerned.”	
12	Public Participation and Engagement	Appendix L Pages 147 to 152	<p>Amend section 6.9 to refer to “relevant theme” committee instead of “Policy & Resources Committee”</p> <p>In list of actions in Section 6.9 v) delete all and replace with:</p> <ul style="list-style-type: none"> • “Take no action • Note the petition • Agree a recommended course of action • Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised” 	<p>Agreed as per report</p> <p>Agreed as per report</p>
13.	Access to Information Rules	Appendix M Pages 155 to 162	<p>Remove reference to Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 from the list of references</p> <p>Members’ Rights to Information Amend section 13.1 to include the following wording as the final sentence of the paragraph: “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>Amend section 13.5 as follows: Delete “Local Government Finance Act 1982” and</p>	<p>Agreed as per report</p> <p>Agreed as per report</p> <p>Agreed</p>

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			<p>replace with “Sections 14 – 16 of the Audit Commission Act 1998 and Regulations 21, 22 and 25 of the Accounts Audit (England) Regulations 2011”</p> <p>Add after 13.5 the following as section 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:</p> <ul style="list-style-type: none"> • 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” 	<p>Agreed that additional section 13.6 be redrafted a circulated to Committee Members for review prior to submission to Full Council</p>
14	Budget and Policy Framework	Appendix N Pages 163 to 166	Delete the following references: “Chapter 2, DETR Guidance The Local Authorities (Functions and Responsibilities) (England) Regulations 2000”	Agreed as per report

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			<p>Procedure for budget preparation Amend the wording at Section 3 (c) to read as follows: "Policy and Resources will take into consideration consultation and proposals from theme committees."</p> <p>Add the following wording to section 3: "The theme committees will consider the budget for their areas of responsibility and submit proposals to the Policy & Resources Committee"</p> <p>Remove section 4 and renumber remaining sections.</p> <p>Remove the latter part of section 7</p>	<p>Agreed as per report</p> <p>Agreed as per report</p> <p>Agreed as per report</p> <p>Agreed as per report</p>
15	Financial Regulations	Appendix O Pages 167 to 192	<p>Annual Budget Setting Add at the end of section 4.3.3: "Theme Committees will work up proposals for Policy and Resources Committee consideration".</p>	Agreed as per report subject to the following amendment: "Theme Committees will work up proposals for consideration by the Policy & Resources Committee"
16	Asset Land and Property Rules	Appendix P Pages 193 to 204	<p>Application Amend section 2.16 to include the following wording after "(2)" and before "if": "(A) of the Local Government Act 1972"</p> <p>Asset Value Consideration Amend the final sentence of section 6.3 to read "A Less than Best Consideration offer may be recommended to Council under special</p>	<p>Agreed as per report</p> <p>Agreed as per report</p>

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
			<p>circumstances, following approval by the Secretary of State for Communities and Local Government if it falls outside the scope of the General Disposal Consent 2003.</p> <p>Definitions Add to Section 13 the following definition: “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 contact monitoring and management once the contract is in place”</p> <p>Appendix 1 – Table A – Authorisation Delegated Powers Descriptions of officers in Table A amended, and Rows A and B in Table 1 become a single row</p>	<p>Agreed as per report</p> <p>Agreed as per report</p>
17	HR Regulations	Appendix Q Pages 205 to 210	<p>Disciplinary Action 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>	Agreed as per report
18	Protocol for Member Officer	Appendix R Pages 211	<p>Why Protocols Section 1.2 delete: “Jack Cohen, Leader of the</p>	Agreed as per report

No	Section	Reference (papers submitted to Committee)	Changes contained within document	Recommendation to Full Council
	Relations	to 224	Liberal Democrat Group” Amend section 2.4, 2 nd bullet point to include after “officers” and before “to and other local public services”	Agreed as per report

Councillor Alison Moore moved a motion that the Group Leaders Panel be replaced by a Standards Committee with an independent chairman. Councillor Rawlings seconded the motion.

Votes were recorded as follows:

In Favour: 3
Against: 4
Abstentions: 0

The motion was lost.

RESOLVED that the Committee agree that the following items be added to the schedule of matters to be kept under review:

Section	Issue Identified
Meeting Procedure Rules	<u>Issue:</u> Review whether the Constitution should include a provision that the Chairman be required to indicate that he is proposing to move to the vote. <u>Reason:</u> To enable committee members to move a motion that the decision be referred to another committee for decision prior to chairman moving that the vote now be taken
Responsibility for Functions, Section 6.2	<u>Issue:</u> Review whether the Chairman of an Area Committee should retain the power to “...refer any item that it considers with a recommendation to the relevant committee.” <u>Reason:</u> Consistency with the referral mechanism for other committees
Full Council Procedure Rules, Section 2.1	<u>Issue:</u> Consider amending section 21.1, bullet 14 to state that written responses will be provided to questions to the Leader and that members of the public will be entitled to ask supplementary questions <u>Reason:</u> Alignment with the Public Participation and Procedure Rules.


Section	Issue Identified
Full Council Procedure Rules, Section 20.4	<u>Issue:</u> Review Full Council Procedure Rules section 20.4 at November meeting for review against existing custom and practice <u>Reason:</u> Consider whether section 20.4 should be amended to enable the mover of the substantive Business Item to have the right to respond rather than the Member who opened the debate.
Full Council Procedure Rules	<u>Issue:</u> Review wording to ensure consistent use of the terms 'Motion' and 'Business Item' <u>Reason:</u> Consistency
Responsibility for Functions, Annex A	<u>Issue:</u> Consider whether to reduce the number of theme committees by subsuming responsibilities into other committees from eight to six. <u>Reason:</u> Frequency of meetings.

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

There were none.

The meeting finished at 8.50 pm

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	AGENDA ITEM 6
	<p>Constitution, Ethics and Probity Committee</p> <p>25 November 2014</p>
Title	Member's Item – Health Overview & Scrutiny Committee Call-in Procedure
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Andrew Charlwood, Head of Governance (Acting) Email: andrew.charlwood@barnet.gov.uk Tel: 020 8359 2014

Summary
The report informs the Constitution, Ethics and Probity Committee of a Member's Item and requests instructions from the Committee

Recommendations
That the Constitution, Ethics and Probity Committee's instructions in relation to this Member's item are requested

1. WHY THIS REPORT IS NEEDED

- 1.1 Councillor Barry Rawlings has requested that a Member's Item be considered on the following matter:
- 1.2 "Further to the recent Full Council decision to schedule meetings of the Health & Wellbeing Board and Health Overview & Scrutiny Committee so they are aligned and the scrutiny committee can have foresight of the agendas and reports of the Health & Wellbeing Board in order to make comments on them, I would like CEP to formalise a call-in procedure for the Health Overview & Scrutiny of Health & Wellbeing Board decisions within the Constitution. I attach below the relevant legal opinion already obtained via Governance"

2. REASONS FOR RECOMMENDATIONS

- 2.1 No recommendations have been made. The Constitution, Ethics and Probity Committee are therefore requested to give consideration and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

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

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 Council Constitution, Meeting Procedure Rules (section 6) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members items must be

within the term of reference of the decision making body which will consider the item.

5.3.2 There are no legal references in the context of this report.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 Member's Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 Email to Head of Governance (Acting) dated 13 November 2014.

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	AGENDA ITEM 7
	<p>Constitution, Ethics and Probity Committee</p> <p>25 November 2014</p>
Title	Member's Item – Committee Working Groups
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Andrew Charlwood, Head of Governance (Acting) Email: andrew.charlwood@barnet.gov.uk Tel: 020 8359 2014

Summary
The report informs the Constitution, Ethics and Probity Committee of a Member's Item and requests instructions from the Committee

Recommendations
That the Constitution, Ethics and Probity Committee's instructions in relation to this Member's item are requested

1. WHY THIS REPORT IS NEEDED

1.1 Councillor Dr Devra Kay has requested that a Member's Item be considered on the following matter:

1.2 "The budget / commissioning plan member Working Groups were established and run outside the rules of the constitution, which meant that these meetings did not have to be held in public, and papers did not have to be published in accordance with the access to information rules.

This is in conflict with the idea of open government and was an obstruction to the transparency and accountability in our decision making process in the lead up to budget proposals being brought to committees.

As we now have a committee system which is supposed to be a more open and transparent way of doing business I would like to ask CEP to formalise these working groups within the budget making process in the constitution so that in future any 'working group' budget or commissioning plan discussions either take place at the main committees, or at sub-committees or panels established by the main committees which are all subject to the access to information rules and are held in public.

This may require scheduling more committee meetings."

2. REASONS FOR RECOMMENDATIONS

2.1 No recommendations have been made. The Constitution, Ethics and Probity Committee are therefore requested to give consideration and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

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

5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

5.3.1 Council Constitution, Meeting Procedure Rules (section 6) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members items must be within the term of reference of the decision making body which will consider the item.

5.3.2 There are no legal references in the context of this report.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 Member's Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.


5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 Email to Head of Governance (Acting) dated 13 November 2014.

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	AGENDA ITEM 8
	<p>Constitution, Ethics and Probity Committee</p> <p>25 November 2014</p>
Title	Member’s Item – Standards Regime
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Andrew Charlwood, Head of Governance (Acting) Email: andrew.charlwood@barnet.gov.uk Tel: 020 8359 2014

Summary
The report informs the Constitution, Ethics and Probity Committee of a Member’s Item and requests instructions from the Committee

Recommendations
That the Constitution, Ethics and Probity Committee’s instructions in relation to this Member’s item are requested

1. WHY THIS REPORT IS NEEDED

1.1 Councillor Alison Moore has requested that a Member's Item be considered on the following matter:

1.2 "To ask CEP to agree the following changes to the Standards regime in Barnet:

- Reinstatement of a Standards Committee with an independent Chair (as well as the Independent Persons) and one representative from each of the three political groups
- Ensure that any councillor subject to a complaint under the Code of Conduct is allowed access to the Independent Person throughout the process
- Ensure that any councillor subject to a complaint under the Code of Conduct is allowed legal representation to attend with them at any hearings."

2. REASONS FOR RECOMMENDATIONS

2.1 No recommendations have been made. The Constitution, Ethics and Probity Committee are therefore requested to give consideration and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

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

5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

5.3.1 Council Constitution, Meeting Procedure Rules (section 6) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members items must be within the term of reference of the decision making body which will consider the item.

5.3.2 There are no legal references in the context of this report.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 Member's Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.


5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 Email to Head of Governance (Acting) dated 13 November 2014.

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	<p>AGENDA ITEM 9</p> <p>Constitution, Ethics and Probity Committee</p> <p>25 November 2014</p>
<p>Title</p>	<p>Constitution Review</p>
<p>Report of</p>	<p>Head of Governance (Acting)</p>
<p>Wards</p>	<p>None</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix A: Meetings Procedure Rules</p> <p>Appendix B: Responsibility for Functions, Annex A, Membership and Terms of Reference of Committees and Partnership Boards</p> <p>Appendix C: Public Participation and Engagement Rules</p> <p>Appendix D: Full Council Procedure Rules</p> <p>Appendix E: Article 9 – Chief Officers</p> <p>Appendix F: Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers</p> <p>Appendix G: Members Code of Conduct, Appendix 2</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>

<p>Summary</p>
<p>This report seeks discussion and approval of revisions to the Constitution following the review of elements which require updating and review.</p>

<p>Recommendations</p>
<p>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 D.</p>

2. That the Committee note the amendments to Article 9 - Chief Officers (Appendix D) and Responsibility for Functions, Annex B, Scheme of Delegated Authority to Officers (Appendix E) as approved by Council on 4 November 2014.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council adopted a new Constitution at their annual meeting on 2 June 2014 when a Committee System form of governance was introduced. The new system has now completed one full cycle of committee meetings (June – July) and is part way through the second cycle (September – December).
- 1.2 At the Committee meeting held on 2 September 2014, a number of changes were proposed to ensure the smooth running of committees most of which were approved for referral to Council, with the exception of proposed changes to the Access to Information Procedure Rules. These changes to the constitution were adopted by Council on 23 September 2014.
- 1.3 Since the September meeting, a number of other issues have been identified. Changes to improve clarity in a number of areas are proposed in section 1.6.
- 1.4 At the meeting held on 2 September 2014, the Committee requested that a number of other areas of the Constitution be reviewed. These items are detailed in section 1.7. Specific changes are not recommended at this time to afford the Committee an opportunity to consider the issues and then provide guidance to officers for the development of specific proposals for consideration and approval at a future meeting.
- 1.5 Members have also raised a number of constitutional issues to the Governance Service which may require review and have requested that the Committee consider these as part of their on-going review of the constitution. The areas identified are set out section 1.8.

1.6 The following table represents the changes proposed to sections of the Constitution (in addition to minor factual and typographical corrections) and the reasons for the changes:

No.	Section	Reference	Issue Identified	Changes Made
1	Meeting Procedure Rules, Section 7.3	Page 50	Section 4.3 of the Public Participation and Engagement Rules detail the arrangements for Members to address planning committees only. There is no reference elsewhere in the Constitution to the length of time that Members have to address other committees and sub-committees.	Additional wording has been included in Section 7 (Councillors; rights to attend committees or sub-committees where they are not a member). Section 7.3 now specifies that non-committee Members have up to 3 minutes to address other committees.
2	Responsibility for Functions, Annex A, Terms of Reference of Residents Forums	Page 81	Resident's Forums provide an opportunity any resident to raise local matters. However, the definition of 'local matters' is not included in the Constitution. This could lead to issues regarding the interpretation of what is within the remit of the Forums. On 16 July 2013, full Council made changes to the terms of reference of Residents Forums following a review of their arrangements. The Council approved at that time the definition of a local matter. It is recommended that the definition now be added to the Constitution.	Additional wording has been included in Responsibility for Functions, Annex A, Terms of Reference of Residents Forums to include the definition of a local matter.
3.	Public Participation Rules, Section 4.5	Page 89	Section 4.5 includes a requirement for members of the public speaking at planning committees to provide written consent to a Governance Officer that they are authorised to speak on behalf of others. In practice, members of the public speaking at planning committees are often putting forward the views of others in the public gallery who are able to confirm their support verbally thereby negating the	Revised section 4.5 to remove the requirement for written authorisation.

No.	Section	Reference	Issue Identified	Changes Made
			need for written authorisation.	
4.	Public Participation Rules, Section 6.6	Page 91	<p>Section 6 of the Public Participation and Engagement Rules sets out how the Council manages petitions. Section 6.6 details two ways in which petitions which have received over 25 signatures could be considered.</p> <p>6.6 i) refers to the Terms of Reference being in Article 7 which is incorrect as the terms of reference are now included in Responsibility for Functions</p> <p>Section 6.6. ii) states that petitions over 25 signatures will be referred to the appropriate Committee and Director which contradicts the provision at section 6.9 for petitions which received over 2,000 signatures to be considered by the relevant theme committee.</p>	<p>Amend Section 6.6 i) to refer to the correct section of the Constitution.</p> <p>Revise Section ii) to refer to require petitions to be reported to the next available Residents Forum and state that the relevant Director or Lead Commissioner will provide a written response within 20 working days and the outcome will be reported to the next available Forum.</p>
5.	Meeting Procedure Rules, Section 2.1 Responsibility for Functions, Annex A, Terms of Reference of Area Committees	Page 47	The membership of Area Committees and Area Planning Committees are on the basis of one per ward and one substitute per ward. In Meetings Procedure Rules Section 2.1 there is no requirement for substitutions to Area Committees and Area Planning Committees to be made on the basis of ward rather than political party. As these committees are appointed on the basis of ward, Meeting Procedure Rules, Section 2.1 and Responsibility for Functions, Annex A, Terms of Reference of Area Committees have been amended	Added wording to Section 2.1 of Meetings Procedure Rules to clarify arrangements for making substitutions to Area Planning Committees and Area Committees

No.	Section	Reference	Issue Identified	Changes Made
			to clarify that substitutions must be on the basis of ward rather than political party.	
6.	Meetings Procedure Rules	Page 49	<p>Committee agendas include as standard an item titled 'Any other business that the Chairman decides is urgent'. However, there is no reference in the Meeting Procedure Rules in the new Constitution regarding the procedure for dealing with requests for urgent late items of business for committees. To ensure that urgent late items of business are managed in an open and transparent way, it is recommended that an additional section is included in Meeting Procedure Rules titled 'Urgency Provisions'.</p> <p>It should be noted that the proposed new procedure for the management of urgent late items of business for committees is separate and distinct from the provision for an Urgency Committee (as detailed on page 27 of Responsibility for Functions, Annex A).</p>	<p>New section 7 added to Meetings Procedure Rules containing details of how urgent late items of business will be managed.</p> <p>All subsequent sections to be renumbered.</p>
7.	Full Council Procedure Rules	Pages 96 – 101	Following changes to procedures for full Council introduced with the Committee System, Business Items no longer exist. However, references to Business Items are still included in the Full Council Procedure Rules. It is proposed that references to Business Items be removed and be replaced with Motions where appropriate.	Delete reference to Business Items from the following sections of the Full Council Procedure Rules: 8, 9, 10, 11, 12.7, 13, 14, 17.1a, 20.2, 20.5, 21.3, 21.4, 23.1

No.	Section	Reference	Issue Identified	Changes Made
8.	Responsibility for Functions, Annex A, Terms of Reference of the Performance & Contract Management Committee	Page 57	<p>The Performance & Contract Management Committee has within its terms of reference the following responsibility:</p> <p>(6) Approve the Annual Report of the Barnet Group Ltd.</p> <p>During the report clearance process for Performance & Contract Management Committee on 11 November 2014, officers identified that Committee actually had no decision making powers to approve (or otherwise) the Annual Report of The Barnet Group Ltd. as the Articles of Association of the Group authorise its directors to be responsible for the management of its business and to exercise all the powers of the company. Under the Companies (Model Articles) Regulations 2008, Schedule 1, which applies to the Articles of Association of The Barnet Group Limited, 'the shareholders may, by special resolution, direct the directors to take, or refrain from taking, specified action.' There has been no special resolution approved by The Barnet Group Ltd. to require approval of the annual report by the shareholders (i.e. the Council). The Council would only be able to approve the Annual Report of The Barnet Group Ltd. if such a resolution had been passed.</p>	Amend the Terms of Reference of the Committee to note rather than approve the Annual Report of The Barnet Group Ltd.
9.	Public Participation and Engagement Rules, Section 4.5	Page 89	When area planning committees refer applications to the Planning Committee for approval, there is currently no provision within the Constitution for	Add a new section 4.9 to enable speakers rights to transfer to the Planning Committee

No.	Section	Reference	Issue Identified	Changes Made
			<p>speakers' rights to automatically transfer to the Planning Committee. It is recommended an additional section be included in the Public Participation and Engagement Rules to ensure that speaking rights be automatically transferred to enable the public to address the body responsible for determining the application.</p>	

- 1.7 The matters detailed below are those that the Committee agreed to keep under review at their meeting on 2 September 2014. The Committee's instructions on these matters are requested:

Section	Issue Identified
Meeting Procedure Rules	<p><u>Issue:</u> Review whether the Constitution should include a provision that the Chairman be required to indicate that s/he is proposing to move to the vote.</p> <p><u>Reason:</u> The amendment to Section 6 (Members Rights to Refer Matters to Parent Body) of Responsibility for Functions which stipulates that referrals to a parent body must take place before the vote could result in matters being moved for decision (Meeting Procedure Rule 10.4) prior to other Members having an opportunity to move a referral to the parent body (Responsibility for Functions, Section 6). It is suggested that the Constitution could include a provision that the Chairman be required to indicate that s/he is proposing to move to the vote.</p>
Responsibility for Functions, Section 6.2	<p><u>Issue:</u> Review whether the Chairman of an Area Committee should retain the power to "...refer any item that it considers with a recommendation to the relevant committee."</p> <p><u>Reason:</u> Consistency with the referral mechanism for other committees</p>
Full Council Procedure Rules, Section 27	<p><u>Issue:</u> Consider amending section 27.1, bullet 14 to state that written responses will be provided to questions to the Leader and that members of the public will be entitled to ask supplementary questions</p> <p><u>Reason:</u> Alignment with the Public Participation and Procedure Rules.</p>
Full Council Procedure Rules, Section 20.4	<p><u>Issue:</u> Review Full Council Procedure Rules section 20.4 at November meeting for review against existing custom and practice</p> <p><u>Reason:</u> Consider whether section 20.4 should be amended to enable the mover of the substantive Motion to have the right to respond rather than the Member who opened the</p>

Section	Issue Identified
	debate.
Responsibility for Functions, Annex A	<p><u>Issue:</u> Consider whether to reduce the number of theme committees by subsuming responsibilities into other committees from eight to six.</p> <p><u>Reason:</u> Frequency of meetings.</p>

1.8 Members and officers have identified the following areas as matters which should be considered by the Committee for review:

Section	Issue Identified
Access to Information Procedure Rules	<p>At the meeting held on 2 September 2014 the Committee considered and rejected proposed changes to the Access to Information Procedure Rules. Officers have been requested to undertake a comprehensive review of the rules to ensure compliance with legislation and to provide Members with clarity around their rights of access to information that the Council holds.</p> <p>Governance are working with a legally qualified officer in the Information Management team to review the existing rules prior to the development of a revised Rules. Members will be consulted throughout the process of developing updated Rules.</p>
Public Participation and Engagement	Consider reviewing Section 2 of the Public Participation and Engagement Rules to ensure that guidelines around how public questions are handled are robust.
Responsibility for Functions, Annex A, Terms of Reference of Group Leaders Panel	<p>A Member has requested additional information on the composition of the 'Standards Committee' body at other local authorities to inform Barnet's arrangements. Details of the research, which details the arrangements in both Executive and Committee System authorities and Barnet's own arrangements, are set out below:</p> <p>Barnet Five (By convention the Members comprise the Leaders of the political groups) The Group Leaders Panel will take account the view of an Independent Person</p> <p>Royal Borough of Kingston Six Members: Chairman – Leader of the Council</p>

Section	Issue Identified
	<p>Deputy Leader Leaders of the Opposition (Labour and Lib Dem) Two Committee Chairs</p> <p>London Borough of Sutton Seven Members: Two councillors Five people who are not councillors or employees of the Council or any other body having a Standards Committee (Independent Members). <i>The Leader of the Council may not be a member of the Standards Committee. The Chairman shall be an Independent Member</i></p> <p>London Borough of Newham Standards Advisory Committee comprises nine Members: Four councillors (other than the Mayor) Up to five persons who are not Members or officers of the Council or any other relevant authority (co-opted members.) <i>Co-opted member(s) are entitled to vote at meetings under the provisions of Section 13 (4) (e) of the Local Government and Housing Act 1989.</i> <i>The Committee can establish Hearing Sub-Committees</i> <i>The Council's Independent Person(s) appointed pursuant to the Localism Act 2011 shall be invited to meetings of the Standards Advisory Committee with 'observer status. They have no voting rights.</i></p>
<p>Members Code of Conduct, Appendix 2 (Process for complaints about the conduct of a councillor or co-opted member)</p> <p><i>(See Appendix G to this report)</i></p>	<p>Following the conclusion of investigations into complaints about the conduct of councillors through the Group Leaders Panel, some Members have suggested that there should be an amendment to section (h) of 'Process for complaints about the conduct of a councillor or co-opted member' (Appendix 2, Members Code of Conduct) approved by Council on 5 November 2013) to enable the subject Member to have legal representation.</p> <p>The Committee is requested to consider the current position and whether any amendments to the procedure are required (i.e. to allow the subject Member access to legal representation). Subject to the committee's instructions, officers can investigate practice in other local authorities to ensure consistency.</p>
<p>Responsibility for Functions, Section 6 (Members Rights to Refer Matters to Parent</p>	<p>Following the receipt of advice from HB Public Law that committees should not take a decision and then refer the matter to a parent body and should instead make the referral prior to the decision being taken, the Committee</p>

Section	Issue Identified
Body)	<p>at their 2 September 2014 agreed a change to Section 6 (Members Rights to Refer Matters to Parent Body) of Responsibility for Functions and referred this to Council on 23 September 2014 for decision.</p> <p>When the proposed amendment to Section 6 was recommended to Council for adoption, a Member submitted a proposed amendment to the recommendation which would reverse the requirement for the referral to take place before the vote. Following the consideration of legal advice, the Mayor ruled the amendment out of order in accordance with Council Procedure Rule 8.3 on the basis of the advice that when a public body takes a decision it would be inappropriate for another organ of that same body to re-take the same decision, which could happen if the amendment as proposed was agreed.</p> <p>Section 6 (Members Rights to Refer Matters to Parent Body) of Responsibility for Functions was approved by Council. Members have requested that the Committee reconsider this amendment.</p>
Contract Procedure Rules	<p>The Contract Procedure Rules do not currently cover the authorisation and acceptance thresholds for procurement activity that falls within the remit of a theme committee, but is outside of the approved budget for the committee. It is proposed that Appendix 1, Table A of the Contract Procedure Rules be amended to state that for contracts with a value of over £172,514, the following wording should be added: "If outside budget, Policy and Resources Committee"</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 Legal implications as they relate to the recommended amendment to the Terms of Reference of the Performance & Contract Management Committee are detailed in 1.6 (8) above.

- 5.3.2 Council's Constitution, Responsibilities for Functions, Annex A – the Constitution, Ethics and Probity Committee terms of reference includes responsibility to “proactively to review and keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council”.

5.4 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.

- 5.4.2 The proposed amendment to the Meetings Procedure Rules relating to the introduction of rules for to the management of urgent late items of business for committees will introduce additional controls around the publication of late

information for committees. This will ensure that only genuinely urgent decisions come before committees as late items of business thereby mitigating against the risk of committee decisions being liable to challenge.

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 Council, 16 July 2013, Report from the Constitution, Ethics and Probity Committee, 8 July 2013, Review of Residents Forums – includes a definition of ‘local matters’:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=6643&Ver=4>
- 6.2 Constitution, Ethics and Probity Committee, 2 September 2014, Decision Item 7, Constitution Review – details the matters referred to full Council for approval and the matters that the Committee have agreed to keep under review:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=589&MId=7823&Ver=4>

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Meetings Procedure Rules

NOTE ON THE CONDUCT OF LICENSING HEARINGS

Notwithstanding the following procedure rules for Council Committees and Sub-Committees, all hearings relating to the Authority's functions under the Licensing Act 2003, will be conducted within the framework and requirements of the Hearings Regulations made by the Secretary of State under that Act.

PROCEDURE RULES FOR COUNCIL COMMITTEES AND SUB-COMMITTEES

1. Membership and Quorum

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

Committee	Membership	Substitute Members	Quorum
Planning Committee	11	6 (3 for each political group)	3
Area Planning Committees:			
Finchley and Golders Green	7	7 (one per ward and one substitute for each ward)	3
Chipping Barnet	7	7 (one per ward and one substitute for each ward)	3
Hendon	7	7 (one per ward and one substitute for each ward)	3
Area Committees			
Finchley and Golders Green	7	7 (one per ward and one substitute for each ward)	3
Chipping Barnet	7	7 (one per ward and one substitute for each ward)	3
Hendon	7	7 (one per ward and one substitute for each ward)	3

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

Committee			
Housing Committee	9		
Community Leadership Committee	11		
Health Overview and Scrutiny Committee	9		
Policy and Resources	12	6 (3 for each political group)	3
General Functions Committee	7	6 (3 for each political group)	3
Pension Fund Committee	7	6 (3 for each political group)	3
Health and Well-Being Board	12	3 (1 for each Member)	3 This must include at least one elected Councillor

2. Substitute Members – Rules

- 2.1 A substitute Member may only attend, speak or vote at a meeting in place of a member from the same political group who is unable to attend the meeting. [In the case of Area Committees and Area Planning Committees, substitutions are made on the basis of ward as well as political party.](#) If a meeting is adjourned, the substitution will carry forward into any subsequent adjourned meetings to consider the outstanding item(s).
- 2.2 Details of membership substitutions or apologies for absence will be detailed in the formal record of the meeting.

3. Quorum – Rules

- 3.1 If a Committee or Sub-Committee is inquorate, it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed for up to 15 minutes. When 15 minutes have elapsed, the Head of Governance or their representative will count the number of

Members present and if there is no quorum, s/he will advise the meeting that no business can be transacted and the meeting will be cancelled.

- 3.2 If the Chairman finds that a quorum of Members is not present at any time during the meeting, the Chairman must adjourn the meeting until such time as a quorum is returned.

4. Chairman of Meetings

- 4.1 If the Chairman is absent from a meeting the Vice-Chairman will take the Chair. If both are absent, the Head of Governance (or their representative) will open the meeting and he/she will seek nominations for the position of Chairman. A Chairman must be elected for the business of the meeting to be transacted. Where more than two persons are nominated for any position to be filled by the Committee or Sub-Committee and there is no majority of votes in favour of one person, the name of the person having the least number of votes shall be deleted from the list. Further votes will then be taken on the same basis until a majority of votes is given in favour of one person.
- 4.2 In exceptional circumstances, the Chairman may change the date of any meeting, cancel or postpone any meeting or call any additional meeting by seeking and gaining the agreement of a majority of Members of the Committee.
- 4.3 Any procedural issues or challenges to the conduct of the meeting that arise during the course of a meeting shall be determined by the person presiding at the meeting.
- 4.4 The Chairman shall have the power to invite any persons or bodies with a particular expertise on a given agenda item to give evidence to the Committee and answer questions. This power is in addition to the Public Participation Rules elsewhere in the Constitution.

5. Minutes

- 5.1 Apologies for absence, declaration of interests and the confirmation of the minutes of previous meetings are the first items of business at the meeting, except when there is a need to elect a Chairman.
- 5.2 Minutes can only be amended to correct factual inaccuracy in the record, and not to make any retrospective amendment to the decisions made. Any questions upon their accuracy shall be raised by motion and voted on without discussion. The meeting will not proceed further until the minutes are approved, either amended or unamended. Upon approval as a correct record, the Chairman shall sign the minutes.

Members' Rights

6. Members' Items for the Agenda

- 6.1 A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a Committee or Sub-Committee on which s/he serves. This rule does not apply to the Licensing Committee and Licensing Sub-Committees. A referral from Full Council will not count as a Member's item for the purposes of this rule.
- 6.2 Members' Items must be relevant to the terms of reference of the body which will consider the item.
- 6.3 The Head of Governance must receive written notice of a Member's item, at least seven clear working days before the meeting. Any item received after 5pm will be recorded as received on the next working day. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.

7. Urgent Business

7.1 There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting of a committee.

7.2 When an urgent matter has arisen after the publication and despatch of an appropriate agenda the following procedure applies:-

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

- i) the item has arisen between the compilation of the agenda and the date of the meeting.
- ii) the item requires an urgent decision in the public interest which cannot be dealt with by other means

7.3 In all cases the reason for the urgency shall be clearly stated and recorded in the minutes of the meeting and the urgent item will be taken at the end of other items of business.

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. Any Councillor wishing to address the Committee or Sub-Committee shall have up to 3 minutes.
- 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.
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 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.

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"> • Approval of the Corporate Plan • Council's Capital and Revenue Budget setting (subject to Full Council) and Medium Term Financial Strategy • Ensuring effective Use of Resources and Value for Money <p>(2) To be responsible for the overall strategic direction of the Council including the following specific functions/activities:</p> <table border="1" data-bbox="352 819 887 1753"> <tbody> <tr> <td data-bbox="352 819 627 965"> <ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement </td> <td data-bbox="627 819 887 965"> <ul style="list-style-type: none"> • Strategic Partnerships </td> </tr> <tr> <td data-bbox="352 965 627 1290"> <ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion </td> <td data-bbox="627 965 887 1290"> <ul style="list-style-type: none"> • Approve development of statutory Local Plan and related documents and Neighbourhood Plans (for adoption by Full Council) </td> </tr> <tr> <td data-bbox="352 1290 627 1429"> <ul style="list-style-type: none"> • Internal Transformation programmes </td> <td data-bbox="627 1290 887 1429"> <ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery </td> </tr> <tr> <td data-bbox="352 1429 627 1480"> <ul style="list-style-type: none"> • Write off of debt </td> <td data-bbox="627 1429 887 1480"> <ul style="list-style-type: none"> • Insurance </td> </tr> <tr> <td data-bbox="352 1480 627 1585"> <ul style="list-style-type: none"> • Treasury Management Strategy </td> <td data-bbox="627 1480 887 1585"> <ul style="list-style-type: none"> • Information Technology provision </td> </tr> <tr> <td data-bbox="352 1585 627 1753"> <ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes </td> <td data-bbox="627 1585 887 1753"> <ul style="list-style-type: none"> • Health and Safety • Mayoralty budget </td> </tr> </tbody> </table>	<ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement 	<ul style="list-style-type: none"> • Strategic Partnerships 	<ul style="list-style-type: none"> • Equalities, Diversity and Community Cohesion 	<ul style="list-style-type: none"> • Approve development of statutory Local Plan and related documents and Neighbourhood Plans (for adoption by Full Council) 	<ul style="list-style-type: none"> • Internal Transformation programmes 	<ul style="list-style-type: none"> • Local Taxation-Billing, Collection and Recovery 	<ul style="list-style-type: none"> • Write off of debt 	<ul style="list-style-type: none"> • Insurance 	<ul style="list-style-type: none"> • Treasury Management Strategy 	<ul style="list-style-type: none"> • Information Technology provision 	<ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes 	<ul style="list-style-type: none"> • Health and Safety • Mayoralty budget 	<p>12</p> <p>Chairman, Vice Chairman, Members and substitutes to be appointed by Council.</p> <p>Committee to be made up in accordance with proportionality.</p>
<ul style="list-style-type: none"> • Customer Care, Communications and Resident Engagement 	<ul style="list-style-type: none"> • Strategic Partnerships 													
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<ul style="list-style-type: none"> • Housing Benefit, Council Tax Support and Welfare programmes 	<ul style="list-style-type: none"> • Health and Safety • Mayoralty budget 													

	<ul style="list-style-type: none"> • Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs) 		
<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 within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(10) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and</p>			

	<p>thresholds set out in Contract Procedure Rules.</p> <p>(11) To receive reports reviewing the progress of petitions considered at theme committees</p> <p>(12) To receive reports on the issuance of grants below £5000 by Officers in accordance with their delegated authority.</p> <p>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="352 1585 884 1697"> <tr> <td data-bbox="352 1585 619 1697"> <ul style="list-style-type: none"> Risk Management </td> <td data-bbox="619 1585 884 1697"> <ul style="list-style-type: none"> Treasury Management Performance </td> </tr> </table> <p>(6) <u>Note</u> the Annual Report of the Barnet</p>	<ul style="list-style-type: none"> Risk Management 	<ul style="list-style-type: none"> Treasury Management Performance 	<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"> Risk Management 	<ul style="list-style-type: none"> Treasury Management Performance 			

Deleted: Approve

	<p>Group Ltd.</p> <p>(7) To consider reserved matters of the Joint Venture Company (JVCO).</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>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"> • Planning the adequate provision of school places in the Borough • Investment in educational infrastructure to meet the needs of the Borough's learners • Development and enhancement of the Library Service • Development of cultural activities • To be responsible for those powers, duties and functions of the Council in relation to Children's Services (including schools) <p>(2) Lead the Council's responsibilities under the Children Act 2004 and Education and Inspection Act 2007</p> <ul style="list-style-type: none"> • Oversee effective support for young people in care; and enhance the Council's corporate parenting role • Oversee the multi-agency Youth Offending Team • Oversee the effective provision of support across partners for the well-being of vulnerable families - including the Troubled Families programme 	<p>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</p>

Responsibility for Functions – Annex A – September 2014

	<p>(3) Approve the Children and Young People Plan and associated sub strategies promoting the following areas:</p> <ul style="list-style-type: none"> • Education • Inclusion • Child Poverty • Early Intervention and Prevention <p>(4) Grants to Voluntary Sector within the remit of the Committee.</p> <p>(5) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(6) To ensure that the Council's safeguarding responsibilities are taken into account.</p> <p>(7) To receive and consider reports as appropriate from the Children's Trust Board.</p> <p>(8) Develop Fees and Charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee.</p> <p>(9) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework</p> <p>(10) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(11) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(12) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(13) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or</p>	<p>England; Roman Catholic; and Jewish Voluntary Aided representatives).</p> <p>Two Parent governor representatives (PGRs) elected by other parent governors to represent the views of all parents and hold the authority to account by consulting with and feeding back to parents on discussions and decisions relating to education.</p>
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	<p>underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>			
<p>Adults and Safeguarding Committee</p>	<p>(1) Specific responsibilities include: To be responsible for those powers, duties and functions of the Council in relation to Adults and Communities including the following specific functions:</p> <ul style="list-style-type: none"> • Promoting the best possible Adult Social Care services <p>(2) Work with partners on the Health and Well Being Board to ensure that social care, interventions are effectively and seamlessly joined up with public health and healthcare and promote the Health and Well Being Strategy and its associated sub strategies.</p> <p>(3) Develop 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="336 1279 887 1420"> <tr> <td data-bbox="336 1279 612 1420"> <ul style="list-style-type: none"> • Leisure Services. </td> <td data-bbox="612 1279 887 1420"> <ul style="list-style-type: none"> • Grants to Voluntary Sector within the remit of the Committee </td> </tr> </table> <p>(5) To ensure that the Council's safeguarding responsibilities are taken into account.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) Discussion of transformation schemes not in service plans but not outside the Council's</p>	<ul style="list-style-type: none"> • Leisure Services. 	<ul style="list-style-type: none"> • Grants to Voluntary Sector within the remit of the Committee 	<p>9</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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	<p>budget or policy framework</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(11) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most 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="368 1447 887 1740"> <tr> <td data-bbox="368 1447 624 1621"> <ul style="list-style-type: none"> Street Scene including pavements and all classes of roads </td> <td data-bbox="624 1447 887 1621"> <ul style="list-style-type: none"> Parking provision and enforcement </td> </tr> <tr> <td data-bbox="368 1621 624 1671"> <ul style="list-style-type: none"> Road Safety </td> <td data-bbox="624 1621 887 1671"> <ul style="list-style-type: none"> Street Lighting </td> </tr> <tr> <td data-bbox="368 1671 624 1740"> <ul style="list-style-type: none"> Transport and traffic </td> <td data-bbox="624 1671 887 1740"> <ul style="list-style-type: none"> Refuse and recycling </td> </tr> </table>	<ul style="list-style-type: none"> Street Scene including pavements and all classes of roads 	<ul style="list-style-type: none"> Parking provision and enforcement 	<ul style="list-style-type: none"> Road Safety 	<ul style="list-style-type: none"> Street Lighting 	<ul style="list-style-type: none"> Transport and traffic 	<ul style="list-style-type: none"> Refuse and recycling 	<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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<ul style="list-style-type: none"> Transport and traffic 	<ul style="list-style-type: none"> Refuse and recycling 							

	management-including agreement of London Transport Strategy-Local Implementation Plan		
	<ul style="list-style-type: none"> • Street Cleaning 	<ul style="list-style-type: none"> • Waste Minimisation 	
	<ul style="list-style-type: none"> • Waterways 	<ul style="list-style-type: none"> • Allotments 	
	<ul style="list-style-type: none"> • Parks and Open Spaces 	<ul style="list-style-type: none"> • Fleet Management 	
	<ul style="list-style-type: none"> • Trees 	<ul style="list-style-type: none"> • Cemetery and crematorium and Mortuary 	
	<ul style="list-style-type: none"> • Trading Standards 	<ul style="list-style-type: none"> • Contaminated land and all statutory nuisances. 	
	<ul style="list-style-type: none"> • Flood Risk Management (scrutiny aspect) 		
	<p>(2) Council highways functions (including highways use and regulation, access to the countryside, arrangements and extinguishment of public rights of way) which are limited to</p> <ul style="list-style-type: none"> • creating, stopping up and diverting footpaths and bridleways • asserting and protecting public rights to use highways • removing things deposited on highways which cause nuisance <p>(3) Gaming, entertainment, food and miscellaneous licensing in so far as not otherwise the responsibility of the Licensing Committee or the Licensing Sub-Committee, and Health and Safety regulation (otherwise than as an employer).</p> <p>(4) Develop fees and charges for those areas under the remit of the Committee for</p>		

	<p>consideration by Policy and Resources Committee</p> <p>(5) Grants to Voluntary Sector within the remit of the Committee.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(10) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(11) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
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Assets, Regeneration and Growth Committee	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Develop and oversee a Regeneration Strategy • Develop strategies which maximise the financial opportunities of growth- e.g. New Homes Bonus, localisation of business rates • Promote skills and enterprise and approve a Skills Enterprise and Employment Strategy (having regard to the views of the Lead Member for Children’s Services on relevant matters) • Engagement with the business community and measures to support local business • Oversee major regeneration schemes- including those of key social housing estates • Town Centre regeneration programmes • Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council <p>(2) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee.</p> <p>(3) Grants to Voluntary Sector within the remit of the Committee.</p> <p>(4) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(5) Discussion of transformation schemes not in service plans but not outside the Council’s budget or policy framework.</p> <p>(6) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(7) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in</p>	<p>9</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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	<p>accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(8) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(9) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Housing Committee	<p>(1) Specific responsibilities include:</p> <ul style="list-style-type: none"> • Housing Strategy (incorporating Homelessness Strategy) • Work with Barnet Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing • Commissioning of Environmental Health • Promote the better integration of privately rented properties into the Borough's framework; • All matters related to Private sector Housing including Disabled Facility Grants • Housing licensing and housing enforcement. <p>(2) Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources 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>(3) Grants to Voluntary Sector within the remit of the Committee.</p> <p>(4) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(5) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(6) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(7) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p> <p>(8) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(9) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Community Leadership Committee	<p>Specific responsibilities include:</p> <ul style="list-style-type: none"> • Grants to Voluntary Sector within the 	<p>11 Chairman, Vice Chairman, Members and</p>

	<p>remit of the Committee</p> <ul style="list-style-type: none"> • Registration and Nationality Service • Emergency Planning • Civic events <p>(1) To oversee arrangements for cross partner co-operation including any pooling of budgets (other than those within the remit of the Health and Well Being Board) e.g. Community Budgets.</p> <p>(2) To maintain good community relations with Barnet's diverse communities ensuring that all communities have the opportunity to participate fully in the Borough's affairs.</p> <p>(3) To contribute to achieving better outcomes in the Safer Communities Strategy through CCTV, fighting crime and anti-social behaviour, combating graffiti flytipping and other environmental crime, action against Domestic Violence and any other relevant Council activity.</p> <p>(4) To work together with partners on the Barnet Safer Communities Partnership including Police, Fire and Criminal Justice Agencies to help make Barnet a safer place.</p> <p>(5) Provide scrutiny aspect of Community Safety.</p> <p>(6) To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources.</p> <p>(7) Discussion of transformation schemes not in service plans but not outside the Council's budget or policy framework.</p> <p>(8) To consider petitions within the remit of the Committee that contain between 2000 and 6999 signatures in accordance with Public Participation and Engagement Procedure Rules.</p> <p>(9) Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.</p>	<p>substitutes appointed by Council. Committee to be made up in accordance with proportionality.</p>
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	<p>(10) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.</p> <p>(11) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including fees and charges proposals and virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.</p> <p>If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.</p>	
Area Committees	<p>In relation, to the area covered by the Committee;</p> <p>(1) Consider matters raised at Residents Forums and determine how they are to be taken forward, including whether to request a report for a future meeting, refer to an Officer and/or ward councillors.</p> <p>(2) Discharge any functions, within the budget and policy framework agreed by Policy and Resources, of the theme committees that they agree are more properly delegated to a more local level. These include but are not limited to:</p> <ul style="list-style-type: none"> • <i>Town Centre Regeneration and Management</i> • <i>Sewers, drainage, public conveniences, water courses</i> • <i>Refuse collection, litter, cleansing, waste and recycling</i> • <i>Parks, open spaces, nature reserves, allotments, recreation and leisure facilities</i> • <i>Libraries and Culture</i> • <i>Cemeteries and Crematoria</i> • <i>Recommending the creation of Conservation Areas to Environment Committee</i> • <i>Day to day environmental issues and</i> 	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>One Member and one Substitute member for each Ward.</p>

	<p><i>management of land on Council Housing estates</i></p> <ul style="list-style-type: none"> • <i>Local highways and safety schemes</i> <p>(4) Administer any local budget delegated from Policy and Resources Committee for these committees in accordance with the framework set by the Policy and Resources Committee.</p> <p>(5) Powers to deal with small public works.</p> <p>Area committees should not deal with issues that are specifically within the remit of other committees (e.g. Licensing), that should be exercised at a Borough wide level or that are outside the budget and policy framework.</p>	
Council acting as the Licensing Authority	Agreeing and reviewing the Statement of Licensing Policy.	All Members of the Council
Licensing Committee	<p>All functions under the Licensing Act 2003 and the Gambling Act 2005 associated Regulations, not otherwise delegated to the Licensing Sub-Committee.</p> <p>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	<p>All functions under the Licensing Act 2003 and the Gambling Act 2005 and associated Regulations, as delegated to it by the Licensing Committee.</p> <p>All functions in relation to other licensing as delegated by the Licensing Committee.</p>	<p>3</p> <p>Chairman appointed at each meeting of a Sub-Committee.</p>

<p>Audit Committee</p>	<p>Statement of Purpose</p> <p>The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p>Terms of Reference</p> <p><u>Audit Activity</u></p> <ol style="list-style-type: none"> 1. To consider the audit annual report, plan and opinion. 2. To consider summaries of specific internal audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of internal audit services. 4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale. 5. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance. 6. To consider specific reports as agreed with the external auditor. 7. To comment on the scope and depth of external audit work and to ensure it gives value for money. 8. To liaise with the body responsible over the appointment of the Council's external auditors. 9. To commission work from the internal and external audit, proportionate to risk identified and with agreement from Chief Executive. <p><u>Anti-Fraud Activity</u></p> <ol style="list-style-type: none"> 10. To monitor the effective development and operation of the Council's Corporate Anti-Fraud Team (CAFT). 11. To consider the anti-fraud strategy, annual anti-fraud work plan and CAFT Annual Report. 12. To consider regular anti-fraud progress reports and summaries of specific fraud 	<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>
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	<p>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"> • planning applications which involve a significant departure from the statutory development plan; • planning applications on behalf of the Council or where the Council has a significant interest in the development; • planning applications within the categories 	<p>11</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<p>of development which must be referred to the Mayor of London; and</p> <ul style="list-style-type: none"> • matters of significance to the entire borough or where major issues extend across boundaries of committees or across local government boundaries. <p>(Reports on all the matters reserved to the Committee shall be made direct to the Committee and not through an area - committee).</p> <p>Commons registration and town and village greens including powers of protection and enforcement although in practice these specific functions will be discharged by officers.</p> <p>(Which may include considering the recommendations of a non-statutory inquiry chaired by an independent person).</p> <p>Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning and considering Neighbourhood Development Orders.</p>	
<p>Area Planning Committees (3)</p>	<p>Determine planning applications within the boundaries of their areas, in accordance with Council policy and within budget, that relate to town and country planning and development control, including tree and hedgerow protection and excluding matters which fall within the terms of reference of the Planning Committee.</p> <p>[For the purposes of this section a planning application is defined as an application for planning permission as defined by the Town and Country Planning Act 1990, as amended, but also includes applications for approval of reserved matters, Listed Building and Conservation Area Consents and consent under Tree Preservation Orders and Hedgerow legislation.]</p> <p>This excludes the functions reserved to the Planning Committee</p> <p>If in cases where the Council has a minor interest in developments where a decision is required by a Committee, the Strategic Director for Growth and Environment will refer the matter to the appropriate Area Planning Committee.</p> <p>Relevant Considerations for Area</p>	<p>Chipping Barnet Area Planning Committee</p> <p>7 (one councillor representing each of the following Wards:</p> <p>Underhill High Barnet East Barnet Oakleigh Brunswick Park Coppetts Totteridge</p> <p>Finchley and Golders Green Area Planning Committee</p> <p>7 (one councillor representing each of the following Wards: East Finchley West Finchley</p>

	<p>Planning Committees</p> <p>A. consideration of planning applications by Area Planning Committees:</p> <p>The work of the Area Planning Committees consists mostly of determining applications for planning applications. Delays in determining applications will jeopardise the Council's ability to meet national performance criteria and impact adversely on the interests of residents and affected applicants.</p> <p>One potential cause of such delays is the deferral by committees of planning applications for further information or for members to undertake site visits. To minimise this there is a general presumption that:</p> <ul style="list-style-type: none"> • Chairmen of Area Planning Committees should arrange for site visits to be made in advance of the Committee meeting, particularly where the proposals appear to be contentious or they are of major importance to the area; • Committee members who have queries on applications will raise them either at the site visit, or, in any event, as soon as possible before the meeting at which they will be considered. <p>B. In so far as developments where the Council has minor interests in the development, these matters will normally be dealt with by the Assistant Director of Planning and Development Management under delegated powers, unless it proves necessary to refer them to Committee. These are:</p> <ul style="list-style-type: none"> • Minor developments on the public highway or Council owned land – including crossovers, hard standings/ramps, bus shelters, advertisements, satellite dishes, etc. • Minor extensions or ancillary building proposals less than 1000 sq. m to buildings or property, including minor school extensions, housing estate, ancillary buildings, community services, etc. <p>Any 'other' or 'minor' developments as defined by the DCLG in PS1/PS2 Planning statistical categories of developments, for example 9 or less dwellings, advertisements,</p>	<p>Woodhouse Childs Hill Finchley Church End, Garden Suburb Golders Green</p> <p>Hendon Area Planning Committee</p> <p>7 (One Councillor representing the following wards:</p> <p>Hale Edgware Burnt Oak West Hendon Colindale Hendon Mill Hill</p>
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	Listed Building and Conservation Area consents.)	
General Functions Committee	<p>All other Council functions that are not reserved to Full Council including</p> <ul style="list-style-type: none"> • Appointing representatives on outside bodies • Appointing representatives to School Governing Bodies • Staff matters (i.e. salaries and conditions of service) other than those within the remit of Remuneration Committee • Polling Stations • Ward Boundaries • Request a ward boundary review by the Local Government Boundary Commission for England • Elections in general <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>(d) When considering the report, a</p>	<p>7</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p>

	<p>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 & Local Government in 2012 and February 2013 Council be given the opportunity to vote on Chief Officer salary packages, of salary packages of £100,000 or more and any severance packages at or above £100,000 and in instances where Council has delegated these functions to the Remuneration Committee, then the Remuneration Committee will:</p>	<p>5</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council. By convention the Members comprise:</p> <p>Chairman – Leader of the Council</p> <p>Deputy Leader of the Council.</p>

	<p>Decide on and report back to Council on</p> <ol style="list-style-type: none"> a. Chief Officer salary packages b. Salary packages to be offered of £100,000 or more 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). <p>Responsibilities The Committee will take account of the Reward and Employment strategies of the Council and ensure that it is fully briefed on the prevailing organisational approach. The following list of responsibilities is not intended to be exhaustive:</p> <ol style="list-style-type: none"> 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"> • The level and elements of remuneration for each Chief Officer; • Relationship of the remuneration of Chief Officers and other officers; • A description of the relationship between decisions made on the lowest paid and top paid employees in the organisation; • Remuneration of the lowest paid (with the definition of the lowest paid and the reasons for adopting that definition); • Remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments; • Transparency arrangements; • Reasons for chosen approach to remuneration levels and how this is to be implemented; • Differences of approach to groups of employees and the reasons for them; • Pay dispersion. • Incremental progression factors 	<p>Chairman of General Functions Committee. Leader of the Opposition Leader of the Minority opposition group <i>One substitute from each political group</i></p>
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	<ul style="list-style-type: none"> ● Use of honoraria and ex-gratia payments ● Determine remuneration parameters for officers who have returned to work for a local authority ● Appointment and remuneration terms <p>b. To review annually remuneration, as defined above, for the Council's Chief Officers except those elements determined nationally or pensions.</p> <p>c. To keep under review the terms & conditions as they relate to pay for all Council employees and where changes have a significant impact on the Pension Fund and/or Council budget, decisions will be subject to agreement also by the Pension Fund Committee and/or Policy and Resources Committee and/or General Functions Committee.</p> <p>d. To receive information in the context of reward from organisations that have a relationship with the Council or arrangements that may influence decisions when determining pay</p> <ul style="list-style-type: none"> ● The employees of Barnet Group ● Contractors ● Shared management schemes ● Outplacements ● Agency and other staff <p>e. To have oversight to ensure that remuneration terms of appointments are appropriate.</p> <p>f. To take advice from the Pension Fund Committee with regard to decisions on pay that would impact upon pension arrangements or contributions.</p> <p>g. To set parameters for the remuneration of Chief Officers on recruitment.</p> <p>h. To ensure that sufficient flexibility exists within the pay policy to allow responses to unforeseen circumstances without having recourse to revising the pay policy statement between annual reviews.</p> <p>i. To have oversight of the national pay agenda and consider the implications in</p>	
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	<p>the local context.</p> <p>j. To commission relevant research and/or comparative information on salaries in the public and private sectors e.g. from:</p> <ul style="list-style-type: none"> • The Council's own HR function • National and/or Regional employers' organisations • Independent consultancy organisations with relevant experience in pay market analysis • Submissions made by the Associations on behalf of their members and make recommendations thereon. <p>k. To ensure that the Public Sector Equality Duty, as set out by the Equality Act 2010, is applied throughout the pay and reward structure.</p> <p>l. To take cognisance of the CLG Code of Recommended Practice for Local Authorities on Data Transparency.</p> <p>m. To reference back to previous year's actual remuneration for Chief Officers and senior employees (definition of senior employee is consistent with CLG Code of Recommended Practice for Local Authorities on Data Transparency).</p> <p>n. To obtain assurance that adequate internal and external moderation and benchmarking takes place when senior posts are subject to job evaluation.</p> <p>o. To take account of forward plans and the impact of remuneration on workforce planning, talent management and succession planning.</p> <p>p. To review remuneration arising from performance management and ensure that any performance-related pay mechanisms are fair and transparent.</p> <p>q. To refer such items as necessary to the Council.</p> <p>r. To refer to guidance from the Secretary of State.</p>	
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	<p>s. To deal with Chief Officer Appointments, Discipline and Capability matters.</p> <p>Protocols</p> <p>t. To declare any conflicts of interest.</p>	
Health and Well-Being Board	<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 achieve this.</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>Allow voting rights to members other than</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"> • Overseeing public health • Developing further health and social care integration. 	Members of the Council.
Health Overview and Scrutiny Committee	<ol style="list-style-type: none"> 1. To perform the overview and scrutiny role in relation to health issues which impact upon the residents of the London Borough of Barnet and the functions services and activities of the National Health Service (NHS) and NHS bodies located within the London Borough of Barnet and in other areas. 2. To make reports and recommendations to Council, Health and Well Being Board, the Secretary of State for Health and/or other relevant authorities on health issues which affect or may affect the borough and its residents. 3. To receive, consider and respond to reports, matters of concern, and consultations from the NHS Barnet, Health and Wellbeing Board, Health Watch and/or other health bodies. 4. To scrutinise and review promotion of effective partnerships between health and social care, and other health partnerships in the public, private and voluntary sectors. 5. Both Council and the Health Overview and Scrutiny Committee are authorized pursuant to Regulation 30 Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 to establish together with the health overview and scrutiny committees of one or more other local authorities a joint overview 	9 Chairman, Vice-Chairman, Members and substitutes to be appointed by Council

	<p>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.
<p>Residents Forums</p> <p><u>Chipping Barnet Residents Forum</u> Underhill, High Barnet, East Barnet, Oakleigh, Brunswick Park, Coppetts and Totteridge Wards.</p> <p><u>Hendon Residents Forum</u> Hale, Edgware, Burnt Oak, West Hendon, Colindale, Hendon and Mill Hill Wards</p> <p><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>	<p>Residents Forums provide an opportunity for any resident to raise local matters. <u>Local matters are any matters which are relevant to the Council except for matters relating to specific planning or licensing applications.</u> 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 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.
Local Strategic Partnership (Barnet)	(a) A Local Strategic Partnership is an advisory committee which brings together the key public, private and voluntary	Leader of the Council Other Council

Responsibility for Functions – Annex A – September 2014

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

	<p>Intensive Family Focus Programme. Partners are being asked to invest in the scheme in proportion to the proven cost savings through effective intervention.</p> <p>The Children's Trust Board is responsible for the following:</p> <ul style="list-style-type: none"> • To develop and promote a local vision – set out in the Children and Young People Plan (CYPP) – to drive improved outcomes for local children, young people and their families • To serve as the strategic forum where agreement can be brokered and agreed. This includes providing a strategic framework within which the partners may commission services in a coordinated way using either joint or aligned budgets • To serve as the strategic interface for Children's Services with the LSP/ Barnet Partnership Board, neighbouring borough services and organisations and with national bodies and government • To develop and carry out on-going review of a strategic three to five year vision • To oversee development, delivery and reviewing of the CYPP • To monitor progress, including via a report produced on the extent to which the Children's Trust partners act in accordance with the CYPP and a report from the Barnet Safeguarding Children Board. 	
Safer Communities Partnership Board	The Safer Communities Partnership Board (SCPB) is the inter-agency mechanism in Barnet to reduce crime and anti-social behaviour and reoffending and promote social cohesion. It acts as the Crime and Disorder Reduction Partnership as defined (and required) by the 1998 Crime and Disorder Act and subsequent amendments including the 2006 Police and Justice Act and the 2009 Policing and Crime Act. The	Meetings will be quarterly and a quorum will comprise four members provided this consists of: The Chairman or Vice Chairman At least one representative each of the Council and the

	<p>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>Metropolitan Police.</p> <p>Other current partners are:</p> <ul style="list-style-type: none"> • London Probation Trust • National Probation Service • London Fire Brigade • Barnet Clinical Commissioning Group • MOPAC- Mayor's Office for Policing and Crime • Barnet Safer Neighbourhood Board • Middlesex University • North West London Magistrates' Court • Community Barnet • Victim Support, North London Division • Department for Work and Pensions <p>The Chairman will be an elected Local Authority member to reflect the Council's role in providing community leadership in this area.</p> <p>The Vice Chairman will be from the Metropolitan Police. These chairing arrangements will be reviewed and agreed at the first meeting of the Board in each new municipal year.</p> <p>Members are able to delegate a deputy of suitable authority if they are unable to attend.</p>
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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 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 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 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 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. 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 a member of the public is representing the views of others, they must inform the Committee who else they are representing when making their presentation.

Deleted: 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. Committee members will then have the opportunity to question the speaker.

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

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

- 4.9 Where an application being considered by an Area Planning Committee is referred to the Planning Committee for approval, the speaking rights of members of the public who have registered to speak on the application will automatically transfer from the Area Planning Committee to the Planning Committee.

5. Restrictions and Exceptions for Public Questions and Comments

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

- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the General Functions Committee
- If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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

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

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

6. Petitions

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

Petitions that are submitted to the Council that do relate to Planning or Licensing matters will be taken into account by the relevant service during the consideration of an application.

6.5 Petitions will be acknowledged within 10 working days. The acknowledgement will include information on action that will be taken by the Council in respect of the petition.

6.6 Petitions which receive over 25 signatures will be considered as follows:

i) Be reported to the next available relevant Residents' Forum, if the issue raised relates to matters as defined in the Terms of Reference, contained within Responsibility for Functions, Annex A of the Constitution or

ii) After consideration at the Residents Forum and/or Area Committee, the relevant Director or Lead Commissioner will provide a written response to Lead Petitioner in respect of the issue(s) raised within 20 working days taking into account any discussions held at the relevant Residents Forum and/or Area Committee. The response of the Director or Lead Commissioner will be reported at the next available Residents Forum, with any action taken.

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6.7 In relation to petitions considered at Residents' Forums (as referred to at 6.6 i) above), the following actions are available to the Forum:

- i) Take no action
- ii) Refer the issues as a relevant matter to the relevant Area Committee (which meets immediately after the Residents' Forum). The Chairman of the Forum will present the petition, outline the issues raised by the petitioner(s) and recommend a course of action, in line with the Committee's terms of reference.

6.8 In relation to petitions referred to Area Committees as relevant matters, the following actions are available to the Committee:

- Note the petition
- Ask officers to present a report to a future meeting of the Area sub-Committee
- Formally refer to a relevant Committee
- Formally instruct an officer (within their powers) to take action
- To bring the matter to the attention of the Ward Councillors (who will consider and respond to the issue individually)

6.9 In addition to the procedure outlined in paragraphs 6.6 - 6.8 above, petitions which receive 2,000 signatures and over but less than 7,000 will be considered by the next available meeting of the relevant theme

Committee. Petitions are required to be received 15 days before the Committee meeting and only one petition will normally be heard per meeting. The Chairman of the Committee will request that the relevant Chief Officer attend the meeting to be called to give account with regard to the issue raised. Details of the procedure to be followed at the meeting and the actions available to the Committee are set out below:

- i) Lead Petitioner is given five minutes to present the petition;
- ii) Committee Members have an opportunity to ask questions of the Lead Petitioner;
- iii) Chief Officer and Chairman of the relevant Committee respond to the issues raised in the petition;
- iv) Committee Members ask questions of the Chief Officer and Committee Chairman;
- v) Committee will then consider the issues raised and the responses received and take one of the following actions:
 - Take no action
 - Note the petition
 - Agree a recommended course of action.
 - Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised.

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

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

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

Full Council Procedure Rules

Types of meetings

1. ANNUAL MEETINGS OF THE COUNCIL

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. The matters to be considered at the Annual Meeting shall be

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

2. ORDINARY MEETINGS

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

Part 1 - Statutory formalities/Announcements (15 minutes)

- 1. Apologies for absence
- 2. Elect a member to preside if the Mayor is absent

3. Prayer
4. Declaration of interest
5. Minutes of last meeting
6. Official announcements
7. Any business remaining from last meeting

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

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

Part 3 - Statutory Council Business (60 minutes)

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

Break (15 minutes)

Part 4 – Business for Debate (45 minutes)

14. Motions (45 minutes)

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

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

15. Motions for Adjournment

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

further debate, the Mayor shall immediately put to the vote the motion under debate and end the meeting.

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

3. EXTRAORDINARY MEETINGS

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

3.2 Five Members of the Council may also request the Mayor to call an Extraordinary Meeting. The meeting must be called within seven days of the notice being present to the Mayor, although there is no time limit by which the meeting must take place.

3.3 If the Mayor refuses, or does not call the meeting within seven days, any five Members may themselves call an Extraordinary Meeting.

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

4. BUDGET COUNCIL MEETINGS

4.1 The Council shall hold a Budget meeting at time, date and place fixed by the Council to approve the budget and Council Tax for the ensuing financial year. Only Parts 1 (Statutory Formalities/Announcements) and 3 (Statutory Council Business) will apply to the Budget meeting.

5. ROLE OF MAYOR.

5.1 At the meeting of the Council, the Mayor, if present shall preside.

5.2 If the Mayor is absent from a meeting of the Council then the person appointed by the Mayor as Deputy Mayor if still a Councillor shall preside if chosen for that purpose by the Councillors present.

5.3 If the Mayor and Deputy Mayor are absent from the meeting or if the Deputy Mayor being present is not chosen, then another Councillor chosen by the Councillors present shall preside.

5.4 Any procedural issues or challenges to the conduct of the meeting that arise during the course of a meeting shall be determined by the Mayor (or other person presiding at the meeting)

5.5 The ruling of the Mayor or person presiding at the meeting concerning the interpretation or application of these procedure rules shall not be challenged at any meeting of the Council.

6. VARIATION

The following order of business may not be changed:

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

The order of any other business may be varied:

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

7. SUSPENSION OF PROCEDURE RULES

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

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

RULES THAT APPLY TO THE WHOLE OF ALL COUNCIL MEETINGS

8. VALIDITY OF MOTIONS, AMENDMENTS AND QUESTIONS

Deleted: BUSINESS ITEMS,

- 8.1 Every motion, amendment and question shall be relevant to matters within the Council's powers or duties or which affect the borough. The Mayor shall, if need be, give a ruling as to whether the Motion is relevant.

Deleted: Business Item,

Deleted: Business Item

- 8.2 If the Head of Governance has any doubts about any motion, amendment or question for the agenda for reasons of propriety, he or she may refer it to the Mayor.

Deleted: Business Item,

- 8.3 If the Mayor considers the motion, amendment or question to be vexatious, irrelevant, or otherwise improper, the Head of Governance will return it to the Member who submitted it. The Head of Governance will explain to the Member in writing why it will not be included on the agenda circulated for the meeting.

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9. GENERAL PROVISIONS FOR MOTIONS AND AMENDMENTS

Deleted: BUSINESS ITEMS

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

Deleted: Business Item

- 9.1 refer a subject of debate to a committee for consideration or reconsideration;
or

- 9.2 change the words (including deleting or adding words) but such changes must not merely have the effect of negating the Motion before the Council.

Deleted: Business Item

- 9.3 No member may submit more than one amendment to a particular Motion or report on the agenda.

Deleted: Business Item

- 9.4 If requested by the Mayor, the mover of a Motion or amendment shall put it in writing and

Deleted: Business Item

hand it to the Mayor before it is discussed or put to the vote. This procedure rule does not apply to Motions or amendments where notice has been given in accordance with these procedure rules.

Deleted: Business Items

10. ALTERATIONS TO MOTIONS OR AMENDMENTS

Deleted: BUSINESS ITEMS

10.1 A Member may amend a Motion in their name by submitting the amendment in writing to the Head of Governance by 10.30am the day before the meeting.

Deleted: Business Item

10.2 Amendments to items on the agenda will be e-mailed to Members and hard copies placed in the Group Rooms by midday of the day of the meeting.

10.3 After the deadline referred to at 10.1 above, a Member may only move an amendment to a Motion in their name orally from the floor.

Deleted: Business Item

11. WITHDRAWAL OF BUSINESS ITEMS AND AMENDMENTS

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

Deleted: Business Item

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;

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

Deleted: Business Item

13.1 To withdraw or amend the Motion;

Deleted: 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 Motions as follows:

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

- (c) "That the question be now put";
- (d) "That the debate be now adjourned"; or
- (e) "That the Council do now adjourn".

Deleted: Business Items

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

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

Deleted: Business Item

14 DIVISION AND VOTING

14.1 Division bell

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

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15. VOTING

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

15.2 Decisions shall be taken by a majority of those members present and voting except where specific provisions in this Constitution provide otherwise. Members must be seated

in the Chamber when voting and while the vote is being recorded.

- 15.3 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.
- 15.4 For the Council budget meeting the minutes shall reflect on how each Member present voted, on any decision relating to the budget or Council tax.

16. VOTE TO BE RECORDED

- 16.1 If, immediately after a vote is taken, a member requests his or her vote to be recorded, the Head of Governance will record in the minutes whether that member:
- (a) cast his or her vote for or against the question; or
 - (b) abstained from voting.

17. DIVISION

- 17.1 If following a vote, ten members rise in their place and demand a formal division, the Head of Governance shall call over the names of all the members, and record and enter in the minutes those:
- (a) voting for or against the Motion or amendment;
 - (b) abstaining from voting; and
 - (c) absent from the meeting when the division was taken.

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

18. VOTING ON APPOINTMENTS

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

19. QUESTION TIME

- 19.1 In part 2 of the meeting the Leader of the Council will answer questions from any member of the Council. The Leader may delegate the responsibility for answering to any Chairman of a relevant committee.
- 19.2 Questions will be put to the Leader in the order in which they are received by the Head of Governance, except that questions shall be ordered so that a question from one political group is followed by a question from another group until all groups have placed one question each. This sequence shall be maintained until all questions have been dealt with or the time limit for question time is reached.
- 19.3 Any Member wishing to ask a question must deliver by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting.
- 19.4 The Head of Governance shall keep a register recording the date and time the question was received. Any member of the Council may inspect the record.

- 19.5 The Leader may agree to answer a question of which notice has not been given, if it relates to urgent business and has been discussed with him/her before the meeting.
- 19.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.
- 19.7 Every question shall be put and answered without discussion.
- 19.8 An answer will take the form of a written reply circulated two working days before the meeting but the Mayor may allow further comment from the Leader or appropriate Committee Chairman. In the absence of the appropriate Chairman further comment may be allowed from the relevant Vice-Chairman.
- 19.9 One supplementary question and answer will be allowed on the same subject from the same members.
- 19.10 The time allowed for questions will be 30 minutes. At the end of that time the Mayor will allow an oral reply to a supplementary question commenced before the expiry of the time limit and then bring this part of the meeting to a close. The Mayor has the right to prevent any member asking or giving a protracted supplementary question or answer.

GENERAL RULES THAT APPLY TO PARTS 3 AND 4 OF THE MEETING

20. Rules of Debate

20.1 The rules of debate at the meeting are as follows:

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

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Deleted: Business Item

20.3 For reports of Committees (including Overview and Scrutiny Committees), the Chairman of the relevant committee, or the Vice-Chairman in their absence, will move reception of the report and adoption of the recommendations. This report need not be seconded. The leader of each of the other groups, or another member of their group, will then have an opportunity to comment on the recommendation, and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.

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

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

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

21. Time for Debate

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

21.2 For all other items of business (e.g. reports of Committees or from Officers), each of the first two speakers may speak for a maximum of three minutes and all other speakers a maximum of two minutes.

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

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21.4 The mover of an original Motion shall have a right of reply at the close of the debate on the Motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original Motion, has the right to respond or to accept the amendment.

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22. Motions

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

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

23. Members Motions

23.1 Any Member may put a Motion on the agenda for an ordinary meeting of the Council, except the meeting that deals with the Budget and Council Tax. The Motion must be delivered by e-mail, and received by the Head of Governance by 10.30am at least six clear working days before the day of the meeting. Any Motion, delivered after 10:30am will be recorded as received on the next working day.

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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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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.

(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)
<u>Interim Legal and Governance Adviser</u>	Monitoring Officer
Chief Operating Officer	Chief Finance Officer Section 151 Officer
Strategic Director for Communities	Director of Children's Services
Adults and Communities Director	Director for Adult Social Services
Deputy Chief Operating Officer	Deputy Section 151 Officer
Public Health Lead Commissioner	Director of Public Health

Deleted: Assurance Director

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.

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 Chairman of Policy and Resources Committee:

Directors have the power (subject to Chief Financial Officer approval as set out in Financial Regulations) to agree revenue virements for sums in excess of £50,000 and up to £250,000 between service directorates and employee and non-employee expenditure.

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

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

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

The only exception to these Specific Powers is where:

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

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

- 1.11 The following Officers also have the powers indicated:

- The Strategic Director for Growth and Environment 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;
 - i. Comply with the Council's Financial Regulations, Contract Procedure Rules and Human Resources Regulations in force at the time;
- b. Only incur expenditure within approved limits/estimates;
- c. Refer to the appropriate body of members for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major changes where custom and practice or initial consultation with elected Members should have taken place;
- d. Ensure compliance with the law and all policies, regulations, orders, codes, protocols and similar documents approved by the Council or one of its Committees;
- e. Inform members with specific functional responsibilities and Ward members about the exercise of powers;
- f. Consult with other relevant officers with proper regard to any advice given;

- h. Authorise another officer or officers to exercise those powers when they are absent or cannot be notified;
 - i. Keep appropriate records and registers of decisions and report to Council, or Committee if required;
 - j. Be accountable to the Council and Members or Committee, from which those powers derive;
 - k. Be subject to decisions by the Chief Executive or the Monitoring Officer on whether officers should exercise any delegated power;
 - l. Operate under the terms of officers holding politically restricted posts.
- 3.2 Where appropriate the Chief Executive may exercise any function delegated to any other officer, unless prohibited by law.
- 3.3 Chief Officers may exercise any function delegated to any other officer within their directorates, 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, new leases, and acquisitions of land, whether freehold or leasehold, in accordance with legislation relating to Best Consideration and with the Asset, Land and Property Rules, specifically the thresholds set out in Annexes A and B	Local Government Act 1972
To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.	
Responsibility to report if a Council decision will, or is likely to incur, unlawful expenditure or where expenditure exceeds or is likely to exceed the resources available or would cause a loss or deficiency to the Council or entry of an unlawful item of account.	Section 114 and 114a, Local Government Finance Act (1988)
Report on the robustness of the authority's budget calculations and the adequacy of the Council's proposed financial reserves.	Section 25, Local Government 2003
Authority to provide financial information to the media, members of the public and the community.	Council
<u>The delivery of all assurance functions for the Council including the functions of the Corporate Anti-Fraud Team and Internal Audit.</u>	<u>Council</u>

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

Approving the issue of grants to the voluntary sector for amounts £5,000 and below.	Council
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DELEGATED AUTHORITY TO THE MONITORING OFFICER

Responsibility for functions including:

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

Deleted: The delivery of all assurance functions for the Council including the functions of the Corporate Anti-Fraud Team and Internal Audit.

Deleted: Council

members, officers and the public. Authority to amend the Constitution to give effect to decisions of Council and changes of fact and law.	
Power to conduct or appoint officers or others to conduct investigations into allegations of breach of the Code of Conduct.	Council
Authority to stop a proposal or decision being implemented if it is considered that any proposal, decision or omission would give rise to unlawfulness or maladministration.	Council
To authorise payments of up to £5,000 in settlement of maladministration before any finding by the Ombudsman, in accordance with Section 92 of the Local Government Act 2000.	Council
Considering requests for and where appropriate granting dispensations under section 33 of the Localism Act 2011, with any dispensation granted being reported to the Committee where the dispensation is being granted.	Council

LEGAL SERVICES

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

Responsibility for functions including:

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

HEAD OF GOVERNANCE

Responsibility for functions including:

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

DELEGATED AUTHORITY FOR THE STRATEGIC DIRECTOR FOR COMMUNITIES

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

IN THEIR 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 and promoting the welfare of children in the Council's	Sections 13, 14, 15, 16, Children Act 2004

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 be used through-out the document and therefore the common definitions are attached:

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

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

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

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Members Code of Conduct – Appendix 2

Process for complaints about the conduct of a councillor or co-opted member

- (a) Complaints would initially be investigated by the Monitoring Officer or a representative designated by him/her.
 - (i) The Monitoring Officer after consulting with the Independent Person will decide whether any complaint should go to a formal process. If the Monitoring Officer believes that the complaint is frivolous or vexatious or does not fall within the scope of the Code of Conduct, the complaint can be rejected following consultation with an appointed Independent Person.
 - (ii) If the Monitoring Officer decides that a complaint should go to a formal process, the Monitoring Officer will provide a written report to the Group Leaders Panel within three months of receiving the complaint. The report would comprise purely factual findings without any conclusion drawn as to whether or not a breach of the code is believed to have taken place.
- (b) The complainant and subject Member would be able to make written representations to and answer questions in writing or verbally from the Monitoring Officer but there would not be 'in person' interviews at this stage.
- (c) The Monitoring Officer would have the discretion to assemble other evidence to assist the Panel as appropriate.
- (d) The Panel would have discretion to decide whether to take evidence in writing or in person from the complainant and the subject Member and whether or not to take statements / evidence from other parties.
- (e) Procedures would have an emphasis on flexibility and informality (insofar as possible and consistent with the principles of natural justice) and dispute resolution.
- (f) Consideration of and decisions on complaints to be dealt with by a Panel comprising the Leaders of all the political Groups represented on the Council taking account of the views of the 'Independent Person', with a right of appeal to full Council. Where the subject member is a Group Leader, the Panel would comprise the Deputy Group Leader.
- (g) Powers of sanction would include resolution of censure but would also extend to requests to Group Leaders/Political Groups to take appropriate action.
- (h) When giving evidence in person to the Group Leaders Panel, the complainant and the subject Member could bring along a friend/lay person (but not a legal representative), based on the definition used in staff disciplinary procedures.
- (i) Where a Member is found by the Panel to be in breach of the Code of Conduct, the Panel could, if they so decided, recommend to Full Council to censure or make recommendations to the Group Leaders/Political Groups on what "sanctions" the Panel believe should be imposed, subject to the Group Leaders/ Political Groups being legally able to impose such "sanctions".
- (j) Where the Group Leaders /Political Groups are asked to impose appropriate sanctions, there should be a requirement for the Group Leaders to formally notify the Panel on what action they have taken and, if no action is taken, the reason why.
- (k) All decisions following a hearing should be published on the council's website; subject to the right of a subject Member to request non-publication in any case where there is a finding that the Code of Conduct has not been breached.
- (l) Two "Independent Persons" should be appointed to ensure that one is always available to be consulted. One would be the primary independent person and the other a secondary independent person.

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